ously tapped local and state resources, some federal help is warranted; (d) other.

(a), 11.6 percent; (b), 17.2 percent; (c), 38.5 percent; (d), 13.9 percent; no response, 18.8 percent.

(16) For months, farmers have been protesting in Washington over their income squeeze caused by high land values, low grain prices and rising costs: (a) farmers should get the higher price supports they demand; (b) a combination of land set-asides, build-up of government reserves and expanded credit will suffice; (c) free market prices should be permitted to function; (d) other.

(a), 10.8 percent; (b), 14.6 percent; (c), 43.6 percent; (d), 9.2 percent; no response, 21.8 percent.●

# SENATE—*Monday, June 12, 1978*

*(Legislative day of Wednesday, May 17, 1978)*

The Senate met at 10 a.m., on the expiration of the recess, and was called to order by the Vice President.

## PRAYER

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

Let us pray:

Almighty God, who rules in power above all lesser sovereignties, lay hold upon us by Thy Holy Spirit that we may have grace and wisdom to face old problems with new insights and new problems with old imperatives. And to Thee shall be all thanksgiving and praise. Amen.

## THE JOURNAL

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the Journal of the proceedings be approved to date.

The VICE PRESIDENT. Without objection, it is so ordered.

## ORDER OF PROCEDURE

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that following the swearing in of Senator ALLEN, the orders for the recognition of the two leaders and the order for the recognition of a Senator be delayed until after the period for eulogies has expired.

The VICE PRESIDENT. Without objection, it is so ordered.

## SENATOR FROM ALABAMA

The VICE PRESIDENT. The Chair lays before the Senate the Certificate of Appointment of Senator-designate MARYON PITTMAN ALLEN of the State of Alabama which the clerk will read.

The assistant legislative clerk read as follows:

STATE OF ALABAMA,
GOVERNOR'S OFFICE,
*Montgomery.*

CERTIFICATE OF APPOINTMENT

*To the President of the Senate of the United States:*

This is to certify that, pursuant to the power vested in me by the Constitution of the United States and the laws of the State of Alabama, I, George C. Wallace, the governor of said State, do hereby appoint Mrs. Maryon Pittman Allen a Senator from said State to represent said State in the Senate of the United States until the vacancy therein, caused by the death of the Honorable James B. Allen, is filled by election as provided by law.

Witness: His excellency our governor George C. Wallace, and our seal hereto affixed at Montgomery, Alabama, this 8th day of June, in the year of our Lord, 1978.

By the Governor:

GEORGE C. WALLACE,
*Governor.*
Mrs. AGNES BAGGATT,
*Secretary of State.*

The VICE PRESIDENT. If the Senator-designate will present herself at the desk, the oath of office will be administered to her.

Mrs. ALLEN of Alabama, escorted by Mr. SPARKMAN, advanced to the desk of the Vice President; the oath prescribed by law was administered to her by the Vice President, and she subscribed to the oath in the official oath book.

(Applause, Senators rising.)

## RECESS FOR 5 MINUTES

Mr. ROBERT C. BYRD. Madam President, I ask unanimous consent that the Senate stand in recess for 5 minutes so that Senators may welcome our new colleague.

The PRESIDING OFFICER (Mrs. HUMPHREY). Without objection, it is so ordered.

There being no objection, the Senate, at 10:05 a.m. recessed until 10:10 a.m. whereupon, the Senate reassembled when called to order by the Presiding Officer (Mr. PAUL G. HATFIELD).

## TRIBUTES TO THE LATE SENATOR JAMES BROWNING ALLEN

The PRESIDING OFFICER. Under the previous order, there will now be a period of 3 hours for the presentation of eulogies for the late Senator JAMES B. ALLEN, of Alabama, with the time to be equally divided between and controlled by the majority and the minority leaders. Who yields time?

Mr. LONG. Mr. President, on behalf of the majority leader, I yield myself 4 minutes.

Mr. STENNIS. Mr. President, will the Chair see that we have quiet, not only that we may be respectful, but that we may hear?

The PRESIDING OFFICER. The Senate will be in order.

Mr. LONG. Mr. President, we are all saddened over the loss of our beloved colleague, Senator JAMES BROWNING ALLEN. He was a tireless and dedicated worker for those ancient values that gave birth to the United States and preserved it for 200 years.

He was gentlemanly, considerate, and soft spoken, but he was as tough as any Member of the Congress in defending those things he thought fundamental and right.

I knew and respected him as a colleague during the 10 years he so honorably served the Senate. His outstanding ability as a parliamentarian will be long remembered. The citizens of the State of Alabama can feel nothing but pride when they recall the manner in which he has spoken and acted for them in the Senate.

JIM ALLEN has always been a believer in the premise that a Senator ought to stick to his bargain with the people, and that he should devote virtually all his time to the job.

His understanding of the needs of the people of Alabama developed from his years of dedicated service in the State legislature, and as Alabama's only two-term lieutenant governor.

Referred to as "Alabama's Asset," he had strong and obvious feelings for the folks back home. An Alabamian he was, but first an American.

His constituents expressed their appreciation when they reelected him to the Senate in 1974 when he received the highest percentage vote of 95.8 percent of any contested candidate for the U.S. Senate.

He served proudly, both as chairman of the Subcommittee on Agriculture Credit and Rural Electrification and as chairman of the Subcommittee on Separation of Powers.

He was a believer and an example of the concept that democracy should endow the voters with the gumption to elect honorable men to public office, and that those elected should voluntarily follow the highest possible concepts of service and action.

We will feel the pain of JIM ALLEN's absence, for a long, long time.

The PRESIDING OFFICER. The Senator from Wyoming.

Mr. WALLOP. Mr. President, I yield 2 minutes from the minority's time to the Senator from New Mexico.



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A MAN FOR ALL SENATORS

Mr. SCHMITT. Mr. President, JIM ALLEN's life in the Senate will be the source of memories and stories for as long as there is a Senate.

He preserved the traditions of the Senate with skill and determination so that the new generations of Senators could begin their reapplication to the affairs of country and life. Our premature loss of a friend is also our premature loss of a teacher.

He preserved the traditions of prayers and fellowship among Senators by his active, indeed, aggressive sponsorship of the weekly prayer breakfast. The discussions of those meetings reflect in their breadth the breadth of personality of JIM ALLEN. From the close analysis of the Bible's teaching about heaven and hell to speculation about the future philosophical implications of social and technologic change, JIM brought from all a renewed sense of dedication to the work of the Senate.

JIM ALLEN's funeral was a remarkable symbol of JIM ALLEN's life as it should have been: Christian, organized, direct, patriotic, sunny and, most importantly, attended by those who genuinely could call him friend.

Over half of the freshmen Senators of the class of 1977 attended JIM's funeral and more wished to. It was they among the Senate who felt the loss most keenly; it will be they who insure that JIM's belief in the philosophy and procedures of representative democracy is not misplaced.

We felt, as I am sure did JIM, that the outward expression of loss, respect, and patriotism in the signs, flags, and salutes of the people of Gadsden reinforce his hope for the future of this great country. The haunting notes of "Taps" was again a fitting and proper tribute to all that was JIM ALLEN of Alabama.

I yield the floor.

Mr. STENNIS. Mr. President, I am glad to yield such time as he may desire to the Senator from Alabama (Mr. SPARKMAN).

Mr. SPARKMAN. I thank the Senator from Mississippi.

Mr. President, Alabama and the Nation suffered a grievous loss on June 1, when my colleague and friend, Senator JAMES ALLEN, suddenly was taken from us.

I have known JIM ALLEN for a great many years, and he was my good friend. He was a valuable man when he represented his area in Montgomery, and when, in two terms, he was Lieutenant Governor of our State. His great abilities were evident even then.

However, I came to know Jim well after he came to Washington as junior Senator from Alabama at the beginning of 1969, just a few months short of 10 years ago. I was able to help JIM secure the committee assignments he wanted, and I did what I could to be of help in those early days.

Following Alabama tradition in the Senate, JIM ALLEN and I worked side by side over this decade for those things which were best for Alabama. There is hardly a community in the State which did not get our joint action in support of some local project or to meet some area need, either through the necessary legislation or through dealing with the Federal agencies involved to speed up action and to secure favorable action for our constituents.

We were a team for Alabama.

Certainly, JIM ALLEN and I did not always agree on national issues, although we did on most. But that is healthy, too. When we did see issues differently, we spoke for and voted for our respective positions, which is as it should be.

Whatever we did, or however we saw issues, JIM and I were friends and partners on those things which we felt were vital for Alabama.

JIM ALLEN was one of the kindest and most considerate persons I have ever known. He was self-effacing, always thinking of others and their comfort and convenience.

In the last few days I have heard JIM ALLEN referred to as one of the greatest parliamentarians in our history, as a statesman without equal as a truly great Alabamian. All of these expressions of praise are true—but I, for one, and, I am sure, all of his colleagues in the Senate, will remember him best as a kind and true friend, whose greatness was tempered by humility.

This morning we have welcomed a new Senator ALLEN to the Senate. I again extend her my deepest sympathy in her loss, and wish her all success as she enters on her duties here in this great body. I know she will represent Alabama well.

I want to say, Mr. President, that Senator MARYON ALLEN has been, through the years. a helpmate to JIM ALLEN in the finest sense of the word.

I know we all welcome her here and look forward to service with her.

Mr. President, I ask unanimous consent that there be printed in the RECORD at this point as part of my remarks an article written by Les Kinsolving, of the Washington Weekly, entitled "Jim Allen, United States Senator."

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

[From the Washington Weekly, June 8, 1978]

JAMES ALLEN, UNITED STATES SENATOR

(By Les Kinsolving)

It is a touching and yet somber experience to drive down Constitution Avenue from Capitol Hill and see that the American flags at the top of every building and surrounding the Washington Monument are all at half mast.

Touching in the fact that the nation is drawn together in mourning the passing of one of its leaders.

Somber in the Scriptural reminder:

"Man that is born of woman hath but a short time to live . . . He cometh forth as a flower and is cut down . . . In the midst of life we are in death . . ."

At age 65, when he was taken by a heart attack, Senator James B. Allen of Alabama was near the traditional three score years and ten. But the calibre of service which this man rendered to the Congress and people of the United States was of such premium quality that this nation has unquestionably been cut short in his passing. For he brought to the Senate an almost inimitable blend of awesome Parliamentary prowess, unfailing courtesy and massive integrity.

As a dedicated conservative, Jim Allen was usually chided or ignored by the nation's generally liberal media, who liked to needle him as the master of filibusters. He took this with characteristic grace; usually with the beneficent smile of clear recognition that his authority was dependent upon the towering majorities he won in Alabama ballot boxes—not New York Times or Washington Posts.

When National Public Radio broadcast the Panama Canal Treaty debate direct from the floor of the Senate, however, the nation was afforded a far better perspective of this Parliamentary Paderewski.

What they heard from him was in fact the position of the majority of the American people—which had become the minority position in the United States Senate—defended almost irresistibly.

For Senator Allen, in standing directly in the tracks of the Jimmy Carter-Robert Byrd Railroad, unleashed an absolutely devastating array of facts, relentless probing, unrelenting courtesy, ingenious (if maddening) strategy and rich humor, which often defused what would otherwise have become a bitter brawl.

Allen's principal antagonist on this issue, Senate Majority Leader Byrd at one point felt obliged to take the floor for the purpose of warning his colleagues to beware of the "bewitching and beguiling" arguments of his friend from Alabama, who once observed:

"I don't feel the majority is always right. There are times when the majority runs roughshod over the minority."

I became personally acquainted with this tall and courtly southern gentleman through his wife, Maryon, a dynamic and enormously affable journalist whose delightful style we were honored to publish in her column "Reflections."

It was absolutely fascinating to watch these two together—as if Woodrow Wilson had married Scarlett O'Hara.

What I remember most poignantly, however, was one night at the dinner table of their small but attractive town house in McLean, when I heard the Senator say Grace.

There was not a trace of the piousity which often appears and disfigures politics. Instead, I heard the natural and quiet tones of convincing communication; of one who was actually conversing with Another—"and not as a stranger."

For his beloved wife and children; for his colleagues in the Senate; for his constituents and for all his countrymen, there is the grateful remembrance of Jim Allen's moral calibre in that ideal enunciated in the Fifteenth Psalm:

Lord, who shall dwell in thy tabernacle
And who shall rest upon Thy Holy Hill?
Even he that leadeth on uncorrupt life,
And doeth the thing which is right,
And speaketh the truth from his heart.

The PRESIDING OFFICER. The Senator from Wyoming.

Mr. WALLOP. I yield 4 minutes to the distinguished Senator from Idaho.

Mr. McCLURE. Mr. President, there is an old story told in New England about the captain of an 18th century whaling vessel who took his young, estranged grandson aboard for one of those grueling, 4 year ventures from which so few returned alive and whole. The young man was at odds with his grandfather over old Reuben Joy's methods and his adherence to the code of the rough life at sea. The grandson thought his grand-

father despised the new and the scientific and had rendered his vessel a floating anachronism. After nearly 4 years of disagreement, before the long sail home, old Captain Joy spotted a vessel foundering. Against all the advice of his crew, he descended in a sling between his own vessel and the other to help the men board his ship. His grandson and his cronies said rescue was technically impossible. The rescue was completed, but at the cost of the master's life. The young man never spoke, but on meeting the next vessel answered the hail with the name of his ship. To the call, "Who is your master?" He answered, "Captain Reuben Joy."

Such has been the influence of the junior Senator from Alabama that when anyone asks who has been the best or most influential man in the Senate my answer will be Senator JAMES ALLEN.

Whether here or with his Maker, Senator ALLEN's legacy will be impossible to live down.

He was in many ways the Lone Ranger of the Senate. Some—those who admire conformity—resent that. But he was, more than any man I have ever known, the servant of his colleagues.

There was another man, now gone from this body, an intelligent and able man, but junior in the ways of the Senate, who once rose to perform some business. It involved rather difficult parliamentary maneuvering. He was halfway through it when he sensed a towering presence behind him. He managed his way through the procedural thorns and, relieved, turned to thank Senator ALLEN for the help he had not needed. But JIM ALLEN, sensing the other Senator's success as he had sensed his need, was already back behind his desk. This is the nature of the man we mourn.

He will be missed more than any other Member of our time. If there is such a thing as an irreplaceable man, Senator ALLEN was it. The ultimate tribute to him has already been expressed. Senator Ervin once said that if he had to fight for the Lord with but one man he hoped that man would be Senator ALLEN. I cannot add anything to that.

As Christians we pray for the departed. I mourn the loss of Senator ALLEN, but far more I feel the need to pray for my country.

The PRESIDING OFFICER. The Senator from Mississippi.

Mr. STENNIS. Mr. President, I yield myself such time as I may wish, not to exceed 5 or 6 minutes.

Mr. President, I have a very serious approach to this matter because I have a personal and official loss which is involved with the passing of our late friend, the Senator from Alabama. Many others of this Chamber share that same feeling.

In addition to whatever we might have thought of him as an individual, I want to emphasize the policies of the man as I saw them and his attitude toward his official life which need to be emphasized and personified in the times in which we are living.

I say with emphasis that Senator ALLEN made a difference. There is a careless expression sometimes that one vote does not make any difference; that one person cannot do anything about matters.

However that may be in some rare instances, this man made a difference here in the U.S. Senate. He made a difference in the committees upon which he served. He made a difference here on the floor of the Senate, in the caucus room. Wherever and whenever it was, when he participated he made a big difference. Sometimes just his presence here on the floor of the Senate would make a difference from what things would have been if he had not been sitting there.

But the main reason that JIM ALLEN made this difference was not just his stand on an item here and there, or whatever he might have been able to accomplish. The main reason was that JIM ALLEN stood for something. He stood for something in life. He stood for something as a figure. He stood for something here in this body. That something had a meaning in depth. His stand meant something because he had the honor and the integrity and the character required in public officials, or nonofficials, to give meaning to their conduct, to their talents, to their efforts. He had all of these qualities in great abundance, coupled with talent. He was a highly talented man. It is not that he wanted to show it, but he had it and he cultivated it, he nurtured it, and he improved those talents to go along with his daily, conspicuous energy. Whatever physical and mental energy he had he gave to the cause, to his obligations, to his promises.

It was not just those things alone, but he used his judgment. We did not hear JIM ALLEN talking about polls, having polls taken, reading the sentiment columns, and such.

JIM ALLEN was eager to get the facts and apply those facts to what his people in Alabama and also the people of the Nation needed, in his estimation, and he applied his commonsense judgment to those facts. His mind was made up, whether it was popular in Alabama or here on this floor or in the committee, wherever it was; that was the measure of the man. I am not here this morning to praise him, but I have thought seriously about what I was going to say, because I think he meant so much to this institution. It is in his pattern of conduct, not whether you agreed with him, that he personified that we need today.

I want to emphasize another point. He set a pattern of work for his colleagues that all of us could well note with interest and, so far as we can, follow ourselves. He stayed here in Washington and worked on matters concerning his State and the Nation. It has gotten to the point where it is difficult to do that, considering all the other demands there are on a Senator.

It is a growing concern that it is more and more difficult, because of outside demands, to stay here and give your real time and energy and attention to matters here that concern the Nation's welfare and its future. Whatever time he had away from here, most of it was spent in Alabama with his people. That is real representative government.

The first call of duty here, the second call with the people of Alabama: That is what he practiced, that is what he meant, that was the man. He made a difference.

I do not want to use too much of the time, but he contributed to this Senate as an institution, not because of some particular rule in a parliamentary matter at any given time, but one of his great motivations in this parliamentary procedure was that he loved this institution. He might be wrong himself, but he wanted it to maintain itself. He wanted the Senate to stand for something, as it has over the decades, and does now. But that is so easy to forget.

We all owe this body something, those intangible things that make it an institution of government that must function. He certainly carried on and did his part. God bless his memory and bless his successor here, his own beloved wife, who also contributed to his fine record.

I yield the floor, Madam President.

Mr. WALLOP. Madam President, I yield myself 2 minutes.

Madam President, one can hardly add to the eloquence of the Senator from Mississippi. We surely cannot, in any way, begin to describe what Senator JIM ALLEN meant to this institution without having that kind of appreciation, of what it stood for, and what it was. I count as one of the lucky experiences of my life that I happened to arrive here while JIM ALLEN was still serving because to one, as a freshman, he very early became a symbol of what this institution could and should be. Not, as many have said, that, in every instance, one agreed with him but one could not but agree with how he felt about the Senate and how he behaved in it.

I knew him as a friend quicker than I knew many other Senators here. Partly, this was through the guidance that he provided to the prayer breakfast.

One of the things that I knew most about him and that must have pleased those who were close to him, was his endearing sense of humor. It frequently was not the side the public saw when he did battle for those issues which he took on so bravely and, sometimes, so solitarily, on the floor when he thought he was right. For those of us who had an opportunity to share some private moments with that man, he had a most wonderful, gentle sense of humor and a most extraordinary sense of family. That is another institution to which he provided so much earnest dedication. He worked at supporting those institutions that he believed in. The work became not work, but pleasure, and the work and the pleasure became his life. He was, indeed, a man that I shall remember.

He was very, very kind to members of my family as we occasionally crossed paths outside the halls of the Senate of the United States. Whatever else he was, he was the example that many of us, I

hope, will strive to emulate as the years go by.

Madam President, I yield the floor.

Mr. STENNIS. Madam President, I am glad to yield 5 minutes to the Senator from Florida.

Mr. CHILES. Madam President, I am delighted to have this opportunity to add my words to the wonderful memory of JIM ALLEN. Since I came to the Senate in 1970 as a freshman Member, I have spent considerable time in the chair where the President is today, presiding. I thing the first Senator I really got to know was JIM ALLEN because, during that time, he was the only Senator who would be on the floor continuously. The majority leader would be there at times and the minority leader, but there was one Senator who really was on the floor during all of that time, all of the hours. I remember that I won the gavel for presiding for 100 hours and I would venture to say that, during that 100 hours, probably in 99 of those hours, JIM ALLEN was on the floor. So I had an opportunity to observe him and see him and to really get an opportunity to see how a Senator should operate on the floor.

I think that we can say that JIM ALLEN guarded the floor. I doubt if we can ever know, over the period of years that he was here, how much he really added not only to the Senate but to the country by the fact that he always was guarding the floor. We shall never know some of the things that, by virtue of his being on the floor, the country was spared.

We know the kind of determination that JIM ALLEN had, that he was never afraid to stand alone, and he did stand alone many, many hours on this floor when he felt something was right. I think that, really, we have been tremendously served by that.

I also know that, in a time when so many of us get involved in our committee work and with the meeting of constituents and with trying to read in the office and answer our phone calls and everything else, we find that we do not have much time to get to the floor. While this body used to be the greatest deliberative body in the world and we still like to refer to it as that, Madam President, many of us know that you cannot have a great deliberative body if you do not have people there to deliberate, to listen and participate in the deliberations.

Certainly, JIM ALLEN believed that about the U.S. Senate and he conducted himself accordingly.

He was here. He did participate in the debate. He did feel that the Senate had a role to play as being a deliberative body. He was here regardless of committee meetings, regardless of other affairs about which we many times say, "Well, that's so important I'm going to have to be there." He managed to be on the floor. Still, if constituents would come in, they would meet him off the floor. If he had business to do, many times I would see him trying to do it at his desk here.

But he managed, day after day, to be on the floor and to participate and to represent his State.

I think he had the wonderful ability, too, of being able to disagree without being disagreeable. I know of no man who was more of a gentleman in debate, who could fight harder and sometimes longer and stronger for the points and beliefs he had, but still be as agreeable, such a gentleman, and protect rights during the entire time he was doing that, and also could have a respect for his adversaries, a respect many times for people who had a completely different philosophy from the philosophy that he had.

I think that is a wonderful ability. I think too many times we tend to want to backbite those with whom we disagree or to cut, or to talk behind their backs and say something. I did not hear JIM ALLEN do that. JIM ALLEN would say what a strong fighter someone was with whom he disagreed. He would say what their good qualities were and would defend their ability to take another side. That was, again, a wonderful ability he had.

Madam President, the trip to Alabama was sad for me, but it was also tremendously rewarding for me because I had the ability to see how a State can respect its Senator and its public servant at a time when we find that the polls show and we see a tremendous distrust for those that hold public office. The people feel that they are left out, that they do not get a chance to participate, that no one will listen to what they say, or they feel that the politician is up here voting for his own interest or some special interest, but not representing them.

I was inspired to take that route in to the church and to see the signs along the way that normally would be advertising sales, hamburgers, and tires and to see how people had gone out and put on those signs wonderful tributes to JIM ALLEN, "a great tree has fallen, the world will never be the same, a salute to JIM ALLEN, a wonderful U.S. Senator." All of those tributes really said to me, what better thing could anyone have happen to him at the end of the fight than to have that great respect of his people.

If every public servant had conducted himself in the way JIM ALLEN had, there would not be a low number in the polls for public servants. There would be a tremendously high number.

At a time in which personal ethics is very much on people's minds, JIM ALLEN conducted himself and his affairs so that there was never any question about his ethics.

I remember the extent to which he would go to disclose his finances, to disclose every kind of item that he spent. Many times on this floor when we were taking up allowances or other matters, I would see him offer amendments to make sure it was going to be completely open and completely disclosed.

I think that JIM ALLEN also kept his people tremendously informed of where he stood on issues and what he believed in. In many instances I think, and of course it shows in that vote of 95 percent by which he was reelected, that he was very much in step with his constituency, or they were in step with him, but I think it was a mutual thing.

I think he was leading and at the same time he was listening to his constituency.

JIM ALLEN had a philosophy, and I know that philosophy is shared by his wife MARYON, who is now the junior Senator from Alabama. That was a philosophy that Government should be doing for the people those things they cannot do for themselves, but many things Government has decided to do the people do not want us to do for them.

It is interesting to see a proposition 13 come along in California. Proposition 13 is something that JIM ALLEN was cognizant of a long time ago. He talked about it many times.

He voted a philosophy, many times, that people want to be able to choose some of those additional things that government is trying to do for them. They want the ability to say whether they think they can afford certain expenditures from their taxes or not. That is a philosophy that I know MARYON shares and I know the people of Alabama share.

I look forward very much to the ability now to serve with MARYON ALLEN, because I know she was always a partner with the distinguished junior Senator from (JIM ALLEN). They had a wonderful partnership. That partnership was a relationship that benefitted the people of Alabama and the U.S. Senate. Many times the strength of JIM ALLEN that we saw on the floor was a combined strength, not just a single strength, and could not have been that kind of strength if it was alone.

Now I think we and the people of Alabama have the privilege of having a continuation of that philosophy and that type representation.

Mr. PERCY addressed the Chair.

Mr. STEVENS. Madam President, I yield to the Senator from Illinois 5 minutes.

The PRESIDING OFFICER. The Senator from Illinois.

Mr. PERCY. Madam President, first, I should like to say that this is an occasion balanced between sorrow and joy. It is joyful in the sense that we recall our distinguished colleague's presence and friendship. But it is sorrowful in the sense that we cannot adequately express our appreciation for the many things he gave to us.

Also, it is joyful because MARYON ALLEN is taking JIM's place. No one would be better equipped to do so. No one would be more warmly welcomed by the people of Alabama and by those of us who have been privileged to know her. She not only possesses many of the fine qualities we so admired in JIM ALLEN, but she also will contribute on her own much of her own background and experience.

We need MARYON ALLEN in the Senate. The country will be the better for it, just as we have benefited by the presence of our present Presiding Officer (Mrs. HUMPHREY) in these past few months.

After I first met Senator ALLEN I followed his career with great interest. I have always followed the affairs of the State of Alabama, not only through the eyes of my distinguished colleagues from Alabama, but earlier in my life through the eyes of my father, who was born and

raised in Mobile. I was born across the bay in Pensacola.

I treasure my friendship with JIM ALLEN because of his unique qualities, and also because of my own great respect for the South and what the South gave to my father, and the pride he held in his country and his native region of the country, to which his family had contributed so much for many generations.

I shared with JIM ALLEN another bond that many of us in the Senate hold dear. The spirit of Senator JAMES ALLEN is embodied in the Senators' prayer breakfast group in an indelible way.

One of the great experiences I have had in the Senate was the period of time I served as the chairman of that group. I had the honor to be nominated by Senator ALLEN for that post. There was only one way I could repay the Senate and repay him for the privilege he had given me, and that was the privilege, together with my distinguished colleagues, of nominating him to be the chairman of the Senator's prayer breakfast.

It is a remarkable group, which meets on Wednesday mornings, in which we share our great faith that man is very limited in what he can contribute if he does not seek guidance and power from his Creator. Although there are 17 different religious faiths represented by the 100 Senators in the U.S. Senate, every one is a member of a particular denomination. Though we have differences in approach to religion, we hold in common our trust in God and live and serve in a Nation under God.

In the prayer breakfast meetings we had the opportunity to better know JIM ALLEN's qualities and characteristics, which his constituents and the members of the Alabama congressional group had always known. But we had the opportunity to observe his qualities in a special way.

Today, we are all acutely aware of the void that has been created in the Senate by the passing of JIM ALLEN. He was in every respect a Senator's Senator. He embodied every quality that a Senator should strive to achieve—perseverence, conviction and deep beliefs. Added to this was the deep friendship and respect he held for his colleagues, regardless of their points of view.

Time and time again, he demonstrated to those of us who had been in the Senate a longer number of years than he the power that can be achieved by a Senator from his knowledge of a subject or his knowledge of the operations of the Senate. His mastery of parliamentary skills in Senate debate is legend and will be admired for many years. He will be regarded as one of the masters of Senate rules who fully understood the methods of advocacy used in debate.

Although JIM ALLEN was a master of parliamentary skills, he was always, as has been said by my colleagues, unfailingly courteous, considerate, and understanding of all points of view. He was a gentleman in the truest sense of the word who taught us a great deal from which we all have benefited.

JIM ALLEN had strong beliefs and strong convictions. He never wavered in advancing his position. What is more, he persisted in a way that made it clear to all that he meant just what he said. You always knew where JIM ALLEN stood. There was no equivocation. You might have disagreed with him, as I did on occasion, but you respected the fact that he fought convincingly for his point of view.

There is a lesson in JIM ALLEN's career for everyone—for every Senator, for every Member of the House, for everyone in government.

It is easy to express opinions and espouse views. It is harder to fashion opinions and views into proposed legislation. But it is harder still to go through the long and sometimes laborious legislative process to see one's work become law.

JIM ALLEN showed us that we can disagree without being disagreeable. Perhaps MARYON can tell us whether he ever had a disagreeable moment in his life. We never did see any of those moments, if they existed. As I observe by her indication, there never were any, in her judgment, either.

He was truly a man whose gentleness and lasting contribution to the Senate's long tradition of open and free debate shall always be remembered.

I had the privilege of serving with JIM ALLEN on the Governmental Affairs Committee. In the intimate, day-by-day work of a committee, his incisive intelligence and his gentle conduct were evident for all his fellow committee members to see.

As we extend to MARYON ALLEN our warmest welcome to the Senate, we extend to her also our deepest sympathy, as well as to her family and JIM's family, whom many of us had the privilege of meeting at the service we attended in Alabama.

We all take note today of the passing of a truly distinguished colleague who served his State well, who served his Nation well, and who was one of the staunchest most loyal friends that any of us will be privileged to have in our lifetimes.

Mr. STENNIS. Madam President, the Senator from Minnesota, who now occupies the chair, had asked for recognition. Under the circumstances, I will yield to another Senator.

Mr. NUNN. I say to the Senator from Mississippi that I would be glad to relieve the Senator from Minnesota as Presiding Officer at this time, if the Senator from Mississippi would agree to recognize me later. She could make her remarks at this time, and I would like to make my remarks later.

Mr. STENNIS. That is agreeable to me, if the Senator from Minnesota wishes to proceed at this time.

(Mr. NUNN assumed the Chair.)

Mr. STENNIS. Mr. President, I yield to the Senator from Minnesota 5 minutes—and more time, if it is needed.

Mrs. HUMPHREY. Mr. President, Senator JAMES B. ALLEN was a gentleman in the truest sense of the word. His courtesy, skills, and friendship will be missed by this body. His thoughts and actions were governed by the principles of honor. He had trained himself in those qualities of character and disposition that are the marks of a civilized and cultured life. These traits of noble character are valued in societies the world over.

The guidelines of his life were a powerful influence when he came to the U.S. Senate. He became the master parliamentarian and his personal integrity dictated that he employ all the Jeffersonian skills with diligence and dedication. But he is best remembered as a considerate and reasonable man.

I made my maiden Senate speech not too long ago on the Panama Canal treaties. Senator ALLEN was one of the leading opponents of these treaties. Though we disagreed, he was unfailingly courteous and fair and most encouraging to me when I was so new and so nervous.

During the debates, he fulfilled a primary obligation to the Senate, that of affording the opportunity for all vital information to be made available. This trait, perhaps above all else, was Senator JAMES ALLEN's badge of statesmanship.

He loved the Senate and its distinguished tradition of free and full debate. He always maintained a strong and effective stance, but when the Senate worked its will and decided an issue, he accepted the decision with grace and stood by the collective judgment of his colleagues.

I respected him as a person for his graciousness and his great capabilities on the Senate floor. I know that a deeply rooted sense of respect was shared by all his colleagues. We shall remain in his debt.

I extend my deepest sympathy to Mrs. ALLEN and the family.

Mr. President, I am most pleased to welcome Senator MARYON PITTMAN ALLEN to the Senate. I am deeply moved to be here today, at her swearing in, and I am most pleased to be speaking to her at this moment—first, as a friend; second, as an acting fellow Senate wife, and now as a Senator in her own right.

It will be a great help to me to be able to share our views and balance things off each other's minds and thoughts and hearts. I am looking forward to our working together very closely.

Our new Senator ALLEN has had a noteworthy career as a journalist and has been an active aide to her husband, the late Senator JAMES ALLEN throughout his public life.

Senator ALLEN has had a distinguished career as a newspaperwoman with both the Sun Newspapers and the Birmingham News. She is also a member of the American Newspaperwoman's Club.

Senator ALLEN has also displayed commendable civic and cultural leadership by serving on several State boards. Her contributions to fine arts and cultural affairs in Alabama brought her national recognition when President Ford appointed her Chairman of the Blair House Fine Arts Commission.

Senator ALLEN's active public life has prepared her well to take on duties as a U.S. Senator. Several years ago, Senator ALLEN expressed her views on those principles which have governed her life. She stated:

You have to believe in yourself and your talents and the premise that you were put here to contribute of yourself, not always to take.

This is a philosophy that I and many of my colleagues share. I know all of us in the Senate join in extending a warm welcome to MARYON PITTMAN ALLEN.

Mrs. ALLEN. Thank you.

Mrs. HUMPHREY. Thank you, Mr. President.

Mr. STEVENS. Mr. President, I yield such time as the Senator from Indiana may desire.

The PRESIDING OFFICER. The Senator from Indiana.

Mr. LUGAR. Mr. President, it is often said that funerals are more for the benefit of those of us who remain than for the honor of the one whom we come to remember. Certainly the funeral for Senator JAMES ALLEN was an opportunity for his life to be relived in the minds and hearts of his friends and guests in Alabama, his colleagues in the Senate and those all over the Nation who have revered his public service. But it was also a marvelous opportunity for each one of us, regardless of why we came to Gadsden, Ala., on that date, to think through some very important aspects of the character of Senator ALLEN and likewise the character of our Republic.

Mention has been made already in previous remarks, but I simply wish to underscore the tremendous sentiment that all of us felt as we went into Gadsden, Ala., and saw flags flying, flags that had been placed, I suppose, by the public authorities in some areas, but very clearly small flags on wands and small flags being waved by individual citizens, individual citizens who simply wanted to respond in some way and gave a hand salute as the buses passed and they knew not who precisely was in the buses, but they knew there were friends of JIM ALLEN from the Senate, knew the Vice President of the United States was coming, the Governor of Alabama and others to pay tribute to JIM ALLEN. There were small signs in places where tradespeople might have given the price of various commodities that day or some marketing message, but instead the letters had been replaced and such things as "Well done, JIM" were there, or "Our best to the Allen family," or "Our JIM was a great American." These sorts of things were legend.

I was impressed because I read, as all of us do in the Chamber, of the loss of confidence in institutions of this country, the sense of no confidence that many people express in the executive branch, in both Houses of Congress and individual Members. Clearly in Gadsden, Ala., there was a sense of reverence, a sense of support and commendation, really a universal sense of place that this public servant had done a good job. People were proud of their country, proud of him as a representative of their State in the best traditions of this country.

That sense continued in the services, as we heard messages from distinguished Members of this body past and present, from the Chaplain of the Senate, from the choir singing hymns that JIM ALLEN loved and that we know from knowing him that he would have loved, including the Navy hymn. This all reminded us, as did the short biography that was read of him, of his service to the Navy and of his service to the people through a long career as an attorney there in Gadsden, as a member of the legislature of Alabama, as a Lieutenant Governor twice, a U.S. Senator for 10 years. A sense of place and tradition was shared by people who knew him well, still gathered around feeling that he had grown in stature and at the same time had kept touch.

Mr. President, let me suggest that some other things might have been included, I suppose, as we take a look at the whole picture of that service and of his life. Much has been made in the days since he died of how he was literally a third force in the Senate. There were a majority leader and minority leader and JIM ALLEN. There were three forces to be reckoned with on each major piece of legislation. Much has been made, as it ought to have been, about his mastery of the rules, his ability to sense what was going on in the Chamber.

I must say, Mr. President, that much more might have been made of that long before he died. I suppose as a freshman Member of this body that I was aware of Senator ALLEN's leadership before I became a Member of this body, but at the same time it is a fact, I suspect, that the national press in discussing Senator ALLEN usually discussed Senator ALLEN as one who was pictured as an obstructionist, as one who was leading filibusters, as one who stood in the path of what others felt to be noble causes and callings, a dour figure of a person to be reckoned with but almost always in the footnotes of the story. Yet, Mr. President, I would suggest that what we saw in Gadsden, Ala., last week at his funeral is the great story of our country. It is a story of patriotism and of service, a sense of what the Constitution is all about, a sense of what this Chamber is all about, a sense of deeply held ideals. These are great stories. They are being told now and they need to be told often. This is what this man stood for.

The ideals that JIM ALLEN stood for may not have been as fashionable at various times as other alternatives, but they were better over the course of time, and they shall be seen to have worn better, I suspect, by people whose enthusiasms come and go while the institutions that we all serve thrive, because of the vigor and the insight of Senators such as JIM ALLEN.

This is at least the public's idea that we see.

Now, mention has been made, and appropriately so, of the private things that all of us may not have seen. Yet you know one of the remarkable things about Senator JIM ALLEN was that his public posture was identical with his private posture. There were not two or three JIM ALLENS. There was just one. And the same sense of duty and detail which we saw in public was true clearly in private.

I was privileged to see instances of this, and I want to cite a few, not that they are monumental, but they are certainly indicative of his life.

I can recall during the long debate we had last fall on the Pearson-Bentsen amendment on the deregulation of natural gas, during the particular session that was longest and most troubling for us, the one that lasted 37 hours, with rollcall votes each 15 or 20 minutes, and encompassed the prayer breakfast.

You may recall, Mr. President, we were up all of Tuesday night and Wednesday morning, and the prayer breakfast meets on Wednesday morning. Senators who had been up all night went to JIM ALLEN at about 7:15 that morning as things were breaking up, and Senators were going to be given time to shave or wash their faces or douse their heads in water in order to revive themselves in some fashion, and Senator ALLEN was asked, "Will the prayer breakfast meet this morning?"

He found the whole question to be incredible. He said:

Why, of course, the prayer breakfast will meet this morning. It will be at 8 o'clock as always.

There were seven people with JIM ALLEN at the prayer breakfast in the midst of all of this. I do not think anybody else knew who was going to be there or, as a matter of fact, whether JIM ALLEN would be there, but we should have known he would be. It is reported he missed only one prayer breakfast in the entire time of his service in this Senate.

Quite apart from all of the physical considerations that were involved, and the fatigue and strain and the importance of various issues, there were certain priorities with JIM ALLEN. They were not simply for public consumption; they were part of the man. He saw the need for prayer at that point to be paramount whether he was tired or whether the session was going forward or backward and, as a bulwark of strength, he was there.

When it came time to plan for the national prayer breakfast, over which he presided last year, it so happened that Senators and Members of the House who were part of that committee had to leave town in due course. Things were pieced together in a way, but most of the decisions remained. Almost everybody else was gone except for JIM ALLEN who was left, really, to put it together.

I remember he called a committee meeting one afternoon in November. I went over to what I thought would be a sizable group of people, and there was just JIM ALLEN sitting there. Eventually a Member of the House came over, a distinguished Member from Iowa, and it was left to JIM ALLEN really to call all the people who were to be a part of the affair to make certain that in November and while Senators were coming and going throughout December and January it would fall in place, with the aid of some of the prayer breakfast staff.

No one worried about that, because they knew JIM ALLEN would do it. There was no particular folderol about the procedure, but it was a magnificent sit-

uation that finally eventuated as people saw a remarkable prayer breakfast, characterized by many who attended as the best one they had seen, JIM presiding calmly, MARYON there, of course, shepherding all of us who were part of the program, and making certain that it went well. A remarkable man, once again totally offstage.

I well remember in the Agriculture Committee in a small subcommittee dealing with fungicide, pesticide, and rodenticide legislation in which not many were interested, but which was kicked back to the subcommittee, because no one wanted to handle it, with Senator PAT LEAHY the chairman, and Senator JIM ALLEN who had a long-time interest in it, attending the meetings and attending to all the details and attending the conference meetings. This was during the monumental debate on Panama. The fact was that JIM ALLEN had a capacity to handle all sorts of things. While the public was watching the big picture, JIM ALLEN was constantly faithful in the small details. He literally always was there in the situation that no one cared about. JIM did, and those of us who loved JIM knew that, knew we could count on him.

I would say, Mr. President, that the thing that impressed me about Senator JIM ALLEN was that he was not only a great parliamentarian and one who knew the rules of the Senate well, one who did enormous research on anything, and whose word you could rely on and whom you could trust to make certain that the footnotes were there, that the scholarship was complete, but he was a man I found of a tremendous sense of humor.

Comment has been made about that today. But who among us cannot recall occasions in which a self-deprecating JIM ALLEN indicated that the debate might take a little longer than we thought, and who would wave a sheaf of amendments, which would be carried down amongst hilarity?

We knew what JIM was talking about. He had a delightful flair for doing it, quite apart from his reputation and the deed.

Then I found in most of the subcommittee situations I had with him he was perectly willing to discuss, to compromise, and to dispose, and he was not someone who simply for the sake of being tedious kept it going, except when it was fundamentally important.

He chose his causes well. He debated them well, and he lived by his word.

For these reasons, Mr. President, we will all remember him for a long time, so long as we serve and have any idea of images, personalities, and forces who made a difference in our service in this body.

I yield the floor.

Mr. STENNIS. Mr. President, the Senator from Georgia has requested time. He seems to have been called from the Chamber, so I yield 5 minutes to the Senator from Hawaii.

The PRESIDING OFFICER (Mr. HARRY F. BYRD, JR.). The Senator from Hawaii.

Mr. MATSUNAGA. I thank the Senator for yielding.

Mr. President, when JIM ALLEN succumbed to a heart attack, he fell as a tall pine tree, leaving an empty space in the lonesome sky. JIM ALLEN, in his passing, leaves an empty space in this Chamber for many reason, perhaps the foremost being that he more than anyone else knew the rules of the Senate and knew how to use those rules to full advantage.

The people of Alabama have, indeed, lost a great advocate of their cause. Those who espouse the same political philosophy as JIM ALLEN throughout the United States have lost in JIM ALLEN a great champion.

JIM ALLEN was a fighter, but a true gentleman. It was by choice that I was assigned to this seat which I now occupy next to the seat which JIM ALLEN occupied. As a freshman Senator I thought I could learn a few thing by sitting next to the expert in parliamentary procedure, and I did learn a lot, and gained a friend. Whenever I introduced JIM ALLEN to visiting constituents from Hawaii, he would respond by putting his arm around me and saying, "Well, you know, SPARKY is my seat mate," and proceed to tell them how fortunate they were "to have SPARKY in the Senate," representing them. In JIM ALLEN, my past seat mate, I found not only a fighter and true gentleman, but also a teacher and a friend.

JIM ALLEN was a man with a keen sense of humor, unknown to some of the Members of this body. Let me cite just one case in point. During the debate on the Panama Canal treaties I had the opportunity to go to Chicago to address a group of businessmen on the subject of the Panama Canal treaties. After I had spoken, and during the social hour many of the members of that business group, who had been listening to the Senate debate over public radio, came up to me and, shaking my hand, said "JIM ALLEN is our hero."

When I came back to this Chamber the next day, I approached JIM ALLEN and said:

> JIM, I just returned from Chicago, where I spoke before a group of businessmen, and I talked about the Panama Canal Treaties. As you know, I am on the opposite side from you on that issue; but, JIM, after I had spoken, many of them came up to me, shook my hand, and said, "JIM ALLEN is our hero."

Whereupon, JIM said:

> Well, I wish they were Members of this body instead.

It was by his sense of humor that JIM ALLEN revealed his quick-wittedness. In putting forth his arguments on this floor JIM ALLEN represented a sense of righteousness about his political philosophy, which at times irritated Liberals; but he mixed it with his sense of humor to balance the heated arguments in which he so frequently engaged.

JIM ALLEN also knew what he was doing. I was somewhat puzzled, and in fact so were a number of those who were opposed to the President's proposal to sell arms to the Middle East, including Israel, Saudi Arabia, and Egypt, when JIM ALLEN voted in support of the resolution to disapprove the President's package proposal to sell arms to the three countries. Because questions had been raised that maybe JIM ALLEN had made a mistake in voting for Israel's position, that maybe when he voted "aye" he thought it was on a motion to table the resolution to disapprove the resolution, I approached him and said:

> JIM, there are many liberals who feel that since you voted with them on the resolution to disapprove the President's package sale of arms to three Middle East countries, you might have thought that a motion to table was before the Senate. Did you really mean to vote against the sale of arms to Saudi Arabia and Egypt, along with Israel? Or did you make a mistake in voting "aye"?

His response was:

> SPARKY, I voted just the way I intended to vote.

He explained:

> The thing that concerned me most was that the President was proposing to sell arms to potential enemies, who would some day be using American arms against each other.

JIM ALLEN knew exactly what he was doing every minute he was on this floor, and his possession of the knowledge of the Senate rules gave him an advantage over his colleagues. JIM ALLEN will be recorded in the annals of American history as one who stood high among all, who led the fight to influence Americans, especially his colleagues in Congress, to his political philosophy and way of thinking.

To MARYON and her family, I extend my deepest sympathy; and yet, in the same breath, I congratulate MARYON, now Senator ALLEN, for having shared the responsibilities of that office with JIM, while he occupied it, and subsequently having offered her services and herself to fill that position which calls for extreme sacrifices—to carry on the great work of JIM ALLEN.

Mr. STEVENS. Mr. President, I yield such time as he may require to the Senator from Nebraska (Mr. CURTIS).

Mr. CURTIS. Mr. President, I do not rise to remember Senator ALLEN for his parliamentary expertise. Let his opponents do that. We do not honor JIM ALLEN today, because he happened to have time to attend the debates on the floor of the Senate. JIM ALLEN had no more time than any other individual. There is given to every man and every woman 24 hours a day. We honor JIM ALLEN for his attendance here, because of the priorities that he established in his life. He was given no more time, but he made a wise choice of what to do with that 24 hours.

It was very evident that JIM ALLEN found time to do his homework, and to be prepared for the legislative tasks on the floor. We are also aware of the fact that JIM ALLEN found time to stay here and perform as a Senator should. The Nation owes much to him for that.

All of the priorities in the life of JIM ALLEN were arrived at by him in a manner that made his life great and wonderful. Many people feel that they do not have time for daily devotions, or the remembrance of our Creator early in the morning. Although JIM ALLEN had no more than 24 hours a day, he was

not among those who spoke or acted as though he did not have time for that. That was one of his priorities.

Those of us who had the opportunity to know and work with JIM ALLEN have had the privilege to know greatness in our time.

I do wish to thank our Heavenly Father for the time I was privileged to serve with him. What impressed me most about JIM ALLEN, a wholly impressive man, was his example of practiced Christianity. His chief guide on the determination of a position was the application of principle. He was a man completely unapproachable to anyone of venal purpose.

Each year, Senator ALLEN's financial statements showed that he grew poorer in the service of his country. Conversely his country grew richer by his service.

As excerpts from the Bible enriched his conversation and debate, its precepts enriched his life.

Despite villification from within this body and from without, and despite the fact that he suffered the sort of attack which would have driven many a milder man to vitriol, JIM ALLEN never delivered evil for evil. No one was slower to rise to his own defense or quicker to defend others. While he forbore to criticize he was generous with his praise.

JIM ALLEN's presence not only established a legislative safe zone, but affected all who knew him in a more important way. No one who had much contact with him, his colleagues, staff, friends, and acquaintances, could fail to think, in some way, I should be more like that man.

One of his last encomia was in support of the senior Senator from Connecticut, a memory which I know Senator RIBICOFF will cherish, for like everything our colleague said, it was said from the heart.

The wound caused by his loss will not heal easily. Situations repeatedly occur in which we would have been guided by JIM ALLEN'S wisdom. That pause, where before we would have heard his voice, will continuously remind us of our loss.

Mr. President, the Senate has not lost a leader, it has lost its anchor: a fine, sure presence against which the rest of us could measure the worth of our positions and the virtue of our styles. His like will not be found again in our midst.

Again I say, we have been privileged to know greatness in our time.

Mr. STEVENS. Mr. President, I had scheduled this time for their senior Senator from Utah. However, I will now yield to the junior Senator from Utah such time as he may desire.

The PRESIDING OFFICER. The Senator from Utah (Mr. HATCH).

Mr. HATCH. Mr. President, the death of our beloved colleague from Alabama has created an awful stillness in the Senate. The sudden realization that this very dear friend and magnificent man will no longer grace our Chamber, that his great voice will no longer be heard within these walls, fills us all with a sense of loss and despair. For we know that we shall now have to carry on without the benefit of his leadership, his wisdom, and his personal friendship.

Above all, we cannot suppress the thought that his departure has left our Republic less secure and our future less sanguine. Here was a friend of liberty and limited government who worked relentlessly to keep us on a steady course laid out by our founders. Here was a pillar of strength, resisting with every gesture the thrust of mindless innovation, the flood of unnecessary laws and regulations, and the forces of consolidation that threaten to make a ruin of our country, here was the legislators' legislator, one of those rare men who is too seldom elected to public office.

Like a sentinel at a lonely outpost, Senator ALLEN monitored floor proceedings almost every day the Senate was in session, guarding the rights of the minority. When the history of our time is written, his name will surely glitter in the record very noticably. The greatest parliamentarian in our time, he seemed to know the rules of Senate procedure by chapter and verse. Many were the times he crippled an ambitious, steamrolling majority through his mastery of parliamentary details, sending the proponents of an unwise bill scurrying to the cloakrooms.

And when the distraught "reformers" changed the cloture rule to quicken the legislative pace, Senator ALLEN found new ways to cope with the situation. Using motions after cloture had been invoked, he mounted his own "minifilibusters" and singlehandedly rewrote the substance of Senate rule XXII. Indeed, it is not too much to say that Senator ALLEN breathed new life into Senate deliberations, and saved the filibuster from an untimely and early extinction.

With regard to that, the filibuster, it seems to me, is one of the few ways in a free legislative body that the minority can stand up to the majority. In many cases the minority happens to represent the majority of the people in this country. And what Senator ALLEN did for all of us, I think, will long be treasured and will always be important in our lives.

An opponent of arbitrary power, Senator ALLEN relied upon his parliamentary skills in order to encourage deliberation and test the determination of transient majorities. In his rulebook, speed was not a virtue in a legislative assembly. He knew that majorities will be tempted to warp the Constitution to suit their ends, and he believed that the essence of civilized government is not reliance upon power, but consent—consent that is arrived at through free and robust debate and which accommodates the rights of minorities. As a States' rightist, he also understood the importance of local associations and local rights, and did not hesitate to rush to their defense when threatened by an overbearing majority.

Senator ALLEN also relied upon his parliamentary skills in order to cope with the problem of overlegislation. Like earlier republics, ours has acquired the vice of legislating indiscriminately on anything—often for immediate purposes and special interests. This tendency of passing too many laws has reached epidemic proportions in Congress, and the arm of the Federal Government now seems to reach into every aspect of American life. Consequently, there are more laws than Congress or any individual Member can understand, let alone debate intelligently and knowledgeably.

Senator ALLEN was acutely aware of the pernicious effects of overlegislation on the liberties of the American people, and through his debating skills was able to slow down production of what might accurately be described as the Senate bill factory. Equally alert to the harmful effect of overlegislation on the quality of Senate debate, he was an omnipresent figure in the Chamber, working to preserve the integrity of the Senate by encouraging his colleagues to remain on the floor, and defend their views, and rely on their own inner resources. He disliked the heavy influx of staff in Senate proceedings, and even introduced legislation to prohibit staff members from entering the Senate Chamber. The Members of the world's greatest deliberative assembly, he believed, should both deliberate and assemble, not make cameo appearances to read prepared speeches and then make a hasty retreat for the exits.

The high standards that Senator ALLEN set for himself, and expected of others, were best exemplified during the Panama Canal Treaty debates. In this, his last great effort in defense of American interests, he quickly emerged as the leader of the opposition. As chairman of the Separation of Powers Subcommittee of the Senate Judiciary Committee, which I had the honor to serve on with the late Senator as the ranking minority member, he held extensive hearings, even before the treaties were signed, on the vital constitutional question of whether the President may dispose of American territory and property by a self-executing treaty.

At the outset of Senate debate, Senator ALLEN established clarity in the proceedings through thoughtful and important parliamentary inquiries, and in the months following dominated floor discussion. Articulate and knowledgeable, he fought valiantly and remained faithfully at his post until the last vote was counted. For the proponents of the treaties, it was a hard-fought victory, but hard-fought principally because of JIM ALLEN'S unremitting volley of inquiries, challenges, and legislative assaults. To be sure, this was the hallmark of Senator ALLEN'S brilliant public career.

No less conspicuous was Senator ALLEN'S high moral character and reputation for honesty and fair play. A Christian gentleman of the old school, in the best tradition of the South, he was courteous to everybody, and ungracious to none. Affable in manner, always ready with a cordial smile, he had the unique ability of being able to disagree without being disagreeable. By nature independent and self-reliant, he neither sought publicity nor craved popularity; and yet he was one of the most highly respected and well liked Members of this body.

The spirit of our age leaves little room for the kind of statesmanship which JAMES ALLEN symbolized, and it is a bold but simple truth that we shall not likely see him replaced. Let us take comfort in the realization, then, that we knew this fine man and enjoyed the benefit

of his mind and wit. Without him, surely the Senate would have fallen even shorter of those high standards of democratic government which are expected of us by the American people.

I want just to say that, of all the men here, and I have regard for all of them—I do not think you make it to the U.S. Senate unless you are an exceptional person, except, perhaps in my case. All of the men here are exceptional people. I think all of them try to represent their constituents well, but I do not know of anybody I would compare in that regard to Senator JIM ALLEN. He was one of my greatest friends in the Senate. I can truthfully say that I loved him. I can truthfully say that he made an impression on me that will, I think, never leave me.

I think he has had one of the greatest influences on me of anybody in my lifetime, and I have had many great influences. I do not know of any man who deserves the plaudits of America more than he did. I do not know of any Senator who has ever sat here who deserves our respect more than he did. I do not know of anybody who deserves our love more than he did.

I am pleased that his wife has succeeded him, because, in knowing him, I have been able to know her also and I expect her to be a tremendous asset and addition to this great body. I am sure that, from the beginning, she is going to take her place in continuing the memory of Senator ALLEN, whom all of us loved so much.

Shakespeare said it well for us in Macbeth, when the Scottish nobleman, Ross, sadly informed the Earl of Northumberland that the Earl's son had been slain in combat near Birnam Wood:

Ay, and brought off the field; your cause of sorrow
Must not be measured by his worth, for then it hath no end.

I thank the Chair.

Mr. STENNIS. Mr. President, I yield 5 minutes to the Senator from Georgia (Mr. NUNN).

Mr. NUNN. Mr. President, first of all, I express my congratulations to MARYON ALLEN on becoming a Member of this body. I think that all of us are going to take a great deal of pleasure in continuing to hear the rollcall with "ALLEN" right near the front of it. I think all of us are also going to realize that MARYON ALLEN is a person in her own right, who has had very notable accomplishments in her own life.

She comes to this body with a tremendous amount of experience and a tremendous amount of governmental expertise. I think that we are going to find that MARYON is going to be a person who is going to come as close to filling the shoes of JIM ALLEN as anyone possibly could. So I first want to congratulate her, and also congratulate Governor Wallace and the people of Alabama for making what I think is an exceptionally fine choice in a successor to one of the real giants of the U.S. Senate.

I do not think anyone could exceed the description that former Senator Sam Ervin gave at the funeral in Gadsden the other day, when he said that a giant oak had fallen. I think that is what has happened. I know that my colleague and good friend from Virginia (Mr. HARRY F. BYRD, JR.), who is presiding today, has thought a great deal about how to pay tribute to JIM ALLEN. Senator HARRY F. BYRD, JR., of Virginia, made a marvelous tribute at the funeral, as did Senator Ervin.

I am not going to try to dwell on JIM ALLEN's legislative accomplishments or his parliamentary skills. I do not think anyone has had a more profound influence on legislation in the years that he has been in the Senate than JIM ALLEN has. He has had a tremendous influence, though, far beyond legislative activities, because JIM ALLEN was a man of deep and abiding Christian faith. It has already been said that he was a leader of the weekly prayer group. I think he missed only one meeting on Wednesday morning in 10 years, which is a remarkable achievement. I think it indicates his tremendous dedication, not to the prayer group as such, but to the overall principles of christianity in his daily conduct of his own life and his approach to government.

JIM ALLEN was a man who was aware of the spiritual significance of our decisions in the U.S. Senate. He believed, and I quote him, that "The stronger men are spiritually, the better their earthly government will be."

Shortly after arriving in the Senate, JIM addressed the weekly prayer breakfast group for the first time. Of course, I was not here then, but I went back before I ever delivered my first message to that group, and I read JIM ALLEN's previous messages, because I had heard about them.

The first time he spoke to that group, he shared with his colleagues a letter that he received from one of his constituents. This letter said in part:

Far from being handicapped by being a Christian, it is my view that the best businessman, the best public servant, the best professional man, the best person in any walk of life is a Christian.

Jim used that letter as the theme of his message that day and he added to that:

We need to set the tone for high and lofty conduct for all the people. Our conduct should inspire confidence and respect and give the people greater faith and confidence in our government and in us as their duly elected representatives.

Actually, if we spent a long time discussing JIM ALLEN, we could not improve on that quote that he used the first time he ever addressed the Wednesday morning group, because he did set a high tone for lofty conduct for all the people, because he did inspire the confidence and respect of his colleagues in the Senate, and he inspired the confidence and respect of his constitutents in Alabama and, indeed, every one who followed legislative activites in the United States.

So JIM ALLEN spoke these words in May of 1969 and they guided his daily steps throughout his service in the Senate.

If we summarize the life of JIM ALLEN as it pertains to the U.S. Senate, he did have a profound impact on legislation considered in the Senate for 10 years, but he had an even greater impact on the lives of the Senators who were privilege to work with him.

His presence enriched the lives of all of us.

JIM ALLEN was a great Senator, a great American, a dedicated Christian, and a wonderful friend. Every citizen of this country has suffered a great loss in his untimely death.

Mr. GARN addressed the Chair.

Mr. STEVENS. Mr. President, I yield to the senior Senator from Utah such time as he may desire.

The PRESIDING OFFICER. The Senator from Utah.

Mr. GARN. Mr. President, I join my colleagues today in paying tribute to one of the finest gentlemen it has been my privilege to know, Senator JAMES B. ALLEN, of Alabama. It is rare, indeed, to find a man so totally honest and so completely dedicated to public service as JIM ALLEN. When he was elected to the Senate in 1968, he gave up the practice of law and severed all connections with his law firm, so as to avoid even the appearance of any competing interest that might divert his time or attention away from the responsibilities of his office.

I talked to him many times about this. He said that he was elected to the U.S. Senate to serve as a Senator and that he would allow no professional, business, or other interests to divert him from that service.

JIM ALLEN was a man loved by his constituents. He was elected in 1968 by 70 percent of the popular vote, and carried every single county in Alabama. He obviously pleased his people, and they returned him in 1974 with 95 percent of the popular vote.

This is rather amazing to some of us who are pleased with 51 percent.

The great loss of the people of Alabama is shared by his colleagues here today in the U.S. Senate, Mr. President, and, more importantly, by the people of this Nation. America has lost one of her truly great sons. A statesman and a gentle, kindly, and wise man. Senator JIM ALLEN's voice was heard on all of the great issues that have faced this body and this Nation while he served here. He has been an advocate and unswerving defender of the rights of the minority to be heard, and, of course, has become a legend in his own time as a master of the rules and procedures of this body. No one was his peer, Mr. President, and an adequate successor in his knowledge of parliamentary procedures of this body is not likely to be easily found. Some in the past have said that he was an obstructionist, and that he stood in the way of legislation. If that is true, Mr. President, then it was because JIM ALLEN truly believed that legislation to be detrimental to the interests of this Nation. And I may say that in the 3½ years that I have been a Member of this body, JIM ALLEN has been the single most important reason for the defeat of a lot of very bad legislation. He has been the cause of many of his colleagues having the time

to give second thoughts to legislation that was on a steamroller course through the Senate, and which deserved much more careful and deliberate consideration. We can thank him for that, Mr. President, those of us who share his political philosophy, and I believe history will bless him for it.

Senator JAMES B. ALLEN has left us a legacy of decency and integrity that we would all do well to emulate. His public life was the epitome of striving for the public trust. His presence will be sorely missed by all of us, and perhaps, if it is possible, even more by all who believe, as he did, in free enterprise and conservative values. I am one who will carry the memory of JIM ALLEN with me into the debate on the critical issues yet to be resolved by this body.

In closing, I certainly wish to extend my deepest and most heartfelt sorrow to his lovely wife, MARYON. I certainly am pleased that this morning she became a Member of the U.S. Senate, replacing JIM. I am sure all of us feel that she will be a great addition to this body.

Mr. President, I thank the Chair.

Mr. STEVENS. Mr. President, I am deeply saddened by the departure of my good friend, JIM ALLEN. We came to the Senate together and I watched Senator ALLEN develop the parliamentary skills that became his trademark in the Senate.

He participated in so many legislative battles that those of us who served the same amount of time he had served—a relatively short term, really, in terms of the passage of time in this body—find it amazing that he was able to develop such an uncanny knowledge of the operations of the Senate and become a parliamentary leader on the floor in such a short period of time.

There were many occasions when I discussed with Senator ALLEN what he intended to do about a particular piece of legislation, and he never once hedged or tried to postpone decisions. He was capable of making a decision and capable of communicating with his colleagues exactly how he felt and why he felt the way he did.

As a member of the minority, I am most proud of the fact that I never can remember JIM ALLEN discussing what was the majority point of view in the sense of a partisan majority. He discussed the majority or minority viewpoint in terms of each issue independently and in terms of the knowledge of where he thought an individual Senator might end up. He could do this with surprising accuracy because of the way he had observed the voting patterns, philosophy, and degree of dedication a Senator had on any particular issue.

I believe that Alaskans will miss JIM ALLEN deeply, because this year we have perhaps the greatest struggle that any State has faced in a short history of statehood. I had discussed with Senator ALLEN the problems of the so-called lands issue and the strategy we would use to deal with that issue should it come to the floor.

Mr. President, I have heard Members of the Senate mention today on the floor the remarks of the distinguished Senator from Virginia (Mr. HARRY F. BYRD, JR.) who occupies the chair now and a former Senator who made remarks at the ceremonies for Senator JIM ALLEN, when we traveled to Alabama last week. I do not know whether it is in order; but if it is possible and proper. I ask unanimous consent that those who make up the remarks that will be printed for distribution to Senator ALLEN's friends and relatives arrange to have printed at the conclusion of the remarks that are made on the floor today the remarks that were made at the ceremonies by his two former Senate colleagues.

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

Mr. STEVENS. I believe those remarks were most stirring to all of us who were in attendance that day.

Mr. President, many people have seen, in the heat of debate, another Senator lose his temper or lose his composure or do something he might regret later. In the 9½ years I served with JIM ALLEN, I never saw him lose his temper. I never heard him say anything that he later regretted. I never saw him lose control of his emotions. He was a true gentleman.

Unfortunately, some of us who have learned lessons from JIM ALLEN in terms of parliamentary procedure sometimes forget that he added that extra quality of being a true gentleman in the way he exercised his rights as a Senator on the floor of the Senate. I hope that all of us who use the lessons we learned from him in terms of parliamentary procedure remember that he was totally courteous to all his colleagues; that no matter how long or how hard he fought for an issue, he never forgot that we are all equal on the floor of the Senate and that we all can work only under a system that some people call senatorial courtesy. JIM ALLEN was the epitome of senatorial courtesy. You could trust him. You knew that JIM ALLEN lived by the Golden Rule.

In the beginning of my service in the Senate, I attended the prayer group sessions with the distinguished Senator from Mississippi, Mr. STENNIS, JIM ALLEN, and others. Because of the time frame I live in, and traveling as I do, about once every 3 weeks—as a matter of fact, more often than every 3 weeks—to Alaska, I found that when I returned from such a trip, it was most difficult, because of the 5-hour time change, to get up in time to join my colleagues at the prayer breakfasts. Therefore, I decided that, rather than walk in late every time, as I was doing for a while, I would terminate my relationship with that group. But I know of JIM ALLEN's service there. I was delighted to hear Senator NUNN remark about the first time Senator ALLEN led the discussion at the prayer group, because I was there also, and it was a very inspirational moment for all of us.

Mr. President, I say to our new Senator ALLEN that our wives are wont to bring home stories of other Senate wives, and I have heard a great deal about MARYON ALLEN. I will miss those stories, because MARYON has contributed very greatly and significantly to the family of Senate wives. I know they are very happy to see that the State of Alabama has recognized her contributions to JIM ALLEN's service in the Senate by sending her here to join us as a Member of the Senate.

Mr. President, there is no way, really, for one Senator to adequately address the loss of a friend and fellow Senator who passed away in such an untimely way as the way in which JIM ALLEN prematurely left this Earth. I can only say to the Senate and to MARYON that one of the great things about the Senate is that it is a continuing body, and I believe there will be many of us here for many years who will remind the Senate from time to time of what Senator ALLEN taught us during his distinguished service in this body.

Mr. President, I yield such time to the Senator from New Jersey as he may desire.

The PRESIDING OFFICER (Mr. BUMPERS). The Senator from New Jersey is recognized.

Mr. CASE. Mr. President, somewhere a while back I saw the statement that the Senate reached its finest hours in the times when it took time out from its legislative business to consider and speak of one or another of its departed colleagues.

I think that is so, Mr. President; I think that is a quality that is not unique to the Senate. Most of us are at our best, I think, when we, without in any way considering what its effect upon ourselves might be, think about the good qualities, and if there be any, the bad ones, of other human beings, and express themselves without inhibition or without extraordinary stimulus, just in the light of things as they are.

Unhappily, Mr. President, we have this year experienced too many such opportunities, and now we have come to another.

I do not think there was a Member of the Senate—and I shall venture to say probably no one at all—who knew JIM ALLEN at all well who did not love him. Certainly that is true of all of us. How could it be otherwise in respect of a man who was so invariably considerate, so invariably kind, so invariably compassionate, so invariably understanding of the problems of his fellows? And for someone to do that in the role which, I think, it is right to say, JIM ALLEN was cut out for and elected to fill, was not a very little thing because by its nature his constituency, both as an Alabamian, and also within Alabama, was a very particular one, one that many of us did not find compatible with our own kind of thinking.

But that did not make any difference. When you were dealing with JIM ALLEN you could not help but feel the truth of what so often is expressed without thinking as to its truth of falsehood, that the world has to be made up of a great many different kinds of people, and it is so.

One of our great problems, of course, I suppose, the essence of politics, is how people of different approaches to life, different attitudes toward life, toward

human beings, can resolve their differences and act tolerably in society. JIM ALLEN had no trouble on that score, nor did anyone who had dealings with him have trouble.

He was utterly understanding, utterly thoughtful, and while he could be extremely exasperating if you wanted to get something done that he did not want to get done, the exasperation was never felt in any harsh or personal way. JIM ALLEN just happened to be there, and a very inescapable fact of life which, on the whole, in a very real sense, one not only had to deal with but one ought to be able to deal with.

We shall miss him deeply. That his place will be filled by Mrs. ALLEN is something that will in substantial measure reconcile ourselves to the fact of his death.

We are able to tell her in person how much JIM meant to us and that, I think, has been, and will continue to be, helpful to her. I surely hope so for they were a great pair, and they have added and will continue to add to the life of the Nation, to the strength of the Senate, and to the deep happiness of all of us.

The PRESIDING OFFICER. The Senator from Kentucky.

Mr. FORD. Mr. President, I join with my colleagues in expressing a deep sense of loss over the recent passing of our admired and esteemed colleague JAMES B. ALLEN of Alabama.

There can be no question that Senator ALLEN was one of the most extraordinary individuals ever to serve in the Senate and his presence will be sorely missed. He was an exceptional master of the rules and procedures of the Senate, and he played by those rules fairly and squarely.

Those who found themselves with positions different from him nevertheless held him in the highest regard, not only as a formidable foe but as a kind, compassionate, and honorable man.

He was a devoted and dedicated legislator whose great knowledge and unending patience gained for him national stature as one of the Senate's most skilled masters of debate. Through it all, his first and foremost concern was maintaining the trust that had been placed with him for so many years by the people of Alabama.

It was a privilege and honor to have served with JAMES B. ALLEN for the past 3½ years. The Senate will not be the same without him and I extend my heartfelt sympathy to his wife and family.

Mr. President, I congratulate the Governor of Alabama in his selection of Senator ALLEN'S widow to replace him here in the Senate. Not only does she bring a part of JIM ALLEN with her, she was a part of JIM ALLEN, and I look forward to serving with her in the years ahead.

Mr. SCHWEIKER. Mr. President, I rise today to express my deep sorrow over the passing of our friend and colleague, Senator JAMES B. ALLEN of Alabama.

I had the distinct honor of being sworn in as a freshman Member of the Senate with JIM ALLEN in January of 1969 and will remember him for his wit, his good humor, and for his mastery of Senate rules and parliamentary procedures.

While many of us will remember JIM ALLEN for his decade of distinguished service in the U.S. Senate, it is also important to recall his highly distinguished career in Alabama State government—a career which began more than 40 years ago.

JIM ALLEN was first elected to the Alabama House of Representatives in 1938. Soon after his reelection in 1942, however, he resigned from office to serve his country in the U.S. Navy in the Pacific theater.

After returning to the United States, JIM ALLEN was elected to the Alabama State Senate and later served as Alabama's Lieutenant Governor in the 1950's and 1960's.

The Senate will sorely miss the skill, eloquence, and dedication of JIM ALLEN. This has been expressed quite movingly by many of his colleagues. He left an impression on the Senate which will not soon fade. Although I did not always agree with him, JIM ALLEN'S diligent and unwavering support for the principles in which he believed stand as a monument to his outstanding career and as an inspiration to all of us who had the pleasure of serving with him.

JIM ALLEN was a public servant in the most positive sense of the word. The people of Alabama can take great pride in having been represented by a gentleman of such character in the U.S. Senate.

To JIM ALLEN'S wife, MARYON, to his many friends, and to the people of Alabama, Claire and I extend our most sincere condolences.

Mr. President, I was privileged to be here earlier this morning when JIM ALLEN'S widow, MARYON, was sworn in to fill his seat. I think this was a very appropriate and fitting appointment. I believe, having known her for the past 10 years personally, that she will carry on his philosophy, his dedication, and his concept of public service, and I believe that she, too, will be an asset to the State that she will represent; and Claire and I congratulate her at this time on this very significant appointment, and wish her well in her new and entrusted public duty.

Mr. EASTLAND. Mr. President, it is with a feeling of genuine sadness that I rise to speak about my good friend JIM ALLEN of Alabama.

JIM ALLEN'S sudden and untimely death was a devastating loss to his State, to the country, to the Senate, and to me personally.

I have known JIM well during the 10 years in which he served in the Senate, and in this Congress part of which he has been a member of the Committee on the Judiciary.

JIM was a true gentleman, and I mean just that—a gentle man. His courtliness, unfailing courtesy and even temper bespoke a true southern gentleman.

Much has been said about Senator ALLEN'S mastery of the rules of the Senate, a fact acknowledged by all. JIM ALLEN had such a command of the Senate rules that in any debate in which the meaning of the rule came into question JIM ALLEN was almost inevitably the final arbiter.

On a great number of occasions I witnessed during debate on the floor, when inquiry was made to him about a measure, his answer was accepted without question. But there was much more behind the acceptance of JIM'S words than his reputation and knowledge of the rules. He was a man of honor. In the final analysis, that fact was the basis of JIM ALLEN'S life.

He was universally known as a fair and decent man. He was willing to listen to all sides of an argument and to proceed in an open and even-handed manner. Because of his knowledge of the rules and legal abilities, JIM was in the center of debate concerning the great constitutional issues which have faced this country in the past decade. Combining his mastery of the rules with diligent work, he became one of the most effective Senators to have been in the Senate in this century. He was known as a man with a capacity for hard work and long, late hours.

Although always busy with legislative matters, he was never too occupied to offer his friendship to his colleagues and staff which serves the Senate. It was this warm annd unselfish characteristic of his which also attracted so many of us to him. I feel fortunate to have been able to work closely with him on committee business. In this close context, one gets to know a man. In addition to the Judiciary Committee, I served with him on the Agriculture Committee. While JIM was busily working on national issues and shaping the nature of debate on the floor, his most important concern in the Senate was always with the people of his beloved State of Alabama.

For me, as one who shared in his political philosophy, it was always a comfort to stand together with JIM ALLEN on any issue. In his committee work, JIM was unfailingly present, on time, and stayed to the end. When JIM ALLEN was present, ill-conceived and hastily drafted legislation got very short shrift. For that, we should all be grateful and our committee will sorely miss him. We all knew that we had to prove our case for Senator ALLEN, and, in so doing, our legislation was immeasurably improved. He made better Senators of us all.

Not only did we work closely on committee work and legislation affecting our region of the country, but I feel especially fortunate that JIM and I got to know each other on a warm, personal basis. He was a straightforward man who did not seek credit or glory. He believed in what was right and had the courage to speak for his convictions. He was not only a fine legislator and representative of his State, but he was a fine human being, family man, and friend. He truly is one that it can be said the Senate will not be the same without.

Libby and I extend our deepest and heartfelt sympathy to MARYON and Jim, Jr.

Mr. THURMOND. Mr. President, with the death of JAMES B. ALLEN last Thurs-

day, a noble patriot and one of Alabama's courageous favorite sons was lost. He was a dedicated Senator, and his passing created a vacuum on the floor which will be hard to fill. JIM ALLEN was a close friend and a trusted colleague whose firm commitment to America earned him the respect of Senators on both sides of the aisle.

When he came to the U.S. Senate less than 10 years ago, JIM ALLEN had served in the Alabama Government for 16 years. He served two terms as Lieutenant Governor—longer than anyone in the history of Alabama, and it is in this role that he gained the parliamentary acumen which will long distinguish him. By presiding over the Alabama Senate, he gained much of his vast knowledge of parliamentary procedure. His careful and deliberate study of Jefferson's rules of order enabled him to become the undisputed master of parliamentary tactics in the U.S. Senate, thereby making him an invaluable ally and a formidable opponent.

His convictions and his dedication made him immensely popular with the people of Alabama where he received 70 percent of the popular vote in his first election to the Senate. He was devoted to the people of his home State and was ever responsive to their needs. In his 1968 campaign for the Senate, he promised to "put more Alabama beliefs in the Nation's capital." He echoed his State's voice in the Senate and Alabamians realized it as, in his next election, he gained 95 percent of the popular vote.

JIM ALLEN was one of the men who could transcend party boundaries for the higher good of his State and his country. His political savvy made him a valuable asset to both parties as he could employ complex tactics and obscure rules to outmaneuver his opponents. He was a man who stood his ground on the floor and would never concede victory without a fight.

JIM ALLEN'S firm commitment to America and his overriding sense of responsibility for its welfare are reflected in the sound positions he took. He loved this country and what it stands for, and he was a staunch advocate of strong defense programs to keep it free. He believed that America should not bow to intimidation as in the case of the Panama Canal treaties. His concern for America's welfare sometimes forced him to vote against his party's leadership but not against his conscience.

My deepest sympathy is extended to Senator ALLEN'S wife, Mrs. MARYON ALLEN; to his son, James B. Allen, Jr., his stepsons J. Sanford Mullins and John Pittman Mullins; his stepdaughter Mrs. Maryon Felty; and to his grandchildren and other relatives at this time of sadness. They can take genuine solace, however from the lifelong benefits gained by sharing this close family association. Mrs. ALLEN was a true inspiration to her husband and stood staunchly by him through the rigors and demanding schedules of public service. I know that she was a great help to him throughout his career.

JAMES ALLEN was an energetic and conscientious Senator who left a lasting mark on all of us fortunate enough to have known him. His soft spoken manner and gentlemanly demeanor, coupled with his keen intellect and adroit handling of legislation, will be sorely missed in this Chamber. His loyalty and devotion have made the people of Alabama, indeed the people of America, proud of him.

ON THE DEATH OF JAMES BROWNING ALLEN

Mr. MUSKIE. Mr. President, the death of Senator JAMES ALLEN leaves a void in the Senate.

JIM ALLEN was a man of purpose. A man who understood the need for courtesy and rectitude. And a man committed to the ideals he brought with him to the Senate.

I am not certain he would agree with me—which would not be an unusual occurrence—but I believe his years in the Senate represent an important reminder to us all.

JIM ALLEN did not serve in the Senate in the days of iron-handed leadership, or in the days of the "old-style" filibuster. I think he would have much preferred the latter to the former, but it was his lot to serve in a more modern, more complicated Senate.

He helped to educate this "new Senate" in important ways.

First, he reminded us all why this is such a vital and democratic institution. He reminded us that one man of conviction and courage can still make his voice heard. One man can still stop the sweep of public pressure long enough to allow the alternative view to be considered.

One man, or a small minority, can still gain the people's attention long enough for the people to make an informed judgment about an issue. One man or a small group can still influence the course of public policy and Government. One man can make certain that the many minorities which make up the American people can have their say, and have the opportunity to persuade others to their point of view. It is this which keeps the Senate a vital institution today. With all its imperfections, it is a forum unmatched in the world.

I often found myself opposing our colleague. His presence could sometimes be an irritant—no, a threat—to the majority in this body.

But as I watched him over the past 10 years, as I occasionally fought him, and occasionally lost, I was reminded of JIM ALLEN'S second lesson to the Senate. He reminded us why we have rules. He understood better than most what Lord Acton meant when he called the tyranny of the majority "the one pervading evil of democracy."

We have rules to allow the minority equal access to the legislative forum. We have rules to require our deliberations to proceed at an orderly, unhurried pace. We have rules to require that the arguments of both sides be stated fully, and the implications of each policy explored in detail before we act.

Too often in these hurried times we have chafed under the rules. We have been in a hurry—to meet perceived public needs, to right perceived injustices, to respond to perceived demands. JIM ALLEN understood that we have rules to make certain at the very least that the majority knows what it is about, justifies its actions, and further that the errors we make cannot be later blamed on haste.

In his manual, Jefferson devoted the first section to the importance of rules. He wrote:

> . . . As it is always in the power of the majority, by their numbers, to stop any improper measures proposed on the part of their opponents, the only weapons by which the minority can defend themselves against similar attempts from those in power are the forms and rules of proceeding which have been adopted as they were found necessary, from time to time, by a strict adherence to which the weaker party can only be protected from those irregularities and abuses which these forms were intended to check and which the wantonness of power is but too often apt to suggest to large and successful majorities.
>
> And whether these forms be in all cases the most rational or not, is really not of so great importance. It is much more material that there should be a rule to go by, than what that rule is; that there may be a uniformity of proceeding in business not subject to the caprice of the Speaker or captiousness of the members. It is very material that order, decency, and regularity be preserved in a dignified public body."

JIM ALLEN reminded us of Jefferson's last point—that humor, courtesy, and personal honesty are essential to the formation of good public policy. He reminded us that the Senate should be a place of ideas. The institution will remain after we have gone. So in the last analysis, who we are is less important than what we believe, and what we gain is less important than what we leave behind.

I respected JIM ALLEN. I respected his skill. I respected his person. And while we often did not agree, I respected his beliefs and his right to express them.

Mr. DOMENICI. Mr. President, it is with a great sense of loss that we remember our colleague, the late Senator JAMES B. ALLEN of Alabama, who passed away so suddenly and unexpectedly earlier this month.

Some men are fighters, willing to sacrifice every kind of virtue for victory. Others are like JIM ALLEN, fighters who had the extraordinary ability in the heat of the most pitched battle to extend to his adversaries courtesy, kindness, and generosity. His passing means more than the loss of a skilled debater and a legendary parliamentary expert; his passing means the loss of a man who embodied qualities of courtesy, respect for his fellow men, and humility, qualities all too often lacking in this world.

I had often sided with Senator ALLEN in his legislative battles. For me, having JIM ALLEN on my side was a great source of comfort. I knew that I could count on him in every encounter. On a few occasions, I found myself on the other side of Senator ALLEN on an issue. Even during the heated debate on the question of waterway user fees, which I worked for here in the Senate and which Senator ALLEN opposed, Senator ALLEN was un-

failingly fair and courteous, as well as able.

I hope that the American people realize what a great champion of freedom they have lost. On some very important issues involving individual liberty and economic and political freedom, JIM ALLEN was like Horatio at the bridge, the warrior on whom the burden of carrying on the fight successfully weighed most heavily. That he and his forces were so often victorious is a tribute to his skill and hard work. I only hope that those of us who remain committed to many of the principles for which Senator ALLEN fought can carry on his tradition with as much success.

To his family and his wife, who has taken his seat as Senator from Alabama this morning, I extend my sympathies. I know what a tremendous personal loss his passing was, I hope that some small comfort is afforded you by the knowledge that so many others join you in sorrow.

Mr. WILLIAMS. Mr. President, when speaking of JAMES ALLEN, two qualities are inevitably mentioned: His astounding and often frustrating mastery of the Senate rules, and his incredible sense of fairness.

Many times he used his expert working knowledge of parliamentary procedure to further the interests of the minority in Congress, but he always sought this remedy, because of a deeply held belief in the correctness of his position, and never out of capriciousness or obstructionism.

And Senator ALLEN was always perfectly courteous; preferring debate to argument, never abandoning the qualities of dignity and human decency which endeared him even to his opponents. He gave meaning to the phrase "Southern gentleman."

As much as he was a tenacious debater and determined adversary, Senator ALLEN could be an equally stalwart ally. He and I often disagreed philosophically, but I recently had the pleasure to join in sponsoring his bill to relieve State troopers from the burden of paying retroactive taxes on meal allowances. He worked to insure that our tax laws would be applied fairly and reasonably, and was guided in all his actions by a deep concern for the welfare and quality of life of his constituents.

Senator ALLEN enjoyed strong support in his home State of Alabama, in addition to the admiration of his colleagues here in the Senate—a fact which I hope will be of some comfort to his family during this difficult time. In 1974, when he ran for reelection, Senator ALLEN garnered 95 percent of the popular vote and carried every county in the State—an uncommon testimony of support.

He will, indeed, be missed for he was a man of talent, dedication, patience, and decency.

Mr. BURDICK. Mr. President, I would like to join the others in this Chamber who have risen to pay their respects to the late Senator from Alabama, JAMES ALLEN, and to express my deep sympathy to the Allen family for the loss they have suffered. His death was sudden and untimely, and I know this is a difficult time for all who were close to him.

I want to pay special tribute to Senator ALLEN's superb legislative abilities and to the way in which he used them. Though we often did not agree, I had the deepest respect and admiration for his abilities as a legislator. Not only were his parliamentary skills unexcelled, but, more importantly, they were always used with honor, with fairness, and with respect both for his adversaries and for the institution of the Senate, itself. Senator ALLEN was a good and principled man and a Senator in the finest Southern tradition. He deserves an important place in the history of this body.

Mr. JOHNSTON. Mr. President, I learned of the unexected death of our colleague, JAMES ALLEN, with a deep sense of sadness. JIM will be missed by all of us who have had the privilege to serve with him. Not only was he an articulate and energetic representative of the people of Alabama, but he was also a spokesman for men and women in all parts of our country.

As we all know, JIM was a constant presence on the floor of the Senate. Much has been said of his abilities as an authority on rules and as a superb parliamentation. But we should not lose sight of the fact that rules served only as the means through which Senator ALLEN defended principles of Government as he saw them.

JIM ALLEN and I agreed philosophically on many issues. We both supported legislation to reinforce the free enterprise system, to restore fiscal integrity to our country, and to build a strong military force.

Senator ALLEN encouraged discussion in the Senate on a variety of controversial subjects in the last 10 years. He demonstrated the independence and moral courage to stand alone in defense of his viewpoint if necessary. Often he was not on the winning side, but JIM was consistently a fair and courteous gentleman.

I am sure that I speak for the entire Senate when I express my sympathy to JIM's wife, MARYON, and wish her strength in her new position as a Senator from Alabama.

Mr. LAXALT. Mr. President, JIM ALLEN is gone. Abruptly, dramatically, and with all the suddenness of one of those parliamentary coups for which he was so well known, he has been removed from our presence. The Senate has lost a parliamentary master and I, personally, will miss a close friend and teacher.

Perhaps less so in our society, but in many others, the accolate of teacher is among the highest one can bestow. And, JIM ALLEN was my teacher in every sense of the word.

He taught me parliamentary procedure as no one else could. The Duke of Wellington once said of his great rival that Napoleon was worth 40,000 men in the field of battle. Well, JIM ALLEN's knowledge of procedure was, on many occasions, worth 40 votes and then some on the Senate floor. And, while I never came close to getting into it as thoroughly as he did, when he offered his advice, as he frequently did, on common situs, on Panama and on labor reform, I knew I was in the presence of a master.

But, JIM taught me more than just such things as when to reserve the right to object. More importantly, he showed me just exactly what being a Senator should be all about. He was hard as nails on the issues and would fight tenaciously for anything he believed in. But, although he fought long and he fought hard, he was always fair and never let his natural competiveness interfere with his close, personal relationships with his colleagues.

Mr. President, I have listened to many of the eulogies offered by Senators against whom JIM fought during his years in this body. All recognize his ability, integrity, and honor. At times like these, the reaction among one's opponents often tells more about a man than that of his friends. JIM ALLEN was, they say, a worthy opponent and few of us can hope to be very much more.

Mr. GOLDWATER. Mr. President, I rise this morning to add my name to that long list of friends and admirers who already have paid tribute to the memory of our believed colleague, the late Senator JAMES ALLEN of Alabama. During my two decades of service in the Senate, I have never known a man more universally loved, admired, and respected by the Members of this body as was our departed friend. Nor have I experienced the impact of a man who was as skillful and effective in the intricacies of parliamentary procedure as was Senator ALLEN. And I know I speak for everyone on both sides of the aisle when I say that Senator ALLEN was the epitome of gentlemanliness. I never saw him moved to resentment or petty reaction even in the thickest of hot Senate debates. He was kind, helpful, understanding, and patient at all times.

But I believe the thing I most admired about Senator ALLEN was his total dedication to what he believed was good and right for the United States of America and his willingness to fight for his beliefs regardless of the odds. His tireless devotion to the principles of sound government was a source of admiration for all his colleagues whether they agreed with him or not.

Mr. President, Senator ALLEN provided for us and for all future Members of the Senate a high standard of morality, courtesy, and efficiency. The country has lost a devoted servant, the Senate has lost a valuable Member and I have lost a great friend.

Mr. PEARSON. Mr. President, I join my colleagues today in expressing sorrow at the passing of JIM ALLEN, the Senator from Alabama. He has served as one of our colleagues diligently and brilliantly for almost a decade and will be deeply missed.

Although upon occasion I found myself in disagreement with Mr. ALLEN, I never found myself lacking respect for his purpose or his personal conduct. Even as he was known as one of our more controversial Members he was also known as one of the kindest. In spite of the passion of our most ardent battles in this Chamber he will be remembered for his courtesy, his calmness, and his steadfastness.

He was a dedicated Senator. He served the constituents of Alabama exceedingly well and was a most valuable ally to those of us who joined him in the debate of our daily issues. His mastery of the legislative and parliamentary machinery of the Senate will be his hallmark for decades to come.

We shall remember JIM ALLEN as one who firmly embraced and espoused those deeply held traditional values such as love of country, dedication to duty and his fellow man, and respect for authority. And we all knew him as a man of great personal honesty and integrity.

As one who has been a Member of this body for 17 years I have deeply appreciated the quality of debate that Mr. ALLEN provided. I have appreciated also the dignity and the thoughtfulness that he gave so naturally. As the nature of this body continues to evolve we all would do well to remember the contributions of JIM ALLEN. He put his stamp on this institution and the evidence of his work will not soon be erased.

Mr. CRANSTON. Mr. President, the sudden departure of our colleague JIM ALLEN has left a void in the Senate that no other Senator will soon or easily fill. JIM ALLEN was at once unique while at the same time he personified the essence of the Senate as a deliberative body.

He was a fierce partisan—usually, though by no means always, of ideas and policies which I personally rejected. When he took the floor in debate or rose on a parliamentary point, he was an awesome opponent. He knew the rules as well as any other Senator—the majority leader alone was his match in parliamentary procedure.

And Senator ALLEN often won his fights But he won by making the rules work for his purposes—he did not resort to evasion of the rules or to other chicaneries. As a Senator, he was a model of honor, of courtesy, of fairness, and of decorum. He taught us that the democratic process can produce legislators of good will and civility no matter how divergent their political views may be.

In short, Senator ALLEN was a gentleman.

His presence on the Senate floor could never go unnoticed. When he was there, you knew the Senate was there and that you had to be a better Senator, because of his presence.

The gentleman from Alabama will be deeply missed—by some of us as a foe, by all of us as a friend, and by our Republic as a Senator.

I join in welcoming the new Senator ALLEN of Alabama—MARYON. We all know her. We all welcome her. We all know she will at once be very effective in carrying out the causes JIM served so staunchly.

Mr. HAYAKAWA. Mr. President, I was shocked and saddened to learn of JIM ALLEN's death. When I came to the Senate last year as a freshman, JIM ALLEN, in his impeccably courteous manner, made me welcome and I will always be grateful for that. My colleagues have referred to JIM ALLEN's prowess as a parliamentarian, his unfailing courtesy, and his love for his fellow man. I admired all of these qualities which JIM ALLEN had in such abundance, but if there is one thing I will remember most it is how warmly he welcomed me to the Senate and helped me during the first few months of adjustment. Alabama and the rest of these United States have lost a loyal and patriotic son; the Senate has lost a skilled and considerate leader; we have all lost a friend.

Mr. KENNEDY. Mr. President, Senator JAMES ALLEN was perhaps the greatest parliamentarian ever to sit in the U.S. Senate. He was a skillful and unfailingly courteous statesman whose dedication to the Senate was surpassed only by his dedication to the people of Alabama. They have lost a kind and extremely able public servant, and the Senate has lost one of its best known modern institutions.

His knowledge of the Senate rules was unsurpassed. One of the great strengths of the Senate as an institution has been as a forum for extensive debate on major national issues of both foreign policy and domestic policy. Few in the long history of the Senate have practiced that art with the grace and skill of JAMES ALLEN.

In fact, it may appropriately be said that, of all the skillful Senate practitioners of the art of such debate, Senator ALLEN was the Senator who came closest to turning that art into a science. His superb mastery of the Senate rules enabled him to develop a continually shifting arsenal of arcane tactics and maneuvers that made him a dominant figure in any debate in which he wished to participate.

Although we occasionally differed on the merits of particular issues, those of us who opposed him in debate often came away with the feeling that we had never had a more able or congenial adversary. He had a broad variety of interests, and was extremely well informed on all of them. And he had an equally friendly and courteous style of debate which generated respect in all of us for both his knowledge and his character.

The story of the Senate is not only the vigorous debate on the larger questions. On myriad smaller issues, I came to know and respect Senator ALLEN as a friend and energetic colleague who took great pride in his service to the people.

Mr. President, it is also a privilege for me to join today in welcoming Mrs. ALLEN into the Senate. We look forward to working with her, as she carries on the work her distinguished husband began.

Mr. ZORINSKY. Mr. President, the Senate and the Nation have lost a fine public servant. JIM ALLEN, who represented so well the people of Alabama, will be sorely missed.

Senator ALLEN's mastery of parliamentary procedure gave him a great impact on the course of legislation and won for him a special place in the history of this institution. His excellence in this regard was perhaps unequaled in this century.

We have also lost a good friend. JIM ALLEN's personal charm and integrity earned our affection and respect. I join my colleagues, the people of Alabama, and the Nation in sending heartfelt sympathy to his wife, MARYON, and his family.

JAMES B. ALLEN—A GOOD MAN

Mr. RANDOLPH. Mr. President, the unexpected passing of Senator JAMES B. ALLEN leaves a void in the Senate. Those who have known and respected him as a cherished friend and as a gifted legislator will miss his presence in this Chamber.

JIM ALLEN was acknowledged as a skilled tactician, and parliamentarian. Some may have seen him as stubborn, an obstructionist, but I believe that he had a mission to perform in the Senate, and he did it as well as any man. The course he followed was the one he believed he should follow.

It is true that JIM ALLEN may have left some scars in his legislative battles, but he left no enemies. He was always a gentleman and a gentle man. Members who became angry during extended debate over issues grew more out of the frustration of being outmaneuvered than personal animosity, and their emotions swiftly turned to admiration.

I valued his counsel on matters before this body, and I always found him thoughtful, considerate, and courteous in discussing issues on which we disagreed. He had a special understanding of the problems each Member faced and he would send along letters and personal notes to convey that understanding.

When he died, JIM ALLEN was the leader of the Senate prayer breakfast group, which is only one evidence of his devout and dedicated service to his beloved State of Alabama, the United States of America, and to God.

He has served all with distinction, and has earned from both sides of the aisle both respect and praise for his exemplary service.

Mrs. Randolph and I extend our condolences to MARYON and the family. The people of Alabama and the Nation grieve for the loss of this good man.

Mr. CHURCH. Mr. President, I was shocked when I heard that Senator JAMES ALLEN had died. The man was a rock: he seemed to have an inexhaustible supply of energy, and he relished the long hours of debate in the Senate, rarely tiring.

No one worked harder, or longer, on the floor of the Senate, nor sought more diligently to represent his State.

When I think of JIM ALLEN, the words that come immediately to mind are honor, integrity, and strength. He was a Senator who believed deeply in the causes for which he stood. Yet, he was unfailingly polite, devoid of any anger, always fair, and possessed a keen sense of humor.

Much will be said and written of JAMES ALLEN's mastery of Senate rules and procedure. His reputation in the area was well deserved and will not readily be matched by another. But, in using Senate procedure so effectively, he always acted out of a sense of conviction, following Thomas Jefferson's advice: "In matters of principle, stand like a rock."

The Senate will miss the service of JIM ALLEN, for he made an indelible impression upon this body. Alabama will miss the services of an indefatigable Senator.

In closing, Mr. President, I call attention to a column by Tom Braden in a recent edition of the Washington Post concerning JIM ALLEN. I ask that it be printed at this point in the RECORD.

The material follows:

A SOUTHERN GENTLEMAN WHO PLAYED BY THE RULES

(By Tom Braden)

Across the room from the desk in Jim Allen's Senate office there was a picture of his former colleague, Sam Ervin of North Carolina. It was inscribed as follows: "If I had to stand with a man at Armageddon and battle for the Lord, I would hope that man would be Sen. Jim Allen of Alabama, whose industry, intelligence and courage make him one of America's finest public servants of all time."

I thought of those words the other day when I heard the news that Jim Allen was dead. I had said to Allen, when I first read them, "That's an astonishing tribute considering you and Sam don't agree on much."

And Allen had chuckled, "You notice Sam didn't say I was with him. He only says he hopes I would be."

That just about sums up Jim Allen's career in the U.S. Senate. Everybody who was battling for the Lord—and many senators regard themselves as so engaged—hoped to enlist Jim Allen. The reason was that he made the Lord's work so terribly difficult whenever he decided that the Lord didn't understand the facts in the case.

And in order to have time to explain the facts, he became the Senate's chief expert at the tactics of delay. He was by all odds the most skillful parliamentarian in that body, his knowledge of the rules far surpassing that of any of his colleagues.

"I don't think that the country wants a filibuster on the Panama Canal treaties," he confided to me one day not long ago. "But I have a number of amendments to propose."

Indeed, he had more than a hundred amendments ready and was prepared to introduce them one by one, and to debate each. It always took a long time to beat Jim Allen.

He was about the closest thing to what we all think of when we use the phrase "Southern gentleman," and, in that respect, he was the successor to the late Richard B. Russell of Georgia for, like Russell, he could take positions so far to the right as to madden both liberals and moderates, yet take them with such courtesy, such courtliness, as to make it impossible for anybody to stay mad.

When he first came to the Senate, he volunteered frequently to take the presiding officer's chair, a dull and boring job that the vice president is supposed to perform but hardly ever does. So the chore gets passed around from one senator to another as in a family with many children.

Everyone was glad to yield his term of service to the eager freshman from Alabama, and none of them guessed that his purpose was to so master the Senate's rules that he would become very nearly able to master the Senate.

It was a tough regimen he set for himself. Day after day he sat there, guiding the often desultory and dull debate, studying the rules and how to use them against an opponent. By the time he finished, he had become a kind of third force in the Senate. There was the majority leader to negotiate with; the minority leader to negotiate with; and then there was Jim Allen.

Except on the sterling qualities of homemade vanilla ice cream, I don't think there was anything on which Jim Allen and I agreed. But I liked nevertheless to lunch with him because I learned from him that what seemed to be very reactionary positions could be very reasonably maintained.

When Allen was a boy, he read all of Calhoun and all of Webster, and it bothered him greatly that Calhoun, whose position he thought unassailable, lost out to the more persuasive Webster.

Allen's mind, like that of Calhoun, was dry, factual, lacking in vision and breadth. But it was very effective and must have reminded many colleagues of that remark of Whitman: "Have you never learned great lessons from those who dispute the passage with you?"

Mr. McGOVERN. Mr. President, I mourn the passing of my colleague and friend, JIM ALLEN of Alabama.

For several years JIM and I sat side by side as members of the Senate Committee on Agriculture, Nutrition, and Forestry. During those years I came to know him as a public servant fully devoted to the well-being of the American farmer. I knew him as a courteous, warmhearted friend.

On the Senate floor where I sometimes engaged him in debate on national issues I found him to be the parliamentary expert for which he was renowned, but I also found him to be always diligent, frequently witty, and a man of personal charm and high intelligence.

It was my privilege to attend his funeral in Gadsden, Ala., where we bore witness to the high esteem in which he is held by his constituents.

My wife, Eleanor, joins me in wishing Godspeed to his lovely widow, MARYON, and to his family and countless admirers across the land.

Mr. HARRY F. BYRD, JR. Mr. President, 10 days ago the Senate suffered a tremendous loss in the death of Senator JAMES B. ALLEN of Alabama.

He was a magnificent Senator and a wonderful individual.

I am deeply touched that Mr. ALLEN should have asked me to deliver the eulogy at Senator ALLEN's funeral which was held at the First United Methodist Church in Gadsden, Ala., last Tuesday, the sixth day of June. My comments on that sad occasion were placed in the RECORD this morning by the Senator from Alaska, Senator STEVENS.

So I rise now only to say once again how deeply I shall miss my dear friend, JIM ALLEN, and to welcome to the Senate his cherished wife MARYON as his successor.

The Senate has lost one Senator ALLEN, but it has gained another Senator ALLEN.

None can take JIM ALLEN's place, but I suspect that MARYON ALLEN can come as close to it as any could.

She shares the philosophy so ably championed by her late husband, and she in her own right has the intellect and the determination to represent the people of Alabama with the same unselfish dedication as did JAMES B. ALLEN.

The Senate and the people of Alabama are fortunate in having MARYON ALLEN as a successor to JAMES B. ALLEN.

Mr. STENNIS. Mr. President, I shall take only 1 or 2 minutes at this time to commend the way the Senator from Alabama (Mrs. ALLEN) has gone through the ceremonies this morning of being sworn in and listening to what has been said on the floor here about her late, great husband and about her prospective career as a full-fledged Senator.

I wish to comment briefly on what has been said here by our colleagues who attended the late Senator ALLEN's funeral, particularly those who live in other areas of the country. It was a great tribute to Senator ALLEN, one which is well-deserved and which was conveyed with the greatest sincerity on their part. Their remarks and behavior carried the additional message that although some might not agree with a person every time as to a position taken in the Senate, if they think he is striving and doing his best, they will support him over and over. I think that message, too, was expressed at those ceremonies.

There are those who disagreed with JIM ALLEN on many points during his career in the Senate. They have been just as sincere and meaningful in their tributes which were very fine indeed, and was tangible evidence that the good he did continues to live after him.

I have a warm feeling for the people of Alabama. I have always lived within 25 miles of Alabama's western border. Alabama's lawyers would come over on our side, and I used to be among those who went over there and took part in Alabama's courts. I have a great feeling of understanding of the people of that State. Alabama has always had two mighty good Senators here since I have been here, but I flatter myself to say that when they have to have a third Senator, I am Alabama's third Senator.

I am impressed and, frankly, greatly inspired and pleased by the sentiments expressed here today.

As I understand it from the floor leader, unanimous consent has already been given to Senators to place statements in the RECORD on this occasion or later, for as much as 10 days, and that those statements will be included also in the book-form compilation of statements made today, or heretofore made, or hereafter made.

Mr. President, I yield to the Senator from Louisiana.

Mr. LONG. Mr. President, of course, the statement of the senior Senator from Alabama should appear first, and I ask unanimous consent that his statement appear first in that document.

Mr. STENNIS. Yes, that is a very timely suggestion.

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

Mr. STENNIS. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

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

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

## COMMITTEE MEETING

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

mittee on Environment and Public Works be authorized to meet during the session of the Senate today to hold a markup session on S. 1493, energy impact assistance.

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

## VITIATION OF SPECIAL ORDERS FOR TODAY

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the orders for the recognition of Senators be vitiated for today.

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

## LABOR LAW REFORM ACT OF 1978

Mr. ROBERT C. BYRD. Mr. President, I ask that we now resume consideration of the unfinished business.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will state the title of the bill.

The legislative clerk read as follows:

A bill (H.R. 8410) to amend the National Labor Relations Act to strengthen the remedies and expedite the procedures under such act.

The Senate resumed the consideration of the bill.

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. HATCH. 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. HATCH. Mr. President, the majority leader of the Senate, Mr. ROBERT C. BYRD of West Virginia, filed a comprehensive amendment to the so-called Labor Reform Act of 1978 on Thursday, June 8, 1978. This amendment came after two efforts to invoke cloture on the labor bill had been defeated by the Senate.

The Byrd amendment is, in effect, a substitute bill which, in many respects, is far worse than the bill reported out of the Senate Human Resources Committee or even the bill (H.R. 8410) passed by the House of Representatives last year. For example, the Byrd substitute deals with the subject of "equal access" in a way which spells out numbers of nonemployee organizers who are given the right to come onto the premises of private employers in ways which no one could have reasonably expected under the other versions of the bill. The amended "equal access" provisions would, by statute, literally make it possible for small armies of outside organizers to invade the premises of private employers, large or small, for months on end.

The other major thrust of the Byrd amendment which makes the proposed legislation far more onerous is the section dealing with election timing—quickie elections, if you will; what Abe Raskin of the New York Times referred to as "push-button unionism." The Senate committee bill allowed for quickie elections within 21 to 30 days of the filing of a petition supported by a majority of the employees in a unit. The Byrd substitute appears to extend that minimum time to 35 days. This is not what it does.

In fact, it would eliminate a minimum time period from the date the petition is filed, statutorily order the NLRB to hold elections at the earliest administratively feasible time after any petition is filed, and eliminate entirely the majority requirement for triggering "quickie elections" by simply giving priority status to such petitions. To be sure, there is a requirement that the employer be notified of a desire of the employees to be represented and a 35-day waiting period before instantaneous elections would be possible, but the notice is good for 6 months and leaves the timing of the election wide open to the shortest possible time from petition filing. The notice also triggers the equal access provision, which would then be in effect for months on end.

In reality, the Byrd amendment, which purports to be a compromise, is a "wolf in sheep's clothing," basically a subterfuge by which the unions hope to gain enormous advantages in organizing never even contemplated by the committee.

In another development, on Friday, June 9, Senator BYRD filed a petition for cloture which does not go to the committee bill but rather to the Byrd substitute. If it carries the cloture vote on Tuesday, it would shut off debate on the substitute and could have the practical effect of killing any further meaningful debate on the entire bill. In other words, the cloture vote on Tuesday, June 13, could cut off debate on a bill which only came before the Senate late Thursday, June 8, and thus has had no real chance of debate at all—but also it would effectively lead to the early passage of the substitute which is the worst of all proposals. Defeat of the cloture petition on the "Byrd amendment" or "substitute" is absolutely imperative.

I believe that that amendment may have other amendments to it, but, nevertheless, the approach has to be defeated.

The so-called "labor law reform bill" is bad legislation for many reasons—it is inflationary: it would have an unusually harsh impact on small business; it is contrary to the desires of a majority of the American people as reflected in nationwide poll after poll; it would severely alter the basic thrust of our labor laws and tilt them further in favor of big unions; and its only possible purpose is to give more power to the already too-powerful labor leaders in Washington. In my opinion, this legislation must be defeated.

### UNION HORROR STORIES RE VIOLENCE; OBJECTIONS TO THE PUNITIVE PROVISIONS

Mr. President, I address my remarks now to those provisions of the bill that would impose penalties upon employers for certain kinds of violations of the National Labor Relations Act. Specifically, I am referring to sections 8 and 9 of the bill dealing with so-called willful violators of the National Labor Relations Act and imposing Federal contract debarment penalties upon employers found to be willful violators of the act. I also refer to the so-called make whole remedy and the backpay remedy which would award an employee who had been unlawfully discharged one-and-a-half-times backpay the employee lost.

It is generally accepted that, in a democratic society, the success of the law's ability to meet its stated objectives is entirely dependent upon the voluntary acceptance of the law and compliance with the law by the society. This principle has been the foundation stone upon which our national labor policy has been built up to this time. The proposed amendments to the act represent a dramatic departure from Congress previous recognition of the democratic principle of voluntary compliance. I submit that there has been insufficient examination of the facts and insufficient consideration of the principles involved to justify our abandonment of a principle which has served this Nation so well for the past 43 years.

I need not recount the history of labor relations prior to the passage of the National Labor Relations Act of 1935. We need only remember that this was a history drenched in the bloodshed of American citizens, including the blood of workers, employers, and innocent third parties. In the days before the National Labor Relations Act was passed, a typical labor dispute more closely resembled a minor revolution in the workplace. Need I remind my fellow Senators of the bloody sitdown strikes conducted by the United Auto Workers at the various automobile plants in the 1930's? Need we remember the various worker rebellions that were crushed by Pinkerton guards in the mines of eastern Pennsylvania and in the industrial establishments of New England?

The history of labor relations in our country since the passage of the National Labor Relations Act has changed dramatically. Disputes are now resolved in a more civilized, saner fashion. It is no longer necessary to bring Federal troops into every labor dispute as was the case during the tumultuous period preceding the passage of the National Labor Relations Act. I submit that the reasons underlying the peacefulness of labor relations today lie in the willingness of employers and workers alike to comply with the mandate of the law without being forced to do so. If it were otherwise, then we would be constantly presented with scenes such as that which we recently witnessed in the coal fields, where the United Mined Workers Union flagrantly disregarded the orders of Federal courts which enjoined them from continuing their strike against not only the mine owners but the public in general.

You will remember recent newsstories recounting the actions of roving bands of United Mine Worker pickets in overturning the equipment and burning the trucks which were then being operated by employers against whom the union had no labor dispute by employees who had no interest in belonging to their union. We have seen the spectacle recently of State and Federal Governments

paralyzed in fear that they might have to enforce an order of a State or Federal court requiring the United Mine Workers to respect the rights of employees who did not want their representation and of employers with whom they had no contracts.

What was the union's response when they were questioned about the effects of the entry of Federal troops to protect both the rights of nonunion operators and to enforce the Federal court's injunction against their strike? They thumbed their nose at the public. They taunted the Federal Government, daring them to attempt to dig coal with bayonets.

Both the House and the Senate committees, when considering these so-called labor law reform amendments, were treated to parades of witnesses, trucked in like cabbages by the various international unions, who plaintively described for the Congressmen and Senators the cases of employer contempt for the law. But did the Senators and Congressmen consider the news reports that have been appearing throughout the fall and winter of 1977 and 1978 which described the riots of the coalfields?

The lawlessness is not restricted to the United Mine Workers. Let me bring to your attention a recent article by the labor columnist, Victor Riesel, which appeared in newspapers around the country on November 15, 1977. It was entitled "New Antiviolence Bills: Local Union Agrees Not To Use Cannon, Bullets, Ball Bats in Strikes." I quote from the Article:

Back in early June 1960, Jimmy Hoffa, then more fleshy than astral, told the Detroit Press Club audience that he and the gentry leading the teamsters were so "constantly amazed" by what they read in the press, were shocked by "distortions" in the "press, radio and television" reporting on the union, that the brotherhood soon would launch its own chain of daily newspapers "in major cities."

He told the crowd of media people and public relations flax that they ought to be "ashamed of themselves." They gave him a standing ovation.

Which proves something about changing times. But the late Hoffa's plaintive complaints about the media haven't eased. Not from the Teamsters, and, more recently, there has developed a sprawling national labor assault on print and electronic reporting of the "movement".

Well all these complaining angels would do better to look homeward and inward for the cause of their oft unhappy image. There are today at least 4 Senate and House committees considering toughening, for example, the Federal Government's power to punish local union violence on or against construction sites specifically and in labor disputes in general. One bill was reported out of committee on the Senate floor the other morning on behalf of the venerable and venerated Senator McClellan.

It isn't the media which hurls rocks, slashes tires, cuts loose with guns and baseball bats. It's some of the local unions out there, away from the rarified statesmanship of this capitol where the action concentrates on more global and national political pressure.

For example, here is a gory section from the record from this National Labor Relations Board (and who can ask for greater objectivity these days): "Operating Engineers Local 101, Kansas City, Mo., October 26, 1977" pursuant to stipulation, the Board ordered the union to cease restraining and coercing employees of the Heavy Contractors Association of the Greater Kansas City area and its members; to (cease) assaulting nonstriking employees; engaging in mass picketing and trespassing on job sites; entering a trailer on a job site and damaging and destroying documents; slashing a job superintendent's truck tires at a job site; following employees from job sites; firing a gun at them and brandishing clubs; blocking and hampering ingress and egress to the premises or job sites of the association and its members; threatening to assault non-striking employees; hitting trucks crossing a picket line with baseball bats, causing damage to these vehicles; and hitting and damaging motor vehicles driven by non-striking employees. The union was further ordered to cease trespassing on the job site while carrying club-like objects and taking pictures of non-striking employees; throwing dirt on non-striking employees and threatening them with physical harm.

The Board also ruled that the union must cease and desist from "bringing a cannon to various jobsites and aiming at nonstriking employees; threatening to blow up jobsites and going through the motions of loading and aiming the cannon; striking employees with picket signs and otherwise assaulting and causing physical harm to nonstriking employees and other persons entering and leaving jobsites; damaging motor vehicles and other properties of employees, suppliers, customers and supervisory personnel as they enter and leave jobsites; throwing rocks or other objects toward nonstriking employees, supervisory personnel, suppliers or customers entering, or attempting to enter, or exiting from the jobsites."

I am still quoting from the Reisel article:

Note that the above is a stipulation. Meaning that all parties, the union and the Heavy Contractors Association, which brought the charges, are in accord. And that the local agrees to desist from continuing the practices. The agreement was entered into on July 22, 1977.

Mr. President, I notice the distinguished senior Senator from Utah is here. I ask unanimous consent that my remarks not be considered either a first or second speech under the rules and that I be permitted to continue later in the day, adding to the statement which I have already made without its interruption.

Mr. WILLIAMS. Mr. President, reserving the right to object, neither a first nor a second speech, then it would be no speech.

Mr. HATCH. Just so that I ask unanimous consent——

Mr. WILLIAMS. Will that not fall within the rules of the first speech? Would it not be a continuation of the first speech, I ask as a parliamentary inquiry?

The PRESIDING OFFICER (Mr. GRAVEL). If the Senator secures unanimous consent for the first or second speech not to be counted, it is as if he spoke not at all.

Mr. HATCH. Then I ask unanimous consent this not be considered a second speech under the rules.

Mr. WILLIAMS. I have no objection.

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

Mr. GARN. Mr. President, during the course of this debate over the last couple of weeks we have continually been told that this was a bill that would help the individual and, in addition, that it was something that would certainly not hurt small business.

I have heard all kinds of statements in my home State by certain labor leaders that those of us who oppose this bill are here working in favor of big business.

I find that a rather interesting comment, that we continue to hear that, in that I do not know of any big businesses in this country that are not already organized. Certainly, General Motors, U.S. Steel, Kennecott Copper Corp., any of the big giants we see in Fortune magazine, are already organized, have been organized for many years, are organized in my State, even though it is a right-to-work State.

I think we ought to put to rest that those of us who are opposed to this piece of legislation are here representing big business. This bill has really no effect whatsoever on the big businesses of this country. The evidence of that is certainly clear. They are already organized, so how could it possibly help them organize, unless they are going to reorganize. That fact already exists.

My major concern in opposing this bill is the fact that it does have tremendous impact on small business and has tremendous impact on inflation in this country.

The President is very concerned about that. In the last 2 or 3 weeks we have heard him talk about it.

Proposition 13 has certainly stimulated a lot of politicians in this country to talk about taxes and inflation, how we are having a tax revolt in this country, that the people are getting sick and tired of big deficits, big spending, big government, and high taxes.

I think the people of California have spoken. I think we are going to see a lot more people around this country speak out against the excesses of government.

The only problem that I really have with proposition 13 in California and other places around the country is that initiatives are only allowed against local government, and some of them do need limitations upon them. But the big offender is the Federal Government.

Unfortunately, there are not any initiative petitions that can be brought in referendums to put some controls on the fiscal and regulatory irresponsibility of the Congress of the United States and the Federal Government. Only through messages that they can send that maybe we should wise up a little bit and stop some of the things that we are doing.

It is rather interesting to me, right in the middle of all this rhetoric about inflation, that the President says how we have to restrain ourselves, business must restrain itself, labor must restrain itself, that we must keep our wage increases and our price increases down. He talks about everybody but the No. 1 culprit—government.

So what do we see here in this particular bill, which the President is supporting and which is being supported by probably a majority of this body and a majority of the House of Representatives? It is a bill that will give unions a much easier opportunity to organize, particularly the small- and medium-sized businesses of this country. It is estimated that there probably will be at least a 3-percent increase in inflation if this bill is passed. But it is not unusual in Washington for us to do one thing while we are saying something else. Unfortunately, that is the usual thing that goes on in Washington.

So, while we talk against big government, against rules, regulations, and deficit spending, and while we are trying to analyze proposition 13, Congress and the Federal Government and the administration will roll right along with bigger and better deficits, more rules and regulations, more interference in our individual lives; and, in effect, say, "To hell with the people of this country. We don't really care what the people of California have said or other people will say around this country. We'll go right ahead and steamroller this bill through."

I and many of my colleagues have expressed concern about the effects this bill would have on the small businesses of this country. Quickie elections, equal access to the jobsite, 150 percent back pay, make whole provisions, and contract debarment—all will have their most devastating effects on small business, not on large business. Large business already is almost totally and completely organized by the unions of this country.

For example, put yourself in the position of a small, independent furniture retailer in a town of 20,000 people. You have 10 employees, 2 of whom are managers. More than half of them have been with you in excess of 5 years, with both the managers and three of the other employees being friends of yours. This is not an untypical situation in small towns and rural areas of this country—small businesses employing 10 to 20 people.

We hear a great deal about corporate giants and about the influence they have, but in my State, the biggest employer is small business, with more than 200,000 employees in the State. Collectively, it is by far the biggest single employer. We hear about Kennecott, with 7,000; about Hill Air Force Base, with 18,000; about Geneva Steel; and others, with 5,000 or 6,000. Giants do not even begin to match the small employers of this country.

In my State, as I have said, more than 200,000 work for small business. Across the country, the vast majority of the employees, the working force of this country, do not work for the corporate giants or the Federal Government or State or local government; they work for small business. That is why this bill has such an impact on so many people in this country and so many small businesses. The illustration I am going through is certainly not untypical of thousands and thousands of small businesses around this country.

Most of the sales of this business are by nongovernment purchasers. Once a year or so, you get a large order from a nearby Federal installation with whom you have been doing business for a number of years.

At the start of your busiest season, you add a new employee, telling him that you can guarantee him a job only for the next several months, during this particular buildup, and possibly thereafter, if sales volume continues to increase. He understands this when you hire him. You soon notice, however, that he seems more interested in talking with the other employees than in serving customers, and you think perhaps you will have to let him go because he is not working out as you thought he would and is not helping you with your increased business.

However, before you can make a decision on his continued employment, you are startled to receive a special delivery letter from the National Labor Relations Board late one Friday afternoon. The letter informs you that a petition has been filed with the National Labor Relations Board by a union which claims to represent a majority of your employees. The National Labor Relations Board letter further advises you that the Board's normal practice in such circumstances is to hold a secret ballot representation election within 21 days. If the union wins the election, it will be certified by the Board as the bargaining agent for your employees.

Obviously, you are bewildered, since you know nothing of unions, nothing of labor laws. You do not even have a labor lawyer, there not being one in your whole county.

So you call on one of your social friends in this small town who also happens to be an employee and who, since the workday is over, happens to be at home. You then go to his home to discuss the situation, since that is more convenient than asking him to come back to the office. Your friend-employee tells you that, yes, there has been a labor organizer working in the area; that he seems to be particularly close to the new employee you hired; and that several of the employees are unhappy about a couple of issues.

You ask the employee why it had not been mentioned before and the employee tells you that no one had ever thought about these issues until the labor organizer and the new employee mentioned them. These are relatively minor issues which you are perfectly happy to discuss with the employees, and so you ask the friend you are visiting to arrange a short employee meeting at the store for the next working day. During the discussion, the employee demands are considered reasonable by you and you agree to grant those demands. You also seek to correct some of the misleading and incorrect assertions which the union organizer has made to your employees.

At noon the same day you are presented with a demand by the union representative to have an employee meeting at your store for him to address the employees. You refuse this demand because it is your private property and you feel the demand is unreasonable.

You also observe that the new employee is spending virtually all this time talking to the other employees urging them to support the union. He is doing no work himself and is diverting the other employees from their work. You call the new employee into your office to admonish him. When you do, however, he becomes belligerent, arrogant, and surly, because of your previously considering firing him because of his lack of work. This is the straw that breaks the camel's back. You tell him he is fired, and he says he will get even with you by going to the NLRB.

Let us stop here for a minute, after having gone through this example, and find out what kind of trouble you have gotten into if H.R. 8410 becomes law.

Assume you have now finally been able to obtain the services of labor counsel. Here is what he will likely tell you:

First of all, the Board will hold a representation election between 21 to 30 days of when you received the petition. Sure, that does not give you very much time to find out much about his union and pass such useful information on to your employees so they can cast an intelligent and informed vote. But that is the law.

Second, you violated the law by refusing to give the union organizer "equal access" to your employees; even though it is your property, he has the right to talk to your employees during work time and on your property because you did.

You can anticipate that the employee you fired will file an unfair labor practice charge with the Board. If, as seems probable, the NLRB decides to issue a complaint against you, the Board will immediately proceed to Federal district court to obtain a court order requiring you to reinstate the discharged individual pending a full hearing on the matter before an NLRB administrative law judge. The Board's chances of getting such a court order are excellent. If the administrative law judge and then the Board agree that you committed an unfair labor practice by discharging the individual for union activity, you will be liable for time-and-one-half backpay.

You have probably committed an unfair labor practice in violation of the National Labor Relations Act by going to your friend/employee's home and by discussing the union with him there. You have committed another unfair labor practice by asking him any questions about the union drive.

You have undoubtedly committed yet another unfair labor practice by asking the employees what their grievances were and by promising to take action to correct the problems brought to your attention. Under the National Labor Relations Act, this would be regarded as an improper attempt to "coerce" the employees into voting against the union.

The election will very likely become a one-way ratchet to be used against you. If the union wins, the Board will certify it as the bargaining agent for your employees. But even if the union loses, the Board would probably find on the facts here that you have committed

unfair labor practices "that undermined a free and fair election." If the union had obtained signed cards in its favor prior to the election from a majority of your employees, the Board could, and almost certainly would, order you to bargain with the union. And this despite the fact that a majority of your employees cast their secret ballots against the union in the Board-run election.

If you wanted to obtain a review of a Board certification or a Board bargaining order in the courts, you could do so. But only at a substantial risk. If you lose in the courts, you will be required to pay your employees wage increases from the date when the Board says bargaining should have started until you actually sign a first contract. The amount of those wage increases is based on the percentage change in a Labor Department index. That index, however, is not based on wage settlements in small businesses, but on those in units of 5,000 or more employees.

And I remind my colleagues here that I am using the example of the business with 10 employees. The wages are going to be based on units of 5,000 or more employees.

Finally, if the Board should find that you commit any new unfair labor practices in violation of a prior Board or court order, you can be debarred from receiving Government contracts for up to 3 years. In other words, you can be prevented from selling your merchandise to any Federal installation.

Mr. President, this example clearly illustrates what would happen to the struggling small businesses across this country if this bill is enacted. It would give the unions overwhelming new weapons to ramrod unwanted union organizing down the throats of small business.

Let me elaborate further on how blatantly unfair many of these provisions are and the disastrous affects they will have on small business.

First, the quickie election provision. Under this bill, where a majority of employees support the request for an election, the NLRB will order it within 13 days and hold it not less than 21 nor more than 30 days after the petition is filed. This gives unions an unfair advantage. The union may spend months campaigning among employees presenting only the unions side of the issues. If the union manages in this manner to obtain signed authorization cards from a majority of the employees, it can force a quick election and leave scant time for the employer to present his case.

If, on the other hand, majority support cannot be shown, then the union is afforded additional time to organize and the election must be held within 40 days unless issues of "exceptional novelty or complexity" are involved, in which case 75 days are afforded.

Once again, we see the current balance of the NLRB being tilted toward labor, as it is obvious that under this provision if labor has the support necessary for an election victory, then the election is expedited before management has an opportunity to present its views to the employees and for the voting employees to hear everything they need to know. If they do not have a majority, then they delay the election until additional support can be generated.

It is typical in this type of legislation. They want it both ways. They want it in their favor whether they win or whether they lose.

This scheme points out again how prolabor this bill is rather than proemployee. If we were truly concerned about the employee, we would certainly want them to have both sides of the story under all circumstances before they vote. Once again I ask why unions, if they have such a good product, are not willing to compete fairly and openly with salesmanship to convince their employees why they should join a union? But apparently they have not been too successful on their own and, therefore, they consistently, as they have in the past, run to Washington for legislative help to accomplish by law what they cannot do in a free competitive situation.

And, of course, these quickie elections will have their greatest impact on small businesses which must face professional organizers with prepared propaganda and long experience in organization. A small business, however, may not be able to afford professional help, even if it has notice of a union-organizing campaign, until it is sure an election petition will be filed. By then, it may be too late to present the employer's position in adequate form and detail. The employee's vote, therefore, will not be fully informed.

Second, the equal access provision. This provision would give nonemployee union organizers the right to campaign on company property whenever the employer addresses company employees on its premises or during worktime on issues relating to union representation.

Now, on the surface this does not seem too bad until you realize the existing restrictions already imposed on businesses and the distinct advantage union organizers have under current law. For example, unions have the right to communicate freely with employees on an individual basis, may visit with employees in their homes, and may make unlimited promises of benefits to be derived from union representation.

Similar conduct on the part of employers, of course, would constitute unfair labor practices, even as I outline in the illustration, that an employer dropping in on a social friend of his to find out what was going on, regularly dropped in at his home, had social gatherings together all the time, would be construed as an unfair labor practice.

Under current law the employer cannot do most of the things with employees that the union can. There is already a distinct advantage under the current law. We see a situation where unions are losing membership across this country, not gaining new membership, when they have decided advantages in talking to employees, with the exception of during work hours, and able to say most anything they want, and what they will achieve if they unionize. But that does not seem to be sufficient. They want a new law that keeps all of their advantages for them, prohibits the employer from having any of those advantages, and then seeks to have the advantages at the workplace as well as away from it. It is blatantly unfair to do so.

As a result, most employers have found it necessary to restrict campaign speeches to their own premises. Such speeches impose a financial hardship on employers because production must be stopped and employees must be paid for their nonproductive time. Accordingly, as employers are afforded no other opportunity to inform their employees, they absorb this financial hardship. But, to add insult to injury, this bill would not only allow equal access, but would require that the employer foot the bill—pay the employee for time spent listening to the unions organizers' speeches on the company premises. This is nothing short of employer subsidization of union campaigns. If unions feel they are at such a disadvantage, if they are unable to obtain equal access, then why aren't they willing to share expenses.

This has been brought up before, but to date I have not heard any satisfactory answer as to why the entire economic burden of union organization should be placed on the employer, on his time and on his premises, yet prohibit him from going to the homes or social gathering places of employees while the unions have that particular advantage.

I can well imagine what this will do to the small businesses in my State, especially those in our rural communities. It does not take much commonsense to realize the small businessman is more concerned about his business and his employees than the National Labor Relations Board. Why, I venture to say, there may be some who have never even heard of it, so it would not be too hard to understand the rural employer who, upon learning of union organizing efforts, wishes to talk to his employees to see if there are any problems which exist. Unfortunately, little does he know that when he does so on his property he has opened a can of worms, and the professional organizer can now work his will.

The "make whole" and the time and a half and provisions will be especially devastating to small business. Both these penalties only apply to the period of time involving organizing activity and negotiation prior to contracting. It is important to note that a recent NLRB study reveals that 75 percent of representation elections involved firms of fewer than 50 employees. So it is obvious, once again, that the small firm will be most vulnerable to these proposed sanctions.

I want to repeat that because, again, when I started out making this speech, I said we constantly hear about big business, and yet 75 percent of representation elections, from an NLRB study, show they are being conducted with firms of less than 50 people. That is hardly big business. That is practically mom-and-pop-type businesses on which we are going to put the brunt of these provisions; not General Motors and not United States Steel, not the big boys, but the little tiny businesses of this country. That is where the unions have been unsuccessful, they have not been able to sell their product, they have not been able to interfere with the

kind of intimate relationships that exist between employers and employees in small businesses, where they normally are friends socially in small communities. So now they want this bill so that they can organize easily among the small businesses of this country.

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

Mr. GARN. I would yield for a question, without losing my right to the floor.

Mr. MELCHER. I thank the Senator for yielding.

I know he would not want anything misunderstood in the RECORD. The citation of the National Labor Relations Board survey of when elections were held and what size businesses, when they refer to units with less than 50 employees, of course, they are not talking about businesses of 50 employees or less.

Mr. GARN. I may be wrong in my interpretation. Even if I am, and we are dividing up into units rather than employees, that does not change at all the general thrust of what I am trying to point out today, that we are talking about the major impact of this bill being imposed on small business, and by small business I am talking about even if you have a few hundred employees, even if you want to add those units together.

We are not talking about the Fortune 500; we are not talking about that at all.

Most of the businesses of this country are small businesses. Most of the unorganized businesses of this country are small businesses, not the giants, even in your State or mine. Big businesses are already organized.

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

Mr. GARN. I yield again without losing my right to the floor.

Mr. MELCHER. I think the Senator is doing a service to the debate on this bill by discussing its significance on small business. However, there are a couple of points I am sure the Senator would want to make clear that in all probability an employer could go to an employee's home if invited. Of course it would have to be a truly spontaneous invitation and the slightest suggestion by the employer that he desired to be invited would constitute interference with employee free choice and require the setting aside of the selection.

In our society a person's home is his castle, and no employer should accost an employee at his home without being invited in the manner just described. I see no change in the bill in that regard nor should there be a change.

I think the remarks concerning the time frame, concerning the question of debarment, regarding the question of access are entirely appropriate, and I appreciate the Senator's viewpoint. But to take care of a lot of those very concerns the substitute has been introduced, is available, is printed for all to look at. Twenty-four Senators have cosponsored it, and it goes right to the point of would an election held in 21 days be too quick for the employer.

Taking note of that, the substitute said 35 days—no less than 35 days between the time of notification and the election. No less than 35 days, or a little over a month, so that no employer is placed in the position of not having adequate time to get his point across.

On the question of access, the substitute now before us, now available for everyone to understand, says that if the employer decides, by his own action, to allow the union organizer to have access, the triggering of that only allows the organizer of the union involved to have access with the employees during nonworktime and nonworkplaces.

I think it is a valid point, and the substitute goes directly to that point. For instance, a retail store would not have to worry about an organizer, after access was triggered—in other words, after the employer had decided to hold a special meeting or a systematic campaign with his employees on the union question. Surely, it would interfere with the business to have the union organizer in that retail store trying to take up the time of the employees. So the substitute very appropriately says, "If you get access, it will not be during the working hours and in the working place." I think that makes sense.

On the question of debarment, the Senator is discussing a very valid point. The substitute takes note of that, also, and says that whatever the business did to avoid following the order of the Board that resulted in debarment—and remember, it has to be a willful, deliberate act on the part of the company or business to cause debarment—then the substitute goes directly to the point and says when that has been corrected, in other words, when the order of the Board has been filed, debarment ceases as of that moment.

These points are entirely relevant and entirely debatable, and the Senator from Utah is making a splendid case for his viewpoint; but I think it is only practical and logical to think about what is in the substitute, because if I have any proper judgment here in the Senate, it is the substitute that will be adopted.

I thank the Senator for yielding to me. I think the points that he has raised, many of them, have been adequately taken care of in the substitute.

Mr. GARN. I thank my distinguished colleague.

First of all, let me respond to his comments about meeting in the homes. There is a big difference between what may be technically in the law and how the law is followed, and how employers can defend against that.

I did not ever have any union employees when I was in private business, though I certainly did when I was mayor of Salt Lake City. I am not going to take the time to get back into the problems I had with the International Association of Firefighters Union during the 2 or 3 years of court cases and all the other things, but believe me, I could talk at great length, and take up the rest of the next couple of weeks talking about the violations of law, settled violations of law and attempts to sandbag me as mayor, in inviting me to a home, which I was smart enough not to go to, because I got word from one employee who said he was tired of the way his union was acting and informed me—in other words, he turned out to be a stoolie—so I did not go, and was able to stay out of a few situations. That has not been unknown to happen.

So I fear some of the provisions of this bill, in the second part of the Senator's statement——

Mr. MELCHER. Mr. President, will the Senator yield again on that point?

Mr. GARN. I yield without relinquishing my right to the floor.

Mr. MELCHER. Since cities are not covered under the National Labor Relations Board, I fail to understand how any of these provisions would apply to the mayor of Salt Lake City or any community. I used to be mayor of Forsythe, Mont. I do not know how to reply.

Mr. GARN. I think my distinguished colleague is missing my point. There have been attempts to organize the cities under the National Labor Relations Board. There was one attempt which we took to the Supreme Court, and won.

My point is that even though we were not subject to the strict provisions of the National Labor Relations Act, I also know of examples where employers have been sandbagged.

You are saying someone can be invited. I am agreeing with you, yes, they can be invited, and I know the distinguished Senator does not agree nor in any way would propose that kind of activity, but I am saying it has gone on, and that there are unfair labor practices on the other side, too. We have heard mostly about so-called business unfair labor practices.

Last week when the Senator from Montana was not on the floor I discussed some of the abuses of labor. That is what I was addressing myself to, and I know some employers of my State who have been deliberately gotten into that kind of situation under the NRLB so that they could get an unfair practice decision against them and be able to work through that route.

There is no doubt about the fact that there have been some setups. I know the Senator does not condone that, but the point I was trying to make is that I had some of that very type of experience with one particular union when I was mayor of Salt Lake City.

Let me respond to the Senator's statement on the substitute. While there have been some very serious attempts, in my opinion, by the distinguished Senator from Montana, the majority leader, and other proponents of this bill to address some of the objectionable provisions I have mentioned today, I believe the substitute only makes cosmetic changes—changes in the right direction, but not of any great substance. The inherent evil in every provision of this bill still remains unchanged. It still, to me, is overwhelmingly unfair to the small businesses of this country. Although I applaud the proponents for trying to address themselves to some of the problems we opponents have, I simply do not think they go nearly far enough.

Mr. MELCHER. Will the Senator yield again?

Mr. GARN. I yield, without relinquishing my right to the floor.

Mr. MELCHER. In my discussions with small business people in Montana—and again I agree with the Senator from Utah when he says we may be talking about employers that have 200, 300, or 400 employees, and who are now nonunion—in my discussions with such employers in Montana, in the case of retailers, it was extremely important that if an election were to be held, it not be in too short a period, they very properly pointing out that if the election were to be held, if they got the notice between, say, the day before Thanksgiving and the day after Thanksgiving, that is well into their Christmas sales campaign, and nobody has any time, so that 21 days, if that were the case, would be too short, and hence the 35 days.

The question of access was extremely important, and the relevance of what the Board and case law has established on access was and is extremely important to them in the existing law, and is not satisfactory, in many instances, because it has required a very astute labor attorney to interpret what access really was.

So on these two points, I find that employers who we can call small business, and who have anywhere from 15 to 300 or 400 employees, are impressed with the fact that rather than leaving the discretionary or the result of case law—discretionary in terms of the Board as to when they would set the time for election which it was important that the 35 days become locked in, that is, the 35 days minimum, locked in by law, not leaving it to be discretionary, not leaving it up in the air, not requiring a continuous checking with the Board to see what their most recent policy is.

On the question of access, this is to make it clear by law that access, when triggered—first of all making it clear by law when it would be triggered so that they would not have to follow all the cases that come before the Board and seek out what their latest dictum was but put it in the law so everybody can understand it—if access was triggered, the point about having union organizers in the work area during work hours they thought, and I agree, was an impossible situation. How can you have a sawmill operating with the union organizers trying to talk to the men? How can you run your department store with union organizers trying to talk to the clerks while there are customers around?

I believe we would feel a lot more comfortable by putting it into law and making it definite, clearly understood, and with a clear intent. There will not be any deciding to do differently by the Board 6 months from now, a year from now or 2 years from now. It would only be different if Congress saw fit to make it different. I think there is a real advantage in putting it into law, making clear what Congress intends, after due consideration and debate here, rather than leaving it to be discretionary for the Board and for case law established by subsequent cases.

Mr. GARN. I would say once again to my distinguished colleague that I agree to this improvement. My point was that I do not think the substitute goes nearly far enough, not only in this area but in a number of areas, to make the bill palatable to me. I still believe that the substance of the bill, the overwhelming substance of this bill, would still leave a great advantage to organized labor, particularly with small business, and to the detriment of small business.

Let me read into the RECORD at this point a letter I received last week, and I am sure a lot of other Senators received it, from the Labor Policy Association, Inc., here in Washington, on this very subject of the substitute:

> On Friday, May 26, 1978, Sen. Byrd offered amendment No. 2254 to H.R. 8410 for the purpose of preserving the existing jurisdictional standards developed by the National Labor Relations Board with respect to small business. The amendment was cosponsored by Senators Williams, Javits, Durkin, Sasser, McIntyre, Zorinsky, Cranston, Huddleston, Chafee, Brooke, Weicker, Stafford and Percy.
>
> The amendment proposes to freeze the Board's jurisdictional standards in effect as of May 1, 1978. However, the practical effect of the amendment would be to legislate a continued gradual expansion of the Board's jurisdiction.
>
> Under Section 14(c)(1) of the Landrum-Griffith Act, the Board is already precluded from making its jurisdictional standards more stringent than those prevailing on August 1, 1959. The standards prevailing at that time (and still effective today) were announced in 1958 in Siemans Mailing Service, 122 N.L.R.B. 81. These standards were expressed in terms of specific dollar volumes depending upon the type of business in question. However, inflation has steadily eroded their jurisdictional thresholds, thus expanding jurisdiction over small businesses. The Byrd amendment would continue this expansion by codifying standards written twenty years ago without taking into account the effect of inflation since that time. For example, the Board will assert jurisdiction over a nonretail enterprise if the gross annual outflow or inflow of goods sold or purchased are only $50,000. Because of inflation, far more small businesses would have been exempted under the $50,000 standard in 1958 than would be true today. As is readily apparent, organized labor would benefit greatly from adoption of the Byrd amendment. By removing the Board's discretion in determining the scope of its jurisdiction, the amendment insures a gradual expansion in the coverage of the NLRA.

Leaving the letter for a moment, this points out the problem that every American has. We talk a great deal in another field about trying to index income tax for inflation. I read a story just last week about a man who was making $10,000 in 1968. Today, in 1978, he is making slightly over $18,000, an 80-percent increase in his pay during that period of time. Yet his net spendable income was down by $43. He had $43 less with which to buy things with an $18,000 income than he did with $10,000, primarily due to inflation and being placed in higher tax brackets as a result of that inflationary wage increase. That is the point which is being made in this letter.

A $50,000 figure back in 1958, 20 years ago, was worth so much more. Many businesses were making less than that. To businesses today with no more employees, with no more sales volume, in terms of quantity, a $50,000 business is really small business. That is practically nonexistent. I had a little business that only had seven employees 20 years ago and we did much more than that. You cannot even exist if you do not have more than $50,000.

Here, again, though it is off the point a little bit, is a picture of what inflation has done, what it has done to not only income taxes but to estate and gift taxes. The Federal Government is reaping tremendous benefit from additional taxes as a result of inflation, forcing people into higher brackets. Now we are using the same figure, a $50,000 level, and by 1958 standards we should increase that, if we are going to be fair, at least to $150,000 or more for the same number of businesses.

Mr. President, I do believe this is a highly important point made by this letter. We will have a gradual increase in the number of small businesses covered because of this lack of consideration of this limit and the inflationary impact on it.

To continue the letter:

> The Byrd amendment would still leave under the jurisdiction of the Board 847,497 business establishments, a rather substantial number even if one were to subtract all of the Fortune 1000 companies. Moreover, these businesses employ over 44 million workers, 75 percent of the covered workforce.

So we are looking at a substantial number, even under the Byrd amendment.

> One might also inquire as to the manner in which the Board's jurisdictional standards were initially promulgated. Historically, the Board has demonstrated considerable distaste for the rulemaking process. Instead of issuing proposed standards and conducting legislative-type hearings, the Board announced the standards in a series of individual cases and through press releases. Although such a procedure would seem to raise some questions as to whether due process requirements were observed, the Byrd amendment would set these standards in legal concrete.

I believe, as I said, that the proponents of these standards believe that they do not go far enough. In my opinion, I agree with this letter. We are going to continue to lock under the coverage of this bill a lot more small businesses.

Under the make-whole provisions, small businesses will be fearful to even exercise their rights during negotiations and organizing time for fear they will later be charged with an unfair labor practice. A simple request from an employer for a clarification of a procedure would undoubtedly cause a delay—and justifiably so—but later could be construed as an unwarranted delay. Should the Board find that this was an unlawful delay, it may award employees compensation equal to their normal wages and benefits multiplied by the average percentage increase in wages and benefits as reported in the Bureau of Labor Statistics quarterly report for major collective bargaining settlements. I am alarmed that the standard of relief chosen is based on BLS statistics derived from bargaining agreements in units of 5,000 or more employees. As stated before, 75 percent of representation elections involve units of 50 or fewer employees, so the BLS sta-

tistics are essentially meaningless where small business is concerned and in no way reflect actual losses as a result of any violation of the duty to bargain. This provision simply tries to bludgeon employers into sacrificing their legal rights so that they will cave in to the unions' demands. In order to avoid the severe financial impact of this provision, they will, unfortunately, probably do so if this bill is enacted.

One of the most alarming aspects of the backpay provision is that the bill would make it punitive rather than a compensatory measure. Not all employees suffer consequential damages as a result of a discriminatory discharge. The award of sums should be related to actual loss or else the employee will acquire a windfall and the employer will be punished. It is crystal clear that this provision will increase litigation, as employees will be less likely to settle when they know they can hold out for the windfall of the backpay provision. Again, small business will be required to bear the brunt of such charges since it is the least able to bear the cost of litigation and the risk of a large award.

I am happy to yield to the majority leader without losing my right to the floor.

CLOTURE MOTION

Mr. ROBERT C. BYRD. Mr. President, I thank the distinguished Senator for his courtesy. I send a cloture motion to the desk.

The PRESIDING OFFICER (Mr. RIEGLE). The cloture motion having been presented under rule XXII, the Chair, without objection, directs the clerk to read the motion.

The legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of Rule XXII of the Standing Rules of the Senate, hereby move to bring to a close debate on the substitute amendment, No. 2445, by the Senator from West Virginia (Mr. ROBERT C. BYRD) and others to H.R. 8410, An act to amend the National Labor Relations Act to strengthen the remedies and expedite the procedures under such act.

Robert C. Byrd, Patrick J. Leahy, Harrison A. Williams, Jr., John Melcher, George McGovern, Claiborne Pell, Dick Clark, Frank Church, Daniel Patrick Moynihan, Edward M. Kennedy, Jacob K. Javits, Abraham Ribicoff, Howard M. Metzenbaum, Birch Bayh, Henry M. Jackson, William Proxmire.

Mr. GARN. Mr. President, again, I wish to emphasize the impact on small business of many of the laws that we pass, not only this one, but many of them, from EPA regulations to OSHA, and all sorts of things we do. It is interesting that big businesses always have a battery of attorneys and a battery of CPA's as part of their cost of doing business. They have people who are paid to do nothing but keep up with Federal regulations and laws.

Although I do not mean to indicate that they are not a nuisance to them or that they are not costly in many cases, at least they are equipped with professional help to handle them. Very few small businesses have the availability of that kind of help, certainly not on their staffs. In rural areas, you very rarely find labor law specialists. They are not available. Even though this type of counsel and expertise certainly is available in other areas, and they can go to the bigger cities, it is expensive, very expensive, to hire those kinds of specialists.

This is not something that is talked about a great deal, but it does place a great burden on small businesses, because, in many cases, even though they might have the law behind them and, if they went to litigation, could prove their case when there is anything unfair being done on the part of the union, they simply give up. I have seen that happen many, many times with a small business. Even if they feel they might win, they could not afford to win.

I do not think we talk enough about that. We hear all kinds of things about big business and big labor and not enough about the individual employee and the impact of legislation on small business.

Mr. MELCHER. Will the Senator yield again?

Mr. GARN. I yield without losing my right to the floor.

Mr. MELCHER. I thank the Senator.

The discussion of the amendment offered on May 26, which is now before us, freezing the standards, let us say by law, of the Board's discretion to extend their jurisdiction, by lowering those standards—for instance, in retail business, a hotel, motel, or restaurant—saying instead of its being a $500,000 gross per year threshold, the Board should decide to lower it—it is somewhat confusing.

So the amendment now before us, now being discussed and debated, and which is also included in the substitute which was introduced June 8 which I have previously referred to, freezes the standard.

Those businesses that are not under the jurisdiction of the Board now do not need that $500,000 gross sales threshold, in the case of hotels, restaurants, retail stores, motels, and they will not in the future.

Now, the Senator from Utah has very correctly pointed out that inflation will change that. Yes, it will. But there are two things to note here.

First of all, the indefiniteness when the Board has a discretion to change the standards was one that was properly pointed out as leaving a question mark.

I think it was on May 23 that Senator HATCH pointed out that the Board might change its mind afterward. So this is the amendment that prohibits the Board from changing it. It just freezes it.

In that case, the advantage of definiteness is there and the decision is made by Congress.

Unlike many of the regulations that were promulgated by the Department of Labor after OSHA was enacted into law, when we found out, as the Senator so correctly just discussed, that those regulations were confusing to small business, they found themselves, as the Senator has said, having to employ legal counsel to defend themselves, at least on this point it will not any longer be confusing, it will be clear.

This does not say, of course, and the present law does not say, that just because a business is approached by a union that those employees will want to unionize. But it is also necessary to note that because these businessses will be frozen, the standards will be frozen at that level, will not be under the jurisdiction of the National Labor Relations Board, just as they are now, because the National Labor Relations Board has not extended jurisdiction to them, does not mean they can be approached by a union to organize.

Other law pertains to that and I suspect it goes back as far as common law.

It would permit a group of employees not under the jurisdiction of the National Labor Relations Board to decide to unionize. It would permit that. That is other law.

The National Labor Relations Board, when there is an effort to unionize a group of employees and they are under the jurisdiction of the National Labor Relations Board, then sets a process for doing it.

Now, the Senator has also discussed what was in the committee's bill, as reported by the committee to the Senate, concerning the make-whole provision. But I think it is appropriate also to point out at this time in the debate that the substitute introduced on June 8, and which in my judgment will be the bill we finally enact here in the Senate and the one which, in my judgment, will become law, takes an entirely different approach on the make-whole provision, based on the Employment Cost Index, the Bureau of Labor Statistics Index, and under that process which is a summary, really, a tabulation of collective bargaining agreements in the various fields where those agreements have been reached, the contracts have been reached, will be used.

It is weighted to the size of the employer, how many employees they have. So if it is a machinist, for instance, they will look at the contracts arrived at by machinists' bargaining groups across the country.

I think it is much fairer. I think it is appropriate to point out now that this is a provision in the substitute which, again, is an improvement over the bill as reported by the Senate committee.

Mr. GARN. I do not disagree that this provision is better than the bill. There is no doubt about it. It changed it from 5,000 down to 1,000 employees in the employment cost index.

I have said several times in the course of this discussion that many of the provisions of the substitute improve it. But they are cosmetic. At least in this Senator's opinion, they do not go far enough to correct many of the basic faults of this particular piece of legislation.

In regard to the Senator's comments about our making provisions definite by law rather than leaving it up to the National Labor Relations Board, I do not disagree with that.

One of the biggest fights and problems we have had in the Banking Committee on truth in lending is bankers saying, "Look, we just don't know what to do, can we get some definiteness so we're not constantly having things changed?"

I do not disagree with that.

The major point I was trying to make there has not been resolved by the substitute, and that is the inflationary im-

pact. We gain something by definiteness. Yes, I agree. But we lose something, also.

The most devastating thing to our economy—at least, in my opinion—is inflation. Unless we start indexing many of these set, definite provisions that we place in tax law, in laws of this kind, we penalize people severely, not because they have in fact grown, not because they are really expanding, but simply because they have a higher level of sales, because prices are higher. They really are not doing any better. I used the example of an individual with an $8,000 increase and yet gaining less.

So the definiteness is of help. It is an improvement. But we simply are not addressing the inflationary impact.

I repeat that the Byrd amendment still would leave under the jurisdiction of the Board 847,497 business establishments, a rather substantial number even if one were to subtract the Fortune 1,000 companies. These businesses employ more than 44 million workers, 75 percent of the covered work force.

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

Mr. GARN. I yield, without losing my right to the floor.

Mr. MELCHER. I think the Senator's figures are entirely correct. I believe it is appropriate to note that the 870,000 individual businesses and companies that are subject to the jurisdiction of the National Labor Relations Board are a part of the total 4.2 million businesses which file employer tax returns—meaning that they have employees. So we have established that the 870,000 is roughly 22 percent or 24 percent of the total number of businesses in the country which have employees.

Mr. GARN. But, again, the last sentence of that was that 75 percent of the work force are covered. So even though you reduce the percentage of the number of businesses, you still have 75 percent of the covered work force.

Mr. MELCHER. That is an entirely appropriate discussion at this point. As I understand the action taken by Congress in 1935 in adopting the Wagner Labor Act, it said that it is chaotic not to have a procedure, not to have a system, in which someone is the umpire as to when a union was going to have an election and when there was going to be a determination by employees in a particular business that they wanted a union and which union they wanted.

If we did not have the Wagner Labor Act in 1978, I think we would be about the business of figuring out what we wanted and would adopt something like the Wagner Labor Act.

So, to state how many people are subject to the National Labor Relations Board and to state that most of the employees are covered is extremely appropriate; because the Wagner Labor Act envisioned that that would be the case and that you would not have almost all the employers scratching around with their employees, out from under any jurisdiction of a referee who would say which union is going to have the opportunity to bargain collectively and without a procedure to follow. If we did not have that, we would have secondary boycotts, for one thing, would we not? Would not the Senator agree with that?

Mr. GARN. Yes, I would agree with that.

Mr. MELCHER. We might have a preponderance of different unions at the same time trying to organize the same group of workers and having one union organizing group fighting the other union organizing group, in the most chaotic factions and methods. I suppose it would be fair to say that we would have labor strife among labor unions with the same group of employees.

So, in order to correct that situation in 1935, the Wagner Labor Act, as I understand it, was adopted by Congress, and the National Labor Relations Board was established to be the referee or the umpire.

If there is any criticism—and I think our debate for the past several weeks has brought that out—that can be said to be uniform about the failures as to the performance of the National Labor Relations Board in its duties, I would say that perhaps it is the changing attitude they take at various times as to what the regulations are and what new rules are promulgated. It illustrates what a jungle of redtape it is to be an expert in the law, to be a real labor attorney who understands the Board's rulings and the court cases involved.

So if there is an advantage to being direct and concise by congressional direction—and I believe there is an advantage to that—then we have made some strides forward by taking away some of the discretion, being definite in the case of access. If we are not definite in the case of access—and the substitute is—we will find conflicting rulings and conflicting cases, I am sure, as it is now, in figuring out whether a union organizer can come to the parking lot or in a portion of the shop, even during working hours, and doing his bit in carrying on a campaign for union organization.

There is an advantage to being definite in this regard. Congress has said what it feels is right in the case of access. It does not leave it up to the decision of the board, which may change several times in the next few years, and you never know where you are at.

In the case of knowing who is under their jurisdiction and who is not, it is an advantage for the small businessman. Of course, I recognize that, even so, some group of employees still may organize under other law. It simply will not be under the jurisdiction of the National Labor Relations Board.

To the extent we make some of these things definite, positive, clear, and understandable, I think this is a step forward. The time frame, it is made clear, would be no less than 35 days for an election. There would be some distinct merit, in terms of my understanding of what employers in my State have told me.

When we are straightforward and definite on it, we are doing them a service. If we do not do that, this bill should fail; the substitute should fail; no bill should pass. We will still have those conditions exist. It will be unclear about access. It will be unclear about how long a time frame there would be as to when an election would be held. We will just put in the law that it can be no less than 35 days, and he will know that, if we pass this substitute. If we do not pass it, the condition will not exist, that uncertainty and doubt as to both access and the time frame. It just will be discretionary with the Board.

Mr. GARN. I agree with my distinguished colleague that there is a need for a process. I do not know of anyone here who is trying to repeal the National Labor Relations Act. It is necessary to have a process. So, as to the general principles that the Senator is discussing, I agree with him.

The point that is being missed—at least from my standpoint—is that the way in which we are trying to amend that process is decidedly unfair to business and overly fair to organized labor. That is the point I think we miss—that we simply need a process, but the process we are trying to amend would give unfair advantage to one side of the coin, and that is organized labor. The most glaring defect of the bill is that most punishment will go to small business. We should not lose sight of that.

I agree with the process, but let us have a process that is fair and equitable to both sides.

We get back to the Panama Canal debate. Some of my colleagues were opposed to that particular treaty, not because they did not want to give the canal back to Panama but because they did not like the substance of the treaty.

They felt it was unfair to one side—I think my distinguished colleague from Montana felt that way—that there were problems, that it was overwhelming, and I share that feeling on this bill.

I do not object to amending the National Labor Relations Act if I feel it is equitable to both sides. It is my judgment that it is not, that it favors one side over the other and we should not be in the Senate taking sides with any one particular group. I think this bill does.

One of my favorite provisions in this bill that purports to protect the rights of the workers is the contract debarment section. This provision seeks to prevent any person who willfully violates a Board or court of appeals order from receiving Federal contracts for 3 years unless the Secretary of Labor determines that the national interest would be jeopardized. But who are we kidding? Certainly the employer will suffer if he is debarred from receiving Federal contracts, but it is the worker who will suffer the most, for, when the firm loses Government business or any business, for that matter, employees lose their jobs.

So we may say that this is to punish business for unfair labor practices. Particularly around large military installations a lot of small business exists on Government contracts. Have we not done the employee a great service? We have just cost him his job.

Mr. President, the devastating effects the provision I have mentioned would have on small business cannot be minimized. Proponents of this bill would have us believe that the pending amendment would help to solve these problems by

codifying the existing jurisdictional standards developed by the NLRB with respect to small business. In effect, the amendment provides that the Board "shall not assert jurisdiction over any labor dispute over which it would decline jurisdictions" under the standards in effect on May 1, 1978. Unfortunately, this amendment will do nothing to solve any of the problems that would be created by passage of this legislation.

For example, it would not prevent the adverse application of the new provision in this bill to any business which currently meets the NLRB's jurisdictional standards. Labor claims that this would exclude 78 percent of the businesses in our society from NLRA's jurisdiction. However, what they fail to point out is that more than 75 percent, or 44,112,560 of all employees, work for employers covered by the NLRA, a rather substantial number in anybody's business.

All it excludes are sole proprietorships or individual businesses which are owned by individual proprietors who work for themselves, or units which are so small that the unions would not want to bother with them anyway.

Again, Mr. President, the infringement that this bill would make on their rights is not affected by the amendment. This amendment does not address the problems created by equal access, 150-percent backpay, the make-whole remedy or any other section of the bill which has been criticized for its impact on small business.

It makes some changes, some improvements, but not nearly enough, in my opinion.

Let me, in closing, sum this up and read a letter that was written just to "Dear Senator," not to me personally. I think it is a rather interesting comparison with what are trying to do in this law. I wish more of my colleagues were here to listen to it:

DEAR SENATOR: I have a question for you. If your opponent in the next election is allowed to make wild promises, but you can't make even a tiny one; if he is allowed to visit in the homes of the voters, but you can't, and you even have to watch while he can question voters as to how they intend to vote so he can determine where to concentrate his efforts, but you are not allowed to conduct any polls of your own; and if he can decide when to call for an election, while at best you can only argue about the voting procedure, wouldn't you have trouble getting re-elected? This is exactly the great organizing advantage that unions already have under the present law.

Keeping these handicaps in mind, suppose that these new campaign rules are adopted:

1. Everytime you or one of your aides talk to a voter about the campaign, you have to notify your opponent and assure that he has equal access and time to talk to the voters.

2. Everytime you put up a poster in your campaign headquarters across the state, he gets to put up one beside yours, even though you pay the rent for the space.

3. Everytime you hold a fish fry and talk about the campaign, you have to allow your opponent to speak—but you pay for the fish fry and the clean-up afterwards.

4. The day after you leave the country on a fact finding mission, your opponent files for an election which must be held within 25 to 30 days even though the question of voter eligibility of your campaign workers is still unsettled.

Could you really expect to get re-elected with this kind of handicap? The idea is so unfair that it seems unthinkable. But isn't this exactly what Congress is trying to do to American industry with H.R. 8410 and S. 2467, the so-called "Labor Law Reform Bills"?

Again with all this discussion, an hour and a half of it, Mr. President, the main thing I wish to sum up is simply that the major impact of this bill is on small business. Big businesses are already organized. It is not going to change. They are unionized. They have representation.

We simply must assess this on the basis of its impact on small business and particularly the employees of those small businesses across this country. I certainly hope that the Senate will reject this bill.

At this time, I yield to the distinguished Senator from Nevada, Senator LAXALT.

The PRESIDING OFFICER. The Senator from Nevada is recognized.

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

Mr. LAXALT, I yield.

Mr. MELCHER. I thank the Senator for yielding.

Just before we go on to another aspect of the debate or get away from what the Senator from Utah has been expounding and explaining, I think it noteworthy in considering the proposal, and I wish to consider the substitute rather than the committee bill, because I think the substitute answers some of the points that have been raised and improves on them and makes them very clear and very definite and solves some problems, but if we are going to say who is the bill weighted toward, let me point out that the bill looks at the employee and worker and says that if they want to unionize you are going to have an election for that purpose. These are some corrections to the process of the National Labor Relations Board's function in that process.

But again it looks to the employee who wants to decertify, have an employee group, and have an election to get rid of the union. The bill says how that is to be followed.

For instance, a time frame for the election under the substitute will be no shorter than 35 days so that the group of employees that wants to get rid of the union will have an adequate time to make their case. Of course, the union wants to continue to represent that group as a bargaining unit. They will have the time to make their case, also.

But it looks to the employee first. What are the right of the employee in this very significant field of labor law?

I think it is fair and appropriate to point out that not all of these elections are held to get a union. There is a significant number of the elections that are held to decertify a union, to get rid of that union for that group of employees.

We are trying to determine what side the bill is drafted for, who it helps the most. I think that it is fair to say that the bill and the substitute bill looks toward the rights of the employee first either to decide to have a union and have an election on that process, yes or no, whether it will have a union but also the employee's right, if he is already working in a business that has been unionized, to have the chance for an election to be held to decertify that union, to get rid of it.

That part is clear in the bill; very definitely the employees' rights are addressed in that, and it addresses the employees' rights in that regard in an even-handed manner.

I thank the Senator for yielding.

Mr. LAXALT addressed the Chair.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. LAXALT. Mr. President, in my previous address before this body on the Labor Reform Act, I contended that H.R. 8410 was an unnecessary piece of legislation. Unnecessary because the National Labor Relations Board operates efficiently and handles cases and complaints expeditiously. Passage of H.R. 8410 would do nothing to improve the Board's fine record and would, in fact, cause more delays due to an increase in time-consuming litigation and bureaucratic entanglement.

But, worse than unnecessary, this legislation is undesirable. What is more, this is an opinion shared by the vast majority of the residents of my State of Nevada and people all across the country. Now, I am not denying that there may be some need for labor reform. However, there is definitely no need for H.R. 8410.

There certainly are areas in the field of labor-management relations that require reform. The near catastrophic problems that resulted from this winter's national coal strike made this very clear. The President's reluctance to implement the Taft-Hartley Act in the face of widespread violence indicates a serious deficiency in our labor laws. After all, if the Taft-Hartley Act will not work as a last resort, what will? And, why does Congress not address itself to this situation rather than spending our valuable time on H.R. 8410?

In conversations with my fellow Nevadans and in examining my constituent mail, it is apparent to me that the public is concerned about the devastating impact of strikes, the inflationary spiral that is being pushed upward through union demands for higher wages and the welfare of the individual worker in the face of the growing power of the big unions. But, these problems are not even addressed in H.R. 8410.

The results of a survey, which I find to be rather interesting, which was conducted in December 1977 by the Opinion Research Corp. of Princeton, N.J.—and this was a firm and foundation that we quoted frequently in the many weeks that we spent on the Panama Canal debate, because it appeared that the methods by which they employed their surveys were done in a scientific fashion and proved actually to be as factual and as accurate as most any of the numerous polls and surveys we have addressed here on the floor—in any event this same firm, the Opinion Research Corp. of Princeton, N.J., highlighted some areas where the

public feels that substantive reform is needed.

This survey shows an interesting trend. This comes from the American people. This has nothing to do with the sentiment here in Congress or in Washington which I found in times past to be drastically different from what people are saying out here in the country. This survey shows an interesting trend in light of that context.

The overwhelming majority of Americans do not feel that the unions should be strengthened. Rather they feel that workers' rights should be strengthened in relation to union control over their affairs. They feel, let me repeat that, that workers' rights should be strengthened in relation to union control over their affairs.

What do they say? They are saying, and I am inclined to believe this, after fighting a few union fights on this floor, that very often the rights we are attempting to protect for the individual union member are different from that which are professed and espoused here in Washington by the leadership.

We had an example of that, I think, rather dramatically when 3 years ago we fought the common situs picketing fight on this very Senate floor. This was a piece of reprehensible legislation, in my judgment. It came to the floor here in 1975, after a resounding vote in the House of Representatives.

Basically what it did was to legalize the secondary boycott. This was an open grab for power on the part of the unions here in town, something which had been kicking around the halls of Congress for many, many years, and even the union leadership here did not have the political temerity or courage previously to bring it to the floor of either House.

Yet in the wake of Watergate, when unions generally throughout the country were very successful in supporting and electing candidates favorable to unions, they find a fight against common situs picketing. It was introduced in the House, and after a few perfunctory hearings over there it was passed. It was passed by a resounding vote. It was a bill at that time which was supported by many who, I suppose in the political spectrum, would be deemed conservative. They did not even believe they had voted for the kind of bill that was eventually developed during the course of debate here on the floor in terms of how it was to be interpreted.

Well, we had the debate here for several days, for several weeks, as a matter of fact, during which we had various cloture votes, and it was then that the American people made their will known here on the floor of the Senate, to which at least 23 Senators eventually responded favorably. The initial nose count that this Senator, leading and managing the bill in opposition, had indicated only 23 Senators were willing to stand up and oppose common situs picketing.

Yet, after the course of the debate here, but mainly because the American people found out how bad this legislation was and what Washington organized labor is doing to the rest of the country, they made the heat felt in this Chamber like it has never been felt before and, perhaps, not in the future as well.

In any event, after winning one successful cloture vote, we eventually ended up garnering over twice that original total. As most everybody on this floor knows, and perhaps most of the people in the area know, it was thereafter vetoed, to his great credit, by President Ford.

What came through that, which is a point I want to make during the course of the survey, was very often what is gospel around the Hill and around this Senate floor as being good legislation, good for the people, is totally at variance with what the American people feel. More often than that, in the area of union legislation, which is espoused and propounded here on the floor of the Senate and over in the House and downtown as being in favor of union people, it is very often detrimental to their interests and even they, and the opinions that are rendered by some of the research firms around the country evidenced that, the union people, are very often displeased by what is espoused legislatively here in town.

So on this very point, this survey, once again illustrates this.

The survey indicated that the overwhelming majority of Americans do not feel that unions should be strengthened. Rather they feel that workers' rights should be strengthened in relation to union control over their affairs; workers' rights, not labor bosses', not labor unions', workers' rights.

Of those surveyed, 77 percent of the public, and 83 percent of the union members, favored the secret ballot as the only way to determine whether or not nonunion employees want union representation. Eighty-one percent of the public and 79 percent of the union members, almost on a par with the general public, on the labor issues favor a law requiring worker approval by secret ballot before a strike can be called.

This is the height of direct access. And what is significant in this survey is that the union people do not think one way and the general public another. As often as not, as is clearly indicated here, very often in this kind of situation the thinking of the typical member is consistent completely with the thinking of the public at large.

Now, going further into this matter of the survey by the Princeton people, in addition, 83 percent of the general public and 75 percent of the union members favor a legal requirement that after a strike has been in effect 30 days, a secret ballot be taken among members to determine their wishes about continuing or not.

This is extremely significant, and again it is directed not at the rights of the union bosses, who at times may be on some form of ego trip to the detriment of the membership or the will or the wishes of the membership. All that these people are indicating is the fact that they feel that union members—and union members concur with this—want the privacy of the secret ballot in making these decisions affecting their economic life.

Senator BYRD, that makes sense; and I think it is consistent with the variance that we often find between what we here on the Senate floor say is for the benefit of the union members and what they feel. They say:

> No, we do not want that, we want to be protected, and very often our interests are completely different from those who are in union superiority and leadership positions throughout this country and particularly here in Washington.

I think the Princeton survey clearly establishes that.

The results of a poll conducted under the direction of Cambridge Reports, Inc., between April 20 and May 15 of this year, yields similar conclusions about public opinion with respect to unions. This is a poll taken between April 20 and May 15; it is current, right now. And what does it indicate? This survey indicates that 79 percent of those interviewed indicated that a secret ballot should be held on whether or not a strike could be called. The survey shows that more people, 44 percent, feel that existing labor laws still favor labor unions in a dispute, as opposed to 31 percent who feel that the laws favor business.

Moreover, 53 percent feel that labor unions have too much power in politics; and, by a margin of 57 to 24 percent, they believe that there should be more restrictions on political campaign contributions by labor unions.

You can go anywhere in this country, you can talk to people, and generally speaking they will concur with you. They say the unions are too strong, and they are too powerful, particularly here in Washington. And I think probably what happened in connection with common situs picketing, which, as I said, was an atrocious piece of legislation, illustrates the type of strength they have here. In spite of its lack of merit, the support it received indicated that the unions have tremendous political power here.

I am not degrading that. I have no wish to criticize it. In fact, I am rather envious. As I have told my friends throughout the country, the reason why the unions have been so successful here for so many years is because they have been far better politicians than have those in the business community. The business community, as Senator GOLDWATER can testify, more often than not, when you go to them for help in a campaign, will say, "Stay away from me; I do not want to be mixed up in this dirty business. If I get involved with you in this campaign, I am going to lose business." It does not make sense.

But they are finally coming to the conclusion, as the Senator from Arizona well knows, that they necessarily have to be involved in politics. It is a part of their business. The business of politics has become a primary ingredient in the conduct of a successful business today, essentially because if you sit in a board meeting in this country today, you might as well have some Federal bureaucrat

sitting there, because the Federal Government, through laws passed here and regulations downtown, is having a more and more profound effect on that business.

And, as I say, the reason why that has happened is because the union leaders of this country have been far better politicians. Far better.

Since World War II, they have recognized there is no substitute, in the Halls of Congress, for Members' votes; and in that connection, they have done a splendid and effective job.

The people of the country know that. They know that in labor management issues, by and large, the unions here for too long have called the shots. Common situs picketing bore witness to that. Common situs picketing indicated, on these very floors, that organized labor and those supporting the AFL–CIO, God bless them, are no longer invincible here; that if we have a tough labor-management issue on the floors of Congress, it had better have some merit, that its passage is not automatic any longer, because we have enough Senators here on this floor now who will evaluate a piece of legislation fully, and if they do not like it they are not going to go for it simply because some union boss says, "It is good for us, therefore it is good for the country."

So I personally, as one who has opposed this kind of legislation, feel more assured today standing on this floor than I did in 1975, when, with very few others, we felt we were standing alone.

That change has arisen principally because there is an increased sense of political consciousness in this country on the part of people and business; and that is not the "biggies." The facts are that the Fortune 500, multinational corporations, are antipolitical; they can take care of themselves. They go either way. Witness the election results of the 1976 election. The people being squeezed in this country are not the multinationals, the Fortune 500. It is the millions of small business people in this country. They are the ones who have been unrepresented. They have, for years and years, been the victims of oppressive regulation, oppressive taxation, and oppressive paper work, and little by little, the people who produce the goods and services and pay the taxes in this country have been forgotten.

Well, they are not forgotten anymore, because during the last few years there has developed, in the House of Representatives and here in the Senate, a constituency within these halls in favor of small business, and small businesses have finally recognized: "We better get with it; we better get politically active, because if we do not get additional representation on these floors of Congress, we will eventually get wiped out," because that is precisely where we were going. That is essentially what this Cambridge survey indicates.

The public is aware of the fact that in labor-management matters, for too long the unions have had their way, to the detriment of everybody, including their own union members. Finally, now, we are achieving a little bit better balance, and this piece of legislation is what it is all about—again, because in addition to its substance, it is symbolic of labor reform, because literally speaking, from a broad political standpoint, the union leadership in this town is saying to the people in Congress, in this town, and this country:

> We are still politically strong, and we are going to show our will and our muscle, even though this legislation may not be all that it says.

So the Princeton survey indicated, as I have stated before, that 53 percent of the people of this country feel that labor unions have too much power in politics and, by a margin of 57 to 24 percent, they believe that there should be more restrictions on political campaign contributions by labor unions.

What do they mean by that? They mean there is a double standard in this country, and there has been for a long time. You know, if you are a business, a private candidate, or an office holder, there are all kinds of limitations operating all the way across the board in this country as to the campaign contributions you can give or receive from a business enterprise. Not so on the part of a union.

They have a blank-check situation in many respects. They can go in and turn their people loose to make individual contributions; they can conduct a very forceful direct mail campaign; they can bring in the computers, and do a thorough and effective job, unfettered and uncontrolled in those areas that are legislative.

Why, you ask? Because they have been better politicians and have more political muscle here in town. Because they have been better able to protect themselves. In every significant piece of campaign legislation, more often than not, it is oppressive to those who support private enterprise, it is oppressive to those who support private competition and that general area, as opposed to those who are union oriented.

In short, "Most Americans feel labor is already powerful enough—if not, indeed, too powerful already," according to the Cambridge research firm.

The conclusion to be drawn from the Cambridge survey is similar to the one found in the ORC poll. They both indicate that although a sizable percentage of those surveyed believe that changes in the existing labor laws are necessary, few support the changes proposed in the pending legislation. For example, with respect to the controversial "equal access" and "quickie election" provisions found in H.R. 8410, the Cambridge survey showed that 65 percent oppose allowing union organizers access to employers' property for the purpose of soliciting votes during an organizing campaign.

They do not like it. They recognize that this is an unusual and unnecessary extension of union organizers, to have access to employer's property and be able to hussle prospective union people on the employer's premises and on the employer's time. So the high percentage reflects that just as a matter of simple fairness 65 percent oppose that provision in this bill and 70 percent believe that there should be an adequate waiting period, such as a month, before representation elections are held in order to permit the union and the employer to explain their positions and campaign for support.

We in Nevada are justifiably proud of our status as a right-to-work State.

I think we probably have more right-to-work elections in Nevada than any other State in the 50. We voted on this provision five times and each time the percentage in favor of right to work has has increased perceptively. We think that probably we are one of the spectacular examples in the country which indicates when an issue of this kind is brought before the people and intensely debated and considered, the American people will inevitably come down on the side of the right to work. In our State we interpret right to work to mean this is no slap at the unions, anybody has a right to join the union if they see fit, but if they do not want to join a union, they cannot be squeezed or muscled into it. It is freedom of action in the economic area. So in our State, as I indicated, we have had five elections over a period of several years and each time the majority in favor of the right to work has increased.

(Mr. CULVER assumed the chair.)

Mr. LAXALT. Our belief in a true collective bargaining system implies the need for a balanced approach by labor and management as well as the preservation of the worker's freedom. Last October, the Las Vegas Review-Journal—the largest newspaper in Nevada—printed an editorial that I feel sums up the attitude of many of my constituents concerning H.R. 8410. Commenting upon House passage of the bill, the Journal stated that—

> What in fact has taken place is the initial deterioration of the right-to-work. The union leaders are not interested in freeing anyone from fear. Their interests are in requiring every able-bodied worker's name on a union list. With the passage of the reform measure unions would hold the strongest legal position they have held in this country and would be assured of rapid gains in membership. There is nothing wrong with union membership if a person desires it, but it is completely contrary to our system to make membership a condition of employment.

If a person wants to join a union, fine. Unions have contributed materially to the economy of this country over the last several years. I shudder to think where this country would be if it were still in the grasp of capitalism as we had it in the early part of the century. Unions extricated us from all of that. Unions at the right time restored some kind of balance and respect to underprivileged and underrepresented workers who had no representation before. They were at the mercy of capitalism in this country. To that extent, the unions have made a material contribution. The questions are: Has the pendulum swung too far? Have we come to the point now in this country where the unions exercise too much power and too much influence here in the Halls of Congress?

NATIONAL LABOR POLICY

As a point of departure, I think I can say that any labor legislation starts with the proposition that all of us want free collective bargaining to remain as the instrument of our national labor policy. This is true whether the legislation is substantive or procedural and remedial as H.R. 8410 purports to be.

Free collective bargaining is, of course, indigenous to a free and democratic society. In this process, Government must remain essentially neutral. One of our first labor statutes, the Norris-LaGuardia Act of 1932, was designed to promote freedom in bargaining between labor and management, with, to quote its leading proponent, Senator Robert Wagner:

> The government occupying a neutral position—lending its extraordinary power neither to those who would have labor unorganized nor to those who would organize it.

This, indeed, has been the intent behind all comprehensive labor legislation in recent times: The Wagner Act of 1935, the Taft-Hartley Act of 1947, and the Landrum-Griffin Act of 1959.

What is the common thread through all of these significant pieces of labor legislation? That Government not be an advocate of either side, of management or labor, but in all these areas Government be as neutral as possible.

This, indeed, has been the intent behind all comprehensive labor legislation in recent times. The design, said the Supreme Court, of all these pieces of legislation was to encourage "the making of voluntary labor agreements." That is what collective bargaining is all about. That is what collective bargaining should be all about, that neither side is coerced into these situations, that the essence of it is that the agreements, whenever reached and whenever negotiated, should be totally voluntary.

Commensurate with this liberty, and so that collective bargaining could remain free and function in the national interest, Congress has sought strike statutory balance, allowing management and labor substantial equality in bargaining power.

It was the judgment of our legislators that a balance of power would result in an acceptance of the legitimate interests of all parties, while excessive power would lead to industrial strife and unrest, and labor agreements not in the public interest. Senator Taft, in the debates leading to the Taft-Hartley Act, put it this way: "Unreasonable power leads to the exercise of power to accomplish ends which are not reasonable" and, where there is a balance of power, "neither side feels that it can make an unreasonable demand and get away with it."

Think of that. Let me repeat that for emphasis. Senator Taft here on the Senate floor during the course of the debates on Taft-Hartley said: "Unreasonable power leads to the exercise of power to accomplish ends which are not reasonable" and, where there is a balance of power, "neither side feels that it can make an unreasonable demand and get away with it."

This truth is still evident today, many years after Senator Taft spoke to the point.

Experience teaches us that excessive power inevitably leads to a demonstration of power and to industrial conflict, but equality of bargaining power tends to reduce conflict and leads to an accommodation of the public interest.

Given a labor policy of free collective bargaining, does H.R. 8410 provide the framework for management and labor to meet on an equal footing? Does it tend to equalize the bargaining power of parties, or does it tend to distort it? Does it protect and enhance the rights of the individual worker, who is too often the "forgotten man" in the sound and fury that often accompanies debates on labor legislation, or does it submerge workers' rights to the interests of organized labor? I submit that H.R. 8410 impinges on our national labor policy by imposed settlements; undermines free collective bargaining by creating a further imbalance in bargaining power; converts the National Labor Relations Act into punitive legislation; and, rather than protecting the rights of the individual worker, it sacrifices them to the power of organized labor.

H.R. 8410 IMPACT ON NATIONAL LABOR POLICY

This bill, in my judgment and in the judgment of many observers in the field, is an ill-disguised attempt to saddle unorganized employers with a union, and for those employers who are already organized, it constitutes an attempt to give unions even greater power over labor-management relations. H.R. 8410 is, I submit, a bad bill almost made the worse, because it hides these substantive changes behind a claim of simply protecting the rights which employees already have. For example, Secretary of Labor Marshall downplayed the import of the bill when he testified before Congress that the proposal was simply "a way of achieving the collective bargaining rights already guaranteed in our labor laws." AFL–CIO Secretary-Treasurer Lane Kirkland echoed the remark, stating that the bill simply seeks to "strengthen available remedies to enforce the existing law to make the operations of the National Labor Relations Board more speedy and predictable, and to strengthen the collective bargaining rights of workers."

He contended that the bill only seeks to deal with "procedural and remedial reform."

No big deal. What are we all excited about? Of course, many of us who oppose this bill see a lot more in the bill than attempting to deal with and correct procedural and remedial reform.

However, an analysis of the bill shows that it would create an even greater imbalance than now exists in labor-management relations in favor of organized labor. What is even more insidious, the Government would dictate the wage terms of collective bargaining agreements, thus flouting our national labor policy, which is supposed to rest upon the foundation of voluntary agreements voluntarily reached in bargaining between the parties. Moreover, what are alleged to be merely "procedural" amendments become "substantive" and dramatically convert a remedial statute into one which is punitive in nature.

With respect to Mr. Kirkland's further remarks that this bill would "strengthen available remedies to enforce the existing law," it would certainly do so insofar as employers were concerned, but completely disregards any remedy against a union which commits unfair labor practices. I submit further that, far from making the operations of the Board "more speedy and predictable," the bill would cast many of the procedures in doubt and raise new issues for litigation; and that any "speedy and predictable" procedures would apply only where the unions would benefit, not the employees.

In short, I am opposed to H.R. 8410 because I believe free collective bargaining would not be enhanced by it. That is bottom line. Rather, the bill would deter and seriously undermine such bargaining. H.R. 8410 would also eradicate our long-held national labor policy of voluntary agreements between the parties by encouraging dictation of wages and benefits as part of the bargain. It converts a remedial statute into a punitive statute of general application, because of the alleged misconduct of a few; and, finally, it weakens the underpinnings of responsible bargaining in the public interest by further distorting the balance of bargaining power between management and organized labor, a balance required for a rational accommodation of legitimate interests in labor-management relations.

But so much for general criticism. Let us now examine some of the more objectionable specific provisions of this bill.

CASE-TIME REQUIREMENTS

Section 6 of H.R. 8410 amends section 9(c) to provide that where a majority of employees petition for a unit which is appropriate under Board rules, the election would be held within 21 to 30 days of the filing of the petition.

All right. That sounds all well and good—expeditious, punctual, speedy. And it would appear on the surface to be a desirable provision.

Where a petition for an election presents issues of "exceptional novelty or complexity," the election would be held within 75 days. OK, that is a safety valve, recognizing that the situation is not always the same. It may not fit within 21 or 30 days. There may be issues that add complexity. Within those situations, the time limit should properly be extended.

In all other cases, the election would be held within 45 days of the filing of the petition. I submit, however, that this claim for needed reform is not justified by the facts, for in practically all cases Board elections already meet these targets.

I spoke to this before, when I was here on the floor in opposition to this bill. The Board is doing a good job. Fooling with these time limits implies that the Board has not been expeditiously doing their job, but the record indicates otherwise. The NLRB has been processing these hearings and these elections in an expeditious fashion.

As developed at the NLRB oversight hearings in the 94th Congress, 2d session, 1976, of the over 9,000 elections held by the Board in the fiscal year 1975, 7,466—about 82 percent—were held between 12 and 44 days from the filing of a petition.

If that is not a decent track record, I have not seen one. The Board operates far more efficiently and expeditiously than we do in Congress. That is an excellent track record, when you are reaching up to 82 percent of the whole.

In the 1,500 of the cases, where there were issues over the unit and eligibility—tough issues requiring a lot of time and consideration—the election was held in a median time of 75 days. In only 47 of the more than 9,000 cases, one-half of 1 percent, where it was necessary for the 5-person Board to decide, it took a median election time of 218 days from the filing of the petition.

Of course, that is what is being pointed at, that 218 days is too long. Sure, it is too long in an ordinary case. No one argues anything to the contrary. But you do not argue or should not legislate to the specific. That, I think, is a legislative truism.

We always can find exceptions to the rule. That does not mean that we must pass a specific piece of legislation here on the floor of the Senate to meet the one-half of 1 percent of cases. That is precisely what is being sought in terms of this piece of legislation.

Moreover, contrary to the hue and cry of union representatives that employers have taken advantage of procedural delays, the facts are that in 1976, more than 80 percent of Board elections were held even faster pursuant to consent of the parties.

Obviously, the 21-day provision enables the union to more or less dictate the time of the election to the most opportune date. It is a matter of common experience that, long before a petition is filed by a union, it is normally preceded by a period of unimpeded organizational efforts, where it can conduct its campaign without rebuttal or contradiction. Having secured a card majority, the union may then file at a time most advantageous to it—not to the employer—possibly during periods of a layoff or during an expansion, when a full complement of employees have not yet been hired, but where the union has a secure nucleus of voters. Thus, the bill restricts the employer in conducting an effective countercampaign and in educating the employees on what unionism actually means to the worker.

It allows the employee to hear, in effect, only one side of the story. Providing information to the voters so that they can make an educated choice is part and parcel of a sound election process. The importance of an informed choice on organizational matters was conceded by Secretary of Labor Marshall when he said:

> The most important thing to us is the question of whether or not the employees have the opportunity to get the information to make an informed decision.

That is what we are attempting to achieve. That is what I think we have achieved under existing procedures.

Indeed, the Labor Board itself, in amending its rules to provide for new "vote and impound" procedures to avoid delay in an election in the event of a request for review, recently underscored the importance or order by procedures by saying that they "will contribute to stability by permitting the parties to plan their election campaigns in confidence that the election will be held as scheduled, and by providing the employees the opportunity to cast their ballots at a time when they are best informed and interested concerning the election issue."

It is not under the terms of this legislation. This is under the terms of the directive as indicated by NLRB.

Significantly, the same right to expeditious treatment is not accorded employers who file election petitions under H.R. 8410. Here the full allotment of time for the union to conduct a counter campaign is provided.

Frankly, the priorities seem to be confused. H.R. 8410 allows the union the right to trigger an election within 21 days when it suits its purpose, yet permits the union to picket an employer for recognition under section 9(b)(7)(C) for up to 30 days in most cases despite the heavy losses to an employer that picketing usually entails, and without similar election assurances to the employer.

RULEMAKING

Section 4 (together with section 6) also directs the Board to enter into rulemaking with respect to the expedited election procedures. I believe this is an ill-advised proposal. Ever since its existence, the Board has shunned rulemaking as not being the best method of determining issues in most cases. This has been the accumulated wisdom of Board members over the years, whether it has been the so-called Eisenhower Board, the Kennedy Board, the Johnson Board, or the Nixon Board. In addition to this informed judgment by experts in the field, a body of law has been developed which deals with actual cases, not abstract propositions dealing with thousands and thousands of cases these many years. I fear that rulemaking tampering with existing precedents must necessarily be overly detailed and complex in order to cope with a myriad of factual and legal situations, and can only result in uncertainty and a proliferation of litigation. This is not the kind of procedural reform that is either necessary or salutary. Moreover, when rulemaking is appropriate, the Board can be depended upon to utilize it without H.R. 8410, as they did in their recent "vote and impound" regulation, previously mentioned, and as it may further do in implementing some of the recommendations of the Chairman's task force.

Let us turn for a second to one of the more controversial elements of this very controversial bill, and that is to impose on the employers for the first time some imposed punitive measures by way of employer liabilities on backpay.

BACKPAY—EMPLOYER LIABILITY

Section 9 of the proposed bill would amend subsection 10(c) of the act to provide that employees illegally discharged during an organizational effort, or until a first labor contract is obtained, would receive compensation of 150 percent—not 100 percent, 150 percent—of the amount that they would have earned had they not been illegally fired. This is a punitive provision and to that extent converts our present law, which is remedial in nature, into a punitive law, which I do not think has any place in labor-management relations. I would agree that employees should be "made whole" of course, they should be, if they have been illegally fired during the course of a strike—if they lose their jobs on account of an employer's unfair labor practice. But I do not agree that the employer should be further penalized. The proposal is obviously designed to make an employer "think twice" (or maybe three times)—he should with a 150-percent penalty looking him in the eye—before discharging an employee, even for just cause, in the apprehension that he may be charged with discrimination and subject to punitive damages. This can create serious morale problems, and have a devastating impact on the work force and the employer's operations. Congress should not foster inefficiency in the American work force—and that is what I think this necessarily does.

In my experience, I am aware of employers who encounter situations where an employee has flouted a rule or engaged in other misconduct during an organizing drive, but they are now literally afraid to discipline him for fear of being charged with unfair labor practices. The unhappy alternative is a breakdown of discipline and morale. It is easy to advise the employer to "do what's right"—but the employer has to think about the cost of a controversy even if he is likely to win. The dilemma is compounded by section 11 of the proposed bill which would require the Board to seek an injunction requiring the reinstatement of the employee (should the employer have the temerity to discharge him) upon the grounds that the regional director has a "reasonable cause to believe." a lower standard of proof than the normal "substantial evidence" required to support a charge of discrimination.

Additionally, the punitive aspect of this bill is aggravated by the disregard of potential earnings, which also has the deleterious effect of rewarding the employee who is indolent and would willfully incur losses, contrary to our traditional concepts of jurisprudence. The scenario all this adds up to is pretty plain, a comprehensive effort to assist union organization and to make it pretty risky for the employer who does not go along.

BACKPAY—UNION NONLIABILITY

But if the proponents of this legislation are as interested in the rights of the individual worker as they claim to be, they should concede that the union should be equally liable when the worker loses wages on account of union unfair labor practice. In order to have mutuality of remedies, I submit that the union should be required to make an employee whole if he is forced out of work because of the union's unlawful secondary boycott or

jurisdictional strike or unlawful picketing for recognition or because of the union's threats, or violence or mass picketing. H.R. 8410 does not do this, limiting effects to employers.

The effectiveness of Board remedies is a matter of proper congressional concern. There can be no objection to the imposition of meaningful remedies against both employers and unions who commit unfair labor practices, but they should be applied with equal effectiveness against both. The treatment should be evenhanded. I would ask this Chamber to be as vigilant in devising meaningful remedies against unions as against employers, particularly when they cause loss of wages to the individual employee. This does not obtain today in terms of this legislation.

The right of an employee "to refrain from engaging in union activity" is a statutory right, and in my judgment should be respected. The "right to refrain from union activity" should be protected as much as the right to engage in union activity. One right is coordinate with the other, and when violated by either unions or employers they should be liable for the consequences. True neutrality of evenhanded treatment will brook no disparity between the two.

"Making the workers whole for losses suffered on account of an unfair labor practice is part of the vindication of the public policy which the Board enforces." Why not then award damages to an employee when he is kept out of work because of mass picketing? Or a jurisdictional dispute? Or a secondary boycott? Or because of threats, or violence, or mass picketing? While the Board has the power to do this, it has not been exercised, and Congress should direct it. Such remedies would not be punitive or speculative, and they would be a far more effective deterrent than a mere cease and desist order.

Let me give you a glaring example of what I mean. In *Catalytic Industrial Maintenance Co.*, 219 NLRB No. 66 (1975), the Board refused to order backpay for employees physically and forcibly prevented from working by leaders of a striking union.

Now, these are employees and they were forcibly and physically prevented from working.

Although this result was a reaffirmation of prior Board law, it is significant because the union's astonishingly egregious and violent conduct was not remedied by the Board.

Significantly in this case, the union engaged in conduct described by NLRB member Kennedy as the most "continuous, reprehensible conduct by union officials" he had ever seen in all his years with the Board. Among many other acts of violence, the union leaders had physically blocked the plant entrance and prevented employees from going in or out, threatened to kill any employee seeking to go to work, beat up supervisors, hit automobiles with rocks and sticks, and threatened employees at their homes. The union further demonstrated its complete disdain for the rule of law when its leaders flouted and ignored a court restraining order prohibiting such conduct. To make the violence even more blameworthy, this very same union had been before the Board on several other recent occasions after having practiced the same type of violence upon other employers and employees.

And what remedy was devised for the employee victims of this planned campaign of violence and lawlessness? None. Absolutely none. Some 20 months after the conduct in question, the Board (over Kennedy's forceful dissent) decided that it would be sufficient to order the union to post a notice promising not to do it again. The result staggers the imagination. What can one tell such employees about the protection of their section 7 rights by the National Labor Relations Board? And what hope can they have when faced with the same conduct in the future?

CONCLUSION

To conclude, I am opposed to this bill because its provisions undermine our national labor policy of free collective bargaining in a democratic society. The bill converts free collective bargaining into bargaining which would force a bargain. It turns a remedial measure regulating union-employer conduct into one which is punitive. Where equality of bargaining power is essential for sound and responsible settlement in the public interest, this bill would substantially tilt the balance in favor of unions, and lead to the exercise of power not in the public interest. Finally, where it pretends to simply protect existing rights of individual workers, it makes them subservient to the union instead. The "forgotten worker" remains a forgotten worker under this bill. H.R. 8410 is particularly deficient and one-sided in applying backpay remedies against employers and not unions where employees lost wages on account of union unfair labor practices. This is an inequity that literally cries out for correction.

As part of its public relations campaign, the AFL–CIO Special Report on Labor Law Reform says:

> We do not seek a new national labor law. The present law can be made to work if the most glaring procedural and remedial deficiencies are corrected—and enforcement made swift, as well as just.

With this statement I am in full agreement, but I would also add "and applied with an even hand." H.R. 8410 does not even begin to do that.

Mr. President, I now yield the floor to the Senator from Texas (Mr. TOWER).

Mr. TOWER. Mr. President, I listened with interest late last week as our distinguished majority leader described the major provisions of the pending substitute to the labor law reform bill. I think many of us expected the substitute to be offered as the debate on this bill continued. While this Senator is less than encouraged by the provisions of that substitute language, it is nonetheless heartening to know that there is at least a tacit recognition among some who will support this bill that it represents nothing short of legislative overkill.

I commend the Senator from West Virginia on his intention to mitigate some of the most onerous provisions of this bill, and indeed there are many onerous provisions of this bill. Ever mindful of the need to proceed with pressing Senate business, he is anxious to end this legislative logjam, and the Senator from Texas would gladly accede to this request, were it not for the fact that this legislation is so virulently objectionable and would impact so dangerously on a major section of our economy. In my view, the pending substitute falls woefully short of an effective solution to the problems of this bill.

I do not doubt the sincerity of the Senator from New Jersey (Mr. WILLIAMS). He is always sincere. Everything he says reflects precisely what he believes. He is a man of impeccable integrity, and he has described this as a good-faith effort to compromise on this issue. Without questioning my distinguished friend's integrity, I can say that perhaps perceptions of the term "compromise" may differ, understanding what a compromise really is.

The fact remains that what we are looking at here is the difference between a 10-foot snake and a 9-foot snake—perhaps an 8½-foot snake.

In an attempt to garner needed support for this so-called reform bill, the Byrd amendment seeks to alter those provisions which have elicited the strongest objections from those of us in the Senate, as well as the public generally, who oppose the bill.

Beginning with equal access, which has raised the hackles of employers of all sizes, the substitute, as I understand it, would preclude nonemployee union organizers from responding to an employer's speech during working time or in working areas.

On the surface, this sounds like an improvement over the bill, and even in practice, this may be somewhat more palatable than the previous language. However, the substitute goes on to provide that nonemployee organizers may have access, provided they give notice of intent to organize and the 1-day request to appear, to nonwork areas and during nonworking periods for the purpose of addressing the employees.

Furthermore, the substitute would allow two nonemployee organizers in all nonwork areas except parking lots, where four would be allowed. Employers with 10 or fewer employees would be exempted. Is that not generous?

Now the problem here is the fact that equal access, no matter how you describe it, should not be in this bill at all. We have given a good deal of attention to this issue in previous debate, and the fact that the courts have dealt with this question, and that where the unions are truly prevented from making their case, they have been allowed access in these unusual instances.

Furthermore, from this Senator's reading of the substitute, and from the reading of it by my intelligent staff, I might add, it appears that you could have a situation where a small army of organizers could have access to company property simultaneously, as long as they were in teams of two in different areas,

or four in parking lots. This kind of activity could go on for 6 months, provided the union files a notice of intent to organize, and thus give the union an advantage in trying to obtain the 50 percent of authorization cards before they even have to file an election petition.

On the matter of election deadlines, I think this substitute has created more problems than it has solved, and from the debate I have already heard on this point, it seems that there are some very real questions as to just what this change means in terms of election deadlines. The Byrd amendment would replace the three-stage procedure in the bill with a rather unusual arrangement giving undue sanction, in my opinion, to the simple filing of a notice of interest in organizing.

Once such a notice has been filed, an election could not be held for at least 35 days. The amendment goes on to say, however, that once an election petition has been filed, the election will be held "on the earliest administratively feasible date," but not more than 50 days after the filing of the petition. The point has been made, Mr. President, that an election could be held within a few days of the petition being filed, or even within 1 or 2 days, if the Board so decides. If this is so, then what we have here is tantamount to "instant elections," and I would hope that this suggestion will be soundly rejected.

Once again, this notice of interest runs for 6 months, and I fully expect that there will be numerous instances where capricious use of such notices will force employers to devote costly time and efforts to electioneering, thus creating a drain on production and efficient use of resources.

I am particularly disappointed in the apparent lack of willingness on the part of the bill's proponents to do away with the so-called make-whole provision. This language has no place in labor-management relations law, because it blatanty directs government intervention in the collective-bargaining process.

We have had just about all the Government intervention in every aspect of our life here in the United States of America that our people can tolerate. They keep crying out for less Government intervention, not more Government intervention. We seem to proceed on the assumption that the Federal Government is infallible. The Federal Government is not infallible any more than individual human beings are infallible, and indeed I think we have discovered time and again that Government, Government planning, Government regulation, Government intrusion, and Government second guessing, has tended more to create inequities and anomalies in the marketplace than the free operation thereof. Why do we need Government intervention in the collective-bargaining process? What new dimension can Government bring into the collective-bargaining process? What is so magic about the governmental touch that it sets everything aright in the most just and sanguine way? Government is made up of people who are capable of making mistakes. As a matter of fact, it is just possible that Congress is capable of making mistakes. As a matter of fact, Congress is capable of making some lulus. As a matter of fact, for the last 40 years we have been delegating away legislative authority to the executive branch of the Government much to the chagrin of the general citizenry of this country. And occasionally when we try to reclaim some of our lost authority, some of our lost participation in the decisionmaking process, we usually do it in the wrong area. Here we are directing blatant intervention by Government in the collective-bargaining process. This sort of activity has been discussed for many years, and it has been the longstanding view of both the Congress and the Federal agencies that private parties should freely conduct their collective-bargaining arrangements without the interference of the Federal Government.

Many of my colleagues, even some who might otherwise support this legislation were it not for make-whole, have voiced the opinion that this provision should be removed.

And yet proponents of the bill insist that this substitute will provide an equitable means of inflicting this unwarranted intrusion of our economy. Obviously, proponents have decided what they are going to do to employers who resist unionization, and now they expect us to haggle with them over the price.

I can think of a good story that illustrates what we are doing here. But, perhaps, I had better not tell it, except to anyone who would like to listen to it in private.

I recall that in an earlier exchange with my friend from New Jersey, we discussed the fact that the settlement index contained in the bill, which represents major bargaining agreements for units employing 5,000 or more, was patently unfair to smaller businesses. At that time, I believe that the distinguished chairman agreed with me, and expressed an intention to come up with a better formula. To the extent that we are dealing in degrees here, I must admit that the current employment cost index figure of 7 percent is certainly preferable to the major settlements figure of 14.6 percent.

The fact remains, however, that make-whole—at any price—is one of the most objectionable features of this bill, and should be removed.

On the matter of debarment, I frankly see little improvement over the bill in this current substitute. The fact that the Board will determine whether or not debarment should be lifted depending on compliance with its order is hardly a compromise, in my view. If a company, particularly a small company, is barred from Federal contracts even for 9 months or a year, the resulting loss of business could mean lost jobs; economic hardships for a small community, and perhaps even the closing of a business.

Now Mr. President, the provisions I have just mentioned are points which I have discussed before at some length, and I must say that I find little in this substitute to alter my previous objections. While I am not adverse to restating in detail my reasons for opposing this bill, I believe the point is well taken that debate on this bill should remain current and constructive.

Before turning my attention to the small business provisions in the Byrd amendment, I would like to make one more general observation on our present situation here in this debate.

I said earlier that I had expected a substitute to be offered. Now I did not expect that the proponents of this bill, fairminded as they are, to embrace in toto, and in the spirit of compromise, those suggestions which were offered by Senator HATCH and myself in our employee bill of rights. Nor did I truly anticipate that we would have a chance to vote on other changes, such as bringing unions under the antitrust laws, or transferring unfair labor practice cases to district courts, or enacting tougher criminal penalties for union violence and corruption—all of which have been offered by Members of this body as genuine attempts to provide "labor reform" as we see it.

I am truly disappointed, really very disappointed, that the proponents of this legislation have seen fit to give so little in the name of compromise.

Absent some drastic changes in the pending bill, the Senator from Texas has every intention of opposing its passage, should it come to that. In the meantime, for the sake of constructive debate here, I would hope and I entreat that the proponents of this bill will reconsider their position on some of these highly objectionable provisions.

Now, Mr. President, I would like to address the remaining aspect of the pending Byrd compromise, which concerns the coverage of small businesses under the National Labor Relations Act.

Despite the fact that proponents of the bill continue to insist that it will not contribute to increased inflation or spread the heavy hand of Federal regulation, even they are hard pressed to deny that this bill will cause untold economic problems for smaller businesses.

I would venture to say that based on the preceding debate on this bill, from the conversations I have had with several of my colleagues, a good many Members of this body would be loath to support this present bill because of the impact it will have on the small business sector of our economy.

In an effort to blunt the criticisms for unfair burdens placed upon small business, our distinguished majority leader, Senator BYRD, has introducd an amendment to statutorily limit jurisdiction of the National Labor Relations Board.

As I understand the majority leader's amendment, it would bar the Board from lowering its present jurisdictional standards in order to cover currently exempt small enterprises. Since 1959, the law has already precluded the Board from raising its standards, so we can assume then, that if this amendment is passed, the present jurisdictional standards would remain in effect unless further amended by Congress.

I applaud the intent of the majority

leader to come to grips with the problems facing small business should this legislation be enacted. Nevertheless, I am not convinced that the Byrd amendment will alleviate these injustices, nor, in fact, that it even addresses small businesses' most salient objections. Senator BYRD and others have indicated that there exists some interest among the members of the National Labor Relations Board, or at least some interest has been inferred by Chairman Fanning, in lowering the present jurisdictional standards. Be that as it may, I think the Board might well have some difficulty in accomplishing this goal.

While present Board jurisdiction includes roughly 22 percent of the Nation's employers, it does cover 75 percent of all employees. This means, then, that the remaining 78 percent of the employers who might be covered by lowering the standards only employ 25 percent of the workers, and those have to be pretty small businesses.

I also have strong misgivings about the statement that this amendment will "prohibit the National Labor Relations Board from exercising jurisdiction over more than 75 percent of our business establishments." While that may be accurate today, I doubt that all of those presently exempted by jurisdictional amounts of $50,000 or $500,000 will remain uncovered in view of the ravages of inflation. It only stands to reason that the prospect of double-digit inflation this year is going to boost a good many employers from the uncovered category into the covered category. I must therefore take exception to the prospect that 75 percent of American businesses will remain exempt from the Board's jurisdiction.

Looking at the present standards, incidentally, I think it is interesting to note what inflation has already done in terms of bringing small businesses under NLRB coverage. Consider, for example, the "inflow-outflow" test of $50,000 for general nonretail concerns. In terms of 1959 dollars, that $50,000 would be worth $103,950 today. Looking at the volume of business test for retail concerns, that $500,000 amount in 1959 would be worth $1,039,500 in terms of 1978 dollars.

That is bad enough; but I rather suspect that these figures have been miscalculated. It occurs to me that we have probably had a little greater rate of inflation than that since 1959, but I will accept the figure. It is bad enough the way it is.

In this case, National Labor Relations Board jurisdiction is not triggered by a growing business, but by a shrinking dollar that continues to shrink, by the way, because of the very type of legislation we are considering here right now, and because of other legislative orgies we have indulged ourselves in around these Chambers.

So, Mr. President, if my principal concern for small business under this legislation were related to whether or not they would be subjected to the provisions of the National Labor Relations Act, my misgivings would not be alleviated by the pending amendment.



My principal concern however, is that the small businesses which are already covered by the act, and there are a good many of these small businesses, will be subjected to the pending amendments regardless of whether or not the Byrd amendment is accepted. The hue and cry we have been hearing from the small business community is not based on the existing National Labor Relations Act, but on the far-reaching and inequitable provisions of the pending bill. We have been through these issues before—the expedited elections, equal access, rulemaking, make-whole, debarment, and the 150 percent backpay provision.

Nothing in the Byrd amendment would ease the burden of these requirements on small businesses, whether they are covered already, or whether they will be brought under jurisdiction later as a result of inflation. It is in this crucial respect that the amendment is virtually meaningless, and it is in this same respect that it is most potentially dangerous.

The amendment is dangerous because it is being touted as a "small business" amendment. It is being used, in my view, to reassure some of my colleagues who might have misgivings about the bill, that there will be some protection built in for small business. Unfortunately, that is not the case here.

On the contrary, to consider this amendment anything more than an attempt to codify existing practices of the National Labor Relations Board would be to obscure the very real problems which the bill poses to small business.

Consider, for example, the findings of the Small Business Administration in regard to the net impact of this bill:

> The Labor Reform Act of 1977, as currently written, would tip the delicate balance which exists between small business and labor, in favor of the latter. The essentially neutral labor laws, which define the rights and obligations of both employers and employees, would be transformed into pro-labor legislation, by operation of the subject bills.

Certainly, this is a sanguine assessment of the net impact this bill will have on the National Labor Relations Act. Subsequently, the SBA report predicts with even greater specificity the bill's consequences for small business:

> The labor reform bill will give unions an unfair advantage over small businesses who have neither the time or expertise (including resources to acquire the expertise) to walk the very thin compliance line proposed by the bills. Since the penalties for non-compliance are so severe, most small businesses confronted with a union organization drive will likely give up in advance rather than risk any action which might be construed later to have been illegal. This will result in unnecessarily increased costs which small businesses are least able to pass on to consumers. Projected further, this means many more small businesses going out of business.

Interestingly, the concluding recommendation suggested by SBA is also in the form of a small business exemption, but theirs is a far cry from the pending proposal. First of all, the SBA exemption is based on the number of employees involved—in this case the suggestion is 50—as opposed to a sales volume or a commerce test. In my view, it makes far more sense to look first at the number of employees involved, rather than the amount of business, for determining the applicability of laws governing labor-management relations.

Second, the SBA proposes exempting small employers from the provisions of this bill, rather than the entire act. Such advice is consistent with their analysis of the bill's provisions and its anticipated impact on small employers.

There is one further point which I would like to emphasize in conjunction with this SBA analysis. Since there are no provisions in the pending bill to change the NLRB standards for coverage, the SBA recommendations was based on the conditions existing under current jurisdiction. Now the Byrd amendment will do nothing to change current jurisdictional standards either, so the conclusion we must draw is simply this: even if the Byrd amendment is accepted, there will be no relief—no relief—for small businesses in this legislation, and should the SBA reconsider the bill even with this amendment, I wou'd expect the same conclusions from that agency.

No relief for small business. That is the message we send out. The small businessman, the man most harassed by the Federal Government, the man who bears the heaviest burdens, the small businessman, what message do we send him? He is already harassed by the Occupational Safety and Health Administration, the Environmental Protection Administration, the Internal Revenue Service—any number of other Government agencies. He is buried in paperwork. He cries to the Congress "Relief. Give us some relief."

What is the message that we send out? "No relief. More trouble is on the way."

I wonder what it takes to remain a small businessman in this country in the face of the staggering burden that his Government is imposing upon him. It must take a lot of guts. The American people ought to raise a monument to the small businessman in this country. He suffers more at the hands of his Government than almost any other element of our society, the Government that is supposed to protect him.

(Mr. HODGES assumed the chair.)

Mr. TOWER. Mr. President, during this past Memorial Day recess, I traveled extensively throughout my State and I enjoyed the opportunity, as I always do, to visit with my fellow Texans. Oh, what a refreshing experience it is after 5 days a week in Washington, to bask in the warmth and the good sense, the vision, of those great people of Texas. I wish that the Congress met on weekends so that we could spend 5 days a week in our States. I think that would be better. I think if we did that, we would legislate a lot less and the American people would applaud us for it.

Sometimes the leadership worries about us taking a recess period, that we are supposed to stay here. Maybe if we had taken a recess period during the consideration of that social security bill we passed last year, that some people crowed would be a great political asset to the incumbents in Congress who voted for it we would not have passed the thing and

generated the outrage of people all over this country.

We do not get home enough. We do not get back there enough.

Maybe if we had spent more time with our constituents and less time up here trying to protect them, we would not have heard that cry of outrage from them on the interlocking seatbelt devices that would not even permit them to start their cars unless they buckled in.

The American people have had more Government than they want. Somehow we still do not seem to be able to get the message up here, because this little pressure group or that pressure group, or that big pressure group or this one, with some political clout, says, "We want you to legislate on this subject so legislate on it."

The majority of the people of the United States do not want this bill. Who wants it? Big labor. Who has the political clout? Big labor. Who currently operates behind a statutory wall of protection? Big labor. Who operates outside the market place, demands and gets increases in labor costs and diminished productivity? Big labor. They enjoy privileged status here.

The majority of the people of this country do not want big labor to have any more power, but big labor is going to get it, because they have the political muscle.

I wonder if we heard that voice that was raised in California? They are tired of paying the bill. They want some limits. They are tired of paying the bill. They are sending us a message. Unfortunately, they do not have an opportunity to have a referendum on some of the things that we do here. If they did have a referendum on them, we would see about half the things we have done over the last 15 years wiped off the statute books. And you can bet your bottom dollar that this legislation would never become law. I think we need to get back home more.

As I said, during the recess period, I did what I usually do in my State. Throughout my schedule, wherever I go, in most instances, I provide for a question-and-answer period. At town meetings, luncheon clubs, civic groups, trade and professional associations, I usually follow a question-and-answer format, because it is very educational for me. It enables me to know what the concerns of my constituents are. I feel that, by doing this, I can return to Washington with a better understanding of their concerns and a fresh reading as to the pervasiveness of certain common problems in the different areas of my State.

In view of the vast amount of mail that I have been receiving on the labor law reform bill—what a prostitution of the term "reform" attached to this bill—I was hardly surprised at the number of questions and comments I received in connection with this proposal. In communities of all sizes, diverse geographically and economically, big cities and small towns, I heard, time and time again, repeated objections to passage of this legislation. What can we do, they said? What can we do? Big Government is about to roll over them again and about to marry itself to organized labor, to big labor, to bring to bear on the little man the aggregate impact of big Government and big labor. A failure to comply with what big Government and big labor want means punishment of the most harsh and stringent kind.

Not only are Texans opposed to passage of this bill as it will affect the application of our labor laws; many of them view it as a potential conduit of increased inflation and Government interference in the marketplace. I heartily agree. I think that a number of us here in the Senate have cited these adverse effects of the proposal.

We are now in our fourth week of debate on this measure. As the distinguished majority leader recently observed, debate thus far has been constructive and substantive. Certainly, there is ample fodder in this proposal to warrant extensive analysis. I feel strongly that every aspect of this legislation should be aired thoroughly so that Senators will be fully informed as to the effect it will have on employees, employers, and union organizers.

I think it is also beneficial for the public to be fully informed on this bill. It has been my experience that the more people come to understand just what the bill will do, the less they like it.

One interesting example of this phenomenon came to my attention recently as I was reading through some of the literature which I have received from various organizations pertaining to this bill. In fact, this particular literature I am thinking of was accompanied by a letter from my good friend, Andrew Biemiller. I always enjoy my letters from Mr. Biemiller because they consistently inspire me to further observations of the deficiencies of the proponents' arguments.

As many of my colleagues may recall, some groups opposing the labor law reform bill published a compendium of newspaper editorials against the bill. I believe this document was printed in two rather healthy sized volumes and contains some 850 or so articles from newspapers across the country.

Not to be outdone in the printed medium category, proponents of the bill then published their own collection of editorials. I believe they spoke about some 350 or more endorsements. The point I am making here does not focus on the simple numbers aspect of this competition for public endorsement but, rather, the way in which at least one of these editorials was misused. I am referring here to one of the our fine Texas publications, the Dallas Times-Herald.

In a letter dated April which accompanied an AFL–CIO booklet of newspaper editorials, Mr. Biemiller berated opponents of the bill for trying to deceive the Senate into believing that all newspapers were opposed to the labor law reform.

Further to illustrate his point, Mr. Biemiller stated:

One such attempt at deception claims 83 newspapers editorially opposed labor law reform. That publication only provided the text of 38. Among the newspapers claimed as opposing the bill, with no editorial evidence submitted, were the Baltimore Sun, Dallas Times-Herald, Chicago Daily News, and Detroit Free Press. Those editorials are reprinted in our booklet and we ask you to judge for yourself whether these papers did, in fact, oppose or support the bill.

I should like to share with my colleagues this particular editorial cited by the AFL–CIO. This is a Dallas Times-Herald article dated July 20, 1977.

The editorial is as follows:

President Carter's union-blessed and controversial labor law reform message has been thrown at Congress and bills to support it will be quickly introduced. And then the shooting starts.

Basically, the Carter plan is designed to make it easier for unions to organize new members and the immediate indications are that it will start a slugfest in Congress between business and labor and widely separated elements of that body itself.

President Carter argued in his message that his proposed reforms would make the laws that "govern labor-management relations work more efficiently, quickly and equitably."

Not so, shot back business. Through the U.S. Chamber of Commerce it quickly responded that the Carter program is a sop for union labor, a program that "is an ill-advised attempt to further the interests of organized labor at the expense of individual worker rights."

The proposal would expand the National Labor Relations Board from five to seven members and streamline its procedures to eliminate long delays in resolving disputed labor cases. It would also provide that any two members of the NLRB could decide "routine" cases. But who is to decide what is routine?

It would impose strict deadlines ranging from 15 to 75 days for scheduling a union certification election after union authorization cards have been signed. It would also require payment of double back wages to employes ruled to have been illegally fired for engaging in union activities and deny federal contracts to firms that "willfully and repeatedly" violate labor laws.

Labor Secretary Ray Marshall, conceding that "many people will call this a labor bill." said that isn't a totally accurate statement. He contends that business also could benefit from the reforms "that will lead to a more smoothly functioning NLRB."

Most observers see the Carter proposal as a tradeout with organized labor after the AFL–CIO agreed not to press for its long-sought goal of repealing state right-to-work laws which ban union shop agreements.

It is important to the working man that his rights as an individual be protected under the law. It is equally important that business also receive the same protection, particularly in the federal area.

Most of the reform proposals are known goals that labor has been trying to achieve for years.

That is the editorial that was enclosed in Mr. Biemiller's package. The message I gleaned from it is certainly not one of all-out support for the President's labor reform package.

As a matter of fact, the editorial came out about 8 months before the bill was reported out of committee in the Senate.

What this says is that it is possible to reform existing labor laws, but that such action will involve difficult questions which should be resolved in an equitable manner.

What really concerns me about this particular example is not the mere fact that the AFL–CIO and I happen to in-

terpret an editorial somewhat differently, but, rather, the fact that subsequent to this July editorial the Dallas Times-Herald published further comments, specifically stating that the labor law reform bill, if passed, will "work to the detriment of American business and, in the long run, to the American worker as well."

I would like to point out that this second editorial ran on January 29, 1978, well before the AFL–CIO booklet was sent out in April. So who is deceptive here?

I would like to share this second article with my colleagues in order to set the record straight. Here is the editorial, which is headed "It Is No Reform":

The theory underlying American labor law is that the workers have the right to decide for themselves whether or not they wish to join a union, and the employer has the right to try to persuade his employees not to join. If one side or the other uses unfair tactics to win, or refuses to negotiate in good faith, the National Labor Relations Board (NLRB) acts as referee.

The federal Labor Relations Act which implements that theory is not a perfect law, but it has created a delicate balance of power between the union and the employer that has been good for the American worker, the company and the national standard of living. The law may need a little reforming, but not much.

The so-called "reform" bill that the AFL–CIO has pushed through the House—with the blessing of President Carter—and is now trying to get through the Senate does not reform at all. If it passes, it will throw the weight of government so strongly onto the union side that the delicate balance between management and labor will be knocked into a cocked hat, even to the extent of requiring companies to subsidize union's organizing activities.

That plum is contained in a provision that would allow union organizers to come on company property *during work hours* and propagandize workers while they are working and their employer is paying them. The influence that such activity could have on productivity is not difficult to imagine.

Another dangerous provision would require union elections to be held within 21 days after an election petition is filed by a union. If a union requests more time, a time period of 45 to 75 days could be permitted. But the employer would not have the right to request such an extension, so the amount of time he would have to counter the union's propaganda would be determined by the union. The AFL–CIO desperately wants this provision, because it has discovered that unions stand a much better chance of winning a "quickie" election than one in which an extended period of debate is allowed.

The "reform" bill also would give punitive powers to the NLRB, enlarge its membership and lengthen the terms of its members, all of which means that a strongly pro-union NLRB would exercise almost dictatorial powers in cases where management and labor could not come to terms.

Essentially, the bill is designed to shore up big labor's flagging political and economic power. Since 1975, union membership in the U.S. has declined by 767,000—a development that last month necessitated a 20 per cent hike in AFL–CIO union dues.

Big labor's decline can be attributed partially to more enlightened business leadership, which is learning that the best way to keep the unions out is to give the workers more than they could expect under a union contract and treat their grievances fairly. And part of it can be attributed to worker disillusionment with the quality of leadership that many unions are providing.

What big labor has not attempted to achieve through reform of itself and what it has not been able to achieve through persuasion it is now trying to achieve through legislation.

The bill amounts to a congressional bailout of an ailing labor leadership. If it is passed, it will work to the detriment of American business and, in the long run, to the American worker as well.

Now I ask, Mr. President, whose credibility should be called into question and who is being deceptive here? That second editorial, which clearly and cogently states objections to this bill, was printed well before the AFL–CIO book went to print. In fact, I notice that there were some entries as late as March which were included, but for some strange reason, the Dallas Times-Herald from January was omitted. I guess all the news that is fit to print is not necessarily fit for the AFL–CIO's purposes.

Now Mr. President, despite the fact that proponents of the bill continue to insist that it will not contribute to increased inflation, nor spread the heavy hand of Federal regulation, even they are hard-pressed to deny that this bill will cause untold economic problems for smaller businesses. I would venture to say that based on the preceding debate on this bill, and from conversations I have had with several of my colleagues, a good many Members of this body would be loathe to support this present bill because of the impact it will have on the small business sector of our economy.

Mr. President, I see that my distinguished friend the Senator from Indiana is in the Chamber and is chomping at the bit, so I am prepared to yield the floor, unless the distinguished Senator from New Jersey has a question.

Mr. WILLIAMS. Would it be permissible also to make an observation or two, as the Senator yields to me?

Mr. TOWER. I certainly yield for that purpose.

Mr. WILLIAMS. I will not delay the Senator unreasonably.

Mr. TOWER. The Senator may delay me all he would like. As a matter of fact, I would like to hear a 3-hour speech from the Senator from New Jersey.

Mr. WILLIAMS. First, I congratulate the Senator from Texas. The speech he has just delivered has had the undivided attention of the membership in the Senate. We all know the exigencies of the work day, and frequently Members will be stirring around and communicating with each other and doing other extraneous things in the Chamber. Once in a while, we will be called to order. But that did not happen when the Senator from Texas spoke. This Chamber was in perfect order, and the Senator received the undivided attention of the membership.

Mr. TOWER. I thank the three Members who were present for preserving such splendid order and being so courteous and not making raucous noises while I was speaking. (Laughter.)

Mr. WILLIAMS. I was not going to let the cat out of the bag.

At any rate, it was interesting, and I am always pleased to hear the Senator. He is incisive and picturesque. In discussing our substitute, offered by the Senator from West Virginia, he described the original bill as a 10-foot snake; and the substitute as a 9-foot snake, maybe 8½.

Mr. TOWER. Maybe 8½.

Mr. WILLIAMS. I do not know that he will appreciate the figure as much as I enjoyed it, if we must have figures.

We have followed, as I did today, the speeches and the thought of the opponents of this bill—we follow them very carefully—and we have made many promises in search for a way to respond to some of the objections to the bill that seemed to us to be reasonable.

The opponents talked about access, and we were here to listen, on May 19, to the Senator from Utah say this:

There is an additional problem concerning the number of union officials who should be permitted on the company premises. Union campaigns usually entail the efforts of significant numbers of organizers who will surely want to spread their propaganda. However, the thought of a parade of organizers canvassing company premises should not be tolerated, and therefore a maximum number of two officials should be set out in this provision.

I point out that the substitute includes such a new limitation on the number of union representatives that can be on the premises.

Mr. TOWER. May I ask a question, in order to clarify this?

The substitute says "limit the number of nonemployee organization representatives in each such area to a maximum of two."

"In such area"—what does that mean? That means areas of the plant, does it not?

Mr. HATCH. Two for each area.

Mr. TOWER. Say, we are talking about the cafeteria and the restaurants, I suppose. No, restaurants are not included.

Mr. HATCH. Hallways, auditoriums.

Mr. TOWER. Playgrounds, if they have any.

Mr. HATCH. Four for each parking lot.

Mr. TOWER. There could be several parking lots.

Mr. WILLIAMS. It says: "to the area where access." I thought the Senator was talking about the access areas when he said we would have a horde of organizers.

Mr. TOWER. You still have a horde of them if they travel in pairs.

Mr. WILLIAMS. We are using the same area that the Senator from Utah was talking about in May. We are limiting it to exactly the number he prescribed—two.

Mr. TOWER. It does not limit them to the plant or company property.

Mr. WILLIAMS. We are referring to the same area the Senators were referring to when they were examining the bill and expressing their fear and objection to the numbers that then could be included in the areas they were talking about. We took their areas and their numbers.

On May 18, the Senator from Texas said:

In addition, under the equal access provision, the employer could be under an in-

definite and lengthy obligation to turn over his work place to the union any time he opens his mouth on the subject of unionization.

If the Senator will examine the Byrd substitute, it will be seen clearly that this is not access for organizers any time the employer opens his mouth on the subject of unionization.

Mr. TOWER. He could file a notice of interest, and it runs for 6 months. Two months later he could file another one.

Mr. WILLIAMS. He does not have to. Access is triggered by his action and his statements, and that is what creates access.

Anyone who believes in the democratic process I think should recognize that people should not be prevented from getting the maximum of information. In this case it is limited. It is limited to that situation where one side triggers the campaign within a certain area, the employer triggering the access opportunity can stop production so that he can talk to his employees about his attitude on unions. We have now with the substitute certainly not gone the full measure of equal opportunity for the other side, but we give some opportunity through the substitute for a chance to reply.

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

Mr. TOWER. I yield.

Mr. HATCH. Under those circumstances, I presume in all this fairness you are going to allow the employer to go to the homes of employees, as the unions can, and make any kind of promise he feels as the unions can, and he cannot, if you are going to be fair. I suppose, also, what really is going to happen, as a practical matter—and this is from labor lawyers whom I know and from some personal experience—they all know that the minute the equal access provision is passed the employer is not going to be saying very much.

So in entitling the employer telling his side of the story, how is the employee going to benefit from that?

Mr. WILLIAMS. There is nothing I know in law here that puts a demand upon a homeowner to invite in or to receive either side.

Mr. HATCH. But the Senator will agree with me that the union is entitled to go to the home of the employee—they may not allow them to come in—and the employer is not allowed, and the names and addresses of the employees are given to the unions so that they can do this within 10 days of an election.

Mr. WILLIAMS. There is no right protected under the law for the employer or union to go into the home.

Mr. HATCH. Will the Senator give the employer the same concomitant privilege to call upon the employees at their home, whether or not they invite them in, which is now given to the unions and not given to the employer? Will the Senator make that a part of this?

Mr. WILLIAMS. Mr. President, there is one other thing that I wanted to know. My friend from Texas yielded to me to talk to him so I hope I may have the opportunity to have discussion with the Senator from Utah later.

Mr. HATCH. Sure.

Mr. WILLIAMS. On the other I will want to talk later if I could to the Senator from Texas about his giving to the Small Business Administration all the weight and authority of one individual within the Small Business Administration who wrote a memorandum that was not the position of the Small Business Administration but was a memorandum within a department. I am going to try to see whether the Senator will not agree as an analogy here to what might happen if the Senator had a legislative assistant who came to a position on this bill before he talked to the Senator from Texas and thought that S. 2467 was innocuous and seemed to be a fair bill and then that got back to the Senator from Texas that a constituent got a letter, for example, from a legislative assistant saying that labor bill seems fair and reasonable. Would the Senator from Texas want to have that assistant's opinion interpreted throughout Texas to be the Senator from Texas' position?

Mr. TOWER. Let me say that I think that there is not an analogy between one errant legislative assistant and a whole number of people who put together that SBA analysis.

That is an objective analysis and it was just like the report on the financial standing of the major oil companies that came out of DOE that was suppressed. Something was ordered to be done. It was something that was ordered to be done and because it did not support the preconceived notion of the people at the White House it was suppressed. It was an objective piece of work.

If one of my assistants came up with an objective piece of work that proved that my position on a matter was not in the best interest of my State or the country and was not a proper posture for me to take, I would change that posture or alter it. In fact, I would be persuaded by this particular work.

But in fact what has happened here is not that one person produced this SBA study, but on the contrary, several people produced it. It is not a matter of one errant employee in the SBA who did not follow the White House dictates in the matter.

Mr. WILLIAMS. It came out of one department within the SBA. It was not the SBA and its director. My whole point is that it was an internal document and not in conformity with the official position of Small Business Administration.

Mr. TOWER. It was in the Office of Advocacy and it did advocate the proper small business position.

In fact, small business does not have an advocate in this administration because they are not going to pay any attention to what SBA wants. If big labor says "By George, we want this legislation," that has to be the policy. The little guy does not have an advocate. The small businessman does not have an advocate.

Mr. WILLIAMS. The Small Business Administration is the small business advocate.

Mr. TOWER. The Office of Advocacy prepared this study and the SBA then tried to suppress it because it presented facts that were inconsistent with the preconceived notion already established downtown, not by virtue of any study, but because some very clever labor lawyers of the CIO drew this legislation. That is not something that emanted from the White House.

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

Mr. WILLIAMS. As if in the Senator's office.

Mr. TOWER. It was something that the administration felt obligated to push for because of the political power of organized labor. The majority of people of the country do not want this. The majority of the small business in this country think it is going to be a disaster for them. What SBA prepared is certainly consistent with the small businessman's own perception of his interest.

Mr. WILLIAMS. If the Senator would say one department within SBA had this opinion but not the Small Business Administration we would be talking to the same thing.

Mr. TOWER. It was the opinion of the department that is best prepared to determine what the small businessman's interest really is in the area of the SBA that has the responsibility to determine what impacts adversely on the small businessman or what tends to favor him.

Mr. WILLIAMS. Having read the big business plea for small business perhaps the advocate came to this decision, and that is what we have had here pretty much.

Mr. TOWER. I think that subjects some contempt for the small businessman when the Senator suggests that his views on this matter have been wholly shaped by propaganda he has gotten from big business.

Mr. WILLIAMS. The ones who talked to me have.

Mr. TOWER. The first reaction I received on this legislation did not come from big business. It came from trade associations made up of small businessmen in my State. They recognized the danger first, and big business can confront big labor. They do not have that much concern with it. They do not have that much concern. But the small businessman has a very great concern, indeed, when you are going to bring together the aggregate power of big Government and big labor to try to push him in unionization.

Mr. WILLIAMS. We will discuss that later and I appreciate the Senator yielding.

Mr. TOWER. I am glad to continue as long as the Senator from New Jersey so wishes.

Mr. HATCH. Mr. President, will the Senator yield to me? Perhaps I can shed some light on this inasmuch as I was the one who had to fight for 3 months to get the Small Business Administration Office of Advocacy report, and had almost daily conversations with the director of the Small Business Administration who said he agreed with that report, until he met with the President and F. Ray Marshall, and finally indicated he had to disavow it, as he had to do in the past.

I think it is important that he had them under lock and key, had them numbered, and only so many copies, and the director of the SBA told me personally he agreed with it. That is different from

what he is saying today, after Administration pressure and after meeting with the Secretary of Labor. I do not think too many people would advocate that the present Secretary of Labor gives very much consideration to small business or to any business because his consideration has been 1000 percent down the big labor line. There is not much question about it.

So if you really stop to think about it, I was the one who got that report, and the director told me personally that he agreed with it.

We knew about it, and that is why we put forth such an effort to get it because these things have a way of coming out here in Washington, so that the public can finally see what goes on.

I admit that the Director is not very anxious to come out and say it today, because he has been beaten over the head by the administration and by the Secretary of Labor.

Mr. WILLIAMS. Which Director is the Senator talking about?

Mr. HATCH. I am referring to the Small Business Administration.

Mr. WILLIAMS. Weaver?

Mr. HATCH. Yes, A. Vernon Weaver. I talked personally with him. Is the Senator from Texas aware of that?

Mr. TOWER. I think the Senator from Utah has enlightened me further in this matter. I am even more outraged now than I was 5 minutes ago.

Mr. WILLIAMS. I am a little bit nonplused myself because I have a letter from the Administrator, and that is why I wondered if the Senator was talking about the same Administrator of the Small Business Administration.

Mr. HATCH. I am talking about A. Vernon Weaver, the Administrator of the Small Business Administration, to whom I talked personally, and he told me he would have to write a letter disavowing this report, even though he had told me prior to that that he had agreed with it.

Mr. WILLIAMS. I have a copy of the Administrator's letter to the Senator, and it says:

It should be noted that the SBA staff report—

That is why I used the analogy here that I am not reading any more as to legislative assistance—

is a working paper which was written without any discussion with either the National Labor Relations Board, the Department of Labor or the senior staff of this agency. The staff paper is an internal memorandum to me giving me some possible options. It is not the Administration's position nor, of course, the position of this Agency. We ask that you examine it in that light.

Mr. HATCH. That is the understatement of the year. It is not the Administration's position, but he told me personally that he agreed.

Mr. WILLIAMS. "This Agency." Maybe he does not want to be part of the Agency. He is the Administrator of it. I think it had better be included in the RECORD at this point. It has been in the RECORD before, I know, and it is an expense to the taxpayers, but having learned this, I ask unanimous consent that this letter once more appear at this point.

Mr. HATCH. I would like to have accompanying that letter my statement that I talked personally with Mr. Weaver, and he told me that he agreed with it and he would have to write that letter as the result of Administration and Department of Labor pressure. It was that simple. I would like it immediately to accompany the insertion of the letter in the RECORD.

Mr. WILLIAMS. That is the Senator's conversation with an individual. We have the letter from that individual. If the distinguished Senator from Florida were sitting there as judge, we would have to ask for a ruling.

Mr. HATCH. I would be happy to have the distinguished Senator make a ruling.

The PRESIDING OFFICER (Mr. STONE). The RECORD will include the letter and the statement.

The letter, ordered to be printed in the RECORD, follows:

U.S. SMALL BUSINESS ADMINISTRATION,
*Washington, D.C., May 5, 1978.*

Hon. ORRIN G. HATCH,
*U.S. Senate,*
*Washington, D.C.*

DEAR SENATOR HATCH: Thank you for your letter of April 3, 1978, concerning the impact of S. 2467, the Labor Reform Bill, on the small business community.

As you know, the Bill is a proposal of the Administration and as part of the Administration, we support it.

With respect to the letter that you received from Mr. Nik B. Edes, Deputy Under Secretary of Labor, I know of no coordination with the Small Business Administration by him prior to writing the letter.

As you requested, I am enclosing a "Small Business Situation Report," which was prepared by staff of the Office of Advocacy of the SBA. This report is annotated on its face page as follows:

"* Notice: This Staff Paper does not represent the official position of the Small Business Administration or other government officials and should be regarded as an internal staff level discussion paper only—subject to further refinements, modifications, and revisions."

I am also enclosing a memorandum from the Department of Labor which makes clear to me that the SBA staff report contains matters of fact or interpretation that are incorrect or open to question.

It should be noted that the SBA staff report is a working paper which was written without any discussion with either the National Labor Relations Board, the Department of Labor or the senior staff of this Agency. The staff paper is an internal memorandum to me giving me some possible options. It is not the Administration's position nor, of course, the position of this Agency. We ask that you examine it in that light.

Sincerely,

A. VERNON WEAVER,
*Administrator.*

Mr. HATCH. I want to compliment the distinguished Senator from Texas for bringing this up because I think it is important.

Mr. TOWER. I see the distinguished Senator from Indiana is chomping at the bit. Therefore, I will yield the floor.

The PRESIDING OFFICER. Does the Senator from Texas yield the floor? To the Senator from Indiana.

Mr. LUGAR. Mr. President, in remarks that I made during this debate last Wednesday morning I attempted to bring together a number of things that were occurring in our country, and which have a bearing on this debate. Among those items were, of course, the debate itself, the whole idea of labor law reform, and how adequate the bill we are considering is in meeting the public idea of what labor law reform ought to be.

But clearly, in addition to the labor law reform debate, and I believe impinging on that debate, is the entire proposition of inflation in our country. That idea certainly has been bandied about during the past few days in this Chamber and elsewhere as the results of the proposition 13 referendum in California and other referenda that were held throughout the country on last Tuesday have been analyzed.

Likewise, in the Banking, Housing, and Urban Affairs Committee of the Senate hearings have been held, three of them, with a fourth continuing tomorrow, on potential assistance to New York City for the year following the expiration of the current financial arrangements on June 30.

I suggested during my remarks of last Wednesday that all of these situations must be considered simultaneously. To do otherwise is to defy the logic of the American people who do see one large cloth, even though we are fixed upon one small part of it.

I want to suggest that in many ways it would appear to me that the word has not arrived in this Chamber. In many ways the word could not have arrived simply because the debate on this particular narrow focus of labor law reform continues.

If, in fact, this were an emergency piece of legislation, if there were any impelling reasons why we were discussing this particular law, the public as a whole would be exercised day by day; I would suggest that the media would be exercised day by day; that a good number of people would be broadly upset that progress was not being made on this particular bill.

Mr. President, may I simply suggest, and I think this is an appropriate comment about this debate, that the country as a whole really does not care very much about this debate. The press, as a whole, barely notices this debate. The press from time to time tries to remind itself and remind the rest of the public what it is that the Senate is now doing these days, suggesting somehow or other that we are still in session and that there is a debate of sorts going on. But the suggestion certainly implicit in that analysis is the debate is not very important, the legislation is not very important, and the suggestion is simply one of these things that has to be done, has to be gotten through with.

(Mr. STONE assumed the chair.)

Mr. LUGAR. This morning the distinguished majority leader (Mr. ROBERT C. BYRD) suggested, in remarks that have been carried on the wire services and I presume will be in the printed media as the day goes on, that essentially crucial legislation is being held up by this debate, that it is imperative that those of us who are in opposition stop; that in essence whatever may be the merits of

this bill, they have been debated long enough, and that by and large the bill ought to be passed and thereby a block to crucial legislation could be eliminated.

It is not clear, Mr. President, what crucial legislation has been blocked by this debate. I would suggest, as a matter of fact, that if the majority leader had seen any crucial legislation coming along the trail, he would not have scheduled this particular bill for consideration at all. This as a matter of fact, Mr. President, has been a period of fill-in time, apparently, in which it did not make a whole lot of difference what came before this body. Without having any idea precisely why the majority leader has scheduled this debate for this particular time, my suggestion is simply that there was nothing else to talk about, and feeling some obligation to do it at some point, he threw it out here and hope for the best.

As a matter of fact, the bill has been here for a long time. The distinguished floor manager of the bill at one point mentioned the number of days that were consumed in debating other major pieces of labor legislation in the past. Certainly the number of days spent on this bill has exceeded that of the Wagner Act, the Taft-Hartley Act, and the Landrum-Griffin Act, to my best recollection, and apparently will go on to set records day by day so long as the bill continues before us.

Let me suggest that the public as a whole is not either entranced, beguiled, or fooled by what is occurring here. As a matter of fact, the public as a whole grows more concerned daily about the problems of inflation and the problems posed by the proposition 13 situation; and I am trying in these remarks, Mr. President, to give some idea of what we ought to be looking at as Senators dedicated to the public weal.

For example, President Carter met on Friday with the news editors, and he gave a half-hour interview in which he made comments about this body and the House of Representatives. He was asked in the interview Friday with visiting news editors if Congress would get a message from the Tuesday referendum in which California put a tight limit on property taxes, slashing them by 75 percent. The President replied:

> I hope so. . . . I would guess that they would certainly get a message.

But the President then said that he would be "greatly surprised" if Congress proposed a similar spending limit on him.

He also suggested that Congress has not been willing to go along with cutting income taxes so far, to this point, but he suggested in his interview that far from Congress moving to a cut in spending, the President thought that Congress was more likely to increase spending, and therefore, he said: "We are going to hold the line."

The President probably cannot have it both ways, and in the course of the interview I think that he recognized that. The President said:

> I think the overriding concern that I have is about inflation. It is very bad, getting worse. And I don't think we have marshaled an adequate support in the Congress or around the nation to join in a concerted effort to control this threat to the economic structure and stability of our country.

Well, indeed, of course, the President has not. And later Mr. Bosworth, who is Director of the Council on Wage and Price Stability, followed up with a President as to what sort of danger signals lie on down the road. He said:

> Some signs of moderation are needed from the railroad unions and postal workers in their labor negotiations. The Teamsters union contract to be negotiated early next year is "crucial," he said, because if affects automobile, rubber and electrical contracts as well as retail-trade negotiations.
>
> "The rate of wage increases in the economy as a whole in recent years has been about 7% a year," Mr. Bosworth said. "Compounded, that's about 22% or 23% for a three-year contract, and to advance the President's plan we need to get under that."

Mr. President, in the midst of that particular interview in which the President of the United States said he would be greatly surprised if Congress imposed a spending limit on him, rather, he seemed to feel an obligation to impose one on us, suggesting that we will want to spend more; and the thought was happily expressed that somehow labor contracts might be kept to a 22 or 23 percent increase over a 3-year period. Then we have additional items in the news, under back-to-back headlines in the Wall Street Journal:

> MONEY SUPPLY CLIMBED SHARPLY IN LATEST WEEK: JUMP OF $4.2 BILLION IN M–1 PUTS PRESSURE ON THE FED FOR CREDIT TIGHTENING

And:

> HOUSE EASILY CLEARS FEDERAL GUARANTEES FOR NEW YORK, BOOSTING HOPE OF PASSAGE

Those stories have drawn some attention. But one would search that particular issue without finding any mention of labor law reform, because the public, by and large, sees this particular bill as part of the same old pattern, part of a debate which continues on, rather irrelevant to what is going on in the world today around us.

What is going on in the world around us is all too clear. Wages and prices are going up rapidly. One part of the other body, the Banking Committee of the House of Representatives, and the House as a whole, are seen as pushing ahead the New York guarantees, and the money supply as going up very rapidly. It reminds one of a quotation from John Kenneth Galbraith, who was discussing urban policy in his 1970 book "Who Needs the Democrats?" Galbraith had this to say—and mind you, this is 1970:

> Having contemplated all of the other remedies for urban decay, we should now try using money. We must stop using sociology as a substitute for taxation. That ample funds for city services—for the schools, police, courts, sanitation, public transportation, parks, playgrounds, museums, public festivals—will make city life agreeable may not be clear. But financial starvation does make urban life intolerable. And good and amply financed amenities do make urban life quite tolerable for people of various races in other countries.
>
> Modern city life is incredibly expensive. To make the necessary money available, Democrats may reject out of hand the notion that Americans are overtaxed. They are not and will be less so when foreign policy is reduced to need. A strong urban policy must include large bloc grants from the federal government to the large cities. (None should go to the states, which are not in any similar need.) But the money should also be given on terms that require the cities to tax their own rich, and their own commuters more adequately than now. Before John Lindsay is given final credentials as a Democrat, he must be required to make rich New Yorkers complain more about their taxes and less about their services.

The point of this, Mr. President, is that the ideas that are being suggested in the chambers of the House of Representatives and the Senate are not new. The thought that we simply ought to try money, spending more money, is not a new idea. But it runs absolutely counter to what is occurring in this country. The point that some of us are attempting to make with regard to this debate is that something occurred last Tuesday in California, and that is that several million people held a referendum, and they said that they do not feel that the service that they are receiving is worth the money they are paying. A great deal of quibbling has been done as to whether property taxes should have been the particular avenue that was attacked, whether income taxes would not have been more appropriate, or whether in fact local governments have been affected.

The people of California could not find a more convenient target, nor can most people who are involved in referendums whether they are in Ohio or California. What they were saying is, "The same old game will not work."

Now, of course, on this floor the common plea is made that first of all the impact of this labor law reform bill will not be inflationary, or some who would say it might be slightly inflationary would say, "Really, it will not be all that much." I have not heard a credible argument made, nor am I certain that one can be found, that would suggest this bill is going to be anti-inflationary.

The facts of life are again, Mr. President, that the reason we are debating this bill—and I want to keep the premise before us very clearly—is not that it pertains to inflation, not that it pertains to better services for people in our cities. Does anyone seriously believe that the passage of this bill is going to lead to better services for people in cities in California or New York City? Does anyone seriously believe that inflation or the problems which now face the urban areas in meeting their budgets will be assisted? Is anyone seriously arguing that more jobs are going to be created in the economy for the unemployed, whether they are in the inner cities, on the farms, or in suburbia of America by scaring the life out of small business?

Again and again we have the plea made that small businessmen really do not know what they are saying about this bill.

As a matter of fact, in the last colloquy the suggestion came that large businessmen are scaring small businessmen and that these large businessmen have scared the small businessmen to such an extent the latter rushed to Washington

to see us and tell us how frightened they are, the implication being that they really are not frightened, that they simply cannot perceive their own self-interest.

This is so ludicrous on the face of it that it hardly bears comment by anyone who has ever been involved in small business, and there are not many on this floor who have been involved, though I have been. I have been involved in small business. I still am involved in small business and I know what this bill is all about, I know small businessmen who have been involved in these situations.

Let me say very frankly, Mr. President, that the business of which I am an officer has been, in fact, cited by the National Labor Relations Board for unfair practices. I know what that is all about. I know who the folks are who are involved in the hearings. I know the sort of trumped-up charges which occur in the course of this sort of situation and the type of justice that is dispensed.

I do not need a large businessman to come to Washington to instruct me to tell my colleagues that there are some problems with this bill. Quite the contrary, Mr. President, it is very important that the proponents of this bill begin to believe, and begin to know, that small businessmen in this country are not going to be rolled over on this particular one. If proponents are determined to take time, we are determined to take time. We are going to take all the time that is needed.

This bill is not required by the country. It is not demanded by anyone except organized labor in its frustration, in its inability, to organize small business.

Concerning the preposterous thought that somehow or other small businesses cannot understand their situation—indeed, Mr. President, they do, and they have come to Washington.

I presume the real problem for small businesses is the same as for large businesses. It was brought to the fore I thought very graphically today by an editorial by Mr. Herbert Stein in the Wall Street Journal, entitled "Businessmen of the World Unite." I think he makes some very perceptive comments about businessmen generally.

Businessmen on the whole are a fairly peaceful and docile group. By and large, as Mr. Stein points out, businessmen have been rather easily persuaded, some would even say bought off from time to time, by honors, privileges, perquisites. They do not really have the gut instincts to be fighters the same as other groups in our society have.

Mr. Stein suggests, and I quote paragraphs I thought were particularly graphic:

> A business executive may agree with this argument and still say that he is not employed to be a hero with his stockholders' money, and he cannot risk his stockholders' money by not complying. Presumably the cost of defending the free enterprise system by not going along with the administration would be greater than the cost of endowing another chair on free enterprise. However, this would only be true if the nonconformists were a small minority, each acting in isolation from the other. The government would have great difficulty in imposing sanctions upon American business as a whole, or upon any large part of it. Even a presidential denunciation of American business should not be terrifying, especially since the labor leadership has openly absented itself from the voluntary price-wage restraint program.
>
> What businessmen need to do at this point is to dissent. This means not only not cooperating; it means getting together to affirm that they will not cooperate, on grounds of principle. They would be violating no law in doing this. It is not a violation of the antitrust laws to get together to refuse to join with a government official in fixing prices. The government has authority under the Council on Wage and Price Stability Act to require reports and subpoena witnesses. It cannot require anyone to come to lunch at the White House to negotiate with a government official, or to conform to his standards of price behavior. Indeed, the act specifically says that it does not authorize the imposition of any mandatory economic controls.
>
> DISSENT AND DEMONSTRATE
>
> Business needs to demonstrate its dissent, and not just by writing letters to government officials or even by putting ads in the newspapers. Businessmen need to demonstrate in Washington as the civil rights activists, have demonstrated, and as the anti-Vietnam activists, the environmental activists and the higher-farm-price activists did. We need a businessmen's liberation movement, and a businessmen's liberation day and a businessmen's liberation rally on the monument grounds in Washington, attended by thousands of businessmen shouting and carrying signs. We need a few businessmen to chain themselves to the White House fence—and do it themselves, not have it done by their Washington reps.
>
> What demonstrations demonstrate is that some people care about something a lot. Even in the biggest demonstration the number of people involved is small compared to the size of the American electorate. But the demonstrators are powerful because their presence, and their uninhibited behavior, shows that they feel deeply. For a business executive to hire a lawyer, PR man or speech writer to put some words together for him does not show that he cares very much. But for the businessman to put his body on the line, to stand in a crowd and shout himself hoarse in the Washington sun—that will show that he cares deeply. That will be something that Washington will pay attention to.

Now, having been here during the excitement of the American agricultural movement in January and February, I must say that I am not convinced that simply by coming to Washington and being involved in this manner that legislation either passes or fails. As a matter of fact, I think there are all sorts of countervailing forces in the country. The media and all sorts of other strains that come to bear in a two-Chamber legislature with an Executive moderates the various demands. But the point made by Mr. Stein is a good one. That is essentially that this is something that Washington understands, the people who come, the people who make their own arguments personally.

I would say, Mr. President, that the only people I can see who are making the argument personally on this particular issue are small businessmen and leaders of trade unions in this country. They care about this.

The distinguished junior Senator from New York in his comments last week, in last Friday's debate, was commenting on speeches that had been made by some who were saying that this bill means a great deal to organized labor because of a feeling that somehow or other the tide has been going out for organized labor in the country; that the bill is symbolic; that it may, in fact, have very little to do with what is going on in the rest of America but it does have a lot to do with the dynamics of the trade union movement and whether anybody in public life cares about the ebbing of that situation.

I can understand what he was saying and I am certain that there is poignancy in that type of a plea.

What I would hope from the advocates of this bill is a sense of understanding that that same degree of caring can be felt by people in private enterprise, by owners of small business, that there is, in fact, a sense of emotion and of ties to principle that are equal thereto. This is that kind of issue, Mr. President. It is not a bill in which one simply throws out the propositions and then, by amendments, tailors them in one way or another to make them somewhat more acceptable. It is not the sort of bill, as a matter of fact, that ought to come up at all, given the general mood of the country, which I believe is clearly one that perceives big labor, big business, big government, all in league, all a part of the problem of inflation, all a part of the problem of diminishing freedom for many Americans.

This issue is not ripe for this kind of solution. It is an anachronism in the course of American public affairs currently, totally counter to the mood of the public. I do not know how many other ways one can make the point, but one should continue to try to make it, that there is no correlation between this bill and several million people in California who are prepared to hack out everything, if necessary, to simply get back to ground zero.

In the midst of all of this, of course, some have suggested that proposition 13 may fail if public employee unions raise successful lawsuits. Some have suggested that it is all well and good for the public, as a whole, to vote that they would prefer to cut property taxes and take their chances with fewer services, but that the people providing the services will not take no for an answer; that they will want to continue providing them in any event; and that, having a vested interest as they perceive it in their jobs and their particular situation, they will make implementation of proposition 13 or any other similar revenue matter rough.

I have no doubt that that is what lies ahead for 13 or any other such proposition. As a matter of fact, as I suggested last Wednesday, why in the midst of the consideration by Congress presently of the New York situation, would the city of New York accede to what has been described as a billion dollar wage increase? There is a city that is indicating that it may go bankrupt without substantial loan guarantees, if not other assistance; a city that is suggesting that, as a matter of fact, it has not negotiated well in the

past, has acceded to exhorbitant demands, not only for wages but for pensions. But clearly, even in the midst of all of that, Congress and the country were treated to labor negotiations that resulted in at least 4 percent wage increases in 2 years, back to back, with additional cost of living increases in addition to that.

Why, Mr. President, does that occur? Is anyone in this Chamber really in doubt as to why it occurs? Because essentially, the public employee unions in New York are saying, "We will shut your city down. We do not agree with that." The people in New York are really saying, "We do not have a rational option of saying we want our taxes cut, we want fiscal sanity restored, we want a balanced budget."

Public employee unions are saying, "You do not have that option. We do have the political clout, even in bankruptcy, to get a wage increase 2 years in a row. As a matter of fact, we will not settle for that unless we are really in a mood to do so."

I simply raise this question, Mr. President, that the people are in a proposition 13 mood. The public has spoken, but the public is about to find what we are finding in this Chamber. That is that you can have a mood, you can have a consensus, but when it comes to the power of organized labor, very frequently, Mr. President, you will find that that prevails regardless of what the other rules of the game will be.

There was no consensus to bring this bill to this Chamber to tie us up for 14 days with the most narrow focus of special interest legislation, no national consensus whatsoever for this. I am amazed, day by day, that anyone even makes the argument that those of us in opposition could be accused of delay or of holding up vital legislation for the country. Those who scheduled this bill are totally responsible for that and will remain totally responsible.

Anybody who has severe problems with regard to legislation, I think, needs to know that the majority leader schedules bills on this floor. The majority leader determines when we start and when we close and, likewise, when this bill might be withdrawn. The majority leader knows that, too.

What I think we are trying to say is that if there is emotion on the part of the organized labor leaders of this country to try to recapture what they have lost, it is more than matched by the emotion of small businessmen and people involved in free enterprise to try to maintain what they have and provide more jobs and more opportunity and a great deal of the initiative and spirit that are required, as a matter of fact, if employment is to happen for many Americans who have not had that opportunity.

I think, Mr. President, that it is essential, as we discuss, whether it is the Byrd substitute or various attempts on the part of advocates of this bill to accommodate various objections, to say that that is interesting, but it is almost irrelevant. The facts of life are that if one accepts the premise to begin with that the bill is important, that it has anything at all to say that is vital to American life at this point, one can argue about the small nuances.

The point that many of us are making on this side is that the American public will be better off without this bill. As a matter of fact, the American public as a whole would like to be discussing legislation which clearly is anti-inflationary, which cuts taxes, which opens opportunity, which speaks to the initiatives in private free enterprise that might bring about employment of more people, that, somehow, has something less to do with the coercion of individuals in our society that this bill clearly has. The public, right now, wants more freedom, less taxes, less inflation, all the situations against which this bill runs.

Mr. President, I am very hopeful that, in the course of the next few days, as we continue to discuss this labor law reform legislation, as attempts are made—as I am advised they will be from time to time—to terminate debate, to ram it through anyway, quite apart from whether the public wants it or the public is interested in it—it simply is an expedient move to clear the floor or clear the agenda—there are still a large number of Senators who will reject that idea. A large number of Senators will indicate that the time has come to move on to other important matters, that, somehow, we shall be spared something that is still, no matter how you look at it, an unfortunate piece of legislation.

Mr. WILLIAMS. Mr. President, I just want to say that the Senator from Indiana is generally moderate, not in his feelings, but in the way he expresses himself. But to say that it is clear that small business has arrived without any help from big business to an intense lobbying against this bill is not accurate at all.

On May 17, we included a long and obviously well-documented report from the Wall Street Journal that dealt with this bill and the lobbying effort. In one specific, I will read from the RECORD itself on May 17 at p. 14042. I will just enlighten the Senator from Indiana where one of our Members said that he had never seen so many big businessmen and not small businessmen come to lobby him on this bill.

I quote from the Wall Street Journal:

"As if by magic"—in the words of one business lobbyist—the big companies stopped sending their executives to Sen. Chiles's door. In their stead came a stream of small Florida entrepreneurs, appearing in groups of 25 and carrying dire arguments about the measure's threat to their livelihoods.

THE MAGIC OF CORPORATE JETS

But it wasn't magic that carried those small-business representatives to Washington. It was the corporate jets of Florida's big business—which, like businesses large and small throughout the country, are involved in a lobbying campaign that is more sophisticated, better coordinated and more extensive than any other in recent memory.

So I am just saying that this is further evidence to support what we have said, that the buildup of the campaign against this bill was developed and then the mechanics were engineered, the technology was bought by big business, just as included in the ad from the chairman of the board and chief executives of the Marathon Corp. complaining about the double-digit inflation and expressing concern about small business.

This is all part of a massive effort financed by large business through the national associations, the chamber of commerce, and the business roundtable.

That is what we say has been what has provoked small business in such large numbers, and then the content, and I am not going to delay this any longer, but the content and the propaganda that went out across this country to individuals and to small business misrepresented the original bill. Of course, it has not been updated, because the misrepresented original bill is far different from the present substitute that is before us.

I will say that I apreciate the Senator from Indiana was moderate, but I thought in that particular degree he overstated.

If the Senator has yielded the floor, I will finish out the RECORD for today.

Mr. LUGAR. If the Senator will yield for just a short comment, I appreciate the point he has made and, of course, there has been money provided by businesses of all sizes for advertisements and for lobbying efforts in this particular regard.

I think the point that I was attempting to make and that would still stand is that a great number of small businessmen have been effective with Senators, because they have, in fact, spoken for themselves.

I would guess that most Senators have been much less persuaded by the efforts of large business than they have by the individual pleas of small business and by the individual persons who have appeared in a great number of instances. Each of us can testify as to what has been persuasive in our cases.

But, quite apart from the money or organization that might have been paid, it would appear to me the persuasion has come from individual sacrifices and individual experiences.

Mr. WILLIAMS. I just wonder whether with all of the technology available, and the money that is there, and the mailings that have gone out to millions, whether a mailing did go out incorporating the provisions of the substitute to those who received the information on the original bill.

Mr. President, on behalf of the majority leader, I want to announce that an original cosponsor of amendment No. 2445 was to have been the Senator from South Dakota (Mr. MCGOVERN) whose name was inadvertently omitted when the amendment was offered and I ask that that be included.

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

THE NEED FOR LABOR LAW REFORM

Mr. WILLIAMS. Mr. President, most often an employer learns that his employees are interested in union representation well before the union seeks recognition or files a petition for an election.

Sometimes the employer fires those active in the union drive or campaigns against the union himself, by interrogating and coercing his employees.

Workers may withstand this onslaught and vote in favor of the union; and often, after the union is certified as the employees' representative, the employer, will fulfill his statutory duty and bargain in good faith.

But even when this occurs, those workers who were illegally discharged must be reinstated, and they must be given back pay. Under our current law, this is not always easy.

George Yarber, and Clifton Cox were two such employees, and their story reveals why America's workers need labor law reform.

WHY AMERICA'S WORKERS NEED LABOR LAW REFORM: CHAPTER 12

On July 25, 1968, the Carpenters Union started its campaign to organize the employees of the Southern Household Products Co., of Shubuta, Miss. Three employees signed cards, and were discharged the next day, on July 26, four more employees signed cards. They were discharged on July 31.

On July 31, the company received notification from the union that it was organizing the employees. By that time, seven employees had already been discharged, because of their activities in support of the union.

On September 8, 1968, the union filed a petition. By that time, the employer had held a captive audience speech, during which he threatened to close the plant if the union campaign persisted, and had already interrogated several employees as to their union sympathies.

On October 25, the Board conducted an election. Despite the captive audience speech, despite the interrogation of employees, despite the fact that by that time, 11 union adherents had been illegally discharged, the workers voted, 55 to 50, to have the Carpenters Union represent them. There were 10 challenged ballots, 9 of which were cast by workers who had been illegally discharged.

On December 16, 1969, more than a year after the union had won the election, and nearly 17 months after the first discharges, the Board issued its decision finding all of the discharges illegal, and ordering the company to reinstate the discharged workers and give them back pay.

The company refused to comply, and the Board sought enforcement of its order by the U.S. Circuit Court for the 5th Circuit. The company argued to the court that since it had already entered into a contract with the union, and, indeed, by that time the company had met its statutory duty to bargain, the matter was moot. The court entered its decision on October 27, 1971. It disagreed with the company, concluding that the matter was not moot, and held that enforcing the Board's order would provide an incentive for continued compliance by the company.

It was not until late in the spring of 1972 that the Board held a backpay hearing for George Yarber and Clifton Cox and their fellow employees. This was almost a year after the Circuit Court's decision, it was almost 2½ years after the Board had issued its original decision finding the discharges illegal, and it was almost 4 years after the illegal discharges.

And the Board's decision and order in the backpay case did not occur until May 24, 1973, almost 5 years after the illegal discharges.

Mr. President, let me tell you why the backpay took so long to determine.

With respect to George Yarber, the company argued that Yarber did not prove that he looked hard enough for other work in order to mitigate the company's backpay liability. After this issue was litigated, the Board found that it was the company's burden, not Yarber's, to prove how hard Yarber looked for other employment.

The Board ordered the company to pay Yarber $1,285 rather than the $967 that the company claimed was due and owing Yarber. Thus, 5 years of litigation and delay was over a little more than $300 worth of backpay .

With respect to Clifton Cox's backpay, the issue was a little more complicated. The company had sent Cox a letter, in compliance with the Board's order, offering him his job back. The letter told Cox he should return to work on April 9, 1969, or not later than April 18. Cox did not report on the 9th of April, and the company argued that Cox's backpay should be cut off on that date, even though the offer was open until the 18th. The Board disagreed, and said that since the offer was open until the 18th, the backpay period should run to the 18th. The Board ordered the company to pay Cox the additional $95 in backpay for the extra 9 days.

There was no way of determining why Cox did not report on the 9th, since by the time the backpay hearing was held, Clifton Cox had died.

Mr. President, it is outrageous that these cases took nearly 5 years to decide.

Under H.R. 8410, this would not have happened. The bill before us today provides that workers who are illegally discharged during union drives may be ordered reinstated by the courts. They would be reinstated in weeks, not years. The bill before us provides a measure of backpay which would cut through this litigation nightmare. Backpay under H.R. 8410 would have been 1½ times the employee's earnings, less what he actually earned in the interim, not what he might have earned.

Mr. President, it is cases like that of Clifton Cox and George Yarber that labor law reform is all about.

## ROUTINE MORNING BUSINESS

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that there now be a period for the transaction of routine morning business, with Senators permitted to speak up to 20 minutes each.

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

## MESSAGES FROM THE HOUSE

At 12:10 p.m., a message from the House of Representatives delivered by Mr. Berry, one of its reading clerks, announced that the House has passed the following joint resolution, in which it requests the concurrence of the Senate:

H.J. Res. 945. A joint resolution making an urgent supplemental appropriation for the black lung program of the Department of Labor for the fiscal year ending September 30, 1978.

At 3:25 p.m., a message from the House of Representatives delivered by Mr. Hackney, one of its reading clerks, announced that the House agrees to the amendment of the Senate to H.R. 10884, an act to authorize appropriations to the Council on Environmental Quality for fiscal years 1979, 1980, and 1981.

## HOUSE JOINT RESOLUTION REFERRED

The following joint resolution was read twice by its title and referred as indicated:

H.J. Res. 945. A joint resolution making an urgent supplemental appropriation for the black lung program of the Department of Labor for the fiscal year ending September 30, 1978, to the Committee on Appropriations.

## ORDER TO HOLD H.R. 12441 AT THE DESK

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that at such time as H.R. 12441, Toxic Substances Control Act authorizations, is received, it be held at the desk pending further disposition.

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

## REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. MAGNUSON, from the Committee on Appropriations, without amendment:

S. Res. 478. An original resolution authorizing additional expenditures by the Committee on Appropriations for routine purposes. Referred to the Committee on Rules and Administration.

By Mr. PELL, from the Committee on Rules and Administration:

Special report pursuant to section 302(b) of the Congressional Budget Act of 1974 (Rept. No. 95-929).

## 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. BURDICK:

S. 3190. A bill for the relief of Elwood Erickson; to the Committee on the Judiciary.

By Mr. CRANSTON:

S. 3191. A bill to authorize the home production of beer and wine; to the Committee on Finance.

By Mr. LAXALT (for himself, Mr. CANNON, Mr. DOMENICI, Mr. GARN, Mr. STEVENS, Mr. HATCH, and Mr. SCHMITT):

S. 3192. A bill to provide that certain public lands which are intermingled with non-

public lands shall be conveyed to the several States; to the Committee on Energy and Natural Resources.

By Mr. BENTSEN:

S. 3193. A bill to amend the Internal Reveune Code of 1954 and the Employee Retirement Income Security Act of 1974 to simplify paperwork requirements and streamline enforcement; to the Committee on Finance and the Committee on Human Resources, jointly, by unanimous consent.

## STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. CRANSTON:

S. 3191. A bill to authorize the home production of beer and wine; to the Committee on Finance.

HOME BREW BEER EQUALITY ACT OF 1978

● Mr. CRANSTON. Mr. President, today I am introducing legislation to give homebrew beer equality with homemade wine in the eyes of Treasury's Bureau of Alcohol, Tobacco, and Firearms.

The need for this legislation has been brought to my attention by homebrew beer clubs in California. Among them are the Yeast Bay Brewers, the Maltose Falcons, and the San Andreas Malts.

Current Federal law provides that a duly registered "head of household" may make up to 200 gallons of wine for his own and his family's use and consumption. But, brewing beer at home for home consumption, according to ATF, is illegal.

Homebrewers contend that they have not been engaged in illegal activity. They point out that section 5092 of the Internal Revenue Code defines a brewer as one "who brews or produces beer for sale" and who is therefore subject to regulation by AFT. Nowhere in the Federal laws do homebrewers find a specific prohibition against brewing beer at home for home consumption.

A spokesman for ATF responds that the restriction on home brewing is found in the "collective reading" of the statutes. It is further argued by AFT that since home brewing of beer is not specifically authorized by Federal statute, it is therefore illegal.

Based upon its interpretation of the law, ATF, in the belief that it is helping home brewers, has endorsed legislation, H.R. 2028, which expands the definition of brewer to include "every person who brews beer." Such persons, unless they register with ATF, would be subject to a $1,000 fine and 1 year in jail for brewing beer in their homes for home consumption.

This is ridiculous.

H.R. 2028, however, does contain some positive steps. It eliminates the absurd requirement that only male "heads of households" may qualify as legal winemakers and it eliminates the registration requirement for home winemakers who produce less than 200 gallons annually.

But H.R. 2028 imposes different conditions upon homebrewers. Homebrewers under H.R. 2028 must register with ATF and may not have more than 30 gallons of beer on hand in any household at any one time, including beer in process.

My bill would provide equal treatment for homebrewers.

The bill, like H.R. 2028, will permit the production of up to 200 gallons of homebrew beer annually, but in addition my bill drops the registration requirement on homebrewers and eliminates the 30 gallon restriction on beer permitted to be on hand at any one time.

Treasury has indicated that the registration requirement for winemakers has been of little use to the Federal Government and, indeed, has proven burdensome to the public.

But Treasury expressed concern that removing the registration requirement for homebrewers would open the door to widespread moonshine distilling operations. Homebrewers, on the other hand, point out that a whiskey mash is significantly different from homebrew fermentation. Agents from ATF can tell the difference virtually on the spot.

And, as far as I have been able to learn, the present widespread practice of making beer at home has not led to increased moonshine operations.

Mr. President, it is unfortunate that ATF is convinced that hordes of "phantom moonshiners" are lurking in the basements and closets of ordinary citizens who make beer in their own homes. The Bureau has stated, on the other hand, that they have not the slightest interest in small scale homebrewers and have not made any arrests for small scale homebrewing since prohibition was repealed 44 years ago. To go ahead with legislation requiring homebrewers to register is a foolish waste of everybody's time, energy, and money. ATF took a commonsense position with respect to home winemakers. The Bureau ought to accord equal treatment to homebrewers. My bill assures that the Bureau will.

Mr. President, I ask unanimous consent that the text of S. 3191 be printed in the RECORD.

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

S. 3191

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

(a) EXEMPTION FROM TAX ON WINE.—Section 5042(a)(2) of the Internal Revenue Code of 1954 (relating to production of wine for personal consumption) is amended to read as follows:

"(2) WINE FOR PERSONAL OR FAMILY USE.—Subject to regulations prescribed by the Secretary—

"(A) EXEMPTION.—And adult may, without payment of tax, produce wine for personal or family use and not for sale.

"(B) LIMITATION.—The aggregate amount of wine exempt from tax under this paragraph with respect to any household shall not exceed—

"(i) 200 gallons per calendar year if there are 2 or more adults in such household, or

"(ii) 100 gallons per calendar year if there is only 1 adult in such household.

"(C) ADULTS.—For purposes of this paragraph, the term 'adult' means an individual who has attained 18 years of age."

(b) EXEMPTION FROM TAX ON BEER.—

(1) IN GENERAL.—Section 5053 of such Code (relating to exemptions from excise tax on beer) is amended by redesignating subsection (e) as subsection (f) and by inserting after subsection (d) the following new section:

"(e) BEER FOR PERSONAL OR FAMILY USE.—Subject to regulations prescribed by the Secretary, any adult may, without payment of tax, produce beer for personal or family use and not for sale. The aggregate amount of beer exempt from tax under this subsection with respect to any household shall not exceed—

"(1) 200 gallons per calendar year if there are 2 or more adults in such household, or

"(2) 100 gallons per calendar year if there is only 1 adult in such household.

For purposes of this subsection, the term 'adult' means an individual who has attained 18 years of age."

(2) ILLEGALLY PRODUCED BEER.—

(A) Section 5051 of such Code (relating to imposition and rate of tax) is amended by adding at the end thereof the following new subsection:

"(c) ILLEGALLY PRODUCED BEER.—The production of any beer at any place in the United States shall be subject to tax at the rate prescribed in subsection (a) and such tax shall be due and payable as provided in section 5054(a)(3) unless—

"(1) such bear is produced in a brewery qualified under the provisions of subchapter G, or

"(2) such production is exempt from tax under section 5053(e) (relating to beer for personal or family use)."

(B) Section 5054(a)(3) of such Code (relating to illegally produced beer) is amended to read as follows:

"(3) ILLEGALLY PRODUCED BEER.—The tax on any beer produced in the United States shall be due and payable immediately upon production unless—

"(A) such beer is produced in a brewery qualified under the provisions of subchapter G, or

"(B) such production is exempt from tax under section 5053(e) (relating to beer for personal or family use)."

(3) DEFINITION OF BREWER.—Section 5092 of such Code (defining brewer) is amended to read as follows:

"SEC. 5092. DEFINITION OF BREWER.

"Every person who brews beer (except a person who produces only beer exempt from tax under section 5053(e)) and every person who produces beer for sale shall be deemed to be a brewer."

(4) EXEMPTION FROM CERTAIN PROVISIONS RELATING TO DISTILLING MATERIALS.—Section 5222(a)(2)(C) of such Code (relating to certain exemptions) is amended by striking out "; or" and inserting in lieu thereof "or 5053(e); or",

(5) PENALTY FOR UNLAWFUL PRODUCTION OF BEER.—

(A) Section 5674 of such Code (relating to penalty for unlawful removal of beer) is amended to read as follows:

"SEC. 5674. PENALTY FOR UNLAWFUL PRODUCTION OR REMOVAL OF BEER.

"(a) UNLAWFUL PRODUCTION.—Any person who brews beer or produces beer shall be fined not more than $1,000, or imprisoned not more than 1 year, or both, unless such beer is brewed or produced in a brewery qualified under subchapter G or such production is exempt from tax under section 5053(e) (relating to beer for personal or family use).

"(b) UNLAWFUL REMOVAL.—Any brewer or other person who removes or in any way aids in the removal from any brewery of beer without complying with the provisions of this chapter or regulations issued pursuant thereto shall be fined not more than $1,000, or imprisoned not more than 1 year, or both."

(B) The item relating to section 5674 in the table of sections for part III of subchapter J of chapter 51 of such Code is amended to read as follows:

"SEC. 5674. PENALTY FOR UNLAWFUL PRODUCTION OR REMOVAL OF BEER."

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on the

first day of the first calendar month which begins more than 90 days after the date of the enactment of this Act.●

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By Mr. LAXALT (for himself, Mr. CANNON, Mr. DOMENICI, Mr. GARN, Mr. STEVENS, Mr. HATCH, and Mr. SCHMITT):

S. 3192. A bill to provide that certain public lands which are intermingled with nonpublic lands shall be conveyed to the several States; to the Committee on Energy and Natural Resources.

PUBLIC LANDS CONVEYANCE ACT OF 1978

● Mr. LAXALT. Mr. President, I am pleased to introduce the Public Lands Conveyance Act of 1978 for myself and Senators CANNON, DOMENICI, GARN, STEVENS, HATCH, and SCHMITT. This bill provides that certain public lands which are intermingled with nonpublic lands be conveyed to the States.

The disposition of intermingled public and private lands has become a critical issue in my own State of Nevada, as well as throughout the other western States. To dramatize this problem, during the week of May 22, 1978, representatives from the National Association of Counties and the Western Coalition of the Council of State Governments were in Washington to discuss with administration leaders and Members of Congress appropriate means of proceeding in the resolution of this problem, and they continue to urge that steps be taken to resolve this issue through the conveyance of the intermingled public lands to the States.

Mr. President, the intermingled public and private landownership pattern was created by Congress by enacting the Railroad Land Grant Acts for the purpose of advancing and expediting the construction of the Transcontinental Rail System and as a result of the Small Tract Act. While these original land disposal approaches served their original purposes, the intermingled public and private landownership pattern is now creating difficult land management and land use and planning problems for the private landowner, the cities, counties, and States, as well as the BLM. A few of the problems are:

First. The private landowner does not have access to his land over the public lands, and now, under the new BLM Organic Act, obtaining any access road may be so cumbersome, delayed and expensive that, in practical effect, the private landowner is deprived of the use of his private property. He is landlocked and cannot develop or use his land.

Second. The BLM could effectively deny the owner of private lands of the grazing use of his private lands through trespass actions against the owner for traveling across public lands or permitting his livestock to get off his private lands, unless the owner, under compulsion, turns the management of his lands over to the BLM by exchange of use agreement or fences his private lands. In many instances, it is not economically feasible for a private owner to fence each section of his land, and even if he did, he could not go from section to section of private land through a corner without trespassing on public lands.

Third. The BLM cannot properly utilize the intermingled public lands unless it obtains consent to use the private lands from the landowner or arbitrarily causes trespass on those lands. They may compel this consent in the case of ranchers in issuing grazing permits, but they cannot compel consent from nongrazing landowners; so if these private lands are used, they would be being used without permission.

Fourth. The BLM has, for all practical purposes, stopped all exchanges of land which could beneficially block land pattern ownership for the benefit of both the Government and the private landowner because of their planning and EIS processes and timetables.

Fifth. The landownership pattern precludes utilization of the public lands for wildlife development, wild horse use, and so forth, because of the intermingled private lands.

Sixth. The intermingled landownership pattern prevents city, county, and State development of projects of any size without BLM interference and control. For example, the city of Elko, Nev., has one recreational use patent to a small portion of its golf course, and in order to obtain it, Elko had to agree to the Secretary of the Interior having the power to determine the use of the golf course, the green fees that will be charged, et cetra. Mr. President, in my view, this is ridiculous.

The point I want to make, Mr. President, is that this type of landownership pattern is certainly not desirable from a standpoint of either the Government or the private landowner. And, this is no small problem; in Nevada alone, the BLM has identified at least 5,280,000 acres of intermingled public lands as being unmanageable.

Mr. President, the legislation I introduce today provides what I believe is a basis for a reasonable legislative solution because it involves lands generally most desired by the States and which are most difficult to manage by the Federal Government. I hope there is a mutual interest in providing this new authority. In conclusion, Mr. President, it is important to note that this measure does not interfere with the Department of the Interior's process of preparing regulations to implement land disposal authority under the provisions of the Federal Land Policy and Management Act or other existing authorities.

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. 3192

*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 "Public Lands Conveyance Act of 1978."

STATEMENT OF PURPOSE

SEC. 2. It is the purpose of this Act to provide for the conveyance to the several States of certain public lands in order to serve important public objectives, including the expansion of communities and economic development, which cannot be achieved on other than public lands and which outweigh other public objectives.

DEFINITIONS

SEC. 3. (a) For purposes of this Act the term "public lands" means any land and interest in land (including improvements thereon and mineral rights therein) owned by the United States within the several States and administered by the Secretary of Interior through the Bureau of Land Management, without regard to how the United States acquired ownership, except—

(1) lands located on the Outer Continental Shelf; and

(2) lands held for the benefit of Indians, Aleuts, or Eskimos.

(b) For purposes of this Act, the term "Secretary" means the Secretary of the Interior.

LANDS TO BE CONVEYED

SEC. 4. The public lands which shall be conveyed to the several states under this Act shall be only those public lands (as defined in section 3) which, as a result of land grants made to railroads under any Act of Congress or as a result of grants made under the provisions of the Act entitled "An Act to provide for the purchase of public lands for home and other sites" approved June 1, 1938, as amended, are intermingled with lands not owned by the United States.

PLAN FOR CONVEYANCE

SEC. 5. (a) Within one year after the date of the enactment of this Act, the Secretary shall submit to the Congress a plan for the orderly conveyance to each of the several States of all right, title, and interest of the United States in and to any public lands which meet the criteria set forth in section 4.

(b) The plan shall provide—

(1) a description of the methods and procedures by which the Secretary shall determine which lands shall be conveyed under the provisions of this Act;

(2) a timetable for carrying out the conveyances under this Act; and

(3) a description of the application procedure to be used by a State in order to request that land be conveyed to it under this Act.

(c) The plan shall be submitted to the Congress and shall take effect at the end of the period which ends 60 days after such plan is so submitted (excluding days on which Congress is not in session), unless, before the end of such period, either House of the Congress adopts a resolution of disapproval.

CONVEYANCES AUTHORIZED

SEC. 6. Within five years after the date on which the plan for conveyance becomes effective, as provided in section 5, the Secretary shall (subject to section 7) convey, in accordance with the provisions of the plan, to each of the several States all right, title, and interest of the United States in and to any public lands located within the exterior boundaries of such State, which have been determined in accordance with the provisions of the plan to be lands that meet the criteria set forth in section 4.

STATE APPLICATIONS; ADMINISTRATIVE COSTS; IMPROVEMENTS

SEC. 7. (a) In order to receive land under the provisions of this Act a State must—

(1) submit an application to the Secretary describing the land which such State wishes conveyed under this Act;

(2) agree to pay to the United States an amount equal to the administrative costs incurred by the United States in the conveyance of such land, including the costs of any necessary surveys; and

(3) agree to pay to the United States an amount equal to the fair market value of any improvements on such land.

(b) The Secretary shall determine the administrative costs involved in any conveyance under this Act and the fair market value of any improvements on lands subject to conveyance under this Act.

WAIVER OF REQUIREMENTS

SEC. 8. The requirements of the National Environmental Policy Act of 1969 and the Federal Land Policy and Management Act of 1976 shall not apply to conveyances authorized under this Act.●

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By Mr. BENTSEN:

S. 3193. A bill to amend the Internal Revenue Code of 1954 and the Employee Retirement Income Security Act of 1974 to simplify paperwork requirements and streamline enforcement; to the Committee on Finance and the Committee on Human Resources, jointly, by unanimous consent.

ERISA PAPERWORK REDUCTION ACT

● Mr. BENTSEN. Mr. President, I am today introducing a bill to help reduce pension paperwork requirements and to help streamline enforcement of the Employee Retirement Income Security Act (ERISA).

Mr. President, everybody recognizes that ERISA has created unnecessary governmental paperwork and redtape. Excessive costs for administering a pension plan simply mean that employers will have less funds available to provide benefits for the plan participants. Duplicate paperwork, inconsistent regulations and long regulatory delays in the implementation of ERISA are harmful to pension plan participants, employers and unions as well as government regulators. Failure of Congress to address this problem this year will be simply inexcusable.

Last year the Senate Finance Committee unanimously approved my Pension Simplification bill (S. 2352) which has two major objectives. First, it would help eliminate overlapping jurisdiction in the administration of ERISA. It is a waste of taxpayers' money to have the Departments of Treasury and Labor fulfilling identical functions. My bill would carefully allocate jurisdiction between the two agencies and I was very pleased that the administration endorsed this concept in hearings before the Finance Committee last year. Second, S. 2352 would implement several of the recommendations of the Paperwork Commission to reduce unnecessary ERISA reporting requirements.

The legislation I am introducing today supplements S. 2352 and would help further streamline the 1974 Pension Reform Act.

Several accountants in the firm of Price Waterhouse and Co. recently conducted a comprehensive study of the paperwork and enforcement problems under ERISA, particularly for smaller plans. These accountants formulated several concrete proposals to remedy the problems they identified and the legislation I am introducing incorporates many of their recommendations.

These accountants believe this proposal can reduce the costs of administering a pension plan by reducing paperwork and by shifting some of the reporting requirements to the time of establishment of the pension plan. It is at this point in the process where there is greater competition between banks, insurance companies and other pension administrators in the sale of pension services. Greater competition in the sale of services can reduce the costs of administering the plan, particularly for small employers.

This proposal has several features.

First, tax-qualified pension plans would be required to obtain so-called determination letters from the Internal Revenue Service at the time a plan is created. Most plans already obtain this letter and all plans must file a form with the Federal Government when the plan is established anyway. Thus, this proposal would not result in any additional reporting. It is at the time a pension plan is formulated that the information is most readily available to smaller businessmen. Since Congress has mandated pension reporting for enforcement purposes, Congress should structure the reporting requirements to impose the least burden on businessmen.

Second, form EBS–1, which is submitted to the Labor Department, would be consolidated with the initial qualification forms that are submitted to IRS. This would reduce duplicate paperwork at the time a plan is established without denying the Federal Government information necessary to enforce ERISA.

Third, the annual report (form 5500) which must be filed with the Federal Government every year under ERISA would only have to be filed every 5 years. In other years, plans would file a simplified annual report which could be incorporated with the plan sponsor's tax return. (Of course, the Departments of Treasury and Labor would continue to have complete access to information from any plan that might require thorough annual audits.)

Fourth, the full annual reports would be filed on a staggered basis with only 20 percent of the plans filing in any 1 year. There are presently about 685,000 private plans and it is difficult if not impossible for the Federal Government to audit each 1 of these every year. If only one-fifth of these plans or about 135,000 file each year, it will be easier for the Federal Government to review the plans and identify violations of ERISA. The purposes of the reporting requirements in ERISA are to enable the Treasury and Labor Departments to enforce the law and protect the pension rights of senior citizens. A staggered filing system would expedite the audit process and strengthen ERISA enforcement.

Fifth, the Departments of Labor and Treasury would be directed to formulate a booklet or guide to assist small businessmen in complying with ERISA. Currently, IRS publishes many books and guides to help various groups of taxpayers and these have proved to be helpful.

Although the study by the accountants from Price Waterhouse & Co. recommended some changes in reporting requirements to plan participants, I have not included these proposals in the legislation pending further study.

Mr. President, the Senate Finance Committee's Pension Subcommittee, which I chair, will hold hearings on this proposal in the very near future so that we can get the views and suggested modifications of the Departments of Treasury and Labor.

Mr. President, at this point in the RECORD, I ask unanimous consent to insert a memorandum prepared by the accountants describing their proposal, together with the text of the bill.

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

S. 3193

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

SECTION 1. SHORT TITLE.

This Act may be cited as the "ERISA Paperwork Reduction Act."

SEC. 2. REQUIREMENT FOR A DETERMINATION LETTER.

Section 6057 of the Internal Revenue Code of 1954 (relating to Registration of and Information Concerning Pension, etc. Plans) is amended by redesignating subsection "(g)" as "(h)" and adding the following new subsection "g":

"(g) Determination Letter—Pursuant to regulations promulgated by the Secretary, in order for a plan to qualify under section 401, the plan must obtain a determination letter from the Secretary granting qualification."

SEC. 3. CONSOLIDATED FORM FOR INITIAL QUALIFICATION.

Subtitle A of Title III of the Employee Retirement Income Security Act of 1974 (relating to jurisdiction, administration, and enforcement) is amended by adding at the end of section 3004 the following new subsection (c):

"(c) Within 60 days after the date of enactment of the ERISA Paperwork Reduction Act, the Secretary of the Treasury and the Secretary of Labor, acting jointly, shall prescribe a single form for employee benefit plans (as defined in paragraph (3) of section 3 of this Act) which will satisfy the requirements of section 102(a)(2) of this Act and of the initial qualification requirements of the Internal Revenue Code of 1954."

SEC. 4. CONSOLIDATED ANNUAL REPORTS.

Section 103 of the Employee Retirement Income Security Act of 1974 (relating to annual reports) is amended to read as follows:

"ANNUAL REPORTS

"SEC. 103. ANNUAL REPORTS.

"(a) PERIODIC ANNUAL REPORTS.—Subject to the limitations in subsections (b) and (c), the Secretary of the Treasury and the Secretary of Labor shall require employee benefit plans to which this part applies to file every five years a single annual report with the Secretary of the Treasury to carry out the policy declared in section 2 of this Act and to satisfy the requirements of sections 6057(a) and 6058(a) of the Internal Revenue Code of 1954. The Secretaries may require such plans to furnish or make available to participants and beneficiaries for inspection copies of summaries of reports and other information required under this section.

"(b) SIMPLIFIED ANNUAL REPORT.—For years when a full report under subsection (a) is not required, the Secretary of the Treasury and the Secretary of Labor are directed to prescribe a simplified annual report which could be incorporated with the tax return of the sponsor of the plan.

"(c) STAGGERED FILING.—The Secretary of the Treasury and the Secretary of Labor are directed to stagger filing of the annual reports required under subsection (a) so that only 20 percent of existing plans would file such reports each year."

SEC. 5. TREASURY AND LABOR DEPARTMENT BOOKLET.

Subtitle A of Title III of the Employee Retimement Income Security Act of 1974 (relating to jurisdiction, administration and enforcement) is amended by adding at the end of section 3004 the following new subsection (d):

"(d) Within 60 days of enactment of the ERISA Paperwork Reduction Act, the Secretary of the Treasury and the Secretary of Labor shall publish a booklet to assist plan sponsors (particularly smaller businessmen) in developing or revising record keeping systems in order to simplify compliance with the provisions of this Act."

SEC. 6. TECHNICAL AND CONFORMING CHANGES.

The Secretary of the Treasury and the Secretary of Labor shall, as soon as practicable but in any event not later than 60 days after the date of the enactment of this Act, submit to the Congress a draft of any technical and conforming changes in the Internal Revenue Code of 1954, and the Employee Retirement Income Security Act of 1974, respectively, which are necessary to reflect throughout such Code and Act the changes in the substantive provisions of law made by this Act.

(Recommendations of Accountants at Price Waterhouse & Co.—June 1978)

REPORTING AND DISCLOSURE CONSIDERATIONS FOR SMALL RETIREMENT PLANS

The following comments and ideas for small plan reporting were gathered, in part, from the recent study of plan administration costs that we conducted for the Department of Labor and from our own knowledge and thoughts on the subject.

We believe that the primary purpose of pension compliance reporting is basically to provide protection e.g. assurance or a means to determine that the interests of the government and participants are adequately safeguarded. Basically, we believe that there has to be a reporting arrangement that provides the government with useful and adequate information that must be fitted into a well coordinated policing function. However, in the same sense, we believe that the reporting structure must be designed in such a manner that does not set compliance costs at such a level that promotes plan termination or discourages plans from being established.

There has been a great deal of concern voiced that the small retirement plan sector (100 or fewer lives)[1] has been subjected to inadvertent and disproportionate plan administrative costs due to the reporting and disclosure requirements of ERISA. The findings of DOL study supports this claim. We believe that there are a number of reasons for such reporting cost increases as briefly discussed below.

*Extension of Reporting Requirements*—ERISA required that many plans (those with less than 25 participants) that were not subject to WPPDA reporting now report to the government and to participants. Therefore, the new requirements added an extra layer of plan administration costs.

*Technical Nature of ERISA*—The expanded nature of ERISA reports caused many plan sponsors to seek or required professional services due to the increased technical requirements—and thus increased out-of-pocket costs.

*Inconsistencies in the Regulatory Process and "Learning Curve"*—Changes in the effective dates of many of ERISA's regulations which caused duplication, delay and increased involvement of the outside pension advisors and the "learning curve" effect added to plan administration costs.

We believe that it is not impossible to piece together a framework for small plan reporting that when properly evaluated may be very desirable to *both* plan sponsors and regulators. Our approach takes into account a number of characteristics that, in general, prevail in the retirement plan sector;

*Degree of Pension Knowledge and Reliance on External Assistance*—Most plan sponsors are not capable to complete the mandatory reports and must rely on external resources since they do not have a support staff (accountant, personnel manager) that can perform the functions internally.

*Lack of Detailed Record Keeping Systems*—The general lack of administrative techniques to gather and report plan information makes plan reporting even more pronounced for the small employer group.

*Method by Which Plans Are Sold*—Many comments were received that indicated small plans are sold by the pension industry.[2]

With these three basic considerations in mind, we believe the bulk of regulation for the small plan sector should be at the front-end for a number of practical reasons.

First of all, if the plan qualification process were a mandatory requirement then the regulators could develop and collect relevant information regarding the plan's future operations and could initiate administrative techniques similar to those used to review tax returns. Also, the EBS-1 requirement could be rolled-up in the initial qualification process and approval for the Summary Plan Description requirement could follow shortly thereafter.

This means that the plan sponsor or the pension advisor would be able to satisfy all initial plan reporting with one streamlined process. At present, many pension professionals undergo plan qualification as a conservative measure—thus we do not expect plan installation costs to increase to any great degree. Another factor that enters into this equation is that there is *competition* in the plan installation area—since plans are sold. This is the only competitive aspect of plan administration since professional fees are on a time and materials basis thereby being insulated from competition to a large degree.

We believe that even with the increased front-end reporting, plan administration costs would not be significantly impacted since the pension industry would readily adopt pricing practices and "standardized installation arrangements" to attract pension busines and at the same time to realize economies in administering their plans.

The advantage of such an approach is two-fold—one being that the annual administration costs and possible dissatisfaction that impact plan sponsor termination would be greatly reduced and secondly, that the pension provider organizations themselves would be able to reduce their involvement necessary to administratively support a plan. In other words, the increased level of front-end regulation should permit a reduction in the annual reporting and produce across the board cost savings both to the benefit of the pension industry, plan sponsors, and participants.

With this reduction of annual requirements, we still believe that our reporting design will provide adequate information to police plan operations. We propose that a series of annual, periodic and intermittent reports be developed to butress ERISA's other provisions. For instance, we would replace the existing 5500 (K and C) annual report with a fairly straightforward one page filing to be incorporated with the plan sponsors' tax returns. This schedule would primarily be geared to support the tax deduction, disclose basic plan information, and report on prohibited transactions and fiduciary matters.

We believe that a schedule of this type could be prepared by the plan sponsor or by his advisor with a minimal amount of effort and cost as part of the annual tax preparation. Also, we would suggest that the regulatory agencies develop plan administration guidelines in simple and clear language to help the untutored plan sponsor with this filing. This plan booklet would be similar to other basic tax publications issued presently and would describe what information had to be collected and reported. This type of document would give the small plan sponsor the ability to revise or develop his record keeping accordingly which should ease the preparation effort and cost.

From the government's standpoint, automated administrative techiques could be developed within established decision rules to "flag" those filings that may need special attention.

The emphasis on compliance reporting under our arrangement would be on the expanded periodic filings that would perhaps be comparable in detail to the present 5500 annual reports. This type of report would be filed every 3 or 5 years and allow the government to enhance its review procedures and undertake appropriate actions as the circumstances warrant. Also, the filing of these reports would be staggered for the small plan sector i.e. 20 percent file in year one, 20 percent in year two, and so forth.

This would allow the government to level out the workload thus promoting efficient, orderly and economical processing and regulation through the audit process. Also, the staggered filing dates relieve the pressure on pension organizations that have to prepare and file numerous reports within specific time frames. We found that pension professionals did not have the staff nor time necessary to service all of their clients within the required deadlines.

If the periodic report was adopted, we could assume that costs and preparation effort would not exceed the present levels for preparing the 5500 annual report. In effect, this would allow plan costs to be reduced on average and spread over a period of years thus relieving the annual cost impact that presently exists.

Another area that would have to be integrated into the reporting scheme would be for reportable events. Exception reports would have to be filed promptly in some instances for certain reportable events while others could be included in the proposed one page annual filing at tax time. Plan sponsors could be given basic plan guides that define events that must be reported and outline the steps to do so.

One of the most important features of our reporting design would increase participant reporting—in part because the average participant is untutored with pension matters in general. This added reporting would require that the statement of accrued benefits[3] be provided each year and expanded to include necessary fiduciary information. Such annual statements in and of themselves would report on how the plan is being operated thus eliminating the need for the Summary Annual Report.

We found that during the DOL project that defined contribution plans prepare such benefit information as a part of routine plan

[1] According to the DOL statistics the small retirement plan sector accounts for nearly 93 percent of the total private pension plan universe on a numerical basis—but only includes 11 percent of all participants.

[2] The pension industry is a broad classification that includes those organizations that install and service small retirement plans such as, actuarial firms, banks, pension consulting, insurance companies, etc.

[3] In the case of defined benefit plans we believe that projected benefit information would be much more useful to assist a participant in post-employment income planning.

administration. Also, defined benefit plans may be subject to increased statement costs—but with the other trade-offs their overall costs should be at much lower levels. The participant reporting is intended to plan administration costs productive and meaningful.●

Mr. ROBERT C. BYRD subsequently said:

Mr. President, I ask unanimous consent that S. 3193, the ERISA Paperwork Reduction Act, introduced earlier by Senator BENTSEN, be referred jointly to the Committee on Finance and the Committee on Human Resources.

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

## ADDITIONAL COSPONSORS

S. 2627

At the request of Mr. GRAVEL, the Senator from Idaho (Mr. MCCLURE), and the Senator from Kentucky (Mr. HUDDLESTON) were added as cosponsors of S. 2627, the Deferred Compensation bill.

SENATE RESOLUTION 242

At the request of Mr. HATCH, the Senator from Kansas (Mr. DOLE) was added as a cosponsor of S. Res. 242, relating to the proposed IRS rule changes pertaining to the taxation of employee fringe benefits.

SENATE RESOLUTION 477

At the request of Mr. CULVER, the Senator from Missouri (Mr. EAGLETON), the Senator from West Virginia (Mr. RANDOLPH), and the Senators from South Dakota (Mr. MCGOVERN and Mr. ABOUREZK) were added as cosponsors of Senate Resolution 477, to disapprove the meat imports quota suspension.

## SENATE RESOLUTION 478—ORIGINAL RESOLUTION REPORTED AUTHORIZING EXPENDITURES BY COMMITTEE ON APPROPRIATIONS

Mr. MAGNUSON, from the Committee on Appropriations, reported the following original resolution, which was referred to the Committee on Rules and Administration:

S. RES. 478

*Resolved*, That the Committee on Appropriations is authorized to expend from the contingent fund of the Senate, during the Ninety-fifth Congress, $75,000 in addition to the amounts, and for the same purposes, specified in section 134(a) of the Legislative Reorganization Act of 1946, and in Senate Resolution 113, Ninety-fifth Congress, agreed to April 1, 1977.

## SENATE RESOLUTION 480—SUBMISSION OF A RESOLUTION ON THE 100TH ANNIVERSARY OF ST. BRIGID ROMAN CATHOLIC SCHOOL

Mr. HEINZ submitted the following resolution, which was referred to the Committee on the Judiciary:

S. RES. 480

Whereas during the spring of 1978 Saint Brigid Roman Catholic Church of Meadville, Pennsylvania is celebrating the one hundreth anniversary of its founding;

Whereas a special liturgical service will be held on Sunday, June 18, 1978 to commemorate the first one hundred years of the Saint Brigid Roman Catholic Church and to reaffirm the hallowed beliefs of the church;

Whereas the establishment of the Saint Brigid Roman Catholic Church one hundred years ago exemplifies the dedication of the people of the United States to the fundamental principle of freedom of religious worship;

Whereas the people of the parish of Saint Brigid Roman Catholic Church embody the spirit of our ancestors whose high ideals made the United States a great country: Now, therefore, be it

Resolved, That the Senate recognizes and honors Saint Brigid Roman Catholic Church and the parish community upon the one hundredth anniversary of the founding of the church.

SEC. 2. The Secretary of the Senate is directed to transmit a copy of this resolution to the pastor of Saint Brigid Roman Catholic Church.

● Mr. HEINZ. Mr. President, today I am submitting a resolution to commemorate the 100th anniversary of the founding of St. Brigid Roman Catholic Church in Meadville, Pa.

In the spirit of America's early pioneers, a small but determined group of Pennsylvanians over 100 years ago in Meadville, Pa. sought to fulfill their constitutionally guaranteed right of freedom for religious worship. Seeking to have their Catholic religious services conducted in a way to better benefit their community, this dedicated group of parish leaders, John Riordan, Thomas McGuigan, James O'Connor, Walter Furlong, Richard Whalen, and Thomas Breen, petitioned their diocesan head for permission to establish St. Brigid Roman Catholic Church.

Upon final diocesan approval to establish their parish, the new congregation was still without a dedicated house of worship. Mass was said in private homes until a brick building on the southeast corner of Center and Chancery Lane in Meadville, Pa. was rented for the small parish. The new congregation named their church Divinity Hall. Although Mass was conducted here for a number of years, the parish resolve to build a new house of worship dedicated to the Lord was strengthened.

The congregation was growing larger every year and finally under the leadership of the Reverend James J. Dunn construction of the present church building, Saint Brigid Roman Catholic Church was begun.

Today Saint Brigid Roman Catholic Church is an important center of religious, community, and social strength in Meadville, Pa. The congregation now numbers over 1,000 families and under the current direction of Father William C. Karg the parish community is growing stronger.

It is with great pleasure that I submit this resolution, and congratulate the parish of Saint Brigid Roman Catholic Church.●

## AMENDMENTS SUBMITTED FOR PRINTING

### LABOR LAW REFORM ACT OF 1978—H.R. 8410

AMENDMENTS NOS. 2456 AND 2457

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

Mr. PERCY (for himself, Mr. CHAFEE, and Mr. MARK O. HATFIELD) submitted two amendments intended to be proposed by them, jointly, to H.R. 8410, the Labor Law Reform Act of 1978.

AMENDMENTS NOS. 2458 THROUGH 2461

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

Mr. ROBERT C. BYRD (for himself, Mr. WILLIAMS, Mr. JAVITS, Mr. HART, and Mr. MCGOVERN) submitted four amendments intended to be proposed by them, jointly, to H.R. 8410, the Labor Law Reform Act of 1978.

### INTERNATIONAL DEVELOPMENT ASSISTANCE ACT OF 1978—S. 3074

AMENDMENT NO. 2462

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

Mr. TALMADGE submitted an amendment intended to be proposed by him to the bill (S. 3074) to amend the Foreign Assistance Act of 1961 to authorize development assistance programs for fiscal year 1979, and for other purposes.

Mr. TALMADGE. Mr. President, I am today submitting an amendment to S. 3074, the International Development Assistance Act of 1978.

The amendment to S. 3074 adds a new title II to the bill entitled "Food for Peace." It makes three changes in the Agricultural Trade Development and Assistance Act of 1954 (Public Law 480). The amendment first, requires a study by the President to determine how U.S. food assistance can be more effectively used to meet the needs of the poor in developing countries;

Second, authorizes the Commodity Credit Corporation to pay freight charges under title III of Public Law 480 for nations on the UNCTAD list of relatively least developed countries; and

Third, increases the attractiveness of the title III program by making it possible for participating countries to defer obligations under title I agreements.

Mr. President, the food for peace program originated in the Committee on Agriculture, Nutrition, and Forestry; and we have had the lead role in developing and refining it since its inception in 1954. In 1977, our committee developed a package of major amendments to the food for peace program, but because of jurisdictional problems with the House side, most of that package was taken out of the farm bill (S. 275), and added to the foreign assistance legislation. And our committee was involved in the conference on the foreign assistance legislation of 1977.

Today, we are following a similar course in introducing amendments which were approved by our committee on June 7 to be added as amendments to this year's foreign assistance bill (S. 3074).

These are not major amendments, but I would anticipate that we would likely be holding hearings next year on these and other provisions of the food for peace program.

I should like to point out that these amendments which I am offering on behalf of the Committee on Agriculture, Nutrition, and Forestry are identical to

three amendments on the food for peace program contained in H.R. 12222, the International Development and Food Assistance Act of 1978 as passed by the House of Representatives.

The first amendment calls for a study to be completed and submitted by the President to the Congress no later than February 1, 1979, which would explain why food assistance under title I of Public Law 480 is not more successful in reaching those suffering from hunger and malnutrition and recommend steps which could be taken to increase the effectiveness of our total food assistance effort in addressing hunger and malnutrition abroad.

The committee intends that the President, in making the study, should look at titles I, II, and III of Public Law 480 in terms of their effectiveness in addressing hunger and malnutrition. It is my understanding that at the present time food assistance under title II costs approximately $358 per ton, while under title I, the cost per ton runs around $150. This rather significant difference results largely from the fact that all shipping costs for food distribution through voluntary agency programs under title II are paid by the Commodity Credit Corporation. Also, under title II, a large proportion of the shipments are blended foods which are more costly per volume than the unprocessed grains supplied under title I. But the blended foods are more appropriate for maternal and child feeding programs.

Under title I, not less than 50 percent of the commodities shipped must be carried on U.S.-flag vessels. The CCC, under this title, meets the only cost of the ocean freight differential between the foreign flag rates and the rate charged by American carriers.

Therefore, in looking at the effectiveness of the food for peace program in meeting the needs for hungry people abroad, the study should also examine the relative cost effectiveness of the three titles of the program. Thus, I would hope that when the Department of Agriculture carries out the study it will begin with an open mind and be prepared to offer any recommendations which it feels are warranted on the basis of the facts which it uncovers.

The second amendment authorizes the Commodity Credit Corporation to pay, with respect to commodities made available under title III to a country on the United Nations conference on trade and development list of relatively least developed countries, freight charges from U.S. ports to ports of entry abroad or designated points of entry abroad in the case of landlocked countries.

This amendment has been designed to increase the attractiveness of the title III program and encourage needy countries to participate where it meets their needs.

While supporting the amendment, our committee voiced concern that this section be used with caution in order to fulfill a need which otherwise would not be met. In addition, our committee felt that funds for title III transportation costs must not reduce the funds made available for commodity financing.

Any funds used for this purpose should be separately identifiable and appropriated as is the case of funds used for transportation requirements under titles I and II.

The third amendment is designed to increase the attractiveness of the title III program by making it available on a case-by-case basis to defer obligations coming due under earlier title I agreements.

Under the title III program, a needy country can be forgiven its credit obligations for commodities received if it agrees to program the local currencies generated for agreed-upon development purposes.

Under this amendment, the recipient country would not receive the full forgiveness of its obligation under title III, but a portion of that credit could be applied to title I credits coming due. Thus, it would help the poorest countries in meeting their current cash flow situation.

The committee also agreed that—in furnishing food assistance to combat hunger and malnutrition and in terms of the goals of Public Law 480—the President should encourage and assist aid-receiving countries to develop and maintain a sound food grain reserve program.

We requested the Congressional Budget Office to examine the possible cost estimates of the three amendments, and they estimate the costs at $8.7 million in fiscal year 1979, increasing to $24.5 million in fiscal year 1983.

Mr. President, the amendments represent an attempt to improve the operation of the food for peace program, and I urge their favorable consideration.

Mr. President, I ask unanimous consent that this amendment be printed in the RECORD.

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

On page 1, between lines 5 and 6, insert the following:

AMENDMENT No. 2462

"TITLE I—DEVELOPMENT ASSISTANCE"

On page 1, line 7, strike out "SEC. 2" and insert "SEC. 101" in lieu thereof.

On page 9, line 20, strike out "SEC. 3" and insert "SEC. 102" in lieu thereof.

On page 16, line 13, strike out "SEC. 4" and insert "SEC. 103" in lieu thereof.

On page 21, line 4, strike out "SEC. 5" and insert "SEC. 104" in lieu thereof.

On page 24, line 15, strike out "SEC. 6" and insert "SEC. 105" in lieu thereof.

On page 24, line 23, strike out "SEC. 7" and insert "SEC. 106" in lieu thereof.

On page 25, line 5, strike out "SEC. 8" and insert "SEC. 107" in lieu thereof.

On page 25, line 20, strike out "SEC. 9" and insert "SEC. 108" in lieu thereof.

On page 26, line 12, strike out "SEC. 10" and insert "SEC. 109" in lieu thereof.

On page 27, line 14, strike out "SEC. 11" and insert "SEC. 110" in lieu thereof.

On page 28, line 23, strike out "SEC. 12" and insert "SEC. 111" in lieu thereof.

On page 31, line 22, strike out "SEC. 13" and insert "SEC. 112" in lieu thereof.

On page 32, line 14, strike out "SEC. 14" and insert "SEC. 113" in lieu thereof.

On page 32, line 22, strike out "SEC. 15" and insert "SEC. 114" in lieu thereof.

On page 36, line 22, strike out "SEC. 16" and insert "SEC. 115" in lieu thereof.

On page 38, line 22, strike out "SEC. 17" and insert "SEC. 116" in lieu thereof.

On page 39, line 5, strike out "SEC. 18" and insert "SEC. 117" in lieu thereof.

On page 39, line 11, strike out "SEC. 19" and insert "SEC. 118" in lieu thereof.

On page 45, line 7, strike out "SEC. 20" and insert "SEC. 119" in lieu thereof.

On page 46, line 15, strike out "SEC. 21" and insert "SEC. 120" in lieu thereof.

On page 46, line 24, strike out "SEC. 22" and insert "SEC. 121" in lieu thereof.

On page 47, line 6, strike out "SEC. 23" and insert "SEC. 122" in lieu thereof.

On page 47, line 13, strike out "SEC. 24" and insert "SEC. 123" in lieu thereof.

On page 47, between lines 16 and 17, insert a new title II as follows

TITLE II—FOOD FOR PEACE

EFFECTIVENESS OF FOOD ASSISTANCE IN MEETING BASIC FOOD NEEDS

SEC. 201. The Congress finds that food assistance provided by the United States to developing countries under title I of the Agricultural Trade Development and Assistance Act of 1954 often is distributed within those countries in ways which do not significantly alleviate hunger and malnutrition in those countries. In order to determine how United States food assistance can be more effectively used to meet the food needs of the poor in developing countries, the President shall submit to the Congress not later than February 1, 1979, a report (1) explaining why food assistance provided to developing countries under title I of the Agricultural Trade Development and Assistance Act of 1954 is not more successful in meeting the food needs of those suffering from hunger and malnutrition, and (2) recommending steps which could be taken (including increasing the proportion of food assistance which is furnished under titles II and III of that Act) to increase the effectiveness of food assistance under that Act in meeting those needs.

TRANPORTATION COSTS FOR FOOD FOR DEVELOPMENT PROGRAMS

SEC. 202. Sections 304 of the Agricultural Trade Development and Assistance Act of 1954 is amended by adding at the end thereof the following new subsection:

"(d) The Commodity Credit Corporation may pay, with respect to commodities made available under this title to a country on the United Nations Conference on Trade and Development list of relatively least developed countries, freight charges from United States ports to designated ports of entry abroad or to designated points of entry abroad in the case of landlocked countries."

APPLICATION OF FOOD FOR DEVELOPMENT PROCEEDS TO REPAYMENT OBLIGATIONS

SEC. 203. Section 305 of the Agricultural Trade Development and Assistance Act of 1954 is amended—

(1) by inserting "(a)" immediately after "SEC. 305"; and

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

"(b) Such disbursements shall be deemed to be payments with respect to the credit furnished pursuant to the agreement or if, in the case of a country on the United Nations Conference on Trade and Development list of relatively least developed countries, the disbursements in a fiscal year are greater than the amount of the annual repayment obligation which that country would have to meet for that fiscal year under the agreement but for the disbursements in accordance with the Food for Development Program, then the disbursements which are in excess of the amount of that annual repayment obligation may, to the extent provided in the agreement, be considered as payments with respect to the annual repayment obligations of that country for that fiscal year under other financing agreements under this Act.".

On page 47, line 18, strike out "SEC. 24" and insert in lieu thereof "SEC. 204".

## MILITARY PROCUREMENT AUTHORIZATIONS—S. 3079

AMENDMENT NO. 2463

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

Mr. STEVENS submitted an amendment intended to be proposed by him to the bill (S. 3079) to authorize certain construction at military installations, and for other purposes.

## BLACK LUNG URGENT SUPPLEMENTAL APPROPRIATIONS—HOUSE JOINT RESOLUTION 945

AMENDMENT NO. 2464

(Ordered to be printed and referred to the Committee on Appropriations.)

Mr. HOLLINGS submitted an amendment intended to be proposed by him to the joint resolution (H.J. Res. 945) making an urgent supplemental appropriation for the black lung program of the Department of Labor for the fiscal year ending September 30, 1978.

● Mr. HOLLINGS. Mr. President, today I am submitting an amendment to House Joint Resolution 945 that makes an urgent supplemental appropriation for the black lung program. My amendment would provide a supplemental appropriation of $3,788,000 for the local public works program of the Department of Commerce and is critically needed to avoid the unnecessary lay off of the 400 employees of the Economic Development Administration monitoring this $4,000,000,000 program.

By way of explanation let me indicate that the $15,000,000 we included in last year's Economic Stimulus Appropriation Act for the administration of LPW was based on experience of the earlier $2 billion appropriated for round I of the local public works program. Several factors drastically affected this estimate. The legislation was changed after the budget was developed and enlarged the staffing requirements; for example, the 10 percent minority business set-aside provision that has given more business to the minority firms of my State than they received over all the years of SBA's 8(a) program. Also encountered was the fact that the smaller size of the projects submitted resulted in 8,554 projects being approved instead of the 4,000 originally projected. Accordingly, EDA had to maintain a greater level of processing and monitoring manpower than was expected. Ordinarily the Department would solve this type of situation by stretching out the processing of the projects. However, the Senate will recall that this legislation included a mandate to approve the projects within 90 days after the appropriation was enacted so this procedure was not possible.

Mr. President, I ask unanimous consent to insert in the RECORD at this point a letter dated June 8, 1978, from the Assistant Secretary of Commerce for Administration, that more fully describes the necessity for this supplemental appropriation.

As this letter indicates, this appropriation while budgeted, is not yet authorized. However, I have spoken to the distinguished chairman of the Committee on Environment and Public Works, (Mr. RANDOLPH) and he is apprised of the need for this emergency action and is fully supportive of this amendment.

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

U.S. DEPARTMENT OF COMMERCE,
*Washington, D.C., June 8, 1978.*

Hon. ERNEST F. HOLLINGS,
*Chairman, Subcommittee on State, Justice, and Commerce, the Judiciary, and Related Agencies, Committee on Appropriations, U.S. Senate, Washington, D.C.*

DEAR MR. CHAIRMAN: The President's budget, as presented to the Congress in January, requested supplemental funding of $3,788,000 for FY 1978 and $10,607,000 for FY 1979 for administration of the Local Public Works (LWP) program.

The House Committee did not approve the $10,607,000 requested for FY 1979, stating in its report that, "While the Committee is not opposed to the monitoring and evaluation of grants made under this program, the amount requested is not authorized for fiscal year 1979." The supplemental request has not been considered officially as yet, although earlier hearings did cover both the FY 1978 and FY 1979 proposals.

The Administration has now proposed legislation which would provide authorization for the amounts requested so that a supplemental appropriation for FY 1978 could be enacted and funds made available to meet the critical needs for executing the program in a manner consistent with the intents of the Congress.

There are two major factors which came into play after the original appropriations were made which make it necessary to request additional funds. The first consideration is that in Round I approximately 2,000 projects had been approved; the assumption was made during the initial consideration of Round II that approximately 4,000 projects would be approved under the second phase of the program. The actual number of projects approved in Round II was 8,554. The workload impact of this increase has been most dramatic.

The second major reason why the administrative costs of carrying out the LPW program successfully have risen, is that the Round II authorizing legislation contained a number of special provisions which require a significant increase in our monitoring effort. While the nature of these provisions was known at the time the initial administrative funding estimates were made, the true magnitude of the monitoring workload was not fully recognized.

At this point, when the prospects for the success of the LPW program are so good, it is more important than ever that the personnel be available to maintain the total effort that has characterized the LPW program to date.

Because of the urgency of initiating and maintaining a major level of effort from the beginning of the fiscal year, this has meant that staffing support and other costs have been incurred at a rate which is greater than had been budgeted originally; hence, the urgency of obtaining supplemental funding for FY 1978 ($3,788,000) and additional funding in FY 1979 ($10,607,000).

Without supplemental funding, it will be necessary to release all LPW employees and cease all operations other than simply processing the letter of credit drawdowns by July. Even with supplemental funding, we plan to continue to decrease the LPW employment level until the end of FY 1978. We started the year at 506, now have approximately 470 employees on board, and expect to reach a level of 370 by September 30.

Because of the immediate need for additional funds to enable us to continue effective monitoring and evaluation of the LPW program, I urge that you consider initiating an "Urgent Supplemental" or seeking other means of making funds available to the Department for this critical activity. We will be happy to provide any additional information you may require.

Sincerely,

ELSA A. PORTER,
*Assistant Secretary for Administration.*

Enclosure.

LOCAL PUBLIC WORKS PROGRAMS—ADMINISTRATIVE COSTS

[Amounts rounded to thousands]

| | End of month employment | Personnel costs | Support costs | Other costs [1] | Total costs | Cumulative by fiscal year |
|---|---|---|---|---|---|---|
| September | 506 | | | | | |
| Fiscal year 1978: | | | | | | |
| October | 503 | $733 | $178 | | $911 | $911 |
| November | 499 | 769 | 158 | | 927 | 1,838 |
| December | 515 | 743 | 183 | | 926 | 2,764 |
| January | 509 | 744 | 179 | | 923 | 3,687 |
| February | 517 | 759 | 179 | | 938 | 4,625 |
| March | 506 | 735 | 335 | $782 | 1,852 | 6,477 |
| April | 497 | 670 | 415 | 500 | 1,585 | 8,062 |
| May | 497 | 670 | 296 | [2] 3,099 | 4,065 | [3] 12,127 |
| June | 480 | 543 | 296 | | 839 | 12,966 |
| July | 400 | 449 | 171 | | 620 | 13,586 |
| August | 370 | 421 | 170 | | 591 | 14,177 |
| September | 370 | 416 | 170 | 1,152 | 1,738 | 15,915 |
| Total, fiscal year 1978 | | 7,652 | 2,730 | 5,533 | 15,915 | |
| Fiscal year 1979: | | | | | | |
| October | 370 | $441 | $110 | | $551 | $551 |
| November | 370 | 441 | 110 | | 551 | 1,102 |
| December | 370 | 441 | 110 | [4] $1,290 | 1,841 | 2,943 |
| January | 370 | 441 | 110 | | 551 | 3,494 |
| February | 370 | 441 | 110 | | 551 | 4,045 |
| March | 370 | 440 | 110 | [4] 1,290 | 1,840 | 5,885 |
| April | 320 | 411 | 103 | | 514 | 6,399 |
| May | 270 | 349 | 87 | | 436 | 6,835 |
| June | 228 | 284 | 71 | [4] 1,290 | 1,645 | 8,480 |
| July | 170 | 212 | 67 | | 279 | 8,759 |
| August | 170 | 212 | 67 | | 279 | 9,038 |
| September | 170 | 212 | 67 | [4] 1,290 | 1,569 | 10,607 |
| Total, fiscal year 1979 | | 4,325 | 1,122 | 5,160 | 10,607 | |

[1] Includes major support costs from other agencies, and from contractors for support of the program evaluation.

[2] These are amounts owed. Payroll expenses can be covered for a longer period by deferring payment of these bills.

[3] This is equal to the total now available.

[4] Evaluation and other support costs are simply prorated by quarter.

ECONOMIC DEVELOPMENT ADMINISTRATION—LPW ADMINISTRATIVE COST ESTIMATES

[In thousands]

| | Fiscal year— | |
|---|---|---|
| | 1978 | 1979 |
| I. Funds available: | | |
| Carried forward from previous year | $12,127 | |
| Budget Requested | | $10,607 |
| Total | 12,127 | 10,607 |
| II. Current apportionment | 12,127 | |
| III. Estimated EDA costs: | | |
| Salaries and general support | 9,107 | 5,447 |
| Department of Labor for data | | |
| Department evaluation and staff support | 80 | |
| SBA for bonding | 563 | |
| Sec. 110 evaluation | 500 | |
| EDA evaluation | 2,000 | 2,000 |
| OMBE support | 1,000 | |
| OMBE evaluation | 150 | |
| Total costs | 13,400 | 7,447 |
| IV. Departmental auditors | 2,515 | 3,160 |
| Total costs | 15,915 | 10,607 |
| V. Current funding request | 3,788 | 10,607 |
| VI. Staffing levels (end-year strength): | | |
| Total EDA | 370 | 170 |
| Total auditors | 124 | 94 |
| VII. Project activity: A total of 10,616 projects were processed in fiscal year 1977 (round I: 2,062 projects; round II: 8,554 projects). | | |

## NOTICES OF HEARINGS

MEDI-GAP: PRIVATE HEALTH INSURANCE SUPPLEMENTS TO MEDICARE

● Mr. CHURCH. Mr. President, the Special Committee on Aging will conduct a second hearing on the sale of private health insurance policies to supplement medicare on Thursday, June 29, 1978. Senator LAWTON CHILES will preside. The hearing will take place in room 457, Russell Senate Office Building, from 9:30 a.m. until noon.

Senator CHILES will take testimony from representatives of the National Association of Insurance Commissioners; Elizabeth Hanford Dole, Commissioner, Federal Trade Commission; and Kenneth Moore, Insurance Commissioner, Santa Fe, N. Mex. Additional witnesses may be announced at a later date.●

## ADDITIONAL STATEMENTS

## PRESIDENTIAL POWERS

● Mr. CHURCH. Mr. President, we have been hearing a great deal recently about "constraints" that Congress has placed on the Presidency since the Vietnam war, and there is beginning to be agitation for Congress to "ease up" on the President.

As one who helped write or supported many of the laws now at issue—the War Powers Act, the legislation which put an end to the prospect of government by emergency decree, and some of the amendments to foreign aid bills circumscribing certain types of involvement abroad—I find this new attitude puzzling. Frankly, I know of no law that hinders the President in the legitimate conduct of foreign policy. The President retains his authority to act abroad to protect American national security. The President remains the chief architect of American foreign policy, as he has always been.

What has happened is that Congress has insisted upon re-establishing its constitutional role in the conduct of foreign affairs. The Constitution gives the Congress—not the President—the power of the purse strings, and it gives to Congress a clear role in decisions of war and peace. All we have done in the past few years is to require that the President recognize that Congress has such constitutional obligations.

One of the best analyses I have seen concerning this new debate over "restraints" on the President was an editorial which appeared May 19 in the Idaho Statesman in Boise, Idaho. It is a thoughtful commentary on what is involved, and I commend it to my colleagues. I ask that it be printed in the RECORD.

The commentary follows:

KEEP PRESIDENT LEASHED

President Carter has expressed concern that congressional restraints on foreign aid, particularly military aid, keep him from providing adequate aid to the African nation of Zaire, now under attack by rebels from Zaire's Shaba province.

We're not sure exactly what restraints Carter refers to, and neither are many others. Some suspect Carter is using the Zaire episode as a smokescreen to launch a major attack on all congressional restraints on foreign policy, whether they bear on aid to Zaire or not.

About the only restraint we know of on aid to Zaire is a provision that no more military aid can be shipped until Zaire catches up on its payments for earlier purchases. Should the situation in Zaire deteriorate, or should it be shown that Cubans or Soviets are involved in the rebal action, Carter could reasonably ask Congress to waive the payment provision. We expect that Congress would comply. Or, an alternative is for a third country, such as Saudi Arabia, to pay the debt out of self interest. As the situation now stands in Zaire, the need for massive American aid is not indicated.

If Carter is using the situation in Zaire as an argument for regaining the broad foreign policy powers that Congress has systematically whittled down in recent years, he is in for a tremendous fight, and rightly so.

What Congress has done over the past five years is to clean the slate on foreign policy and start over in a position more equal to that of the President. The first step was to repeal four declarations of national emergency dating back to 1933. None had been rescinded, and each gave to the President special powers that he held long beyond the existence of any emergency.

Then Congress established a very critical restraint on the President's ability to commit American troops to combat in the 1973 war powers act.

Beyond that, Congress' power in foreign policy is mostly passive. The President must apprise Congress of what he intends to do, but he still retains the critical power to shape foreign policy. In no way can Congress take away that power. Congress simply has required that it be notified.

Columnist David Broder recently challenged the rationale for congressional incursions into foreign policy by making two points. First, Broder argued, congressmen have a bad habit of thinking of foreign policy as an extension of domestic policy. Their decisions are based more on the political risks involved and the interest of their constituents rather than the national interest.

Second, he said, congressmen are unaccountable for their foreign policy actions. The President can be turned out of office for his conduct of foreign affairs, but a congressman can take most any stance he chooses in foreign affairs with impunity, according to Broder.

The problem with Broder's column is that it makes presidents, congressmen and their constituents too one dimensional. Rejection of a president purely on foreign policy grounds is unlikely. Even Lyndon Johnson was not forced from office totally on the basis of his foreign policy.

Likewise it is erroneous to argue that congressmen and their constituents cannot look beyond the ends of their noses to see the national interest as opposed to local interest.

Broder has a point, but it is of limited value because of its one dimensional quality. It may be true that the President needs more flexibility in dealing with foreign policy, particularly in view of the current Soviet-led Communist adventurism in Africa. We are concerned with that development and would be happy to see constructive proposals made for fine-tuning the system we now have, such as a proposal that a president can commit a limited amount of one-time military aid to a country without Congressional assent if he determines it is in the national interest.

But we reject the notion that Congress should retreat from the active foreign policy role it has carved for itself in recent years. The atrocious mistakes committed by inhabitants of the White House in the name of "national security" are too fresh in our mind.●

## THE ASSISTANT ATTORNEY GENERAL'S LEGAL FEES OPINION

● Mr. McCLURE. Mr. President, a prominent "robber baron" of an earlier era has been credited with the remark: "I have had many lawyers who have told me what I cannot do. Mr. Root is the only lawyer who tells me how to do what I want to do."

In the post-Watergate era, this remark seems even more pejorative than it did at the time. The evolving notion is that it is not the function of attorneys to devise specious justifications in order to allow their clients to prolong a clearly illegal course of conduct. Recent lawsuits against prominent law firms, notably White and Case, have served to reinforce this notion.

While all of this does normally fall within congressional purview, it does become a matter of congressional concern when the U.S. Department of Justice, in the guise of giving objective legal opinions on the state of the law, produces ill-considered, selfserving memoranda compiled solely for the purpose of justifying a continuing course of unlawful conduct.

The memorandum I have in mind concerns the matter of intervenor funding by Federal agencies. While Congress has been in the process of sorting through the "pros" and "cons" of each of several bills under consideration, it appears the Justice Department has decided to preempt the Congress by allowing legal fees without congressional authorization.

In response to queries from the Department of Transportation, Assistant Attorney General John Harmon has issued an opinion letter authorizing that department to continue to award legal fees to "public interest intervenors" in agency proceedings. This letter repre-

sents a "slap in the face" to Congress and a deliberate violation of several recent court decisions.

For example, the Second Circuit Court of Appeals just recently adopted the "Alyeska principle," ruling in Greene County Planning Board against FPC that, unless an agency has specific statutory authority, that agency can not spend Federal funds to reimburse voluntary intervenors in agency proceedings. Earlier this year, the Supreme Court refused to review that decision, thereby allowing it to stand.

Thirteen Senators have been sufficiently concerned about the apparent sanction of illegality embodied by the Harmon letter to correspond with the Justice Department in connection with it. I submit for the RECORD the letter from Senators HELMS, CURTIS, GARN, BARTLETT, LAXALT, and myself.

The Justice Department has, after 2 months, thus far refused to issue a substantive reply.

At roughly the same time as our letter was sent, we requested the Pacific Legal Foundation, a public interest law firm, to investigate the extent of continuing unlawful legal fees award programs. I also submit a copy of Pacific's letter to the Department of Transportation for the RECORD.

In answering Pacific, DOT sent copies of two documents requested, but refused to complete the request unless Pacific pays a $40 charge. In the alternative, DOT wants PLF to spell out what benefit the public would obtain from the release of this information if fees are waived.

It seems very clear that, when the issue is illegal expenditure of Federal funds, revelation of amounts and recipients of these funds provides a substantial benefit. I do not believe that the Department of Transportation response is at all satisfactory. Moreover, it is interesting to note that, while the administration talks about public interest group participation in agency decisionmaking, it now throws up barriers to an organization attempting to investigate potential illegality in expenditure of Federal funds.

In my opinion, this is just one more instance of "the public interest" being defined to include only those actions which enhance the Federal Government's jurisdiction. The growing recognition of this fact can only decrease the chances that legitimizing legislation will be passed.

The material follows:

U.S. SENATE,
*Washington, D.C., March 20, 1978.*

Hon. GRIFFIN BELL,
*Department of Justice,*
*Washington, D.C.*

DEAR ATTORNEY GENERAL BELL: It has come to our attention that Assistant Attorney General John Harmon has recently issued a letter stating that agencies of the federal government can award legal fees to liberal public interest intervenors if they can pick from the broad policy statements in their charters the implicit authority to do so.

Such a result is, in our opinion, illegal under recent decisions by the Supreme Court and the Second Circuit Court of Appeals. In addition, it administratively short-circuits a policy debate which is currently underway in Congress.

As the Second Circuit noted in the recent case of Greene County Planning Board v. Federal Power Commission, Congress is currently considering several bills on the subject of intervenors' costs. Said the court, "it is for Congress . . . to set the conditions under which payments, if any, should be made."

Thus, the Second Circuit reaffirmed the Supreme Court's Alyeska decision that "absent statute or enforceable contract, litigants pay their own attorneys' fees."

Out of this language, Harmon purports to draw a holding that each department and agency must examine the policies of its statutory authority to search for an implicit grant of authority to award legal fees. "Assuming it concludes that such power exists," he states, "it will additionally have to determine the standards and procedures under which such compensation may, at its discretion, be provided."

We cannot imagine a clearer contradiction between the holding of a court and the interpretation placed on it.

We therefore urge you to repudiate this proposed violation of federal law and affront to Congress, and to withdraw the letter and replace it with an opinion more accurately reflecting current law.

Sincerely,

JESSE HELMS,
JAMES A. MCCLURE,
CARL T. CURTIS,
JAKE GARN,
DEWEY F. BARTLETT,
PAUL LAXALT.

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PACIFIC LEGAL FOUNDATION,
*Washington, D.C., April 7, 1978.*

DEAR MR. SECRETARY: The Pacific Legal Foundation is officially serving you notice and a copy of the Second Circuit Opinion in *Greene County Planning Board* v. *FPC*, 559 F.2d 1227 (1977), *cert denied*, 46 U.S.L.W. 3514 (1978), regarding reimbursement of intervenors in agency proceedings. The court held that absent explicit statutory authority federal agencies may not expend funds to pay such expenses. Any attempt by your department to implement such a reimbursement program would not be consistent with the law as it currently stands.

In conjunction with this issue we are also making a request under the Freedom of Information Act, as amended, 5 U.S.C. § 552 (1976). Specifically we request the following information:

(a) Has a reimbursement program been implemented within your department to pay such expenses? If the response to this question is affirmative, please send copies of any departmental documents implementing this program.

(b) What is the statutory authority that you are using as a basis for this action?

(c) Identify and document all organizations that have applied for such assistance. Please send copies of all documents approving or denying financial assistance and identify the geographic location where those requests were made or approved.

The Pacific Legal Foundation (PLF) participated in *Greene County* as an *amicus curiae* at the Appeals and Supreme Court levels. As a public interest legal foundation engaging in litigation on a nationwide scale, we filed briefs on behalf of over 20,000 individuals, who directly and through associations and firms, support the Foundation's activities. As taxpayers and citizens they have a deep concern that Federal tax dollars be expended according to the law. On their behalf we have filed extensive written comments with Federal agencies warning them they must have clear and explicit statutory authority before they may pay intervenor's fees. This position was held in *Greene County*. The purpose of this letter is to reiterate the Foundation's position that, consistent with *Greene County*, Federal agencies may not expend Federal funds to reimburse intervenors absent explicit statutory authority.

We would appreciate your prompt consideration and attention to this request. If you have any questions regarding this request, please contact our office.

Very truly yours,

ALBERT FERRI, Jr.,
*Managing Attorney.*

Enclosure.

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OFFICE OF THE SECRETARY
OF TRANSPORTATION,
*Washington, D.C., April 25, 1978.*

ALBERT FERRI, Jr., Esq.
*Managing Attorney, Washington Office, Pacific Legal Foundation, Washington, D.C.*

DEAR MR. FERRI: This is in response to your letter of April 7, 1978 to the Secretary of Transportation, enclosing a copy of the Second Circuit's opinion in *Greene County Planning Board* v. *FPC*, and posing three (3) specific questions, under the Freedom of Information Act, concerning the Department's reimbursement program to provide financial assistance to participate in administrative proceedings. Your letter has been referred to me, since the Office of Public and Consumer Affairs is delegated responsibility for the Departmental implementation of the Freedom of Information Act.

You state that "consistent with *Greene County*," the Department of Transportation "may not expend Federal funds to reimburse intervenors absent explicit statutory authority." We have independently studied the Second Circuit's opinion in *Greene County*, and disagree with your characterization of the Court's holding in that case. We believe that the proper interpretation of *Greene County* is set forth in the enclosed opinion of the Assistant Attorney General, Office of Legal Counsel, Department of Justice, which was issued to the Department of Transportation. The Assistant Attorney General concluded:

"Because the holding of the Second Circuit involved only a construction given to the Federal Power Act . . . We think it clear that no department or agency (including your department) other than possibly FERC is bound by that holding. Nor do we think that the Second Circuit, in reaching its conclusion regarding the Federal Power Act, announced a principle of law broad enough to cover other departments and agencies."

Following the suggestion of the Department of Justice, we have examined our own organic statute and other relevant statutory provisions, and concluded that the Department of Transportation does have the implied statutory authority to fund participants to our administrative proceedings.

The answers to your specific questions are as follows:

(a) On January 13, 1977, the Department initiated a one-year demonstration program to provide financial assistance to participants in the administrative proceedings of the National Highway Traffic Safety Administration. On March 16, 1978, the demonstration program regulations were extended until the Secretary of Transportation determines whether to issue final Departmental regulations. Your request for the documents implementing this program is granted.

(b) In answer to this question, we have enclosed a document discussing the Department's implied statutory authority to fund administrative participants.

(c) Copies of all documents approving or denying applications for financial assistance are releasable and this portion of your request is granted.

The fee for direct research of your request is $25.00 and the fee for reproduction of the above described documents is $5.95. These fees have been prescribed, pursuant to the Freedom of Information Act (5 U.S.C. 552 (a)(4)(A)), as implemented by Departmental regulations (49 C.F.R. 7.95). Upon receipt of a check or money order, drawn to the order of the Treasury of the United States in the amount of $30.95, the records will be mailed to you.

If, on the other hand, you wish to request a waiver of the above fees, you must furnish us with a letter signed by the head of your organization, explaining the specific benefits to the general public which will be derived from furnishing the requested records and information (see 5 U.S.C. 552(a)(4)(A)).

Sincerely,

ROBERT A. HOLLAND,
*Deputy Director,*
Office of Public and Consumer Affairs.●

## A RUSSIAN AT HARVARD

● Mr. McGOVERN. Mr. President, James Reston had a particularly insightful and constructive critique of Alexandr Solzhenitsyn's recent address to the graduating class of Harvard.

I believe Mr. Reston's column deserves the close attention of my colleagues in the Senate and I ask that it be printed in the RECORD.

The column follows:

A RUSSIAN AT HARVARD

(By James Reston)

EDGARTOWN, MASS., June 10.—Aleksandr Solzhenitsyn said so many true and even noble things in his address to the Harvard graduates a few days ago that one wonders why he spoiled his message with so many unfair, provocative, and even silly comparisons on the side.

His attack on the materialism and moral squalor of the Western nations and their selfish subversion of freedom was fair enough.

"Even if we are spared destruction by war," he told the Harvard graduates, "our lives will have to change if we want to save life from self-destruction. We cannot avoid revising the fundamental definitions of human life and human society.

"Is it true that man is above everything? Is right that man's life and society's activities have to be determined by material expansion? Is it permissible to promote such expansion to the detriment of our spiritual integrity . . .?"

These are good questions, which the poet Archibald MacLeish raises with equal eloquence and better balance in his latest book of essays and reflections, "Riders on the Earth." But Mr. Solzhenitsyn went beyond questions to conclusions that made Oswald Spengler's "Decline of the West" sound recklessly optimistic.

Mr. Solzhenitsyn talked of "a decline in courage" as perhaps the most striking feature of the Western world today—not only in the United States but in all free nations, particularly among all the political leaders and the intellectual elites.

Our leaders bullied weak countries, he suggested, but were "tongue-tied and paralyzed when they deal with powerful governments and threatening forces, with aggressors and international terrorists."

To be fair, Mr. Solzhenitsyn, who was exiled from the Soviet Union four years ago for his criticism of the brutality and inhumanity of the Soviet political system, emphasized that he was not recommending that system as a substitute or the weaknesses in the West. But he added:

"I could not recommend your society such as it is today as a model for the transformation of ours. Through intense suffering, our country (the Soviet Union) has now achieved a spiritual development of such intensity that the Western system in its present state of spiritual exhaustion, does not look attractive.

"A fact which cannot be disputed is the weakening of human beings in the West while in the East they are becoming firmer and stronger. Six decades for our (Russian) people and three decades for the people of Eastern Europe; during that time we have been through a spiritual training far in advance of Western experience . . ."

This from the author of the unspeakable tortures of the Soviet prisons and psychiatric wards? This is "a fact which cannot be disputed"? The hell it can't. Mr. Solzhenitsyn entitled his commencement address at Harvard "A World Split Apart," but for all its brilliant passages, it sounded like the wanderings of a mind split apart.

He suggests that it was the spiritual bankruptcy and physical cowardice of the United States that led to what he calls "the hasty Vietnam capitulation." Hasty? After a generation of slaughter? Lack of courage? It was precisely because the American people still heard some echoes of their spiritual heritage and belief in the sanctity of individual human life that they rose up against the genocide Mr. Solzhenitsyn condemns.

There is a fundamental contradiction in this Solzhenitsyn speech. For on the one hand, he argues that "only moral criteria can help the West against Communism's strategy", but on the other, that only American military power and willpower could have stopped the carnage in Vietnam by continuing it, and avoiding the expansion of Communist power in Asia.

It is an interesting argument, particularly since it was made when the domino theory doesn't seem to be working in Southeast Asia; when the Cambodian Communists and the Vietnam Communists are fighting each other; when Hanoi is driving the Chinese back into the People's Republic; and when all the fears at the end of the Vietnam war have not come to pass.

Anyway, as commencement speeches go, there is something to be said for Mr. Solzhenitsyn. He was right to complain that "hastiness and superficiality are the psychic disease of the Twentieth Century". He had some good tough criticisms to make of the press, even though he sounded in the process a little like Spiro Agnew, and he said some true and poignant things.

"After the suffering of decades of violence and oppression, the human soul longs for things higher, warmer and purer than those offered by today's mass living habits, introduced by the revolting invasion of publicity, by TV stupor and by intolerable music."

But at least he was allowed to say all these things. On commencement day at Moscow University, if they have one, the "spiritual superiority" of the Soviet Union, probably wouldn't have allowed it.●

## COMMUNIST RHETORIC AND COMMUNIST ACTION

● Mr. McCLURE. Mr. President, the recent invasion of Zaire's Shaba province by Russian-backed and Cuban-trained troops was closely paralleled by Russian demands for nuclear arms reductions at the current round of SALT talks.

As many of us have known, there is a major discrepancy between Communist rhetoric and Communist action. ABC news commentator Howard K. Smith pointed this out 1 year ago. Smith noted the two rarely mean the same thing and questioned the wisdom of arms limitation agreements with a nation that is intent on increasing its own military might.

Unfortunately that type of warning usually falls on deaf ears. Now, 1-year later, Smith's words merit review—especially in light of the current push for a new SALT agreement.

I ask that Mr. Smith's commentary of June 2, 1977, be printed in the RECORD.

The commentary follows:

COMMENTARY

The term Cold War was invented in 1946 to describe the world contest between us and Russia to get the better of one another without actually fighting.

It has become a habit to consider the Cold War as past, buried with the age of detente.

Well, signs multiply that the burial was premature; the Cold War rages on, from Russia's side, with increased intensity.

The film is in the news today, produced by so-called hard-liners showing graphically Russia's advances and our slippage.

The film may be over-stated. But the facts are undeniable. In the past ten years Russia has furiously armed while we have languished. On land, for example, they outnumber us in tanks four-to-one. At sea they have for the first time more warships than we.

Their geographical reach is visible. Soviet arms and Cuban client force show up in every African conflict. Surely the aim is more bases and wider world power.

At the SALT talks they are adamant against cutting nuclear forces. At the Vienna talks on cutting arms in Europe likewise, suggesting they seek superiority not parity.

In Russia the removal of Podgorny, accompanied by ever sharper attacks on us, suggests a tightening of command under Brezhnev for an intensified contest. The new stamping out of Russian dissidents seems to support that view.

If present trends continue they will attain the goal: dominance without having fired a shot. The evidence is too great to be disregarded. We had better stop disregarding it.●

## THE 35TH BIRTHDAY OF THE URBAN LEAGUE OF FLINT, MICH.

● Mr. RIEGLE. Mr. President, it is with great pride that I draw to the attention of my colleagues another milestone for the people of my hometown of Flint, Mich. Today, we celebrate the 35th birthday of the Urban League of Flint.

As I am sure all of us are aware, the Urban League is one of this Nation's most outstanding organizations. Dedi-

cated to insuring equal rights for all people it has worked persistently to insure a better life for all people. It is with this spirit and determination that the Urban League of Flint was founded and has worked for 35 years.

Incorporated on May 17, 1943, the Urban League of Flint was established to assist blacks from the rural south to adjust to the new lifestyle of the urban north. Although the original role of the organization was that of an advocate, it quickly grew, and now is active in many facets of human rights in the areas of housing, employment, and personal welfare.

Some of the many achievements credited to the Urban League of Flint include the formation of a black workers education program, entitled the Worker's Council of Flint, the creation of the Flint Housing Study Commission which served as a catalyst for necessary and adequate housing in Genesee County, and the establishment of Talent Bank, which continues to deal with the ever-increasing youth unemployment problem.

For 35 years the Urban League of Flint has successfully helped focus the attention of large and important public and private sectors of the Flint community so that all of the people of the city could enjoy the benefits of employment, housing, and health care. Evidence of these achievements can be found in the 1950 signing of the racial hiring pact with the Michigan Unemployment Compensation Commission which led to openings for blacks in the areas of employment—including automotive production and nursing. The Urban League of Flint has done a great deal to rectify past injustices and in doing so, continues to serve as a leading force in the Flint community and in the State of Michigan.

Injustice continues, but we can all feel reassured with the knowledge that the Urban League will continue the fight to protect the rights and freedoms of all people.●

## MIDEAST CONSTRUCTION: WHERE ARE THE AMERICANS

● Mr. McCLURE. Mr. President, an analysis of 542 construction and design-and-construction turnkey contracts awarded since June 1975, in 14 Middle Eastern countries reveals a glaring lack of major involvement by U.S. construction companies.

The study was prepared by Reinhardt & Hall of New York, drawing upon on-site reports from the Middle East compiled weekly by McGraw-Hill's International Construction Week and upon data provided by the U.S. Army Corps of Engineers. The Middle East countries included in the study are Saudi Arabia, Iran, Egypt, Iraq, Syria, Libya, Kuwait, Jordan, Oman, Dubai, Bahrain, Abu Dhabi, Qatar, and the United Arab Emirates.

According to the study, "Of a total of $86.4 billion in new construction in the Middle East, American Contractors only signed up $8.9 billion, or 10.3 percent of the total."

In contrast to the U.S. showing, contracts signed by European companies from mid-1975 total more than $44.3 billion, more than half of all the work. Japanese contractors are next with almost 17 percent of Mideast work.

On the basis of the number of contracts signed since June of 1975, American firms won only 9.8 percent of the total or 53 out of 542 awarded—far behind the European countries which signed 243 contracts and Japan which signed 104.

The study confirms my repeated warning that current policies on the tax treatment of American nationals at work overseas are pricing American industry out of competition for overseas projects, with serious consequences for our Nation's balance of trade account.

Mr. President, I ask that the report by Reinhardt & Hall be printed in the RECORD in its entirety.

The report follows:

MIDEAST CONSTRUCTION: WHERE ARE THE AMERICANS?

Statistical input for this analysis is drawn from on-site reports from the Mideast compiled weekly by McGraw-Hill's International Construction Week newsletter from June, 1975 to May, 1978. In addition, contract awards by the U.S. Army Corps of Engineers, which manages military construction in Saudi Arabia, were used as a cross reference in compiling data for that country. In addition to Saudi Arabia, countries included are Iran, Egypt, Iraq, Syria, Libya, Kuwait, Jordan, Oman, Dubai, Bahrain, Abu Dhabi, Qatar and the United Arab Emirates.

An analysis of 542 construction and design-and-construct turnkey contracts awarded since June, 1975, in 14 Middle Eastern countries reveals a glaring lack of major involvement by U.S. construction companies. Of a total $86.4 billion in new construction there, American contractors have signed up $8.9 billion, or 10.3% of the total.

A fast look at who's actually building the Middle East (and who's hawking petrodollars to balance trade accounts) shows European contractors are the leaders by far. Contracts signed by European companies from mid-1975 total $44.3 billion, more than half of all the work. Japanese contractors are next with almost 17% of Mideast awards, followed by the Koreans (5.4%), Eastern Europeans or Communist block countries (5.2%), other Asian contractors (4.4%), Mideast contractors (3.8%) and Canadian companies (2.5%).

Much of the services rendered by U.S. construction companies in the Middle East is limited to design, supervision or so-called construction management, where American administrative expertise is tapped to perform most of the tasks that would normally be assumed by the owner. These contracts are not for construction, however.

Examples of this kind of work being performed by U.S. companies include Bechtel's construction management work for Saudi Arabia on a $20-billion industrial center at Jubail; Ralph M. Parson's management contract for a similar development at Yenbo; and Sanderson & Porter's signing of what is probably the largest Saudi design contract ever, a $91 million ticket for a huge desalting project also at Jubail.

But most of America's construction companies are, for the most part, distinguished by their limited participation in what will eventually be a $200 billion to $300 billion development effort fueled by Midwest petrodollars. Competition is stiff among contractors from all industralized countries out for big profits and who, in some cases, are liberally financed by their governments to help balance oil-induced trade deficits.

Restraints, such as the U.S. tax on expatriate earnings and strict anti-boycott regulations, when added to complex contractual requirements typical in the Middle East, have cut U.S. contractors' ability to compete in that market.

For example, in terms of the dollar volume of contracts awarded, U.S. contractors fall below 5 percent of the total in three countries—Iraq, Libya and Syria. Less than one eighth of the dollar volume of contracts awarded in Saudi Arabia and Egypt have gone to U.S. construction companies. And only one seventh of the dollars being spent on construction in Iran will go to Americans.

By comparison, European contractors have signed up more than half of the total $56.3 billion (or approximately $30 billion) of work going on in Saudi Arabia and Iran. The Japanese have 41 percent of the work in Kuwait and communist block countries have almost one third of the $10 billion awarded so far in Iraq.

An analysis of the numbers of individual contracts awarded in each country shows an even greater bias against American contractors. Of a total of 542 contracts awarded, just 53, or 9.8 percent, have been signed by U.S. concerns. South Korea almost matches that with 51 contracts. The leaders, by far, are the Europeans with 243 contracts, followed by the Japanese with 104. Other Asian contractors have 36 jobs; Mideast contractors, 31; Eastern European builders have 18; and contractors from Canada and Brazil took the last six contracts.

Even in Saudi Arabia where the Corps of Engineers provides a foothold for U.S. contractors, less than one eighth (20) of the 163 contracts counted have gone to Americans. Europeans have signed up 78 jobs there and Asian companies, including those from Japan and Korea, have been awarded 55 contracts. A similar situation exists in Iran where U.S. contractors have only 14 of a total of 83 contracts.

Some reasons for the success of Asian contractors, especially the Japanese, are the billions of dollars in oil-for-work trade agreements and low-interest loans granted in the Mideast by foreign governments. Total Japanese loans and credit financing by the government's export-import bank, for example, have amounted to about $3.5 billion for Mideast work since 1974. That, in addition to various government programs to help Japanese contractors overcome Mideast paperwork problems, probably accounts for much of their $14.6 billion in contracts.

In addition, an almost total lack of skilled construction workers in the Mideast before the oil boom blossomed has added another dimension to the competition for work. Many of the big contracts awarded in Saudi Arabia and Iran, for example, have been snatched away from U.S. companies by Asian contractors which can draw on idle construction forces at home in the Mideast.

If grouped as a block, Asian contractors, including Japanese, Korean and others mostly Taiwanese, Indian and Pakistani firms, have been awarded $23 billion by Mideast countries. That 26.6% share, better than twice the U.S. cut, results, in part, because of the availability of massive, cheap labor pools in these countries.

According to a recent article in Engineering News-Record, Korea has sent 40,000 hardhats to work in the Mideast, and expects to add 35,000 more this year. Pakistan estimates 200,000 of its workers have taken jobs in the Mideast over the past five years, and Thai workers are leaving home for higher Mideast wages at a rate of about 1,000 per month. India and the Phillipines experienced such a labor drain that they're now limiting manpower exports.

NUMBER OF MAJOR MIDEAST CONSTRUCTION CONTRACTS BY NATIONALITY OF CONTRACTOR

| Host country | Nationality of contractor | | | | | | | |
|---|---|---|---|---|---|---|---|---|
| | European | Japanese | American | Korean | Other Asian | Middle Eastern | East European | Other |
| Abu Dhabi | 12 | 10 | 3 | 4 | 2 | 3 | | |
| Bahrain | 6 | 2 | | 3 | | | | |
| Dubai | 10 | 2 | 1 | | 1 | 3 | | |
| Egypt | 25 | 5 | 5 | 1 | | 5 | 1 | |
| Iran | 34 | 22 | 14 | 3 | 2 | 4 | 1 | 3 |
| Iraq | 12 | 19 | 1 | | 8 | 1 | 5 | 1 |
| Jordan | 3 | 2 | 1 | 2 | 2 | 1 | 1 | |
| Kuwait | 7 | 10 | 4 | 9 | 3 | 1 | 2 | |
| Libya | 24 | 4 | 2 | 1 | 8 | 2 | 4 | |
| Oman | 2 | | | | | | | |
| Qatar | 14 | 5 | 1 | | 1 | 2 | | |
| Saudi Arabia | 78 | 18 | 20 | 28 | 9 | 8 | | 2 |
| Syria | 5 | | | | | | 3 | |
| United Arab Emirates | 6 | 5 | 1 | | | 1 | 1 | |
| Yemen | 5 | | | | | | | |
| Total | 243 | 104 | 53 | 51 | 36 | 31 | 18 | 6 |

Source: Analysis of 542 construction contracts reported during June 1976 to April 1978 by International Construction Week newsletter (McGraw-Hill, Inc.).

MIDEAST CONSTRUCTION CONTRACT AWARDS BY NATIONALITY OF CONTRACTOR

[Based on 542 major construction projects awarded during June 1975–April 1978 as reported in International Construction Week newsletter (McGraw-Hill)]

| Contractor nationality | Dollar amount in millions of U.S. dollars | | | | | Percent of total | | | | |
|---|---|---|---|---|---|---|---|---|---|---|
| | 1975–78 period | 1975, June–December | 1976, year | 1977, year | 1978, January–April | 1975–78 period | 1975, June–December | 1976, year | 1977, year | 1978, January–April |
| West European | $44,334 | $9,372 | $9,139 | $20,219 | $5,604 | 51.3 | 45.0 | 42.2 | 59.1 | 57.9 |
| Japanese | 14,557 | 3,916 | 5,013 | 4,489 | 1,139 | 16.9 | 17.4 | 23.1 | 13.1 | 11.8 |
| American | 8,946 | 1,163 | 2,374 | 4,315 | 1,094 | 10.3 | 5.6 | 11.0 | 12.6 | 11.3 |
| Koreans | 4,667 | 389 | 1,943 | 1,524 | 811 | 5.4 | 1.9 | 9.0 | 4.4 | 8.4 |
| East European | 4,527 | 3,478 | 213 | 546 | 220 | 5.2 | 16.7 | 1.3 | 1.6 | 2.3 |
| Other Asian | 3,784 | 1,000 | 1,800 | 470 | 455 | 4.4 | 4.8 | 8.6 | 1.4 | 4.7 |
| Middle Eastern | 3,291 | 615 | 1,032 | 1,284 | 361 | 3.8 | 2.9 | 4.8 | 3.7 | 3.7 |
| Canadian | 2,180 | 895 | | 1,285 | | 2.4 | 4.3 | | 3.7 | |
| Other | 85 | | 5 | 80 | | .1 | | | .2 | |
| Total | 86,370 | 20,827 | 21,648 | 34,212 | 9,683 | 100.0 | 100.0 | 100.0 | 100.0 | 100.0 |

VOLUME OF MAJOR MIDEAST CONSTRUCTION CONTRACTS BY NATIONALITY OF CONTRACTOR

[In millions of U.S. dollars]

| Host country | Nationality of contractor | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|
| | European | Japanese | American | Korean | Other Asian | Middle Eastern | East European | Other | Total |
| Saudi Arabia | 16,498 | 3,022 | 3,271 | 3,347 | 543 | 1,349 | 10 | 1,366 | 29,406 |
| Iran | 15,529 | 5,743 | 3,471 | 328 | 53 | 906 | 140 | 892 | 27,062 |
| Iraq | 4,002 | 1,163 | 415 | | 1,280 | 44 | 3,332 | 5 | 10,941 |
| Gulf States | 3,352 | 2,119 | 742 | 424 | 147 | 414 | 10 | | 7,408 |
| Libya | 2,648 | 110 | 105 | 35 | 1,425 | 242 | 184 | | 4,749 |
| Kuwait | 234 | 1,321 | 412 | 500 | 234 | 92 | 198 | | 3,083 |
| Egypt | 941 | 368 | 205 | 10 | | 215 | 150 | | 1,889 |
| Jordan | 299 | 12 | 325 | 24 | 11 | 29 | 187 | | 887 |
| Syria | 621 | | | | | | 316 | | 937 |

Source: Analysis of 542 construction contracts reported during June 1975 to April 1978 by International Construction Week newsletter (McGraw-Hill Inc.). ●

## WHERE ARE THE MEDIA?

● Mr. McGOVERN. Mr. President, in the New York Times of June 11, 1978, there appeared a column written by Harold Willens who serves with distinction as a special adviser to the U.S. delegation at the United Nations Special Session on Disarmament.

I share Mr. Willens' concern over the lack of detailed and serious press coverage of this all important United Nations meeting and I believe Mr. Willens' views deserve the attention of my colleagues in the Senate. I ask that this article entitled "Where Are the Media?" be printed in the RECORD.

The article follows:

WHERE ARE THE MEDIA?

(By Harold Willens)

Several days ago someone asked me what business a businessman had serving as a special adviser to the United States delegation at the United Nations special session on disarmament.

I replied that the Vietnam War should have shattered forever a blind belief in the myth of expertise and that there are no experts on disarmament anyway—there are only theorists—for the simple reason that there hasn't been any disarmament.

In fact, I went on to say, after 15 years of substantial involvement in this issue, the only person whose judgment I would trust on disarmament is Jimmy the Greek, whose job it is to weight the odds in any situation without self-delusion.

My guess is that on the question of the global game of chance, which is more commonly know as the arms race, Jimmy the Greek would consider it less than an even bet that my children (not to mention my grandchildren) can expect to escape the horrors of nuclear holocaust.

Jimmy the Greek, who operated out of Las Vegas, came to mind recently when we were all barraged by the news-media blitz that preceded and accompanied the opening of legalized gambling in Atlantic City, N.J.

The newspapers carried a huge quantity of photographs, features and sidebar stories, while radio and television ran "reams" of reports on various games of chance, the odds involved, and so on.

Nothing remotely resembling this large-scale reporting preceded or accompanied the opening of the special session on disarmament.

Despite the fact that this major disarmament conference is an unusual event—the first international gathering of world leaders on this vital subject since 1932—treatment of the special session by the press, radio and television has been abysmal, from my experience.

I did a small telephone survey after the fourth day of the session, calling 22 friends in seven states. These are people whose interest in international and domestic events prompts them to try to follow carefully what is happening. Without exception they were

furious and frustrated by the lack of media attention to the special session.

While it is understandable that the front-page focus would fall heavily on President Carter's absence and the hard-line aspects of Vice President Mondale's speech, where are those many photographs, the features and the sidebar stories lavished on Atlantic City?

More important, where are the detailed explanations of what is at stake here, the carefully researched description of the issues, or an assessment of the odds involved in a potentially apocalyptic game of chance that worries the world enough to bring 149 nations together to try to stem the tide of the escalating arms race?

Properly reported to the American people, this extraordinary session stands a chance of becoming the first in a series of steps, buttressing the negotiations on limiting strategic arms and a comprehensive ban on testing of nuclear weapons, halting and reversing a dangerous momentum toward ultimate tragedy—a momentum that moves us ever closer to a world filled with nuclear-armed countries and terrorists.

Continued inadequate media attention, on the other hand, could result in the downgrading of this and all other efforts to expose this issue to the light of human reason. Responsible journalism demands that during the remaining days of the special session, which is to end June 28, the American news media find ways to report and describe the origins, purposes and ongoing activities of this attempt to prove that man is not an insect on the flywheel of history and that human beings are still capable of slowing down and reversing an out-of-control arms race that the world must end before it ends the world. You can report events like the Vietnam War and Watergate, but you cannot report the end of history. We can only prevent it, as Jimmy the Greek would be the first to tell us.●

## THE LATE WILLIAM A. PURTELL, SR.

● Mr. CURTIS. Mr. President, I was saddened to hear of the death of our former colleague, Senator William Purtell, Sr., of Connecticut, on May 31, 1978.

I served alongside Senator Purtell during his term, from 1952 to 1958, and noted his intelligence, sound judgment, and determination. His exemplary performance was an inspiration to his colleagues.

Senator Purtell accomplished a great deal in his 6-year term. It was through his efforts as chairman of the Senate Office Building Commission that the Dirksen Senate Office Building was erected.

I wish to extend my condolences to Mrs. Purtell and her children. I ask that Mr. Purtell's obituary as it appeared in the June 1, Hartford Courant be printed in the RECORD.

The obituary follows:

WILLIAM PURTELL, SR., DIES AT 81; SENATOR, STATE BUSINESSMAN

William A. Purtell Sr., retired U.S. senator and founder of the Holo-Krome Corp. of West Hartford, died at his home, 6 Arlington Road, West Hartford, Wednesday. He was 81.

A native of Hartford, he attended local schools and enlisted in the Army in 1917 to serve overseas in World War I. Although not ashamed because economic forces made him drop out of high school, he became perturbed when anyone pointed to his accomplishments despite a lack of education.

"I urge youngsters in school to complete their formal education," he once wrote in a letter to The Courant. "Today, the door to success is not completely closed to the school dropout, but it is indeed a heavy door to open."

Purtell managed to open that door in 1929 when, after 10 years as a salesman, he and a few friends organized the Holo-Krome Corp. and began the production of high quality screws. He was president of the firm in 1952 when former Gov. John Lodge appointed him to succeed Brien McMahon in the U.S. Senate after McMahon died.

He was elected to a full term in November 1952, and during the next six years served as a member of the Labor and Public Welfare Committee and the Committee on Interstate and Foreign Commerce. He also served on many subcommittees, including the juvenile delinquency, welfare and pension plan legislation, surface transportation and health subcommittees.

One of his most important assignments came when he was appointed by then Vice President Richard M. Nixon to the select committee to investigate lobbying and related activities. He was a delegate to the Inter-Parliamentary meetings in Austria in 1954 and Finland in 1955, and he was an official observer at the United Nations Atoms for Peace Conference in Geneva in 1955.

Purtell was prominently identified with many issues in the health field. The Congress accepted and the president signed a Purtell amendment to the Social Security law which prevents preemption by federal or state agencies of child welfare services in urban areas already adequately covered by voluntary agencies.

Purtell did not run for reelection in 1958 and his seat was won by the late Prescott Bush of Greenwich. Before his appointment to the U.S. Senate, Purtell was active in Republican politics and was a candidate for the Republican gubernatorial nomination in 1950.

He said his decision to accept the senatorial post was made because "I was always crabbing about the way things were going, and I decided to do something about it." He said he also wanted to champion his belief in the value of "competitive capitalism."

After his stint in the Senate, Purtell concentrated on running his business ventures, although he was in the public limelight from time to time as an after-dinner speaker or featured speaker on special occasions such as Memorial Day observances. He was an organizer of the Connecticut Department of the American Legion after World War I and served in many official capacities with the organization.

He was leader of a Legion delegation that presented a Colt pistol to the late Gen. Douglas A. MacArthur when the war hero visited Hartford in 1947.

Just before World War II, Purtell was named president of Billings and Spencer, an old Hartford firm. He organized and revitalized the company, which became an important war industry. At the same time, he carried on as president of Holo-Krome, one of the first Connecticut firms with an employe profit-sharing program.

During World War II, Purcell was director of the Hartford Red Cross.

He was active in community affairs, a former director of Hillyer College which later became the University of Hartford, and was a member of the state Interracial Commission; director of the Connecticut State Prison and Board of Parole; former president of the Manufacturers Association of Connecticut; former president of the American Supply and Machinery Manufacturers Association; and former director of the United States Chamber of Commerce.

He was a former director of the Hartford Connecticut Trust Co., Colt's Manufacturing Co., Veeder-Root Inc., Hartford Gas Co. and National Fire Insurance Co.

He was a communicant of St. Peter Claver Church, West Hartford.

He leaves his wife, Mrs. Katherine Cassidy Purtell of West Hartford; a son, William A. Purtell, Jr. of Old Saybrook; a daughter, Mrs. Charles E. Poehnert Jr. of West Hartford; two sisters, Edna M. Purtell and Eileen E. Purtell, both of West Hartford, and four grandchildren.●

## ALLEGATIONS OF POLICE BRUTALITY IN NORTHERN IRELAND

Mr. KENNEDY. Mr. President, I am deeply concerned about the allegations of police brutality contained in the recent report of Amnesty International with respect to its investigation into the practices of a section of the Royal Ulster Constabulary in Northern Ireland.

It is of the greatest importance, not only to the cause of peace in Northern Ireland, but also to the reputation of Britain in the world community, that the facts about these allegations be determined, and that appropriate steps be taken to deal with any abuses that may be found. Above all, the investigation into the truth or falsity of these allegations not only must be fair, but must be seen to be fair, especially by the two sections of the community of Northern Ireland.

The allegations involve basic questions of human rights that transcend national frontiers and that are of deep concern to Americans and all others who care about human rights.

The allegations are not confined to any single faction in Northern Ireland. The charges of brutality relate to both Republican and Loyalist prisoners, and they demand an evenhanded and impartial investigation that is capable of securing the credibility of the police force.

It is obvious to me that neither the U.S. Congress nor any other outside tribunal is in a position to answer the important questions that have been raised. It is, therefore, especially incumbent upon the British Government to take all appropriate steps to put these questions to rest.

The statements I have seen indicate that the British Government fully intends to be forthright and forthcoming in dealing with these serious allegations. But in the light of the overriding need to secure public confidence in the results of the investigation to be undertaken, I believe that the inquiry outlined so far can be improved in two significant respects:

First, in dealing with the specific cases of alleged ill-treatment described in the Amnesty International report, and any other similar cases that may be brought to light, a more effective approach should be adopted than simply utilizing the current procedure involving referral to the Police Complaints Board and the Director of Public Prosecutions in Northern Ireland. When I met in Washington last October with Roy Mason, Britain's Secretary of State for North-

ern Ireland, I emphasized my concern at that time that these procedures were inadequate to resolve the serious doubts even then existing about the Castlereagh Detention Center. It is obvious now that this approach has not been sufficient to dispel the numerous and persistent allegations of police brutality involving a section of the RUC.

Faced with such a situation in a different context, involving serious allegations of misconduct with our own Government, the United States successfully resorted to the use of a prestigious independent special prosecutor, with full powers of investigation to find and state the truth.

In circumstances of this magnitude and sensitivity, the British Government should not be placed in the compromising position of investigating itself. I would urge, therefore, that an independent investigative entity be established to develop the truth about the current allegations in Northern Ireland.

The establishment of an independent special prosecutor would fully meet the necessary requirement for privacy in law enforcement investigations of this type, in order to insure both that rights of innocent parties are protected and that the potential prosecutions of guilty officials are not jeopardized. The business-as-usual approach involving the DPP is neither the only, nor the best, method of purusing the needed investigation.

Second, the same need for privacy, however, is not applicable to the role of the independent committee of inquiry which the British Government has proposed to establish for the purpose of carrying out a general review of the police practices and procedures in Northern Ireland. That committee should sit not just in private, as has been proposed, but in public as well to the greatest possible degree. By making the procedures of the inquiry as open as possible, the likelihood will be enhanced that the report and recommendations of the inquiry will achieve the fullest possible public acceptance. In the volatile atmosphere of Northern Ireland, actions confined to a private forum cannot clear the air and marshal the public confidence essential to allay the doubts that now exist.

The moral authority of the police and the willingness of governments to admit and correct abuses are among the greatest hallmarks that distinguish free societies from totalitarian regimes. Consistently over the past 8 years of violence in Northern Ireland, I have spoken out against the violence on both sides of this tragic conflict and against all forms of American support for the violence. I have also spoken out repeatedly against abuses of power by the security forces, both because of my abhorrence of such law enforcement tactics in a democratic society and my firm belief that such tactics inevitably prove counterproductive.

In its submissions to the European Court of Human Rights in the case arising out of past allegations of the use of torture by the security forces in Northern Ireland, the British Government pledged that the challenged practices of ill-treatment had been discontinued. If Britain is to meet the letter and spirit of that commitment, it must do all within its power to insure that the current allegations receive a full and fair investigation.

Mr. President, I ask that an editorial appearing on this subject yesterday in the London Observer, entitled "Behind Closed Doors," may be printed in the RECORD.

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[From the London Observer, June 11, 1978]

BEHIND CLOSED DOORS

Amnesty International has given its authority to serious allegations of ill-treatment of terrorist suspects by the Royal Ulster Constabulary. In the face of these allegations, Mr. Roy Mason's announcement of a private inquiry into police practice and procedures and the complaints machinery is not adequate. Although he promises to publish the eventual report of such an inquiry, that will neither allay public suspicion, particularly in the local Catholic community, from which most of the allegations come, nor mitigate the provisional IRA's propaganda advantage.

What is needed is a public inquiry into the specific charges of brutality in the amnesty report, though with a duty to make recommendations also on the more general issues raised by Mr. Mason. These complaints of beating, banging heads against walls, hair-pulling and other ill-treatment can only be tested adequately by a full process of witnesses, cross-examination and production of police records, including medical reports.

It would be naive to assume that such an inquiry will necessarily produce the complete truth about what has happened in Ulster interrogation rooms. There are at least two obstacles to that. One is the notorious, understandable but unforgiveable tendency of policemen or prison officers the world over to stick together against such charges. (Even in the milder terrorism of Birmingham, it has been impossible to convict anyone of attacking the bruised IRA bombers in Winston Green prison: Yet they cannot all have sustained their injuries innocently.)

The second obstacle is the equally notorious existence of an allegations industry which preys on the more gullible. A careful reading of the amnesty report raises doubts whether even its international investigators fully understand the ingenuity traditionally used in Ireland to discredit the police.

Nevertheless, a public inquiry is the best means we have of achieving three essential and complementary objectives: to stop those policemen—perhaps a comparatively small number—who use brutality to extract confessions; to protect the good name of the majority of R.U.C. men who have lost an appalling number of comrades in the campaign to convict murderous terrorists; and to diminish the constant flow of allegations as an IRA propaganda weapon.

Mr. Mason has rejected a public inquiry mainly because Amnesty has refused to give the names of the people complaining. But if he can be persuaded to change his mind, amnesty ought to persuade its informants to change theirs and give evidence. In the previous brutality cases of 1971, the association for legal justice (one of Amnesty's informants this time) criticised the Compton inquiry for not compelling witnesses to attend. An inquiry into these new and serious allegations ought to have power to compel attendance, though it must also offer all possible protection to prisoners and policemen.

Behind this report lives the issue which runs, like a malignant thread, through the 10 years of Ulster crisis. While internment existed, a number of distinguished investigators, appointed by successive governments, sought a fair system to deal with terrorism through the courts. None found a system that was satisfactory: Civilian witnesses could not be found, because they were intimiated or murdered; leading terrorists are not caught red-handed or by forensic methods because they are planners rather than executants of crime. That leaves two principal alternatives—internment or confessions.

Mr. Merlyn Rees ended internment in an attempt, at least partly successful, to repair the alienation of the Catholics. Confessions, the police maintain, are often extracted by the sheer weight of intelligence information with which they confront the suspect, over several lonely days in an interrogation centre.

But the government's policy of handling terrorism through the courts, rather than through internment, puts immense pressure on the police to get confessions—and therefore a great temptation to bend the rules; and the length of sentences terrorists face, combined with the ruthlessness of the IRA towards its own members, puts a great temptation on suspects to claim that any confession was extracted by brutality.

It is because this issue is so central both to the fight against terrorism and the maintenance of civilized behaviour by agents of the state that it needs to be cleared up publicly, however difficult that may be.

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## THE 20TH ANNIVERSARY OF THE MARION COUNTY MUSCULAR DYSTROPHY FOUNDATION

● Mr. LUGAR. Mr. President, yesterday the Marion County Muscular Dystrophy Foundation celebrated its 20th anniversary of competent and compassionate service to handicapped persons and their families in Indianapolis.

The work of the foundation includes: Research and education in the causes and treatment of muscular dystrophy; and clinical services and recreational opportunities for patients and their families.

Of particular interest to me is the foundation's publication Navigation Unlimited in Indianapolis, which was compiled for use by all physically handicapped persons, detailing obstacles to mobility and describing routines of access in public places throughout the community. As mayor of Indianapolis, I became increasingly aware of the need to consider the special problems of the physically handicapped in building and maintaining public facilities.

The foundations' 20th anniversary highlights the important contribution of dedicated volunteers in our society. Yesterday's celebration honored eight individuals who have served since the inception of the foundation: Mr. Verda Allee, Mr. James E. Forsythe, Mrs. Lilly Leonard, Mrs. Zenna McCance, Mrs. Hortense Myers, and Mr. Kurt F. Pantzer, Jr., have served on the board of directors; Mrs. Natalie Richards has been a social worker at the Muscular Dystrophy Clinic at Riley Hospital for Children; and Chares A. Bonsett, M.D., is the distinguished director of the Muscular

Dystrophy Clinic at Riley and volunteer research director for the Indiana Neuromuscular Research Laboratory, which is funded by the foundation.

Mr. President, let me take this opportunity to express my sincere thanks to these individuals and the entire Marion County Muscular Dystrophy Foundation for their dedicated volunteer service.●

## CONTEMPORARY ART FROM ALASKA

● Mr. GRAVEL. Mr. President, I would like to advise my colleagues of an exhibition of Alaskan art which will be shown at the Smithsonian's National Collection of Fine Arts. Enlisted "Contemporary Art from Alaska," the exhibit will open on June 23 and run through September 16.

This is the first time a collection of contemporary Alaskan art has been shown in the "lower 48." The collection includes more than 50 works contributed by 43 artists from throughout the State. It contains sculpture, ceramics, paintings, and prints. Themes of the various pieces include an artistic survey of Alaska's awe-inspiring wilderness, its wildlife, as well as an interpretation of the effect of dynamic growth on the State's people and resources. Dr. Peter Bermingham, Curator of Education at the National Collection of Fine Arts, said the following concerning the collection's works:

> With considerable imagination and intelligence they provide provocative fusions of an old culture and a newer one still far short of definition.

The Alaska State Council on the Arts played an active role in organizing the exhibit. I would like to express my appreciation for its efforts, as well as those of the Smithsonian Institution, in making this premier exhibit possible. I am certain that all who visit "Contemporary Art from Alaska" will find it both an exciting and educational experience. ●

## DEATH OF FORMER SENATOR WILLIAM A. PURTELL

● Mr. WEICKER. Mr. President, the Honorable William A. Purtell, who served this body as a Senator from Connecticut for 7 years, died last week at the age of 81.

Senator Purtell began life as the son of tobacco workers in the Connecticut River Valley. As an inventor and businessman, he started and nurtured a successful screw manufacturing company in his home city of Hartford. In 1950, he was named that city's most distinguished citizen. In 1952, Gov. John D. Lodge appointed him to the Senate seat vacated by the death of Brien McMahon. The following November the voters of Connecticut elected him to the Senate in his own right. Completing that term of office in 1959, Senator Purtell returned to Hartford to resume business activities there.

During his life, Bill Purtell was an outstanding citizen and public servant. An outspoken opponent of Government corruption, he established a strong record of effective representation for the people of Connecticut during his years in the Senate. His continuing involvement in business and manufacturing associations was yet another contribution he made to the welfare of his community.

As Senator, businessman, and public servant, Bill Purtell was a credit to the State and city he loved. As we mourn his passing, Mr. President, we can be proud of the exemplary life that he led.●

## AFRICA: WHAT SOVIET-CUBAN TRIUMPH?

● Mr. McGOVERN. Mr. President, in last Sunday's New York Times of June 11, 1978, there was a letter to the editor from Mr. William J. Dean of New York. In that letter, Mr. Dean succinctly and intelligently discusses what U.S. policy should be toward Africa vis-a-vis the Soviet Union and Cuba, and I commend his analysis to my colleagues in the Senate. I ask that Mr. Dean's letter be printed in the RECORD.

The letter follows:

AFRICA: WHAT SOVIET-CUBAN TRIUMPH?

TO THE EDITOR: At the NATO Washington meeting, British Prime Minister Callaghan made the sensible comment on Soviet and Cuban activity in Africa that it was important to analyze the situation and not rush into action.

The Horn of Africa is cited as a Soviet-Cuban triumph. Yet the Soviets suffered a severe setback there when they were evicted by Somalia. In aiding Ethiopia in the war with Somalia, the Soviets found themselves in a position not unknown to American policymakers: arms supplier to both sides.

It is not clear how the Soviets and Cubans, while supporting the winning side, will benefit tangibly from their involvement. The political situation in Ethiopia continues to be unstable, to say the least. If the Soviets and Cubans become involved in Eritrea, they enter a quagmire, fighting an indigenous people—not invaders, as with Somalia—in a mountainous terrain. (This should give Castro, himself a former guerrilla fighter in the mountains, pause.)

Although they backed the winning side in Angola, again it is not clear how the Soviets and Cubans have benefitted, or how the vital interests of the United States are adversely affected.

The most authoritative thing that can be said of the fighting in Shaba Province is that no one really knows what happened.

Myths were created to justify United States intervention in Vietnam. (One myth being that a Communist victory would bring Vietnam under Chinese domination.) Today we are in danger of creating a new set of myths about Africa.

The Soviets and Cubans have had limited success in Africa, for which they are paying a price (Soviet money and Cuban lives). But they are not going to take over the place. Troublemakers they are and will continue to be, but we should not forget that the Soviets have already compiled an unenviable record of being expelled from three countries on the African continent: Egypt, Sudan and Somalia. Given Soviet clumsiness and insensitivity, the list is certain to lengthen.

To think that African countries, having sought independence for so long, intend now to become puppets of the Soviet Union or Cuba flies in the face of the continent's history.

The United States should be severe in its denunciation of Soviet and Cuban military activity in Africa. (The Soviets never hesitated to denounce our role in Vietnam.) We should reject out-of-hand suggestions for U.S.-supported covert activity in Angola or anywhere else, which would undermine the moral force of our opposition to outside military interference in African affairs and make a mockery of our legitimate criticism of Soviet and Cuban activity. We should encourage African solutions to African problems.

And we should not permit Soviet activity in Africa, which over the long run will leave little of lasting impression, to keep us from completing a SALT agreement or any other agreement which serves our national interests.

This is a point the Soviets understand well. It will be recalled that in 1972 the Soviet Union received President Nixon even though he had just ordered the mining of North Vietnamese ports, and the two sides signed the first strategic arms treaty.●

## UNITED STATES-SOUTH AFRICAN POLICY

● Mr. GARN. Mr. President, the foreign policy of the United States with respect to Africa has overshadowed even the difficult issues of the Middle East in recent weeks. The attention of the world has been focused on the horrible tragedy of human suffering in Zaire's Shaba Province, the latest in a series of violent explosions in Africa.

Three years ago, the conflict in Angola raised the serious question of Soviet-backed Cuban military involvement in the Dark Continent. The United States, through errors in judgment, mismanagement, and the absence of a definitive foreign policy, missed an opportunity to stand against that foreign incursion. Our apparent policy of benign neglect in the subsequent crisis in the Horn of Africa has left pro-Western African states confused and mistrustful of American intentions and resolve.

Our rejection of the so-called internal settlement in Rhodesia, and insistence on the inclusion of avowed Marxist guerrillas and terrorists in any government in Rhodesia has further confused those hoping to see constructive United States-South African policy.

Early last week the Congressional Black Caucus issued a statement in which they actually defended the role of Cuban troops and Soviet military assistance in Africa, echoing Ambassador Andrew Young's assertion that the Cubans are a "stabilizing influence" in Africa. By what reasonable yardstick, Mr. President, can Cuban mercenaries and Soviet weapons be considered "stabilizing"? I suppose a roomful of corpses in Kolwezi could be described as a "stable" situation; or a Marxist police state with iron-fisted control of the population could be

described as "stable." But what of individual freedoms? What of our bold new crusade for human rights? What kind of price should a people be asked to pay for "stability"? Is the peace of death the only kind of peaceful solution we are going to allow to come to the nations of Africa?

I am afraid that the nonpolicies of this administration and the shortsighted naive voices urging it on, do not bode well for any other solution.

Last week, President Carter again used rather strong language in his address to the graduating class at Annapolis.

The Soviet Union can choose either confrontation or cooperation. The United States is adequately prepared to meet either choice.

Those were the words Mr. Carter used in the context of Soviet and Cuban intervention in Africa. The Kremlin quickly responded to the President's speech, calling it "strange." I wonder what they meant.

Was it "strange" because it was inconsistent with the actual record of this administration in dealing with the confrontation of interests that has already occurred in Africa?

I applaud those words of President Carter, even if they were subsequently qualified and watered down by the White House press office, as the President's Wake Forest speech of a few weeks ago. I hope he is serious about taking a nononsense approach to Cuban-Soviet military involvement in Africa. I, for one, will support him wholeheartedly if he is. But I confess to perhaps the same confusion that prompted the Kremlin's response, except that, for me, it translates into skepticism.

In Paris last week, for example, an American delegation, presumably acting on the President's orders, successfully avoided discussion of increased American support of a French proposal for a Pan-African peace force to prevent future tragedies like Zaire's Shabo Province. I do not suggest, Mr. President, that the French proposal should be adopted. I have not seen the details. But I do not understand why we appear unwilling to even discuss it. It would seem to me that such discussions would lend a measure of credibility to the President's strong words. But perhaps the administration is afraid to be seen to participate in what the Washington Post described this week as "neo-colonialism" in an article describing efforts of Western countries to assist Zaire's President Mobutu. Why those efforts should be considered "neo-colonialism," instead of "a struggle against Soviet imperialism," I am at a loss to understand.

I have said before, Mr. President, that I am one who believes that our negotiations in Geneva on a SALT II treaty cannot be conducted in a vacuum. I accept the notion that these discussions must be linked to Soviet actions elsewhere in the world. At the same time, I believe that the question of improved relations between the United States and Cuba must be linked to Cuban actions elsewhere in the world. I may start sounding like a broken record on that point, but it seems like repetition is the only way to get the message of the real world across to those who are formulating the foreign policy of this administration.

And if that is not enough, I have joined a number of my colleagues in cosponsoring a concurrent resolution which urges the President to defer any further official actions toward normalization of relations with Cuba until such time as all Cuban military forces are removed from Africa. It is past time to dispel the myth of Fidel the giant killer. And it is far past time for this country and this administration to acknowledge the reality of Communist imperialism. The fantasy world of détente has allowed us to forget that the Communist ideology of Marxism-Leninism does not allow for the continued existence of Western democracy. There is a threat to the survival of freedom, and we refuse to recognize it at the peril of our way of life.●

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## DIET-NUTRITION RESEARCH AND CANCER—CONGRESS RESPONSIBILITY

● Mr. DOLE. Mr. President, too often family, friends, colleagues are stricken by cancer while we stand by helplessly as they grow weaker and weaker. We realize how little is known about the cure of cancer when someone close to us is stricken by this disease. With the ever-increasing incidence of this most dreaded disease, the Nation reaffirmed its goal of conquering cancer in our lifetime by greatly expanding the research investment in the seventies. However, 7 years and 7 billion research dollars later we do not appear any closer to a cure for cancer.

In 1978, the National Cancer Institute (NCI) will spend over $800 million on cancer research. Other Federal sources and private cancer interests will spend another $350 million on cancer research. Nevertheless, 800,000 Americans will contract cancer this year and upward of 400,000 Americans will die of the disease.

At a time when Americans are revolting against skyrocketing taxes and still fear cancer more than any other disease, it is appropriate that Congress reexamines our national efforts for cancer research. This morning I heard five key witnesses call our attention to the important role of nutrition not only in disease prevention but also in disease treatment and rehabilitation and I would like to share excerpts of their remarks with my colleagues today.

Richard A. Rettig, senior social scientist, the Rand Corp., reviewed briefly the events of 1970 and 1971 that led to enactment of the National Cancer Act, indicated how some of the questions not asked during the legislative debate at that time gave rise to the questions being asked today, and underscored the importance of our hearings as a first step in a needed review of the national cancer program. He went on to identify several questions being raised about our national cancer program; namely:

What is the conceptual basis for measuring progress in the fight against cancer—five-year survival rates or mortality data?

What demonstrable clinical progress is being made in the treatment of the specific forms of cancer?

How are the research priorities within the national cancer program determined and how are resources allocated in light of these priorities?

How is the national cancer program held accountable to the Congress and the public?

Dr. Rettig concluded by saying:

What is needed is a dialogue, a creative tension, between the Congress and the cancer research community. The Congress cannot know the areas of established scientific and clinical knowledge without listening carefully to the medical-scientific community. But the medical-scientific community, on the other hand, cannot fully appreciate the intensity and nature of the public's concern for cancer research without listening carefully to the Congress.

Dr. Theodore Cooper, dean of the Cornell University Medical College, said:

Of great concern to many are the possible economic consequences that new dietary policies imply for current practices of food production, processing and distribution.

The food industry cannot be expected to be less traditional than any other segment of our society, and therefore we should not be surprised if it will resist change, particularly rapid change.

This notion of rapid change is another subtler element of concern and, I believe, of hesitation in the initiation of programs for better nutrition.

Somehow there is a widespread feeling, probably fostered by the good and sometimes zealous intentions of various advocates, that change of dietary habits must be rapid, or at least as rapid as possible. This conjures up images of dietary changes drastically imposed or taking place over a few months of intensified campaigns. To me it is clear that changes in dietary patterns are likely to develop in rather slow trends, over periods of several years, in a dynamic interplay of educational pressures, food demand shifts, production incentives and regulatory policies. The long time required for this process is likely to give ample opportunity for policy corrections in mid-course, persuasive behavioral changes, and changes in food production practices that should not cause economic disruption.

This slow, secular trend in the evolution of dietary practices is indeed another reassurance of the safety features of such public health action, and should be kept in mind both by proponents and by foes of change. A good appreciation of this would put their thinking closer together, dampen the hurry on one side, moderate the fears on the other, and in so doing improve the chances of a cooperative endeavor for better nutrition.

But in any event we need to start, for without the initial step even the longest journey will never be undertaken.

In his testimony Dr. George L. Blackburn, associate professor of surgery of the Harvard Medical School and director of nutrition support services at New England Deaconess Hospital stated:

The public wants better knowledge as to the proper role of diet and nutrition in the maintenance of health. Currently, they are confused—and occasionally misled—by specific announcements of research findings,

fraudulent advertising, self-serving promoters of "faddish" diets and inadequate guidance on proper nutrition. Funding of nutrition-related research and other activities at the relatively modest levels I have suggested ($27 million) will go toward meeting the public's need and desire for dietary guidance and enhancing the effectiveness of our health care system in promoting good health and fighting disease.

A fourth witness, Dr. Charles B. Arnold, director of the Health Maintenance Institute of the American Health Foundation, commented in his concluding remarks that:

With increased recognition of the role played by nutrition in the etiology of cancer, and other chronic diseases, it is apparent that greater research efforts must be devoted to this area. In order to more fully understand the mechanisms of cancer etiology, new directions in research must be considered and implemented on a national scale. Our ultimate success is dependent upon the interdisciplinary approach, not just to environmental carcinogenesis as a whole, but to nutritional carcinogenesis in particular.

It is our prediction that the research area of nutrition and cancer will turn out to be one of the most fertile fields in the study of human carcinogenesis and will enhance our knowledge of the pathogenesis of all neoplastic diseases.

In her concluding statement Dr. Peggy C. Fry, assistant professor at the department of pediatrics, University of Texas Health Sciences Center wrote:

The role of nutrition in the prevention of cancer has been limited by the course of past research in this field. The major thrust of research has been on the role of diet in treating health problems after they develop. This crisis-oriented approach has held true for cancer research. It would seem that the knowledge we have gained from studying the Seventh Day Adventists and the Mormons would compel us to take a closer look at preventative strategies. Adopting one of these lifestyles would cut one's risk for diet-related cancer by at least 25%. It is reasonable to assume that intensive research could reduce one's risk by another order of magnitude. Having been associated with the NCI's Diet, Nutrition and Cancer Program and a member of its original Advisory Committee, I feel strongly that nutrition research is consciously ignored by the NCI. The Advisory Committee's final resolution before it was abolished was that a minimum of $15 million should be spent on new research programs. As far as I'm aware, no action was even taken, even though the Congress subsequently recommended that the NCI spend a minimum of $7.5 million for new programs in nutrition and cancer research. That in itself should be an indication of the attitudes of the NCI bureaucracy. I suggest that Congress should now require that NCI develop and fund a coordinated and integrated program on diet, nutrition, and cancer research, along with a line item in the budget of at least $25 million. It seems inappropriate that the NCI currently spends only 1% of an $800 million budget on nutrition research.

Revelations from today's hearings came on the heels of a letter that I along with several other Senate colleagues sent to the chairman of the Appropriations Committee last month requesting that $30 million of the total NCI fiscal year 1979 appropriation be designated as a line item for nutrition research, of which $20 million should go to research directed toward preventing cancer, and $10 million to therapeutic research initiatives, particularly hyperalimentation of cancer patients.

Through these hearings I hope we will be able to redirect our efforts in cancer research, and at the same time make our efforts more cost effective and win the battle against cancer.

## THE HOLOCAUST IN CAMBODIA

● Mr. CHURCH. Mr. President, since April 1975, the most barbaric act of contemporary genocide has been underway in Cambodia, now known as Kampuchea. The mass murder of between 10 and 30 percent of a population of 7 million in 3 years exceeds the worst Stalinesque purge or Nazi persecution. Recently, 120 million Americans watched a television dramatization of the inhumanity of the Nazis and deplored the world's inaction in face of that holocaust.

Yet, today, few have spoken out against the extermination of a helpless people. Where is our righteous indignation over this Nazi-like purge to "purify" Kampuchea? Murder, forced labor, malnutrition and disease flourish in this tropical Gulag. What person can ignore these deaths and live with his conscience? Who could not fail to take pity on the multitude of helpless victims undergoing "purification," the tactic of elimination.

The methodology of these barbarians is first to eliminate the urban centers. Three million people, including the sick, the lame, and the blind were forcibly removed from Phnom Penh on a death march into the jungle, en route to agricultural collectives demanding endless toil on meager rations. The second step is to eliminate currency as a form of exchange, thus forcing total dependence on the Khmer Rouge collective. Life outside the collective is virtually impossible. Third, eliminate all communications. Revolutionaries know the value of an idea, an alternate ideology. Therefore, radios, televisions, magazines, and books are no more. Even talking to a neighbor is forbidden. Only the state radio transmitting "official news" and an infrequent cadre newspaper, Revolution, exist. The Khmer Rouge have destroyed the principal social institution of Cambodia by eradicating Buddhism. Monks are killed, and temples are destroyed or made into prisons. Lastly, the elimination of any overt signs of individuality is dictated. Children are taken from parents, everyone eats communally, and personal property is confiscated. The nation is ruled by "The Organization on High" or Angkar in Cambodian. People know it exists, but know little about it. Leaders are hidden and appear only to issue orders and supervise killings. Transit and communication between collectives is strictly regulated.

These policies are the means by which 1 to 2½ million people—of a nation of 7 million—have been murdered. Starvation and cholera have been the plight of the young, the elderly, and the ill during the mass migation to rural labor camps. For those violating the rules, apparently including minor infractions, death is the penalty. In one case cited by Amnesty International, a father was executed for admonishing his 6-year-old daughter for singing, a Khmer Rouge song.

Executions are generally carried out by clubbing the transgressor to death with a pick handle or hoe. Brutality is commonplace. The result is clear. Kampuchea is the worst violator of human rights in the world. Their leaders are fanatical and xenophobic rulers intent on creating an Asian Auschwitz.

Phnom Penh has chosen to ignore the request of the United Nations Human Rights Commission for comment on these reports. Likewise, they are ignoring a similar Amnesty International request. To be frank, there is little we can do. But at least we can make certain that those who succeed in escaping from Cambodia are cared for and aided. This can be done by suporting the U.N. High Commissioner for Refugees and by assisting in the resettlement of the escapees. We should allow the admission of these unfortunate people under special legislation or the parole provisions of our immigration laws. This effort, although belated, is underway. Second because the People's Republic of China is the regime's closest ally, we should make every effort to have the PRC leadership intercede with Cambodian leaders to stop the carnage.

This massacre of people on a scale perhaps unprecedented in history demands that we express our outrage. The Committee on Foreign Relations recently reported to the Senate a provision in the State Department authorization bill (S. 3076) that condemns the atrocities in Cambodia, urges multilateral action, and requires the Secretary of State to report back to Congress on actions taken under that provision.

Arbitrary power, mass relocations of people, forced labor in agricultural collectives, terror as the principal instrument of government—these are the characteristics of the regime in Kampuchea. We must express our outrage at the savagery of the Khmer Rouge. The quest for peace and justice inherently demands respect for human dignity.●

## SENATE RESOLUTION 479—COMMENDATION OF NANCY LOPEZ

Mr. DOMENICI. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of the resolution commending Nancy Lopez.

Mr. ROBERT C. BYRD. Mr. President, the distinguished Senator from New Mexico had indicated to me that he would call up the resolution. I want to make clear for the record that the resolution has been cleared with the leadership on this side of the aisle.

Mr. JAVITS. Mr. President, as I understand from the secretary for the minority, it has been cleared on this side, also.

The PRESIDING OFFICER. The resolution will be stated by title.

The assistant legislative clerk read as follows:

A resolution (S. Res. 479) commending Nancy Lopez.

The PRESIDING OFFICER. Is there objection to the present consideration of the resolution?

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

Mr. DOMENICI. Mr. President, during the past weekend, a native of Roswell, N. Mex., has solidified her position as one of the most remarkable young professional athletes in the world.

Miss Nancy Lopez won the prestigious Ladies Professional Golf Association championship at Mason, Ohio, Sunday, and established a series of "firsts" in this highly competitive sport:

Set an all-time record for winnings for any rookie on the LPGA tour and has moved near the all-time record for any professional golfing rookie, male or female;

Has won $100,000 earlier than any other LPGA player;

Has tied the record for the most number of consecutive victories at four;

And, extended her own record of having won more championships in her rookie year than any other rookie, male or female, in the history of professional golf.

We in New Mexico have known Nancy's great ability for a long time. We have also known what the rest of the Nation is learning about her now—that this 21-year-old New Mexican is a sincere, sensitive, and truly humble person, who has brought to her sport the highest qualities of sportsmanship and class.

She follows in the footsteps of such famous New Mexican sportsmen as Bobby Unser and Al Unser, the latter winning the Indianapolis 500 this year for the third time in his career; former world light-heavyweight boxing champion, Bobby Foster of Albuquerque; professional basketball stares Mel Daniels and Ira Harge, and football standouts Ralph Neely, Tommy McDonald, and Charley Johnson.

I must add, Mr. President, that Nancy's victories are a triumph of more than talent, they are a triumph of extraordinary hard work, of the love and sacrifice of her father and her late mother, and a triumph of perseverance. One must hope that her victories will inspire other young women who wish to compete in both amateur and professional sports.

The PRESIDING OFFICER. The question is on agreeing to the resolution.

The resolution (S. Res. 479), with its preamble, was agreed to, as follows:

S. RES. 479

Whereas, Nancy Lopez having won the 1978 Ladies Professional Golf Association Championship, and

Whereas, in so doing established two new records for this major tournament; her 13-under-par performance snapping the previous record of 9-under-par set in 1964, and her purse establishing her as the earliest winner of $100,000 in a single season on the Ladies Professional Golf Association tour, and

Whereas, Miss Lopez, has, with charm and humility, tied the all-time LPGA consecutive Tournament victory record, and

Whereas, Miss Lopez extended her own record among both men and women for having won the most titles for a first-year player, and

Whereas, Nancy Lopez stands as an inspiration for the more than 4 million American women who are now actively engaged in the sport of golf, Now, therefore, be it

*Resolved*, That the United States Senate wishes to honor and pay tribute to the new World Champion of ladies golf, Miss Nancy Lopez of Roswell, New Mexico.

SEC. 2. The Secretary of the Senate shall transmit a copy of this resolution to Miss Nancy Lopez and Mr. Domingo Lopez.

Mr. DOMENICI. Mr. President, I move to reconsider the vote by which the resolution was agreed to.

Mr. JAVITS. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

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## HELPING THE WORLD'S POOR TO HELP THEMSELVES

Mr. PERCY. Mr. President, last week I called up an unprinted amendment to the Peace Corps authorization for fiscal year 1979 which allows the Peace Corps to use its expertise and funds to assist Third World volunteer programs. Due to the unanimous support of my colleagues on the Senate Foreign Relations Committee, this amendment has now been incorporated into the Senate's Peace Corps authorization. I thank my colleagues for their support.

There has been over the past decade, a marked shift in attitudes toward development in the less-developed countries. Increasingly, they are spurning traditional donor-donee relationships with the industrialized world and relying on indigenous, self-help initiatives to spur the development process.

Bruce Stokes, a researcher with Worldwatch Institute, recently wrote an article for the New York Times which addresses this new attitude toward development in the Third World. Mr. Stokes believes that the work being done on the village level, where basic housing, health, food, and energy needs are being met, is the most effective means of improving the lives of the world's poorest peoples. He urges that the United States reassess our foreign assistance programs to take this new process into account.

I share Mr. Stokes' belief that this country should increasingly turn its efforts toward assisting development at the village-level in Third World nations. I believe that by allowing the Peace Corps to use its funds to assist indigenous volunteer programs, we will have taken a small but significant step toward recognition of the importance of this new movement in the development process.

Mr. President, I ask unanimous consent that the Bruce Stokes article "Helping the World's Poor To Help Themselves" be printed in the Record at this time.

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

HELPING THE WORLD POOR TO HELP THEMSELVES

(By Bruce Stokes)

WASHINGTON.—The Carter Administration and Congress, in the midst of a sweeping review of foreign aid programs, are considering proposals to revamp, or even replace, the Agency for International Development, which oversees American foreign assistance. In its reassessment, Washington should take note that some of the most successful third-world development efforts have come not through highly centralized, capital-intensive international programs but through people at the local level doing more to help themselves.

In communities where people most affected by a problem have assumed the primary responsibility for solving it, basic housing, food, health-care and energy needs are being met. Such self-help initiatives are beginning to receive the financial and political support of governments and international agencies long frustrated by their own failures.

Most people, no matter how low their incomes, find a way to put some sort of roof over their heads. In even the poorest African Asian and Latin-American countries, the majority of people struggle to own their own homes. This wish for secure shelter is a fount of human energy that annually provides several million owner-built housing units in the third world. The answer to the squalor of squatter settlements in New Delhi and Manila is not public housing but land tenure and Government loans so the poor can build their own dwellings. The World Bank has already dispensed $866 million over the last five years for such self-help housing.

Food self-reliance is of growing interest in a number of developing countries. In 1973, the Jamaican Government mounted a "Grow Our Own Food" campaign. In rural St. James Parish the proportion of home-grown food is the household diet grew from 38 percent to 56 percent between 1973 and 1975. Similarly, in China about 25 percent to 30 percent of total household income comes from the private production of vegetables, poultry and pigs, with individual initiative being used to make up the shortfall in collective agricultural production.

In the health field, basic medical care is most effectively and economically provided through indigenous efforts. The World Health Organization is exploring ways that traditional cures, such as herbal medicines, can complement professional medical care. In China, Cuba and Tanzania, minimally trained "barefoot" doctors and medical helpers, selected and supported by their fellow villagers, treat minor ailments, give first aid, and organize preventive health campaigns. These local initiatives have done much to improve the health of the poor. For example, Cuban deaths from gastroenteritis, tuberculosis and measles fell by more than 80 percent after neighborhood health workers began work.

Energy consumers, whether countries or individuals, are assessing how they can best become producers of more of the energy they need. For examole, the Gelebs, a seminomadic people in Ethiopia, recently turned to wind power to pump underground water for irrigation. After scratching out a meager existence for generations, they now have year-round cultivation and a better chance of avoiding periodic food shortages.

In South Korea, local forestry associations have planted more than two million acres of wood lots in the last few years. Villagers maintain the trees and organize the cutting and sale of firewood.

Such local energy self-reliance enables the poor to be less vulnerable to energy-price rises and supply shortages, and can become the basis of greater national energy independence.

The mobilization of local resources is the first step in alleviating the burdens of poverty. Foreign aid should be given directly to third-world cooperatives and participatory community organizations to multiply the effectiveness of limited financial resources by tapping the local reserve of labor and ingenuity. In this way, foreign assistance can respond to the expressed needs of the poor rather than impose upon them preconceived notions of what they should want.

To be sure, public policies that have seemed equally appropriate in the past have floundered as new dilemmas and unforeseen difficulties arose. Helping the poor to help themselves will certainly be no exception to this historical experience. Decentralized, participatory efforts are, however, flexible by nature. They promise to stand the test of time better than centralized, dogmatic development projects. In a rapidly changing world, the resilience of a foreign-aid strategy based on local problem-solving could be an important asset.

## COMMONWEALTH EDISON: A RECORD OF NUCLEAR ACHIEVEMENT

Mr. PERCY. Mr. President, I commend to my colleagues who have doubts about the viability of nuclear power a recent article in Forbes magazine. The article describes how Chicago's great public utility, Commonwealth Edison, is producing dependable, safe, and affordable electricity from seven nuclear plants.

Mr. Tom Ayers, president of Commonwealth Edison, says of Commonwealth Edison's reactors: "They're just marvelous machines." He points out the flexibility and diversity nuclear plants bring to a utility system. These plants allowed Chicago to weather the coal strike and freezing conditions that affected coal plants elsewhere. I commend Tom Ayers and his colleagues for their foresight in planning the nuclear investments of Commonwealth Edison.

Mr. President, I do not wish to imply that nuclear power is problem free. Uncertainties about reliability, costs, safety, and waste disposal do exist. However, those problems are not insurmountable. For example, I am working hard on legislation to get in motion a solution to the nuclear waste problem. I merely wish to point out that nuclear power, like all new sources of energy, is not a perfect or adequate solution or our overall energy problems.

I ask unanimous consent that the text of the above mentioned June 12, 1978, Forbes articles, "Nuclear Power Is Alive and Well and Living in Chicago," be printed in the RECORD at this point.

There being no objection, the article was ordered to be printed in the RECORD, as follows.

NUCLEAR POWER IS ALIVE AND WELL AND LIVING IN CHICAGO

It was Sun Day, May 3, and a dreary, windy day in Chicago. At various places in the city, demonstrators went through their paces urging greater use of solar power. In his 37th-floor office, Thomas G. Ayers, Commonwealth Edison's chief executive, leaned back in his chair and commented dryly: "You couldn't heat a helluva lot of water here in the wintertime. The sun, you know, doesn't shine every day in Chicago."

At a time when nuclear power is heavily in disfavor, thanks to opposition from an influential minority, it is alive and well in Chicago. As Tom Ayers says, you couldn't really expect much in the way of solar power in the Windy City.

"Last year we produced nearly 27 billion kilowatt-hours with nuclear energy," says the 63-year-old chairman of Chicago's $2-billion (revenues) electric company. "That's 42% of our total output," he adds, noting that nuclear plants are only 30% of capacity—which means they are run harder. Why? Cost. "If we had produced those kilowatt-hours with coal, it would have cost our customers an extra $280 million; if we had burned oil, $650 million."

Does that mean electricity rates are cheap in Chicago? That depends on how you look at it. "They are high by historical standards," says Ayers, who is currently seeking a 5.6% rate increase on top of the 7.6% increase granted last October. "But for residential customers they are 50% below those in New York and about the same as those in Los Angeles, which benefits from hydro, the cheapest of all power.

"They're just marvelous machines," he says enthusiastically about his nuclear reactors. "They're easier to operate than coal machines—they operate at low temperature and low pressure, they're simple and they're very efficient." By that Ayers says he means they're good at following load—operators can easily match electricity produced with usage. "They're a production man's dream."

What about safety, the issue that worries so many Americans? Ayers argues that the safety of nuclear power has long ago been proven: "They talked first about radiation; there was nothing to that. Then they talked about thermal pollution; that turned out to be a straw man. Then they talked about somebody stealing the fuel—terrorists or criminals; there's no way; you couldn't do anything with it when you got it. I think the opposition is mostly people who think it's bad to have growth in energy."

Commonwealth Edison currently operates seven nuclear plants with a total capacity of 5.4 million kilowatts, has six under construction for another 6.6 million kilowatts and is about to order two more. "We're arguing with two vendors right now," Ayers says. The company also operates two oil plants with 2.1 million kilowatts of capacity and nine coal-fired plants—7.8 million kilowatts—three of them supplied by United Mineworkers-mined coal.

During last winter's coal strike, the company burned more oil than normal, but people in Chicago didn't have to turn their lights down or off as they did elsewhere in the Midwest, nor was industrial production curtailed. Commonwealth was able to sell surplus power to northern Indiana and to American Electric Power for the Ohio valley. All thanks chiefly to its trusty nuclear reactors.

Commonwealth's first-quarter earnings were down from 76 cents to 69 cents because oil costs more than coal. But they would have been down even more if the company hadn't been able to sell power. "I can't tell you how much we made on it," says Ayers, "but I can tell you how we charged for it: our out-of-pocket costs plus 10%, and we sold our most expensive power. We kept our nuclear power for the home folks."

Nuclear showed its stuff, too, during the severe weather conditions that plagued the Midwest the past two winters. When coal piles were frozen and men had to go out with jackhammers to try to break them up and coal barges couldn't move on frozen rivers, Ayers' nuclear plants kept turning out kilowatt-hours. "They didn't know it was bad out," he quips. "They just kept going."

Chicago, of course, isn't the only city to benefit from nuclear power. Sacramento, Calif., of all places, home of Jerry Brown and the California Energy Commission (which lately struck what it hopes will be a deathblow to nuclear energy in the state) gets over 80% of its kilowatt-hours from the municipal utility's Rancho Seco nuclear plant. Last year Baltimore, supplied by Baltimore Gas & Electric Co., got 66% of its power from nuclear plants; the areas of Connecticut and Massachusetts supplied by Northeast Utilities got 58%; the Piedmont section of North and South Carolina supplied by Duke Power got 25% and southern Florida, supplied by Florida Power & Light, got 33%.

But Chicago is still Nuclear City. Commonwealth Edison generates a far greater number of kilowatt-hours for customer use with nuclear energy than does the Tennessee Valley Authority, its nearest rival—27 billion *vs.* 17 billion.

Ayers, a lawyer by training, has been with the company for 40 years. He remembers when it all began: "We were looking ahead 25 years at the amount of coal we would be burning and the logistics of moving it and getting rid of the ash and the accompanying pollution."

General Electric built Commonwealth Edison's first nuclear plant, Dresden I, which went on line in 1960. By then Ayers was manager of engineering, construction and production. The facility worked well, and four years later Edison started buying more and bigger units.

Compared with the opposition nuclear power generates elsewhere, it is well accepted in Chicago. There are few antinuclear demonstrations or lawsuits, and no one has seriously tried to get an antinuclear initiative on the ballot. "People in Illinois know when they've got a good thing," says Ayers.

Commonwealth Edison plans to supply its entire base load with nuclear by the late 1980s. Four years ago it had the foresight to buy itself a uranium company, so now it has its own supply of uranium at about $30 per pound through 1991. (The market price is about $42.) Two years ago it bought some coal properties in Wyoming, and currently it is experimenting with coal gasification in hopes of someday being able to use high-sulfur Illinois coal. But that is for the distant future. Ayers' present plan is to build new coal-burning facilities only for peak and emergency loads.

So Chicago has plenty of power for now and the future. And all this with a minimum of pollution and a maximum of dependability.

## REV. JESSE JACKSON AND THE "EXCEL" PROGRAM

Mr. PERCY. Mr. President, during the third week in May, Howard University was the site for a national conference on EXCEL, the innovative education program developed and implemented by Operation PUSH—People United to Save Humanity—which is based in Chicago, Ill., and its founder, the Reverend Jesse Jackson. The underlying principle of the EXCEL program is that schoolchildren

need a "high moral atmosphere and encouragement at home and at school from parents, clergy, and teachers in order to do well in school." The program brings to bear and focuses the influence of home, church, and school to motivate schoolchildren to do their best in school and at home. It endeavors to develop in the schoolchildren a sense of self-respect and self-discipline and, most importantly, a knowledge that they are responsible for what happens in their lives and thus must work hard to lead successful lives.

The EXCEL program is presently operating in 26 school systems throughout the country. It has been the subject of a report on "60 Minutes," which led to a Federal grant to the program after Secretary of Health, Education, and Welfare Joseph Califano saw the "60 Minutes" report and was impressed by it. Parents, teachers, and school administrators who have worked with the program praise its concept and its success.

Mr. President, I am sure that my colleagues are well aware of the problems confronting many of our schools and troubling many of our schoolchildren and their parents. The EXCEL program is one attempt and a successful one, to cope with some of these problems. Therefore, I ask unanimous consent to have printed in the RECORD at this time an article from the Washington Post of Sunday, May 21 on the EXCEL program.

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

JACKSON'S SYSTEM FOR SUCCESS IN SCHOOL: PRESSURE TO EXCEL

(By Juan Williams)

What makes for a good high school?

"You've got to put pressure on the kids," said James Ball, principal of Los Angeles High School, after he spoke to a workshop at Howard University last week. It was part of a national conference on EXCEL, the education program that the Rev. Jesse Jackson has begun.

"After the Watts riots PTAs were considered bourgeois organizations at my school," Ball said, "so I used counselors and intake rooms to put pressure on the kids. If we found them in the halls we'd take them in the intake room and hassle them . . . if we caught them in the halls three times we'd call their parents in. You've got to put some pressure on the kids to counteract the pressures that are pulling them out of the classroom."

Once he gets the students out of the halls and off what he calls a "flexible schedule"—one that allows them to come to school at 10 a.m. and leave at 10:30 a.m.—Ball has been putting the students in Jackson's EXCEL program.

Last week educators, parents and students from schools in Los Angeles, Chicago and Kansas City, where EXCEL programs are currently under way, and from 23 other school systems that have expressed an interest in the program, came to Howard for a conference.

The basic premise of Jackson's program is that school children need a "high moral atmosphere," and encouragement at home and at school from parents, clergy and teachers in order to do well in school.

Jackson told his audience he wants to challenge today's youth so that they realize "the choice is theirs: they can put dope in their veins or hope in their brains."

"Motivation must be seen as important and a critical element in turning this crisis in education around," Jackson told the conference. "We must teach our children that if they can conceive it and believe it, they can achieve it. They must know it is not their aptitude but their attitude that will determine their altitude . . ."

As Jackson conceived it, the program starts with students signing pledges in which they promise to "push for excellence by striving to learn as much as I possible can . . . I will respect the authority of my parents and accept the help of my teachers. . . ."

Parents pledge to pick up their child's report card and make sure the child studies for two hours. Teachers pledge to "use all means available" to educate students and instill discipline and respect in them.

"It may sound juvenile, hokey," said Ball, the principal from Los Angeles, "but it works. It is hard for an outsider to understand. Really the change was dramatic."

There are 11 Los Angeles high schools in the program. It is funded by $402,000 grant from the school board. Each school has an EXCEL council that decides how best to apply Jackson's ideas at their school. At Los Angeles High School, according to Ball, the principal and the council decided to increase the number of hall sweeps to urge students cutting classes to sign the EXCEL pledge. If a student is repeatedly found in the halls and refuses to join EXCEL, his or her parents are brought to the school and the parent is asked to get the student involved in EXCEL.

EXCEL schools also receive funding for a tutor who works a half day with EXCEL students to help them improve their grades. Funding also is provided to hire a community liaison who spends the day at school observing EXCEL students' progress. The liaison then reports back to parents on what can be done to help the child do better.

Jeff Schiller, chief of assessments of innovative developments of the National Institute of Education, which has studied the program, said, "what we found is that the program is more than Rev. Jackson's rhetoric. Quite a sophisticated structure remains, after he leaves, to accomplish the program's goals."

Schiller said there has been no objective evaluation of EXCEL's effectiveness although there has been widespread praise of the program voiced by most of the people involved.

Calvin Rhone, a Los Angeles High senior who attended the conference, said EXCEL has not been a cure-all for problems at his school.

"EXCEL is merely an eye-opener," he said. ". . . but by surrounding one of the people who are out on the campus cutting classes with it, it is almost impossible for them not to know that something is going on . . . EXCEL is strong external stimulation to do good in school."

"There's a great possibility it could be a fad," he added, "but that depends on the attitude and efforts of the individual student."

In speeches to the conference Jackson repeatedly stressed that the impetus for the EXCEL program was that blacks need to "catch up."

"We must excel because we are behind," Jackson told the mostly black audience. "There is one white attorney for every 680 whites, one black attorney for every 4,000 blacks; one white physician for every 649 whites and one black physician for every 5,000 blacks. . . ."

Mr. PERCY. Mr. President, I do wish to commend Rev. Jesse Jackson, who has, through the years, devoted himself to many worthy causes. I do not know of anything he has ever done that has captured the imagination more of the American public and has, I think, done more to instill hope in a large part of our minority population.

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## GENOCIDE IN CAMBODIA

Mr. GLENN. Mr. President, it is both easy and seemingly futile to speak out against the genocide in Cambodia. With no aid program, without diplomatic relations, we have little leverage to express our disgust with murder, forced labor, and the deprivation of essential human rights. Cambodia presents a challenge to our diplomacy. The stark evidence of atrocities is present; the means to alleviate the slaughter is elusive. We have only one weapon—truth.

Let us therefore trumpet that truth to the world, and especially to the seeming indifference of the United Nations. Moral indignation must be our starting point. Morality can, but should not be, divorced from politics. Indeed, that is the legacy bequeathed us by our late and beloved friend Hubert Humphrey. Public morality consists of certain tenets which no reasonable man would dissent from: it is wrong to murder, to steal, to lie, to injure others. Yet, the Government of Democratic Kampuchea is guilty of all these actions. Men, women, children are tortured, imprisoned, murdered. The enormity of it boggles the mind. Who can debate whether it is 1 million or 2½ million? The reality is death camps, murders of bloodbaths committed with hoes. It is barbarism.

Until recently we have been dependent upon refugee accounts to learn of Khmer Rouge policies. And, like tyranny everywhere, some sycophants have minimized this crime against humanity. But, now the genocidal dictatorship of the Khmer Rouge is evident in Communist press accounts. Cambodia is a sealed off country. It has diplomatic relations with nine nations, eight of them Marxist regimes. Yet, Yugoslav journalists note there is "no mail, no telephones, public transport, or higher educational institutions." The sole radio station broadcasts only "official" news and the former national library stores furniture. Life and labor are totally "collectivized." A Polish journalist touring Cambodian refugee camps in Vietnam made frequent comparisons to Nazi "fascists" and noted the refugees fled because the "people have feared for their lives all the time." Thus, even Communists do not deny the inhumane treatment and genocide of the Cambodian rulers.

To one interested in Asian cultures, I must also sadly note the policy of extinguishing the Khmer culture. All forms of that culture except agricultural labor have been destroyed—books, buildings, the work of professors, monks, artists. The rulers have declared the cities a "breeding ground for parasites" and drove a high proportion of the population of Phnom Penh—3 to 4 million—

like cattle into the jungle and concentration camps called collectives. Labor in the fields is mandatory for those age 6 and above. Violations of the rules frequently means execution by the bloodlusting Khmer Rouge soldiers. This then is a holocaust as brutal and violent as the Nazi-era. The gruesome tales of terror, the mindless violence related by refugees stun one into speechless horror.

It is because of these facts, Mr. President, that I have become a cosponsor of Senate Resolution 469, introduced by the distinguished majority leader, Mr. BYRD. Further, as chairman of the East Asian and Pacific Affairs Subcommittee of the Foreign Relations Committee, I am planning hearings on this and similar resolutions in the near future.

Therefore, I ask unanimous consent that the complete text of President Carter's statement on "Human Rights Violations in Cambodia," be printed in the RECORD at the conclusion of my statement.

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

(See exhibit 1.)

Mr. GLENN. Reports of atrocities are commonplace, yet the United Nations awaits a response from the accused government. This compromise of the original British demand for a special investigator is like the avoidance of discussion of Amin's Ugandan terrors by the Third World. But, truth cannot forever be denied. Crimes against humanity will be cited. President Carter correctly called Cambodia "the worst violator of human rights in the world today." We must now unleash a tidal wave of world opinion against Cambodian repression to perhaps alleviate the slaughter. Cambodia must be discussed, investigated, to the extent possible, and condemned.

Try we must while the horror continues.

EXHIBIT 1

HUMAN RIGHTS VIOLATIONS IN CAMBODIA

*(Statement by the President, April 21, 1978)*

America cannot avoid the responsibility to speak out in condemnation of the Cambodian Government, the worst violator of human rights in the world today. Thousands of refugees from Cambodia have accused their Government of inflicting death on hundreds of thousands of the Cambodian people through the genocidal policies it has implemented over the past 3 years. Witnesses have recounted abuses that include mass killings, inhuman treatment of the supporters of the previous government, the forced deportation of urban dwellers, and the total suppression of recognized political and religious freedoms, as well as deprivation of food and health care for the general population. Summary executions continue in Cambodia today, and fear of the authorities is pervasive.

We support the growing international protest against the policies of this inhumane regime. On April 17 the Canadian House of Commons, in a unanimous motion, expressed the horror of all its members in the acts of genocide carried out in Cambodia and called on all governments which maintain relations with Canada to protest against the slaughter.

In the private sphere, a Norwegian committee supported by leaders of the major Norwegian political parties will hold hearings in Oslo, beginning today, to illuminate through public testimony the tragic situation existing in Cambodia. Amnesty International has issued an appeal to the Cambodian Government to respond to allegations of continuing summary killings in that country. We welcome and applaud these initiatives.

We also welcome the recent action taken by the United Nations Human Rights Commission which, this year, in consequence of a British initiative, adopted by consensus a resolution asking the Cambodian Government to respond to allegations of human rights violations.

The American Government again condemns the abuses of human rights which have occurred in Cambodia. It is an obligation of every member of the international community to protest the policies of this or any nation which cruelly and systematically violates the right of its people to enjoy life and basic human dignities.

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## RETIREMENT OF ADM. JAMES L. HOLLOWAY III

Mr. THURMOND. Mr. President, on July 1, 1978, Adm. James L. Holloway III, Chief of Naval Operations, will retire after 36 years of distinguished service to our country.

Our Nation is deeply grateful for his dedication and faithful performance of duty. As a naval pilot, Admiral Holloway was decorated for heroic action in combat during World War II, Korea, and Vietnam. In 1958, as commanding officer of an attack squadron operating from the carrier U.S.S. *Essex*, he participated in the Lebanon landings and later in the Quemoy-Matsu crisis.

Mr. President, Admiral Holloway is a professional naval officer whose outstanding leadership will be a great loss to the Navy and to our country. He has served with remarkable distinction at every level of command. As an expert in naval aviation and the nuclear attack carrier program, Admiral Holloway led the way in new warfare concepts in the deployment of the fleet. As director of the nuclear attack carrier program, he originated the multi-purpose carrier concept which has been adopted by the Navy and implemented by the fleet.

Admiral Holloway has been a dynamic leader of the Navy, as Chief of Naval Operations. His leadership, in spite of many obstacles and funding shortages, has been a major contributing factor in our Nation's effort to modernize our Navy and to restore our naval seapower.

Admiral Holloway is a native son of South Carolina. Our State and our Nation are proud of him. His professional counsel and advice and extensive naval experience will be missed by the Congress and the highest echelons of our Government. The retirement of such an able leader who has so many good years yet to give to his country is unfortunate and a loss to our Nation. However, I am confident that Admiral Holloway stands ready to serve our country, as the need requires it.

I join with my distinguished colleagues in paying tribute to a great American naval officer. We extend our congratulations and best wishes to Admiral Holloway and his fine family for continued success, good health, and happiness.

Mr. President, I ask unanimous consent that the biography of Adm. James L. Holloway III be printed in the RECORD.

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

ADM. JAMES L. HOLLOWAY III, U.S. NAVY, CHEIF OF NAVAL OPERATIONS

Admiral James L. Holloway III became the 20th Chief of Naval Operations on 1 July 1974, relieving Admiral Elmo R. Zumwalt, Jr.

Admiral Holloway came to his present position with broad experience in command of major fleet units during combat operations, and with an extensive background in Navy program planning and management, as well as a long and distinguished career in naval aviation. He is also the first nuclear power-trained officer to rise to the Navy's top uniformed position. His principal assignments have included command of the nuclear aircraft carrier USS ENTERPRISE, command of an aircraft carrier task force, Deputy Commander in Chief Atlantic and U.S. Atlantic Fleet, Commander of the U.S. Seventh Fleet during the Vietnam War and, most recently, duty as Vice Chief of Naval Operations.

Following graduation from the U.S. Navy Academy in June 1942 as a member of the accelerated World War II class of '43, Ensign Holloway served on destroyers in both the Atlantic and Pacific theaters. As gunnery officer of USS BENNION (DD-662), he participated in the capture of Saipan, the Southern Palau Islands and Tinian, the Leyte landings and in the Battle of Surigao Straits, the last major engagement between two surface fleets. For service while aboard BENNION, he was awarded the Bronze Star Medal and the Navy Commendation Medal, each with Combat "V".

After the war, he underwent flight training and was designated a Naval Aviator in January 1946. He flew Curtiss "Hell Divers" from the carrier USS KEARSARGE, served as an instructor in the air training command and on the staff of the Chief of Naval Air Basic Training in Pensacola, Florida.

Next, Lieutenant Commander Holloway transitioned to jet fighters and deployed for two tours of combat duty in Korea aboard the carriers USS VALLEY FORGE and USS BOXER. For his action in combat he was awarded the Distinguished Flying Cross and three Air Medals.

More significant aviation duty came in August 1958 when, as Commanding Officer of Attack Squadron EIGHTY-THREE, Commander Holloway participated with the U.S. Sixth Fleet in the Lebanon landings. Transiting the Suez Canal in the carrier USS ESSEX, his A-4 "Skyhawk" squadron became a part of the Seventh Fleet during the Quemoy-Matsu crisis in October 1958.

Two tours of duty in Washington, D.C., began in January 1959, first as Executive Assistant to the Deputy Chief of Naval Operations for Air and then as a student at tho National War College (Class of 1962).

In July 1962, Captain Holloway took command of the seaplane tender USS SALISBURY SOUND, which was serving as flagship of Commander Patrol Force, U.S. Seventh Fleet.

After instruction in the nuclear reactor program under Admiral Hyman G. Rickover, Captain Holloway became Commanding Offi-

cer of USS ENTERPRISE, the Navy's first nuclear powered carrier, in July 1965. He commanded her for two full combat tours in the Vietnam conflict, during which ENTERPRISE was awarded the Navy Unit Commendation and won the coveted "E" award for ranking first in battle efficiency among attack carriers in the Pacific Fleet. For his leadership, Captain Holloway received the U.S. Legion of Merit and was personally decorated by General Thieu, President of the Republic of Vietnam.

In May 1966, at the age of 44, Captain Holloway was selected for promotion to Rear Admiral. He reported to Washington the following year for duty in the office of the Chief of Naval Operations where he established and served as Program Coordinator of the Nuclear Attack Carrier Program in addition to duty as Director of the Strike Warfare Division. It was in this latter assignment that he originated the CV (multipurpose carrier) concept which is now being implemented in the fleet. In this concept, the carrier's complement of tactical, strike, or anti-submarine aircraft is tailored to the particular task or mission assigned and the anticipated threat in its operating area. For his service as Director, Strike Warfare, he was awarded the Navy's Distinguished Service Medal.

In August 1970, Rear Admiral Holloway took over as Commander Carrier Division Six and, while embarked in the carrier USS SARATOGA, he directed Sixth Fleet carrier operations in the eastern Mediterranean during the Jordanian crisis in the fall of 1970. He was awarded a second Distinguished Service Medal for his performance of duty.

Following promotion to Vice Admiral and duty as Deputy Commander in Chief Atlantic and U.S. Atlantic Fleet, he returned to command at sea in May 1972 as Commander, U.S. Seventh Fleet. For directing Seventh Fleet operations in the Vietnam War, and particularly the highly successful Navy air operations, from May 1972 to August 1973, and the strategically important mine warfare operations in North Vietnam, Vice Admiral Holloway was awarded his third Distinguished Service Medal.

On 1 September 1973, he was promoted to Admiral and became Vice Chief of Naval Operations, the post he held until assuming the Navy's top uniformed position on 1 July 1974.

Admiral Holloway was born in Charleston, South Carolina, on February 23, 1922, the son of Admiral James L. Holloway, Jr., U.S. Navy (Retired) and the late Jean Hagood Holloway. He is married to the former Dabney Rawlings, the daughter of Rear Admiral Norborne L. Rawlings (Retired) and Mrs. Rawlings of Washington, D.C. The Holloways have two daughters, Lucy Holloway Lyon and Jane Meredith Holloway.

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## DEATH OF J. BOONE AIKEN, OF FLORENCE, S.C.

Mr. THURMOND. Mr. President, a distinguished South Carolina businessman, Mr. J. Boone Aiken, of Florence, S.C., passed on May 6, 1978.

I was associated with Mr. Aiken for many years, and he was both a good friend and a trusted advisor. I had the opportunity to work with him on many occasions, and he was always dedicated and sincere in everything he undertook.

As chairman of the board of Guaranty Bank and Trust Co. of Florence, S.C., he led the bank, which was organized during the depth of the Depression, to being one of the soundest financial institutions in America.

Mr. Aiken was a distinguished Rotarian. He founded the Florence, S.C., Rotary Club and was the governor of the 58th Rotary District, a district which included all of South Carolina and parts of North Carolina. In 1975 the Rotary Foundation of Rotary International presented him with its highest honor, the A. Paul Harris Award.

He was president of Furman University Alumni Association, and in 1971 was presented with the Bell Tower Award "in recognition of exceptional achievement and meritorious service to Furman University."

Mr. Aiken had an intense interest in education as he believed our youth held the keys to the future of our Nation. He was a member of the South Carolina Commission for Technical Education which established an excellent system of technical education units throughout the State.

For his exemplary work for all of South Carolina, he was awarded an honorary doctor of humanities degree by Benedict College and an honorary doctor of laws degree by Furman University.

Boone Aiken was an outstanding Christian man. He was a deacon, the chairman of the board of his church, and vice president of the South Carolina Baptist Convention. In 1970 he was presented with the Edward A. McDowell Award "for distinguished Christian service."

He established the J. Boone Aiken Foundation which has already awarded grants to Florence, S.C., totalling $110,000 and to Southern Baptist Theological Seminary in Louisville, Ky., totalling $50,000.

In 1971 he was named South Carolina's outstanding older citizens during a White House Conference on Aging held in Columbia, S.C. He was also cited by Florence's mayor and council with a special resolution of appreciation.

He was listed in "Who's Who in America," "Who's Who in Finance and Industry," "Who's Who in the South and Southwest," and the "National Cyclopedia of American Biography."

J. Boone Aiken was an outstanding South Carolinian and an outstanding American. I am very proud to have known him. He will be greatly missed by all, and I extend my heartfelt sympathy to his family.

Mr. President, in order to share the inspiring eulogy, the telegram of condolence, the resolutions and the many newspaper articles about Mr. Aiken with my colleagues, I ask unanimous consent that they be printed in the RECORD.

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

[From the Florence (S.C.) Morning News, May 7, 1978]

J. BOONE AIKEN, 88, DIES AT HIS HOME

Jefferson Boone Aiken, 88, chairman of Guaranty Bank and Trust Co., died Saturday morning at his home after an illness of two months.

Funeral will be Sunday at 3 p.m. at First Baptist Church, with burial in Mount Hope Cemetery, directed by Waters Funeral Home.

A native of Pickens County, Mr. Aiken came to Florence in 1914 after a brief business career in Greenville. He became agent for the 12-county area for Southeastern Life Insurance Co.

It was the start of a business career that would span more than half a century in insurance, real estate, mortgage loans, banking, and related enterprises.

In 1950, he purchased a controlling interest in Guaranty, a firm which had organized in 1932 at the depths of the Great Depression, while banks all over the country were closing their doors.

Mr. Aiken led Guaranty to the distinction of being one of the soundest financial institutions in the American banking community.

He was founder and first president of Florence Rotary Club and was the last surviving member of the original 17 charter members. He was elected president of the club for a second time 25 years after its founding, a distinction accorded no other Florence Rotarian.

In 1929–30, he was governor of the 58th Rotary district, an area that included all of South Carolina and part of North Carolina. In 1975, the Rotary Foundation of Rotary International presented Mr. Aiken its highest honor, the A. Paul Harris Award.

Although he dropped out of Furman University after two years to enter business, he remained interested in the school, serving as president of its alumni association and as a trustee.

In 1971, the Furman Alumni Association presented him its Bell Tower Award "in recognition of exceptional achievement and meritorious service to Furman University.

Mr. Aiken was also interested in other educational institutions, and was a member of the original S.C. Commission for Technical Education which established the statewide system of technical education centers.

He served on that commission from 1961 to 70 and at retirement was named a member emeritus. During his term, he was instrumental in establishing Florence-Darlington TEC.

Mr. Aiken was awarded an honorary doctor of humanics degree by Benedict College in 1968 and an honorary doctor of laws degree by Furman in 1976.

He was also active as an adult Boy Scout leader for many years, and in 1963 was presented scouting's highest adult honor the Silver Beaver Award.

An active Baptist, Mr. Aiken was elected a deacon of First Baptist Church in 1920, serving continuously until the church adopted a policy of rotating deaconships. He was then made a life deacon.

He was chairman of the church's board from 1940–46, and was vice president of the S.C. Baptist Convention in 1943.

In 1970, the Christian Life and Public Affairs Commission of the convention presented him the Edward A. McDowell Award for distinguished Christian service.

Mr. Aiken was also a charter member of McLeod Memorial Hospital Board of Trustees and served until his death.

He was known for his philanthropic work, and in 1947 established the J. Boone Aiken Foundation. In 1959, he began a 10-year series of grants to the City of Florence, which totaled $110,000, to be used for educational, spiritual, cultural, esthetic and human development projects.

Many private grants were also awarded, including $50,000 to the Billy Graham Room at Southern Baptist Theological Seminary in Louisville, Ky.

In 1971, he was named South Carolina's outstanding older citizen during a White House Conference on Aging in Columbia.

On his 78th birthday, he was cited by Florence's mayor and council with a special resolution of appreciation.

Mr. Aiken was listed in "Who's Who in America," "Who's Who in the South and Southwest," "Who's Who in Finance and Industry," and in the "National Cyclopedia of American Biography."

Surviving are two daughters, Mrs. Peter S. (Mary Lyles) Knox Jr. of Thomson, Ga., and Mrs. David H. (Peggy) McLeod of Florence; three sons, O. S. Aiken, J. B. Aiken, Jr. and John D. Aiken, all of Florence; three sisters, Mrs. Ira L. Griffin of Charlotte, N.C., Mrs. John R. Brooks of Columbia and Mrs. D. D. Gleen of Florence; a brother, John E. Aiken of Columbia; 16 grandchildren and 26 great-grandchildren.

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[From the State, Columbia, S.C., May 7, 1978]

FLORENCE BUSINESSMAN J. BOONE AIKEN DIES

Florence businessman J. Boone Aiken died Saturday at his home. He was 88.

Mr. Aiken was chairman of Guaranty Bank and Trust Co. and had served on the South Carolina Commission for Technical Education from 1961–1970. He was a charter member of the McLeod Memorial Hospital Board of Trustees.

In 1947, he established the J. Boone Aiken Foundation, which over a 10-year period awarded $110,000 to the city of Florence for cultural projects, and $50,000 to Southern Baptist Theological Seminary in Louisville, Ky.

In 1971 the Pickens County native was named the state's outstanding older citizen during a White House Conference on Aging in Columbia. He was listed in "Who's Who in America" and "Who's Who in Finance and Industry."

Services will be 3 p.m. Sunday at First Baptist Church in Florence with burial in Mount Hope Cemetery.

Survivors include two daughters, three sons, three sisters and a brother.

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[From the Florence Morning News, Florence, S.C., May 7, 1978]

JEFFERSON BOONE AIKEN

Seldom does a man live long enough and contribute enough to the community in which he lives to become a living legend in his own time. But that was the case with Jefferson Boone Aiken, Florence businessman, Banker, civic leader, churchman, and philanthropist, who died Saturday morning as he approached his 89th birthday.

During the sixty-four years of his residence in Florence, Boone Aiken became a part of the history of Florence itself. So closely identified was he with so many areas of Florence life that his name was among the first to come to mind when considering those who in one way or another exerted strength and influence in charting the development of the city.

The Florence he came to in 1914 was in the adolescent stage of its history. He lived to see it become one of the most dynamic and progressive among smaller cities of the Southeast, and during every stage of its growth his broad interest in its present and its future contributed in no small way to its unfolding destiny.

With his business success firmly established, during the latter part of the 1950s he thought more and more in terms of philanthropy and community benefaction.

In 1947, he had established the Aiken Foundation. On January 1, 1959, the Florence Morning News announced that the Foundation had awarded a $10,000 grant "to be used for the advancement of the spiritual, moral, and civic interest of Florence." To be administered by a 12-member committee of Florence citizens, it was the first of his annual grants made to Florence and the larger Pee Dee region totaling $110,000 over a 10-year period—all designed for enriching the economic, cultural, esthetic, educational, and spiritual life of people, and for encouraging the development of leadership committed to those goals.

The 1960 grant was made to the Florence Pastors Conference. Out of it grew a week-long Family Life Institute attended by an estimated 1,000 people nightly. They came to hear leading psychologists and psychiatrists lecture on subjects ranging from teen-age petting to ways to lead useful lives during the "golden years."

A second Family Life Institute was made possible by his 1963 grant. This one, featuring "A Study in How We Live," brought in speakers with a wide range of knowledge and expertise, including a college president, a nationally-known platform speaker, the former mayor of Kansas City, Missouri, a Chicago minister, and an industrial management specialist.

The 1962 grant went to the Negro community "to recognize, encourage, and foster the fine spirit of our Negro community," and to be used in "the spiritual, educational, civic, health, recreation, and home beautification fields." An all-Negro committee was named to administer the grant.

Individual and family rehabilitation was the target of the 1964 grant, with a six-man bi-racial administering committee given "complete autonomy to exercise daring abandon."

The 1967 grant was to study "how people regard themselves and others, how they respond to opportunity, how they relate themselves to government and institutions, their ideas of citizenship, and their system of values." The grant came at a time when the Florence community and the rest of the South were struggling through the period of racial desegregation.

The committee named to administer the grant came up with a people-to-people program that brought ethnic and racial groups together for intimate dialogue. In a week-long nightly emphasis, involving group discussions followed by general sessions addressed by visiting speakers, a cross-section of the community consisting of about 500 people nightly faced up to sensitive issues with unusual frankness and candor. In the Florence experience of peaceful transition to a desegregated community, the People-to-People week proved a major contributing factor.

The 1968 grant looked beyond county lines to emphasize the concept of "creative regionalism."

This was a unique concept of philanthropy—one unrelated to brick and mortar but to qualities of spirit that undergird and strengthen the character of a community and its people.

The annual grants dramatized in a special way the philanthropic thrust of one man's vision of converting business success into community service over and above that normally associated with his business enterprises.

Other causes, too, were the recipients of his grants, and continued to be until his death. They included churches, colleges, a seminary ($50,000 for the Billy Graham Room at the Southern Baptist Theological Seminary), civic causes, cultural and artistic organizations, health agencies, and yet others that even his memory had difficulty recalling.

Honors and recognitions came too numerous to enumerate, including honorary doctorates from Benedict College and Furman University. The walls of his office in the Guaranty Bank and Trust Company ran out of space for displaying awards, citations, recognitions, and personal memorabilia.

With most of his contemporaries gone, he lived during his latter years with many memories, but every working day, until he left to undergo hospital surgery two months ago, his office door remained always open to the public, with his interest in whatever concerned Florence and its people never waning.

He was a shaper of Florence history for more than half a century. He was also a patriarchal champion of the Great Pee Dee, and a loyal citizen of South Carolina. He will be sorely missed. But he will also be remembered.—J.A.R.

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BY DR. EDWARD L. BYRD

(Former Pastor of the First Baptist Church, Florence, S.C.)

In a far distant day, David, the King of Israel, stood at the burial of Abner in Hebron, and unashamedly wept with a host of people, and among other things which David said in praise of Abner he said to his gathered subjects: "Know ye not that there is a prince and a great man fallen this day in Israel?" This event and these words from the Bible came to my mind when I heard of the passing of Mr. Aiken.

Jefferson Boone Aiken was the first child born to Jefferson Davis and Molly Duckworth Aiken on May 24, 1889. The place of his birth was Central, South Carolina, and it was in the little church in the wildwood there that he made his public profession of faith in Christ and followed Him in baptism. He became a member of the First Baptist Church of Florence on March 14, 1915.

In this intervening time, there were student days at Furman University; the beginning of a long and successful business career with its inception there in Greenville (which saga reads like a Horatio Alger story): and the courtship of Miss Pearl Ellis, one of Florence's fairest maidens.

This courtship eventuated in their marriage on December 28, 1909. God blessed this union with six children, five of whom survive the deceased. The grand old patriarch of this family also leaves sixteen grandchildren and 26 great grandchildren. Had the late Mrs. Aiken lived until December in the year of her passing, by God's providence they would have had fifty-nine years together in the bonds of matrimony. This was an uncommon blessing given to them by God. At the Christian service marking the passing of Mrs. Aiken, as a tribute to her I quoted from Florence Marly who once wrote, "It is easy to make twenty men fall in love with you in one year; that is nothing. But to have one man love you for twenty years, that is an achievement." Another decade has been added to the love here on earth that Mr. Aiken had for the bride and love of his life, ten more years added to the love he had for her during fifty-nine years of marriage. And now they are reunited in bonds of love that have meaning and expressions which we here do not yet understand.

I must leave it to the newspapers and to the host of people who knew him well to recall some of the innumerable causes he

either initiated or supported, and likewise to recall some of the innumerable honors bestowed upon him. Our minds immediately go to such endeavors and institutions as the Florence Rotary Club; The McLeod Memorial Hospital; the annual grants of the Aiken Foundation, the Florence Family Life Conferences, the People to People Week; technical education in this state with the Florence-Darlington Tech Center, a living and proximate symbol of his conception and labor. Our minds likewise recall such honors as the Edward A. McDowell Citizen of the Year Award going to him as the result of all the citizens of this state being screened as possible candidates; the Bell Tower Award bestowed upon him by Furman University, and also the honorary Doctor of Laws degree from his beloved Alma Mater; the Honorary Doctor of Humanities degree awarded him by Benedict College, which honor he cherished because it was awarded in appreciation for his contribution to race relations in a troubled period and for his contribution to higher education; his intimate friendships with persons of highest rank in business and government without ever losing the common touch. Falling back on the words of the writer of Hebrews in the New Testament: "And what shall I more say? for the time will fail me if I tell of it all!"

Ah, but I must refer to service rendered through the channels of his church. He was the last of four who had attained to the status of "Life Deacon" before the present plan of rotating deacons caused that plan to cease. But the present plan did not deprive those who had already arrived at this place of recognition this honored position. He served 58 years as a deacon, and for a number of years the deacon body chose him to be their chairman. Those whose memory can carry them back to those years before he felt obliged to retreat from some of his activity, will remember him in the church as member and chairman of the finance committees, building committees (chairman), chairman of pulpit committees, and as Sunday School teacher.

Before departing the campus of the Southern Baptist Theological Seminary to return to Florence, I went by the Boyce Centennial Library and the wing that houses the Billy Graham materials, which wing was financed by a large grant from the Aiken Foundation, there to record accurately the inscription on a bronze plaque at the entrance of the Billy Graham Rooms. It reads:

Believing that the ministry of Billy Graham is inspired, influenced and performed under the guidance of our Heavenly Father and that he was inspired by the Holy Spirit in donating to the Southern Baptist Theological Seminary the records of his ministry and other valuable documents for the study and guidance of all Christian students and leaders of this and future generations.

Mr. and Mrs. J. Boone Aiken of the First Baptist Church of Florence, S. C., and their children—

Have accepted the invitation of the president of the seminary to provide the funds through the Aiken Foundation for this room and its facilities to house and preserve these records in perpetuity to be used of God for the furtherance of His Kingdom.

I can readily account for some one hundred thousands of dollars in special gifts he made to the Lord's causes, sometimes at my request and sometimes as he asked for my opinion.

In these personal encounters across the years, strong and divergent viewpoints were expressed about various issues, but always with love for each other and repect for each other's viewpoint. And in his talking with me about personal matters, I have seen tears well up in his eyes maybe more frequently than in experiences with any man in the congregation, revealing a tenderness of heart which may not have been apparent to the community at large.

I have already referred to him as the grand old patriarch of the family. Family life was his richest earthly treasure as was evidenced by his devotion to his mother, affectionately called "Granny Aiken" by a wider circle than her immediate family, and by his devotion to the other children of the family into which he was born. This patriarchal and parental love was even more easily seen in his relationship to the children God gave him and Mrs. Aiken, and then in turn to his children's children. The most of what he did in life was for his family. I was twenty-five years old and married when I kissed my father goodbye for the last time as I departed for theological seminary—a treasured family custom which we did not abandon as grown men. You can understand why I was impressed on many occasions to see these Aiken men as well as the daughters kiss their father upon greeting him or departing from him in the home or in the hospital room or wherever they were. Had one asked Mr. Aiken which child he loved the most, he would have answered in some such language as this: the child who is sick today or until he or she is well; the child away from home or until he or she returns; the child who needs my love and support the most at this particular time. So, today, you sons and daughters who called him "Daddy," and you grandchildren who called him "Pop," as did some others who became a part of the family, and some in the clan who continued to call him "Mr. Aiken," all of you rise up and call him blessed, and join with an innumerable host of friends, including his pastor for twenty-seven years, in acknowledging that "a prince and great man has fallen this day in our midst."

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A RESOLUTION

Whereas, the recent death of Mr. J. Boone Aiken, Chairman of the Board of Directors of the Guaranty Bank and Trust Company, has occasioned grief, individually and collectively, for the surviving officers and employees of the Bank;

And whereas, Mr. Aiken demonstrated such genius for sound banking practices as to have guided the destiny of the Guaranty during the 28 years of the chairmanship of its Board until long before the time of his death it had become widely recognized as one of the soundest and strongest financial institutions in the American banking community;

And whereas, His influence upon and contributions to the Florence Community, the Great Pee Dee, and the State of South Carolina as businessman, banker, churchman, civic leader, philanthropist, and patriotic citizen give us special cause for pride and thanksgiving that we were privileged to have served with him in our several capacities as officers and employees of the bank;

And whereas, His philosophy of banking never varied from viewing management of a bank's resources as a public trust to be administered for the absolute protection of depositors, out of sensitive consideration for the needs, both public and private, of its service area, and ever ready to respond cheerfully in keeping with the principles of soundly proven banking practices;

And whereas, Mr. Aiken's generous philanthropic spirit, demonstrated in so many ways and for so many causes, exemplified his belief that money should not be viewed as an end in itself but as a means for rendering humane service;

Therefore, be it resolved: First, That we view the sum total of his life and career as a legacy for continuing to guide the destiny of the Guaranty, his beloved "Home Town Bank," to enlarging service to its customers, continuing commitment to the solid economic principles that guided his personal and business career, and as an institution firmly dedicated to the financial, moral, spiritual, educational, and cultural interests of people as people—an ideal he so often emphasized.

And second, That a copy of this Resolution be spread upon the minutes of the Board of Directors.

Whereas, Jefferson Boone Aiken acquired a controlling interest in Guaranty Bank and Trust Company, of Florence, S.C. in the year 1950, at which time the bank had resources of about seven million dollars, and he then became the Chairman of its Board of Directors, together with its chief executive officer, remaining as such until his death on May 6, 1978; and

Whereas, said Guaranty Bank and Trust Company under the able leadership of Jefferson Boone Aiken grew in resources to over sixty million dollars at the time of his death, during which period it rendered services to Florence and the Pee Dee community of South Carolina of great value to the economic health and growth of said areas; and

Whereas, Jefferson Boone Aiken during the long tenure of his services to Guaranty Bank and Trust Company repeatedly refused to accept any remuneration therefor, although the Board of Directors of the bank on many occasions tendered compensation to him; and

Whereas, Jefferson Boone Aiken labored long and hard as chief executive officer of Guaranty Bank and Trust Company, never ceasing to put the interest of the bank above all other considerations, which those closely associated with him knew was truly a labor of love; and

Whereas, Jefferson Boone Aiken was a devoted churchman, a great benefactor to his fellowman, and one of Florence's greatest civic leaders, now therefore

Be it resolved by the Board of Directors of Guaranty Bank and Trust Company In meeting assembled on the 15th day of May in the year of our Lord, one thousand nine hundred seventy-eight, That it recognize the great loss of Guaranty Bank and Trust Company and the Florence and Pee Dee Areas of South Carolina have suffered by the death of Jefferson Boone Aiken on May 6, 1978.

Be it further resolved by the Board of Directors of Guaranty Bank and Trust Company That it will strive diligently to maintain the high standard of service which the bank enjoyed during the time Jefferson Boone Aiken was its chief executive officer.

Be it further resolved by the Board of Directors of Guaranty Bank and Trust Company That these Resolutions be spread upon the minutes of this meeting, remain a part of the permanent records of this corporation, and a copy thereof sent to each member of the immediate family of Jefferson Boone Aiken.

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[From The News and Courier, May 23, 1978]

J. BOONE AIKEN OF FLORENCE IS DEAD AT 88

FLORENCE.—Jefferson Boone Aiken, 88, chairman of Guaranty Bank and Trust Co. and a Florence civic leader, died May 6 at his home.

The funeral was May 7 at First Baptist Church of Florence. Burial was in Mount Hope Cemetery.

Mr. Aiken was born in Pickens County and moved to Florence in 1914 after a brief business career in Greenville. In Florence he began his career in insurance, real estate, mortgage loans, banking and related enterprises.

In 1950 he purchased a controlling interest in Guaranty and made the company one of the soundest financial institutions in the American banking community.

He was founder and first president of Florence Rotary Club and was the last survivor of the 17 founding members of the club. He was also a former governor of the 58th Rotary District, comprised of all of South Carolina and parts of North Carolina.

He served as a trustee of Furman University and as president of its alumni association. He was a member of the South Carolina Commission for Technical Education and when he retired from the commission in 1970 was named a member emeritus.

He was an adult leader of Boy Scouts and was awarded the Silver Beaver Award, Scouting's highest adult honor.

He was a member and deacon of First Baptist Church and was chairman of the church's board from 1940 to 1946. He was vice president of the S.C. Baptist Convention in 1943.

He was a charter member of the McLeod Memorial Hospital board of trustees.

His philanthropic acts through the J. Boone Aiken Foundation provided the city of Florence with a 10-year series of grants totalling $110,000 to be used for educational, spiritual, cultural, esthetic and human development projects.

Surviving are: two daughters; three sons; three sisters; a brother; 16 grandchildren and 26 great-grandchildren.

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[From the News and Courier, Charleston, S.C., May 24, 1978]

J. BOONE AIKEN

Born in the Piedmont County of Pickens, Jefferson Boone Aiken moved to Florence as a young man and became one of the leading citizens of the Pee Dee section of South Carolina. As a banker and businessman, he took an active part in the growth of his community. Under his guidance the Guaranty Bank and Trust Co. won a nationwide reputation for sound operations.

Mr. Aiken was a charter member and first president of the Rotary Club of Florence, and served as governor of the 58th Rotary District. As a member of the South Carolina Commission for Technical Education, he had an important part in developing the widely admired technical school system of this state. He was active in the Baptist Church, a trustee of Furman University, holder of the Silver Beaver Award of the Boy Scouts and in countless other ways an outstanding member of society.

Boone Aiken not only was successful, he was generous in his gifts. The J. Boone Aiken Foundation provided a series of grants totaling $110,000 for civic developments. He gave $50,000 to establish a repository for evangelist Billy Graham's writings at the Baptist seminary in Louisville, and contributed to many other causes.

The News and Courier has had occasion in the past to pay tribute to Boone Aiken. We are among the many mourners who experience sorrow at his death. Today on the 89th anniversary of his birth we bid him farewell as a South Carolinian of distinction, and a longtime friend.

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RESOLUTION

Whereas, Jefferson Boone Aiken was named as Trustee of McLeod Memorial Hospital when the hospital was chartered as an eleemosynary corporation on February 5, 1930; and

Whereas, Jefferson Boone Aiken served continuously as a trustee of this institution until his death on May 6, 1978; and

Whereas, during the forty-eight years of his tenure as a trustee, Jefferson Boone Aiken was faithful in his attendance to meetings of the Board of Trustees and by such dedication to his duties as a trustee offered much sound advice to the decisionmaking processes of this institution; and

Whereas, during the period of service by Jefferson Boone Aiken as a trustee of this institution, the hospital has grown in the medical services which it renders to the community and continues with such growth, which may be attributed in no small measure to the voluntary service rendered by trustees who have served long and ably as has Jefferson Boone Aiken; and

Whereas, the trustees, administration and staff of McLeod Memorial Hcspital have been saddened by the death of Jefferson Boone Aiken, Now, therefore,

Be it resolved that McLeod Memorial Hospital by action of its Board of Trustees hereby expresses its appreciation for the long and valuable service rendered by Jefferson Boone Aiken as a trustee of this institution and directs that this Resolution be made a part of the official minutes of the corporation and that a copy of this Resolution be sent to members of his family as a token of appreciation for valuable service rendered.

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JEFFERSON BOONE AIKEN

Whereas, Jefferson Boone Aiken, deacon over a span of 58 years and dedicated leader of First Baptist Church of Florence, S.C., was called to his Eternal Home on May 6, 1978, and

Whereas, Mr. Aiken was a diligent, faithful and consecrated member for more than 60 years having served as Chairman of the deacons for six years, being the last life deacon of the church, and

Whereas, he was Chairman of the Building Committee for the present Sanctuary and served as Chairman of one Pulpit Committee and a member of another, and

Whereas, he was a Bible teacher of note, a man of profound thought undergirded with a strong prayer life contributing much to the church's earlier growth, especially during the 1930's and 1940's,

Therefore, be it resolved that the deacons of the First Baptist Church pay special tribute to his sacred memory and extend sympathy to his loved ones, and

Be it further resolved, that a copy of these resolutions be sent to the family, a copy be placed in the church minutes and a copy be sent to The Baptist Courier.

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MONTREAT, N.C.,
*May 8, 1978.*

J. B. AIKEN Jr.,
*1423 Madison Ave.,*
*Florence, S.C.*

Word just reached me here in Memphis that your father joined my father. We rejoice over his victory and we pray that God will give you and your family his comfort and special grace during these days. First Corinthians 15, 55 through 58.

BILLY GRAHAM.

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## ILLEGAL ALIENS

Mr. TOWER. Mr. President, prior to the Memorial Day recess, our distinguished colleague Senator SCHMITT testified before the Senate Judiciary Committee on S. 2252, the Alien Adjustment and Employment Act. The subject of illegal aliens is, as Senator SCHMITT stated, "one of the most serious social and economic problems facing our country at this time." It especially impacts those States such as Texas and New Mexico which share a common border with our friend to the south, Mexico.

In his testimony, Senator SCHMITT ably articulated the views of many of those who object to the Carter administration's alien bill. He also offered several excellent suggestions on how we, as a Nation, might resolve or lessen this problem before it overwhelms us.

Senator SCHMITT's testimony should be must reading for those who are concerned with the problem of illegal aliens. Therefore, I ask unanimous consent that the text of his testimony be printed in the RECORD.

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

TESTIMONY OF SENATOR HARRISON SCHMITT

Mr. Chairman, I welcome the opportunity to testify on one of the most serious social and economic problems facing our country at the present time. New Mexico is as close to this problem as any state. Economically and culturally, we have a major stake in what is done to solve this problem.

There have been numerous proposals designed to provide solutions to the tremendous influx of immigrants who enter the United States unlawfully, but because of the complexity and delicate nature of this problem, enactment of any meaningful legislation has been thwarted. One of our biggest difficulties has been the lack of accurate data on the scope and nature of the problem. This is changing, fortunately.

It is a widely known fact, supported by all recent studies on illegal immigration, that people are coming to the United States for economic reasons. The gap between the standards of living on the developing countries and the United States creates a situation that attracts people from impoverished nations to America to seek opportunities which will enable them to have a better standard of living.

In this regard, we have a very unique situation with our closest neighbor to the South. In no other part of the world does a developing country, with severe economic problems, border such a technologically and economically advanced country. This is the key factor involved in the large influx of illegal Mexican migration. Therefore, the only truly effective, long-term solution to this problem can only be achieved through concerted, bilateral and international efforts that will create stable employment opportunities in Mexico.

The Southwestern United States, especially the U.S.-Mexican border states, are effected in a special way by illegal Mexican migration. Therefore, I object to many provisions in S. 2252 because of the drastic impact this legislation will have on the Nation and its people—particularly in the Southwestern border states.

Although I support the humanitarian provisions contained in S. 2252, I feel that the Administration's proposal is generally shortsighted, based on limited factual data regarding the nature of this problem, and only suggests snake-oil treatments, not solutions to the problem.

S. 2252 addresses the issue of undocumented aliens as a whole, but provisions of this bill are aimed primarily at the Mexican immigrants. Before I proceed, I feel that it is necessary to distinguish between immigrants from Mexico and those immigrants who come from other parts of the world. This distinction is vital because of the unique geographical relationship between the United States and Mexico and because of the sub-

stantial differences in numbers and characteristics of immigrants from Mexico.

The most widely accepted estimate of undocumented workers (provided to the Immigration and Naturalization Service by Lesko and Associates) is 8.2 million illegals (1975) of whom 5.2 million are from Mexico. In FY '74, 90 percent of the number of apprehended illegals were from Mexico (see Table I). Many recent studies corroborate the fact that at least 70 percent of the Mexican nationals come to the United States for short periods of time and then return to Mexico without intention of permanently residing in the United States. The majority of Mexican nationals who come to the U.S. are young (average age 22–29), proud, hard-working individuals who come to this country to temporarily increase their income because of a temporary personal economic crisis. These people are living in a marginal economic situation and during times of hardship, they are forced to come to the U.S. to temporarily increase their income. Because of the nature of these undocumented workers, they often encounter wage exploitation by U.S. employers and, contrary to popular belief, are also being exploited by the "system". I would like to quote from what I believe to be one of the most comprehensive ongoing studies on illegal aliens. This study is currently being conducted by Dr. Wayne Cornelius of the Massachusetts Institute of Technology.[1]

"There is uniform agreement among researchers that Mexican illegals make amazingly little use of social welfare services while present in the U.S., and that the cost of the services they do use is far outweighed by their contributions to Social Security and tax revenues. Illegal aliens must, of course, pay state and local sales taxes. Moreover, at least two-thirds of them also have Social Security and federal income taxes deducted from their wages, as well as payroll taxes for unemployment and disability insurance (North, 1976; Villalpando, 1977; Cornelius, 1977). At the same time, only about 4 percent of the Mexican illegals interviewed in the North, Bustamante, and Cornelius studies had ever collected unemployment benefits; fewer than 4 percent had ever received welfare benefits; only 3 percent or fewer had ever had children in the U.S. public schools; and only 8–10 percent had ever received free medical assistance in a U.S. hospital or clinic. Villalpando (1977) found that there were only 193 illegal aliens on welfare aid in San Diego County in May, 1976, and that the number had decreased to 23 by January, 1977, (.0002% of a total estimated illegal alien population of 92,138).

"The Villalpando study provides the first comprehensive analysis of the burden placed by illegal aliens on tax-supported social services consumed by illegal aliens in a specific area of the United States. The study estimates that the social services (education, health care, general relief) cost approximately $2 million per year; however, the study also calculates that illegal aliens contribute about $48.8 million in taxes on wages earned locally each year."

Furthermore, Mr. Chairman, I would like to quote from the September 7, 1977 issue of the Wall Street Journal, "What about the state and federal taxes withheld from paychecks of illegals working here, taxes that pay for benefits most never receive? What about their productivity and its impact on keeping prices down and businesses healthy? Is the alien a huge financial drain or does he actually pay his own way? 'No one knows,' concedes Leonel Castillo, the new chief of the INS."

Mr. Chairman, I feel that these reports must be taken into account during consideration of proposals on illegal aliens—the Administration's proposal does not do so. Even if these reports are disputed, the fact remains that there is inconclusive evidence on the nature of undocumented aliens and their impact on our society. Therefore, I feel that we would be acting in a manner contrary to the basic principles of the legislative body should we enact the legislation proposed by the current administration, which is based on insufficient and inconclusive data.

In a press briefing shortly after announcement of the President's proposal last August, the Attorney General admitted that "we can't know how many people we are dealing with, don't know the costs, don't know the impact of funds on the country or anything else. It is just something that has never been assessed."

It appears to me, Mr. Chairman, that the President's proposal is a good example of putting the cart before the horse.

I would like to comment briefly on the provisions contained in the President's bill. In summary, the President's proposal would: (1) provide for an adjustment of status of undocumented aliens who have resided in the U.S. continuously from before January 1, 1970, and create a new immigration category of resident aliens for undocumented aliens who have resided in the U.S. continuously prior to January 1, 1977; (2) make it unlawful to hire undocumented aliens by enforcing civil penalties against employers who engage in a "pattern or practice" of such hiring; (3) significantly increase resources available to control the Southwestern border; and (4) promote continued cooperation with the governments of undocumented aliens.

I agree with the Administration that enforcement of our present immigration laws through massive deportations such as we had during the "Repatriation" Campaign of 1929–1930 and during "Operation Wetback" in 1953 are inhuman and impossible to accomplish. However, providing an adjustment of status is not a viable alternative.

The adjustment of status provision in the Administration's proposal only treats a symptom of the disease. The cost of the adjustment of status provision, alone, imposes a great tax burden on U.S. taxpayers and does nothing to address the root of the problem. According to the Congressional Research Service, the estimated cost for administering this provision is estimated at $49.5 million for the first two years. This is a costly measure which does nothing to solve the real problem of illegal immigration. Although special consideration should be given to those persons who have acquired considerable equity in the United States, the arbitrary cut-off date of January 1, 1970, for permanent resident status applications is immensely unfair to those immigrants who have waited patiently to enter the United States legally. It is also unfair to those aliens who are only eligible for temporary resident status. In addition, the amnesty provision condones breaking the immigration laws of the United States as well as the immigration laws of source countries and sets a costly precedent which may have to be pursued every five years.

The administration's proposal would make it unlawful to hire undocumented aliens and provide civil penalties against employers who are engaged in a pattern or practice of hiring the undocumented worker. I very strongly object to this provision because it will lead to employment discrimination against Americans whom some employers may suspect to be an undocumented worker. In the Southwest, this would mean anyone who has a Spanish surname or appears to be of Spanish descent might be denied a job to avoid the risk of possible penalties. Since this provision does not, and could not, require the employer to request identification from all prospective employees, the employer may request identification from only those persons whom, because of personal characteristics, may be suspect of being an undocumented worker. The costs of this provision to our Spanish-speaking citizens far outweigh any possible benefits that may be obtained.

I do not feel that emphasis should be placed on employer penalties, but on criminal penalties for professional smugglers. The fees charged by these smugglers have ranged from about $150–$400 per worker, and the abuses to the undocumented worker are numerous and will increase as enforcement of laws increases. Although the President plans to establish an anti-smuggling task-force, we cannot possibly eliminate these smuggling rings without joint efforts between the United States and Mexico since the majority of these smuggling rings are based in Mexico.

Increased border patrols may help if these measures are taken in conjunction with other measures—police actions only treat the symptoms of the real problem. Furthermore, increased border enforcement will be futile without cooperation with Mexico and joint U.S.-Mexican efforts toward more advanced border patrol mechanisms. Complete insulation of our 1,945 mile border is impossible due to the length, terrain and cost.

The President's program includes a provision to thoroughly review the present temporary foreign worker certification program to guarantee that employers always have available labor supply. Although this area deserves careful consideration, the rules and regulations published by the Department of Labor on March 10, 1978, do not address the long-standing criticisms of this program—that it is cumbersome and time-consuming and, therefore, unworkable. In addition, these new regulations do little to address the sort of problem encountered by farmers in Presidio, Texas last year when an entire onion crop would have rotted in the ground if temporary foreign workers were not allowed to harvest the crop.

I do feel that a temporary Mexican Labor Program deserves careful study as a short-term alternative to the President's amnesty proposal.

As a fact-finding device to determine how New Mexicans feel about the possibility of providing a legal means by which Mexican immigrants may come to work temporarily in certain areas where there is a shortage of American workers, I distributed a questionnaire to a cross-section of my constituents regarding a modified foreign worker program.

Preliminary results of these questionnaires indicate that 65 of the 90 respondents, to date, are in favor of such a program. The majority of respondents stress the fact that foreign workers are essential to many businesses and industries in the Southwest because most Americans are unwilling to do the low-skill jobs that are required in many businesses regardless of pay or other incentives offered. This is particularly true in many small businesses and industries which are financially unable to use advanced automation. In addition, respondents state that since many of the low-skill jobs are temporary in nature, American citizens find it more profitable and secure to collect unemployment or public assistance.

Other arguments in favor of consideration of a foreign worker program include:

This type of program would reduce the physical dangers of unassisted border cross-

[1] Dr. Cornelius' project is being funded by the National Institute of Health and has been underway since 1975. During the past three years, Dr. Cornelius has been involved in extensive interviews with undocumented aliens both here in the United States and in their home communities. Dr. Cornelius has also consulted several members of the Mexican Administration and was highly recommended to me by Ambassador Hugo Margain during a recent meeting with him.

ings, as well as exploitation by commercial smugglers and others who profit by the existing situation.

A Mexican Labor Program would benefit U.S. workers as well as aliens since the use of legal alien labor has less depressing effects on wage scales and working conditions than the current undocumented alien labor.

A structured foreign labor program would reduce the risk of economic exploitation and other abusive practices by U.S. employers (e.g. reporting undocumented alien employees to the INS to avoid paying them at the end of the job).

Most of the illegal aliens from Mexico come to the United States for a temporary basis anyway. The overwhelming majority of illegals come to the U.S. during a temporary acute economic crises (i.e., illness; crop failure, marriage, death) and return to Mexico with earnings which will help them survive their temporary hardship. The average period of time the Mexican nationals remain in the U.S. is approximately 5 and ½ months.

Again, I want to stress the fact that a modified worker program should only be considered in conjunction with other long-term solutions to the problems through cooperation between the United States and Mexico. In addition, any foreign worker program would have to be different from the old "Bracero" Program and the present "H–2" Program, because of the inadequacies of both programs. In addition, neither one of these programs were designed to provide short-term solutions to the problem we are now facing.

The final provision of the President's proposal is the one which I feel provides the only workable solution to the illegal alien problem. The administration proposes to promote continued cooperation with the governments which are major sources of undocumented aliens. This type of cooperation is the only real long-term solution to the problem. However, more than rhetoric is required.

An excess of population—relative to the amount of productive land and the number of non-agricultural employment opportunities—is one of the most basic factors promoting migration to the United States. Birth control information and services remain conspicuously unavailable in most rural communities, since the Mexican government's family planning program has been heavily concentrated in urban centers. I thoroughly agree with Dr. Cornelius' assessment and recommendations for long-term solutions to this problem by suggesting that "the United States should use its leverage in international financial institutions (particularly the World Bank, and the Inter-American Bank) to encourage a much greater effort by the Mexican government in the area of rural industrialization . . ."

The emphasis of the Administration's proposal is on providing partial solutions to the "pull" factors associated with illegal immigration, (i.e., employment opportunities in the United States) but does little more than verbalize any long-term solutions designed to solve the "push" factors involved.

It is my belief that, unless the United States takes affirmative steps in cooperation with Mexico now, we are going to have an uncontrollable situation in twenty years.

Mexico's current economic woes are coupled with its ever increasing population, now about 63 million (the world's 10th largest nation). This population is expected to double in less than 25 years. In addition, almost half of Mexico's population is under 15 years of age and will soon flood the labor market.

Most observers agree that unless Mexico renews economic growth and takes care of its population explosion, a very chaotic situation will arise in our lifetime.

I would like to quote from another article in the Wall Street Journal which appeared on August 8th, 1977:

"Mexico's major hope of weathering this economic crisis is its huge reserves of petroleum, natural gas and other resources. Petroleum exports are expected to reach $1.2 billion, up from $460 million two years ago . . .

Many believe the key to the turnaround in the Mexican economy is held by the U.S.—its government, its investors and its tourists. Mexican officials dread the imposition of any further trade restrictions (such as those on textiles), and they fear that any serious crackdown on illegal immigrants would have disastrous consequences in Mexico. They would also like Washington to use its influence with lending agencies such as the World Bank, the IMF, and with U.S. companies that could provide badly needed technology to Mexican industry. And, of course, they want U.S. tourists to visit their country."

Mr. Chairman, as a member of the Senate Subcommittee on International Finance of the Banking, Housing and Urban Affairs Committee, I will actively pursue means by which the United States can, *concretely*, renew its commitment to providing technical and financial assistance to Mexico.

In addition, we must continue to seek financial assistance programs but must develop a new approach in the use of this assistance. The world respects our educational, technological and economic achievements. We must develop a method of sharing those achievements. In other words, to be successful in assisting the economic development of Mexico, a program of sharing our know-how combined with financial assistance to support the projects is needed. We must seek programs which involve various departments and agencies of our government and international financial institutions. The involvement of our society, especially the business community, will be needed.

The solution to the long-term problem is the development of Mexico and the other nations of Latin America. The United States has a historic commitment to these nations. Now is the time to begin a major effort of assisting and financing their economic development. The dividends for the United States will be great. A renewed era of goodwill and solutions to some of our own problems will be just some of these dividends.

TABLE I.—DISTRIBUTION OF REGION OF ORIGIN OF APPREHENDED ILLEGAL ALIENS, FOR SELECTED YEARS, FISCAL YEARS 1968-74

| Region of origin | Fiscal year 1968 | | Fiscal year 1970 | | Fiscal year 1972 | | Fiscal year 1974 | |
|---|---|---|---|---|---|---|---|---|
| | Number of apprehended illegals | Percent of total number | Number of apprehended illegals | Percent of total number | Number of apprehended illegals | Percent of total number | Number of apprehended illegals | Percent of total number |
| Western Hemisphere: | | | | | | | | |
| Mexico | 151,705 | 71.5 | 277,377 | 80.3 | 430,213 | 85.0 | 709,959 | 90.0 |
| Canada | 11,056 | 5.2 | 11,323 | 3.3 | 11,012 | 2.2 | 9,362 | 1.2 |
| Other Western Hemisphere | 16,186 | 7.6 | 23,320 | 6.8 | 28,119 | 5.6 | 34,948 | 4.5 |
| Total | 178,947 | 84.3 | 312,020 | 90.4 | 469,344 | 92.8 | 754,269 | 95.7 |
| Eastern Hemisphere: | | | | | | | | |
| Europe | 15,520 | 7.3 | 16,111 | 4.7 | 15,462 | 3.1 | 15,031 | 1.9 |
| Asia | 15,488 | 7.3 | 14,613 | 4.2 | 18,733 | 3.7 | 14,633 | 1.9 |
| Other nations | 2,102 | 1.0 | 2,609 | 0.8 | 2,370 | .5 | 4,212 | .5 |
| Total | 33,109 | 15.6 | 33,333 | 9.7 | 36,605 | 7.3 | 33,876 | 4.3 |
| Total [1] | 212,057 | 99.9 | 345,353 | 100.1 | 505,949 | 100.1 | 788,145 | 100.0 |

[1] Percentages may not add to 100 due to roundoff.

Source: North/Houstoun Study (March 1976), table III-1, p. 47. INS Annual Report, table 27B, for the years cited.

## BEEF IMPORTS

Mr. HODGES. Mr. President, the President of the United States recently allowed an additional 200 million pounds of beef to be imported into the United States. Cattlemen have had the worst 4 years in recent memory and have lost hundreds and hundreds of millions of dollars. They began to make a profit only in the last 3 months. They finally began to see the light at the end of the tunnel. But there is in Arkansas an old saying that the light that you see at the end of the tunnel may be a train coming in the other direction. Indeed, the light they thought they saw at the end of the tunnel has turned out to be a train coming in the other direction, in the form of this administration.

The President is allowing in 200 million additional pounds of beef, simply to hold down the retail price of beef and to appease the consumers of America.

Let us take a look, for a moment, at the last 4 years in terms of what the cattlemen have gone through.

I speak, Mr. President, with a great deal of personal involvement, because I was and am in the cattle business, in addition to other things in which I am involved. I had two large herds of cattle and one smaller herd, as well as being a lawyer and a farmer and a number of other things. I can testify personally to the tremendous difficulty that has been involved in the last few years.

Simply to give an example, in Arkansas 4 years ago the average price of a 450-pound steer, in 1974, was $166, com-

pared to $265 in 1973. In 1975, the price went down to $135, or about one-half in a period of 2 years. Add to this severe droughts and unusually harsh winters, and you have even further reductions and difficulties for those involved in the cattle business.

In Arkansas, cattlemen reduced their herds by more than 1 million head, going down to a total of 2.1 million head of cattle. Interestingly enough, Arkansas ranks 13th in the Nation in the number of beef cows. So Arkansas suffered tremendous financial difficulties.

But cattlemen are used to that, because cattle traditionally are in a cycle, and cattlemen simply told one another, "If we can wait long enough, the price will come back." As a matter of fact, that was the litany of the administration and the Agriculture Department. In fact, over the last 3 months, prices did begin to come back; but the moment they did, we faced an administration that apparently sold out to the pressures of some.

The price finally begins to become realistic, and the Government pushes the panic button.

The most significant effect, however, is not simply letting in the additional 200 million pounds of beef, which will have a terrible short-range effect, and already has. The most significant effect on the cattlemen is the great leverage this decision gives those who buy in the marketplace, for there now is known to be, if the price increase is very much, a government which is not hesitant to dump more foreign beef on the market.

So those who now buy no longer have to respond in the free marketplace and in the area of supply and demand; but as demand increases and the price goes up, they know they have a government that will put a lid on it. This obviously has a very chilling effect.

We see continued here the policies that have bothered me a great deal since I have been in the Senate—a government totally committed to cheap food, regardless of the cost and price to those who produce it. In my opinion, it is a form of political pandering.

Let us look, then, at the international system and what effect this finally has.

Mr. President, we are in a time when other nations can produce some products cheaper than we can. There are those in our country who say, "Let us take advantage of that and reduce in the United States our cost of living."

And it is that philosophy that has brought steel into our country at considerably lower prices. It is that philosophy that has brought shoes into this country at considerably lower prices. And as you look around you begin to realize that imports have, in effect, ruined our steel industry in this country. Imports have virtually driven out the shoe industry in our country. We do very little electronic components work in this country, under the theory that it is cheaper to have it done elsewhere and therefore that is the way it should be done. A great deal of this is done in Japan.

But here now are the cattlemen who say: "What about the markets in Japan for our cattle? May we sell meat in Japan as we drive their Toyotas and ride their Hondas and listen to their radios?"

Mr. President, Japan will not let our meat enter into their country. The average retail price in Japan of a pound of beef is $13 to $15. And yet they have barriers against a single pound of our meat going over there. What has been done about that?

It is any wonder, then, that the report which I began to receive from Arkansas about this latest effort of the administration to have cheap food is one of bitterness, anger, hostility, and frustration? And why not?

How are cattlemen being treated? They are political pawns in an effort by the administration to keep the price of food down.

But what is the long-range effect of that? Sure, it may have some immediate impact. The long-range effect, Mr. President, is that those cattlemen who are now reducing their herds and by higher prices had an incentive to build back up their herds have now lost that incentive.

I have no incentive in my herd to keep the heifers, get more brood cows, and produce more calves because I see an administration that, the moment I begin to make a profit, is going to dump in foreign beef.

We should look at the foreign beef and ask why can they produce it cheaper? I tell you why they can, Mr. President, because in this country all the beef that is produced here cannot use certain antibiotics in the feed. The beef that is produced in this country has to be produced in sanitary conditions that you could virtually medically operate under. And our people have to deal with OSHA and they have to deal with the water and pollution boards and all these sort of things.

But this administration allows beef to come into this country that is slaughtered and processed under conditions that would never pass muster here. Our competitors get to use the antibiotics, the steroids, and other things that are not allowed in this country.

So here is an administration that talks about free enterprise, talks about letting the agricultural system work, and by which they mean one single thing. They will let it work so long as the price is cheap.

To add to the audacity of this move, the administration has released a little summary chart where they purport to talk about the effects of what they have done, and on page 2 of this they talk about the economic impact. They say the economic impact of increasing the supply of meat by 200 million pounds will not be large for either retail meat prices or cattle prices.

But then, further down they say the net savings to consumers could be $500 million or more.

You cannot have it both ways. You cannot be the total hypocrite. You at least should say to the cattlemen, "We are selling you out for the consumer for $500 million in savings and for what we hope will be some votes in November."

At least be honest. But to come and say there is no effect really on the cattle producer is an absolute fabrication, and I cannot believe that anyone, unless he is deeply buried in the Agriculture Department in one of those deep recesses that has not seen the real world for years, can believe otherwise.

But let me tell you the actual effect.

Prices dropped on the Arkansas market, the daily market, where the ordinary people come in and market their cattle from 3 to 10 cents a pound. What does that mean? That means they dropped in many instances 15 to 20 percent all because this 200 million additional pounds has been let in. But I tell you it is more than that because now the leverage is not in the hands of those who supply but the leverage is in the hands of those who buy, and the processor has won another battle against some poor dirt farmer there in Arkansas who is raising cattle and hoping to make a living from it.

He has once again been manipulated by that same Department of Agriculture, and by the same administration that said when they were here in January "give our system a chance to work."

What do they mean by working? They mean that the minute you get a little light at the end of the tunnel we are coming after you.

And in the last 60 months of operation in business for the average cattleman he or she has made profits in 3, the last 3, but when you drop your price received in the marketplace by anywhere from 10 to 25 percent, then he is hurting; he is in trouble.

And cattlemen do not have any leverage. They do not have any ability to hold cattle for long periods of time. Cattle are livestock. The longer you hold them the older they get and the less price you get down the line. They are the most vulnerable of people. So at least, although I would like it no better were the administration to simply come out and say, "We have done this in the interest of pacifying the buving public," at least I would admire them more were they to do so.

The Arkansas Cattleman's Association called the move of the administration, "a farce, a completely political move." They are bitter, and they wonder what sort of Government we have.

I must say that I agree with them because apparently we have a Government that cares very little about their welfare. The administration can make profound statements about human rights as long as such statements relate to some far distant country, but when you go to Independence County, Ark., and a man relies on raising cattle, apparently he has no one concerned about him or who will speak for him.

I am hopeful that this will be the last imposition of this sort, but I am realistic enough to realize and to know that those who are involved in agriculture apparently have no friends in this executive branch, and I regret it very, very much.

Thank you Mr. President.

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

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

## KAMEHAMEHA DAY

Mr. MATSUNAGA. Mr. President, today, June 12, is a State holiday in Hawaii. On that date, the people of the Aloha State celebrate Kamehameha Day in honor of the founding father of modern Hawaii, King Kamehameha I.

On Friday, June 9, the Hawaii congressional delegation and the Washington, D.C., Chapter of the Hawaii State Society held their annual observance of Kamehameha Day in front of the statue of King Kamehameha I in the Statuary Hall.

Since the Senate was in session Friday afternoon, I am afraid that many of my colleagues missed this colorful and historic ceremony. The statue of King Kamehameha was ceremoniously draped with fragrant flower leis, flown in from Hawaii especially for the occasion. Lovely Hawaiian maidens danced the ancient ceremonious hula to the chanting of the kahuna, enacted by Tom Kanahele and Mahina Bailey, before King Kamehameha and Queen Kaahumanu, played by Donald Van Geason and Dorothy Apo, respectively. All were properly costumed in Hawaii's unique and colorful garments. I wish that I could insert into the CONGRESSIONAL RECORD the beauty and fascination of the pageant which was superbly performed by members of the Hawaii State Society, headed by John Lopez. Obviously I cannot do that. The least I can do is to ask unanimous consent that the text of the speech which I delivered be printed in the RECORD at this point.

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

KAMEHAMEHA I: THE FOUNDING FATHER OF MODERN HAWAII

We are gathered here today to honor the memory of King Kamehameha I, the founding father of modern Hawaii.

Kamehameha was born about 1758 in North Kohala, on the Big Island of Hawaii. Although he was a member of the district's ruling family, little is known about his early childhood except that he was an unusually bright and ambitious boy who easily won the respect and affection of his peers. As he grew to young manhood, these very attributes caused considerable concern among members of the court. Moving to head off a dispute over the succession, Kamehameha's uncle, King Kalaniopuu, named his own son as successor. When even this failed to quiet the gossip and speculation about Kamehameha, King Kalaniopuu sent his nephew home to Kohala.

Kamehameha's exile lasted more than two years. Moreover, it was only the first of several times during his long public career that he was forced by events or defeat to retire to his family estate. Not satisfied with a life of idleness and luxury, Kamehameha used the time to reflect upon the future of the islands, to sharpen his administrative skills, and to participate personally in the construction of new public works projects and the cultivation of his land.

In 1782, King Kalaniopuu died and his chosen sucessor, Kiwalao, prepared to redistribute the lands of the kingdom, as was the custom, as soon as the official period of mourning was over. Because they suspected that the new king would use treachery if necessary to take away their fishing grounds and farmlands, Kamehameha's neighboring chiefs in the Kohala and Kona districts urged him to lead them in the defense of their possessions. It was the beginning of what is still known as "the Bitter War" which lasted nearly ten years and during which Kamehameha conquered Maui, Oahu and the remainder of the Island of Hawaii. In 1795, after several attempts to conquer the island of Kauai had failed, Kamehameha concluded a favorable treaty, or peace agreement, with the ruler of the Garden Island, which incidentally is my native island and which has never been conquered.

While Kamehameha is rightfully renowned for his achievements in battle, we honor him today for his achievements in peace, which were no less remarkable. He moved rapidly to consolidate his power and win the support of the newly conquered peoples. As the principal source of law in the newly consolidated Kingdom of Hawaii, he tempered justice with mercy and established himself as protector of the common people. The degree of enlightment which he brought to government was unusual not only for Hawaii but for all the world at that time. An outstanding example is the "Law of the Splintered Paddle," which was promulgated by Kamehameha immediately after he became ruler of a united Hawaii. The law reads:

"O my people,
Honor thy god;
Respect alike (the rights of) men great and humble;
See to it that our aged, our women and our children
Lie down to sleep by the roadside
Without fear of harm.
Disobey, and die."

A man of deep convictions, Kamehameha is credited with preserving and strengthening the ancient Hawaiian way of life. At the same time, he sought the friendship and assistance of the Malihini, the newcomers, such as the western traders who came to Hawaii in increasing numbers during his reign, extending to them his protection. In his regard for the rights of others, and in his concern for social justice, he had a great deal in common with those who united the thirteen colonies and fought to establish a new, democratic nation—the United States of America. It is entirely appropriate that his statute should stand here in Statuary Hall along with those of our other founding fathers, and the residents of the Aloha State are proud to share his achievements in war and in peace with our fellow Americans and with the peoples of the world.

## MARITIME APPROPRIATIONS AUTHORIZATION ACT, 1979

Mr. ROBERT C. BYRD. Mr. President, I ask that the Chair lay before the Senate a message from the House of Representatives on S. 2553.

The Presiding Officer laid before the Senate the following message from the House of Representatives:

*Resolved*, That the bill from the Senate (S. 2553) entitled "An Act to authorize appropriations for the fiscal year 1979 for certain maritime programs of the Department of Commerce, and for other purposes", do pass with the following amendment:

Strike out all after the enacting clause, and insert: That this Act may be cited as the "Maritime Appropriation Authorization Act for Fiscal Year 1979".

SEC. 2. Funds are authorized to be appropriated without fiscal year limitation as the appropriation Act may provide for the use of the Department of Commerce, for the fiscal year 1979, as follows:

(1) For acquisition, construction, or reconstruction of vessels and construction-differential subsidy and cost of national defense features incident to the construction, reconstruction, or reconditioning of ships, not to exceed $157,000,000: *Provided*, That no funds authorized by this paragraph may be paid to subsidize the construction of any vessel which will not be offered for enrollment in a Sealift Readiness program approved by the Secretary of Defense: *Provided further*, That in paying the funds authorized by this paragraph, the construction subsidy rate otherwise applicable may be reduced by 5 percent unless the Secretary of Commerce, in his discretion, determines that the vessel to be constructed is part of an existing or future vessel series;

(2) For payment of obligations incurred for operating-differential subsidy, not to exceed $262,800,000: Provided, That no funds authorized by this paragraph may be paid for the operation of any vessel which is not offered for participation in a Sealift Readiness program approved by the Secretary of Defense;

(3) For expenses necessary for research and development activities, not to exceed $17,500,000;

(4) For maritime education and training expenses, not to exceed $24,647,000, including not to exceed $15,523,000 for maritime training at the Merchant Marine Academy at Kings Point, New York, of which $450,000 shall be for the replacement of barracks windows at the Academy, $7,220,000 for financial assistance to State marine schools, and $1,904,000 for supplementary training courses authorized under section 216(c) of the Merchant Marine Act, 1936; and

(5) For operating expenses, not to exceed $34,845,000, including not to exceed $5,516,000 for reserve fleet expenses, and $29,329,000 for other operating expenses.

SEC. 3. There are authorized to be appropriated for the fiscal year 1979, in addition to the amounts authorized by section 2 of this Act, such additional supplemental amounts for the activities for which appropriations are authorized under section 2 of this Act, as may be necessary for increases in salary, pay, retirement, or other employee benefits authorized by law, and for increased costs for public utilities, food service, and other expenses of the Merchant Marine Academy at Kings Point, New York.

SEC. 4. Section 3 of the Maritime Academy Act of 1958 (46 U.S.C. 1382) is amended by the addition of a subsection to read as follows:

"(d) The Secretary may pay additional amounts to assist in paying for the cost of fuel oil consumed during training crises of the vessels referred to in subsection (a).".

SEC. 5. Section 1103(f) of the Merchant Marine Act, 1936, as amended (46 U.S.C. 1273(f)) is amended by striking "$7,000,000-000.", and inserting in lieu thereof $10,000,000,000.".

Mr. ROBERT C. BYRD. Mr. President, I move the Senate concur in the House amendment.

The PRESIDING OFFICER. The ques-

tion is on agreeing to the motion of the Senator from West Virginia.

The motion was agreed to.

## A FOREIGN OPINION ON ALASKA'S INTERIOR FOREST

Mr. STEVENS. Mr. President, I again have the opportunity to share with the Senate information which provides additional insights on the State of Alaska. We will soon be called upon to make major decisions that will affect the economic and cultural future of a State for generations to come.

Legislation on the disposition of Alaska's lands is now pending in the Senate Committee on Energy and Natural Resources. As the focus of the d–2 legislation shifts to the Senate, I will continue to impress upon my colleagues the vast holdings of both renewable and nonrenewable resources contained within my State. The energy crisis helped to define Alaska's role as a major supplier of oil and gas. The 200–mile limit bill recognized our valuable fisheries stock. Less well known is the timber and agriculture potential in Alaska which have been only minimally developed.

While the great timber resources in southeast Alaska have received attention, few have had an opportunity to learn of the vast forests in the interior of Alaska. According to a recent report published in the Alaska Construction and Oil magazine, there are over 22.5 million acres of commercially valuable timber in interior Alaska alone.

This is sufficient to support a viable timber products industry. Recently, a scientist from Norway completed an intensive study of the forest in the interior of Alaska concluding that these forests have an even greater potential than we ever thought possible.

At this time, I request unanimous consent that an article which appeared in the April issue of Alaska Construction and Oil be printed in the RECORD. "A Foreign Opinion on Alaska's Interior Forest" by Ms. Laura Hamilton, clearly sets forth the impact that the decisions we make on the disposition of d–2 lands will have on the future of the State of Alaska.

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

A FOREIGN OPINION ON ALASKA'S INTERIOR FOREST

(By Laura Hamilton)

In prefacing the report of the Scandinavian Study Team, Nyysonen stated that "Our team has the feeling that the full potential of Interior Alaska's forested lands have been largely underestimated. Assuming a reasonably intensive management, yields of forest products and improved wildlife habitat could be built up substantially." He proceeded to draw many comparisons between the forests of "Fennoscandia—Finland, Norway and Sweden" and the forests of interior Alaska.

According to the study team's findings 22.5 million acres of Alaska's 106 million acres of forest lands are classified as having potential commercial value (land capable of producing 20 cu. ft. of timber per acre annually). They found that cuttings of mature or overmature stands (150 to 200 years old) has been carried out only sporadically. The bulk of the forests are virgin. Commercial forest land is predominantly white spruce, and includes broadleaved trees which are more shortlived than the white spruce. Interior forests tend to grow to larger size than trees in Fennoscandia.

The report capsulized Alaskans' historic dependence on forest for food, shelter and subsistence. It touched on gold rush era consumption of wood to fuel steamers enroute to mining camps, log burning to thaw gold-bearing gravels and cross-tie construction for the Alaska Railroad.

The report noted an increase in produced lumber, cants and chips in the Interior following the construction of a chip mill at Tyonek that harvested from 13 to 100 mmbf per year, but added, "There is no guarantee of the continuation of this trend in coming years." Logs, cants and chips are destined for exports to Japan, with some used locally.

The Tyonek and Nenana area was of special concern to the study team, however, because, "there seemed to be little or no consideration of future forest regeneration. This is a matter in need of urgent attention and action," the report urged.

The study team focused on a "unique situation" concerning local use of timber products in the state. While visiting sawmills and wood product yards in Fairbanks, "the team was surprised to see that some 80 percent of wood products used are imported from Canada or the lower states . . . while excellent raw material is deteriorating in the nearby forests."

Based on predicted increases in demand for industrial timber products and supplies, the report indicated there would surely be progress in utilizing the "considerable forest resource in Interior Alaska". Past impediments to progress in this field were listed as, "inaccessibility, lack of transportation, high manufacturing and production costs, lack of adequate resource data, inadequate market research and business management, undercapitalization, unsuitable and inefficient equipment, lack of experience, adverse climate, limited population, poor communication systems and lack of utilities."

But foresters of Fennoscandia were encouraged by some observed progress. "Transportation nets are being enlarged . . . the road to the North Slope . . . has made the timber of the Yukon and Porcupine Valleys more accessible. Road building seems to be cheap and simple in relation to some parts of Scandinavia. Commercial forest lands are accessible by navigable rivers. The topography is favorable to efficient harvesting. Even the lowland wet areas can be logged in the wintertime."

In connection with problems of regeneration, the report said that "it is important to decide whether future forests should be purely or nearly purely coniferous, or to what extent mixed or even purely broadleaved forests should be accepted." Fennoscandia has concentrated on establishing "coniferous stands with birch mostly as fill-in tree. In Alaska, it is also advisable to aim for as much white spruce as possible in future stands."

Research will also reveal whether "shelterwood cutting may gradually reduce the moss layer and make the forest floor better suited as a seedbead . . . . White spruce in Interior Alaska seems to give very high crops of seed in good years, but these may fall up to 10–12 years apart." In comparison, "Spruce stands in Fennoscandia are commonly established by planting which usually results in better density and higher yield in new stands. This also gives a certain freedom with regard to the seed source and size of the area."

Regarding thinning, the study team stated, "The main purpose of thinning is to secure a good stand able to utilize the growth potential to the fullest extent." The report advocated thinnings in Interior Alaska forests "to gain experience, especially on how trees respond to a better and more uniform spacing. Thinned stands will also be good items for demonstrating forest management, for instance, near the Native villages."

Inventories made of Interior forested lands indicated that the annual allowable harvest amounted to 4.5 million cords or an equivalent of 360 million cubic feet of forest products. This is the same annual harvest of timber that is harvested from the forested areas of Michigan, Minnesota and Wisconsin, according to published U.S. Forest Service reports.

The study team estimate of potential yields utilized past forest survey information. "Based on these considerations, the average yield of 45 cubic fest/acre/year in the present commercial forest area seems to be entirely possible, if the forests were to be managed properly. This would mean a total of 1 billion cu. ft. a year. Even these estimates may be conservative, since such measures as peatland drainage and forest fertilization were not assumed; also 4.6 million acres of marginal forest lands were not included."

The Scandinavian foresters also turned their attention to alternative uses of forest land in Alaska, particularly the use of land for agriculture, wildlife and recreation.

They indicated that forestry and agriculture are "not generally in competition, but rather complement each other, with forestry providing the farmer with extra income, winter employment, fuel and raw materials, at sectors north of 60° latitude" in Fennoscandia. They foresaw, "hardly any conflict" between forest production and agriculture in Interior Alaska due to the similar constraints of erosion risk both land uses observe. Many areas feasible to agriculture production are . . . of secondary interest for forest production." And additionally, "It is unthinkable that agriculture will develop to such an extent that forest areas will be considerably reduced. Development of agriculture will in fact be beneficial to forestry by increased economic activity and more people living in the countryside."

The study team said that, "In the minds of many people there is a great concern that timber harvesting will spoil the forest environment," but concluded, "from a recent review on the fauna of Sweden it seems evident that no species has become extinct because of modern forestry practices." Areas of regeneration within forests actually, "may mean an outstanding habitat for moose, for instance." The Scandinavians emphasized that, "some species of big game have never appeared in such great populations as they do today during a period of intensive timber harvesting and hunting."

They did point out a threat to some species, 'mostly birds . . . when dead trees used for nesting are removed or a draining operation radically changes a site." The danger to "rarer environments" within the managed forest lands was also noted. "For this reason, it is necessary to leave rather limited areas outside of cutting activities."

The vastness of Alaska's forest resource will allow more multiple use of forest lands, compared to Scandinavia. Only 2.5 per cent of the land area in Sweden is set aside for national parks, nature reserves and wildlife refuges. In Finland, that figure is about three percent of the total forest area. "It is of great importance to preserve from practical forestry a certain amount of typical and distinct areas," the Scandinavians said, but added that, "The recreational needs of people in Scandinavia have been satisfied in production forests."

Turning their attention to the recreation and aesthetic values of Alaska's forest lands, the foresters pointed out, "All the forests of

Interior Alaska are by no means ideal from a recreation point of view. They generally have a more dense understory than forests in Fennoscandia . . . are less penetrable for recreationists and hunters. Managed forests will be in some stages easier to penetrate and more friendly to cross-country skiers and walkers."

Thorough information on the purpose of forest management needs to be generated during harvesting of timber of a mature stand, "when the change in the landscape may be experienced negatively by many people as it interferes with the established order of things . . ." Such information must emphasize "that the effects are only temporary," the study team advised.

The foresters were very much impressed with the work being done in different fields, and said that as a result of improved firefighting techniques, the nature of forests will be gradually changed.

Concerning forest research, the study team concluded, "Forest research and applied research, in particular, should be greatly widened and stimulated," in view of the vast areas and great values involved.

"There exists overall information concerning forest resources, but it was repeatedly mentioned that a poor data base is hampering the efforts of development in certain areas." The foresters complimented the Institute of Northern Forestry and the University of Alaska for research efforts, saying, "Although the history of this (forest) research is short, a lot of valuable work is being conducted."

The report emphasized that, "It will be essential to get people interested in good forest management," and that would be best accomplished by getting, "forestry measures economically motivated." Incentives that might be used include, "lower transport fees, subsidies to promote forest production, tax exemptions, etc." The best economic results come when a forest industry uses, "each part of the timber for the product for which it is best suited."

In conclusion, their visit to Interior Alaska, "assured the team of the existence of valuable forest resources there suitable for multiple use forestry on a sustained yield basis. Multiple use as a guiding principle will guarantee a wise use of land without ruining it, and will pay attention to the total environment which includes wildlife and recreation."

## LEGISLATION PROPOSAL EVAPORATES HYDRO HOPES

Mr. STEVENS. Mr. President, for some time now, I have been pointing out the effects of some of the d–2 proposals on nonrenewable resources in Alaska. But, Alaska has renewable resources which must be considered as we deal with the final disposition of Alaska's d–2 lands.

One of the most important of Alaska's resources is water—and what that can do for our current energy crunch. There are approximately 300 potential hydroelectric sites which are feasible for development in Alaska. Yet, some of the d–2 proposals would prohibit the use of 80.6 percent of the identified hydroelectric potential of the State.

There has been a great deal of talk lately about becoming self-sufficient in energy—about reaching this goal by developing other forms of energy. Alaska has the potential to contribute substantially to that goal now and for all time. A recent article in International Business discusses the impact the development Alaska's hydroelectric power could have. I ask unanimous consent that this article be printed in the RECORD.

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

LEGISLATION PROPOSAL EVAPORATES HYDRO HOPES

When one normally listens to the talk by developers on how "d-2" may "lock up Alaska's land," it usually is the correlation to the State's mineral wealth, oil reserves, forests of timber, and the like. Little is said of man's greatest renewable resource . . . water . . . and its hydroelectric potential for the State of Alaska and people in the lower-48.

This article intends to analyze the impact of d-2 on hydroelectric development in Alaska.

Inasmuch as there are several different d-2 proposals, the impacts on each differ slightly. In all instances, however, those impacts can be best described from devastating to disastrous!

As you are aware from this issue of IB, d-2 proposals have been made by Congressman Udall, by U.S. Secretary of the Interior Andrus, as well as a joint proposal by Governor Hammond, Senator Ted Stevens, and Congressman Don Young, and a few others.

For lack of space, and the fact that the Udall proposal is most in the limelight, we shall limit this article to the Udall proposal and to the U.S. Department of Interior's proposal.

When one looks at the hydroelectric potential in Alaska it is found to be staggering! There are some 2,000 sites in the State which have some potential to generate power. These include essentially all potentials covered in previous studies by the Corp U.S. Army Corps of Engineers, the Bureau of Reclamation, the Federal Power Commisison, the U.S. Geological Survey, and the Alaska Power Commission.

However, about 1,300 of those sites were eliminated because of obvious physical restraints, an additional 400 sites eliminated for other reasons. This leaves some 300 sites which are considered to be highly feasible to develop.

In 1974, an in-depth study of these 300 sites was conducted, studying the water supply, reservoir capacity, sediment inflow, design, estimates of facilities needed to develop the power, environmental impact to nature, and operation and maintenance costs. The result was a reasonably consistent evaluation of the energy potential, and relative cost of power for all locations.

From this study came recommendations of 76 locations which had by far, and based on total costs vs. repayment, the best potential.

In summary, there are approximately 300 potential hydroelectric sites which appear quite feasible for development, with 76 of those projects being clearly classified as having "high economic feasibility to supply hydroelectric power."

What does current d-2 thinking do to these sites?

A quick look at the map of Alaska with this article outlines this. On this map are spotted, by number, the locations of the 76 best sites which were identified in the 1974 power market survey. Further, we have crossed with an "x" those projects which would be precluded by the Udall proposal.

Of the 76 identified hydroelectric potential sites, approximately 12.9 percent are now unavailable because of National Park designation. Enactment of the Udall d-2 proposal would wipe out, or lock up, however which you wish to use the term, an additional 80.6 percent of the identified hydroelectric potential of the state, including the proposed Upper Susitna Dams and a number of other projects that appear desirable to meet near future demands.

Considering the overall Alaskan geography, the Udall proposal would, essentially, preclude hydroelectric development in Southwest Alaska, in Northwest Alaska, and in the Yukon Basin. It would also preclude development of most projects in Southcentral Alaska including the upper Susitna Chakachamna, and Wood Canyon. For Southeast Alaska, the impacts are not so widespread. The bottom line, however, is that the enactment of the Udall bill would, essentially, remove Alaska hydroelectric power as a meaningful energy alternative.

Why do we make issue of this? Why is this important, not only to Alaskans but to America at large? Simply, because the current d-2 thinking as related to hydroelectric power is exactly counter to America's dream of energy self-sufficiency, and counter to President Carter's suggestion that America must develop other forms of energy.

Hydroelectric energy is a renewable resource whose "fuel" . . . falling water . . . does not escalate in price or deplete a resource. In effect, this recycled energy comes from the sun. The cost of alternative fossil fuels, on the other hand, will continue to escalate as demand increases and reserves are depleted.

The use of hydroelectric energy reduces the pressure on other energy sources and extends the life of the non-renewable fuels whose future value may be more important in other uses than the generation of electricity.

In Alaska, as example, where hydroelectric potential is available in abundance, its use releases other more transportable energy resources (oil, gas, coal) for use in areas where there is no such opportunity for choice. For instance; the hydro-energy output of the proposed Alaskan Devil Canyon—Watana project could be annually equivalent to 113 billion cubic feet of natural gas, or 15.2 million barrels of oil. At current "lower-48" prices, these fuel savings equate to about '200 million dollars' worth of gas or oil annually.

The existing hydroelectric projects in Alaska provide about 10% of the State's electrical energy demands, the balance being imported. In actual statistics, this equates to some 122,800 kilowatts currently generated, most from the Southeast portion of the State. But, these existing sites represent less than ½ of 1% of the 76 potentially economical hydroelectric projects noted earlier.

While existing hydroelectric development in Alaska is small, the inventory studies show that potentially economic hydroelectric development is about 180 billion kilowatt-hours annual energy, or roughly one third of the total U.S. undeveloped hydroelectric sites with similar potential.

With overall energy demands predicted in the future as 'increasing dramatically' in the lower-48 of the U.S., and in Canada's Northwest Territories, Alaska's hydroelectric energy supply might well be another exportable resource which this State can capitalize on, adding to its new-found wealth of oil and gas.

If . . . it's allowed to develop!

## NEW YORK CITY SHOULD CUT 70,000 EMPLOYEES AND GET OFF UNCLE SAM'S BACK

Mr. PROXMIRE. Mr. President, New York City can and should meet its problems without any further Federal financial assistance after the end of this month.

A few days ago before our Banking Committee Mayor Koch testified that if that assistance were not made available, he would do his best to prevent bankruptcy by cutting expenditures. He said

he would cut the lowest priority programs first.

Senators and others who believe the Federal Government should pass additional aid legislation contended that such a cutback would virtually destroy the city's ability to make economic progress and to hold on to the present middle-class residents.

Is that the case? Or would the cutback simply eliminate unnecessary services and streamline and make more efficient the operation of the services that are essential?

Mr. President, on Friday New York State's commerce commissioner gave an interesting answer to that precise question. He called for a constitutional amendment that would limit the total number of public employees—local and State throughout New York State—to 3 percent of the population. State employees would be no more than 1 percent of the population and city employees no more than 2 percent of the population.

The result would be the layoff of 70,000 New York City employees as well as 50,000 New York State employees

Mr. President, a layoff of 70,000 city employees would much more than balance the New York City budget. At an average of $17,000 per job, it would save approximately $1.2 billion.

The fact that Mr. Dyson, who is a responsible and seasoned official in the Carey administration, has made this proposal suggests that the course for New York City of standing on its own two feet without a Federal crutch is a practical and reasonable prospect.

It is another indication that if it can summon the will, New York City without any further Federal aid but with just a reasonable degree of effort on the part of its banks, its labor unions, and the State will make it and will not go bankrupt.

But there is one essential ingredient in New York City coming through. What is it?

It is a firm and final "no" from the Congress. Now that the House of Representatives has said "yes" to 19 years of further Federal involvement in New York City, it is up to the Senate to make the right decision against pressure from the President of the United States, big New York banks, the labor unions, the massive influence and prestige of the New York Times, and the intense lobbying of the mayor of the Nation's biggest city and Governor of the second biggest State.

Incidentally, the New York Times on Sunday reported that over in the White House for months now there has been a meeting every week of a White House aide with a number of lobbvists for unions and corporations, including General Motors, Grace & Co., Pfizer, and a number of others, in order to organize a lobbying situation in the Congress.

And who is on the other side arguing for the Senate to make the decision to require New York to meet its own problems?

The answer is that there is not any significant force organized and fighting for New York City responsibility—only the good sense of the Members of the U.S. Senate.

Mr. President, I ask unanimous consent that the article in Saturday's New York Times by Steven Weisman entitled "Dyson Proposes Limit on Number of Public Employees in the State" be printed at this point in the RECORD.

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

DYSON PROPOSES LIMIT ON NUMBER OF PUBLIC EMPLOYEES IN THE STATE

(By Steven R. Weisman)

ALBANY, June 9—New York State's Commerce Commissioner, John S. Dyson, has called for a constitutional amendment to limit the total number of public employees to 3 percent of the population—a proposal that would force the dismissal of tens of thousands of state, county and municipal workers.

The idea is by far the most drastic suggestion put forward in New York in the aftermath of California voters' overwhelming approval of a sharp slash in property taxes, but a spokesman for Governor Carey said the Governor considered it worthy of study.

The Dyson proposal would seem to mandate a layoff of more than 50,000 state workers and 70,000 or more New York City employees.

Politicians looking at the result in California have concluded that the taxpayer revolt is every bit as much a reality here as there, and Mr. Dyson's comments brought praise, criticism and guarded reactions from officials throughout the state.

But legislative aides cautioned against the likelihood in New York of a similar broadbrush proposal to cut taxes drastically in one year, especially since the Legislature has already cut state income and business taxes by $1 billion in the last two years.

Unlike many politicians, Mr. Carey has not issued public statements responding to the California vote. Therefore, many political experts were looking at Mr. Dyson's proposals as a possible sign of the Governor's views. In the past, the outspoken Mr. Dyson has served as a tester of ideas that the Governor later moved to embrace. On other occasions, Mr. Dyson expressed opinions that Mr. Carey immediately disavowed.

This time, David Murray, the Governor's press secretary, said Mr. Dyson made his comments without checking with Mr. Carey, who "neither approves nor disapproves" of them. He said the Commerce Commissioner's proposal was "worthy of discussion" but noted that Mr. Carey had already slashed the state payroll by several thousand employees in the last few years.

A CALL FOR TWO AMENDMENTS

Specifically, Mr. Dyson called for two amendments. One would limit state employees to 1 percent of the state's population, and local government employees to 2 percent of the local government's population. Another would require the approval of two-thirds of the electorate before any taxes could be raised. The Commerce Commissioner made his comments in a speech before the Nassau County Democratic Committee in Lido Beach, L.I.

According to the Federal Bureau of Labor Statistics, in 1977, 231,800 employees worked for the state, and 865,700 for local governments, of which 366,100 worked for New York City. The latest Census Bureau figures show that the city's population is 7.6 million, and the state's is 18 million. Thus, Mr. Dyson's proposal would probably force tens of thousands of layoffs.

A spokesman for the Civil Service Employees Association, which represents most state civil servants, termed Mr. Dyson's proposal "typical meaningless rhetoric."

The most enthusiastic response to the California vote came from the Conservative Party, which said it would encourage legislators to move toward tax cuts as large as the one there.

In New York City, Mayor Koch said: "The reduction of taxes is necessary—not just the property tax, but the income tax as well. That is why I supported Governor Carey's $750 million tax reduction and continued the cap on the real-estate tax in New York City. While it is easy to promise, a tax cut is difficult to achieve, but we will continue to explore ways to reduce taxes as long as it doesn't jeopardize the financial plan."

In the Legislature, both Republican leaders called for more tax cuts.

Assemblyman Perry B. Duryea, a Montauk, L.I., Republican and his party's likely gubernatorial candidate this year, hailed what he said was "a national revolt of the citizenry against the dual pincers of taxes and inflation." He said New York "could have led the way" if it had passed his proposal for a five-year $2.2 billion tax cut instead of the cut it adopted this spring.

Warren M. Anderson, the Senate majority leader and a Binghamton Republican, said the California vote was "probably a short-sighted and potentially dangerous course for that state's economy," but he also called for more tax cuts in the years ahead.

In the suburban counties, the county executives also hailed the California action.

Mr. PROXMIRE. Mr. President, New York City can and must do a lot more to get its fiscal and financial house in order. And if Congress goes all the way to approve 15-year Federal guarantees of some $2 billion in new city debt, then I am concerned that this will rob the city of the incentive to tighten its belt and take the tough actions necessary to balance its budget and regain access to the public credit markets. We run the risk of encouraging the same sort of spend-now, pay-later mentality that got New York City into trouble to begin with.

Consider for a moment the fact that the city has in the last few months faced some of the tightest deadlines of the whole period of the "fiscal crisis," with the present Federal seasonal loan program slated to expire on June 30. And yet even in this pressured period, many things have happened in the last week alone which suggest that the city has by no means abandoned all of its spend-thrift ways of the past:

Mayor Koch, upon taking office last January, vowed that he would hang tough and push for "no-cost" labor contracts, in which any increases would have to be based on productivity or other savings. Then a few months later he "found" $610 million in the budget to fund some pay raises, but said he would demand $100 million in fringe benefit "givebacks" in return. This past week we finally saw the full labor contract package. The basic price tag is now $757 million with no "givebacks," and the total cost to the taxpayers—city, State, and Federal—will come to about $1.1 billion. Moreover, the large policemen's and firemen's union say they would not even go along with this settlement. They want twice as much, and the policemen

say they will strike to get it, regardless of the impact on the city and its people.

Then there is the city council, which gave up on the $10,000 pay raises it voted itself in a lame-duck session back in December, because the popular outcry was so great. However, the city council turned around last week and grabbed back those raises and more as grease for getting the city's budget passed on time. The raises came in by the back door, in the form of an $11,000 increase in each member's expense account—and this is over and above the present $5,000 expense accounts and $20,000 salaries. Not bad for a part-time job. It sure puts the city workers' 7 percent in the shade.

The borough presidents cashed in for their part, too. They got hefty patronage increases of $210,000 for the four largest boroughs, and $190,000 for Staten Island.

So the upshot is that everybody got more—except, perhaps, the more than 7 million private citizens of the city of New York.

In the hearings the Senate Banking Committee held last week, we asked Mayor Koch what he would do if the Federal Government gave no more financial aid to New York City after June 30. His answer was most significant. He said the following:

> I will reduce services in order of priority. . . . We will establish an order of priorities, and those services will be eliminated, and there will be massive layoffs in order to keep our budget going.

What the mayor is saying that the less the Federal Government does to bail out New York City, the more the city will have to face up to its own tough realities—the need to cut the fat out of the budget, the need to run a more efficient operation, the need to do away with the "business as usual" attitude that gives city council members $11,000 raises whether the people of New York City want it or not.

I think this is exactly what should happen, in a city which still faces a real budget deficit of about $1 billion and which still has difficulty selling its bonds and notes in the public credit markets.

People often ask me, do I want New York City to go bankrupt? The answer is that I see no reason in the world why New York City should go bankrupt. You have a mayor who says he will cut services rather than let the city go bankrupt. And, even more significantly, you have vast resources available in New York City and New York State which should easily be more than enough to keep the city from going bankrupt, with or without additional Federal aid. I think these local parties—mainly the banks and the pension funds—have not done enough; I think they will do more; I think they have to do more.

Look at the banks, just to begin with. New York City has 6 of the 10 largest banks in the country, and these are some of the largest banks in the world. These six banks alone now have over $248 billion in assets. They have far less than 1 percent of those assets—0.72 percent, to be exact—invested in New York City and MAC bonds. Furthermore, their investments in city-related securities have gone down and not up in the last couple of years, the years of the city's greatest problems. I calculate that if these banks were simply to return to their 1975 level of investment—which was 0.92 percent of assets, still less than 1 percent—if they were simply to go back to that level, then this would net New York City about $2.3 billion in long-term financing over the next 4 years. This is more than half of the $4.5 billion the city says it needs for capital and other long-term financing purposes over this period.

What have the banks said to date? They have said they might, just might, lend the city $500 million more, if nine separate conditions are met, including long-term Federal guarantees. Well, I think they can do more, and I think they must do more. After all, this is their city. They have a very large stake in seeing New York City get back on its feet. They live there: Their business is centered there; and their worldwide reputation is closely linked to their being in New York City, the financial capital of the world. Furthermore, the banks have made a lot of money over the years from underwriting and investing in New York City bonds and notes, and they cannot afford to pass up this business in the future. I am confident that the banks will come through for New York City.

Then there are the city pension funds. They have done a lot already; they have kept the city going since 1975 with their commitment to put up $2.5 billion in long-term financing over that period. I do not think they should necessarily do more, but neither do I think they should do less during this crucial post-June 30 transition period. According to figures developed by the State's own special deputy comptroller for the city of New York, the pension funds could supply about $2.6 billion to the city over the next 4 years simply by remaining at their present level of investment in city and MAC obligations, which is 35 percent of assets.

I think the pension funds can make these investments: I think the banks can make these investments—and without any real risk. New York City has made substantial progress over the past 3 years; it should make still more progress in the next few years; and there are now substantial safeguards in State law to protect investors and make sure that they get paid back.

This is where the city's financing needs should be met—by the local parties with a strong stake in the city's future, who will be right on the scene working hard to keep the city on course. The Federal Government should get out of the picture and leave New York City to the New Yorkers.

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## WHAT TO DO ABOUT INFLATION

Mr. PROXMIRE. Mr. President, there is broad recognition that inflation is at the present time our most pressing national economic problem. We are caught in a situation where the underlying rate of inflation persists at 6 to 7 percent, because prices are chasing wages and wages are chasing prices. On top of this base rate of inflation we have additional price measures resulting from a wide variety of factors, some of which are temporary and some that may be more permanent.

If inflation is to be controlled in a reasonable manner it will take a combined and coordinated effort of the Congress, the administration, the Federal Reserve, business, and labor. Standard inflation fighting through fiscal and monetary policies must be supplemented by other means. President Carter's anti-inflation program based on voluntary arrangements to hold down prices and wages deserves to have the support of each and every sector of the economy. I applaud his efforts and those of his chief inflation fighter, Robert Strauss, and Barry Bosworth.

The Congress for its part must carefully consider the effects that its spending will have on the rate of inflation. The Congress should be mindful of the inflationary impact of the legislation that is being developed within committees, that is being voted on in committee and on the floor of each House, and that has already been passed. While individual bills may or may not increase inflation significantly, the cumulative effects, if they are not clearly pointed out and recognized, could be significant. We must be mindful that many people are claiming it is the Government itself that has a tremendous impact on inflation. The Congress should take every possible step to assure the people of this Nation that it recognizes the inflation problem and will take steps to do its part to reduce inflation.

In my view there are three things that deserve to be given careful consideration at this time by the Members of the Congress, and the Senate in particular. First, the addition of an explicit numerical inflation goal within the Full Employment and Balanced Growth Act of 1978 that is currently being considered by the Committee on Banking, Housing, and Urban Affairs and that will be taken up by the Senate later this session. This bill amends the Employment Act of 1946 that has stood for 32 years as the basic economic policy statement. It would be wrong to amend the act by putting in only a numerical goal for unemployment without a comparable numerical goal for inflation. I have proposed the addition of an inflation goal and recommend its support by other Members as an indication that the Senate is concerned with inflation and committed to reducing it. Second, each piece of major legislation that could increase inflation should be analyzed for the effects it is likely to have on costs. The Congressional Budget Office should be required to make an inflation impact statement to go along with the budget impact statements it already makes for each bill. And consideration should be given to a recommendation made by Arthur Okun that the Congress get a quarterly scorekeeping report on the inflationary impact of legislation pending and recently approved. Third, the Congress should seek new ways to reduce inflation. Recently the Senate Banking Committee held 2

days of hearings on taxed-based income policies. The proponents claim that the inflation spiral can be broken through such policies that offer incentives through the tax system for labor and business to adhere to disinflationary guidelines. Such new and innovative approaches for reducing inflation deserve further exploration and consideration by the Congress.

Mr. President, I have written to several distinguished and knowledgeable people to get their views on taxed-based income policies, because I believe they should be more widely discussed and the pros and cons debated. I would like to include in the RECORD a letter from Paul A. Volcker, the president of the New York Federal Reserve Bank, that points out that such policies should not be viewed as substitutes for, but rather as complements to, prudent monetary and fiscal policies. I agree, and I think that ways should be sought to help President Carter and the Federal Reserve. I ask unanimous consent that President Volcker's letter be printed at this point in the RECORD.

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

MAY 19, 1978.

Hon. WILLIAM PROXMIRE,
*Chairman, Committee on Banking, Housing and Urban Affairs, U.S. Senate, Washington, D.C.*

DEAR MR. CHAIRMAN: Thank you for soliciting my views on Tax Based Incomes Policies and other new anti-inflationary proposals that are to be the subject of the Banking, Housing and Urban Affairs Committee hearings on May 22 and 23.

While I am not prepared to endorse the so-called "TIPs" approach at this point, I do think it is highly constructive for your Committee to examine these ideas more closely. The need for new ideas in the inflation field is clear. Our inflation problem has obviously not improved. Indeed it is threatening to get worse as a result of deteriorated supply conditions in agriculture, the decline in the dollar, a range of Government actions affecting costs and prices, the re-emergence of some scattered signs of tightening in the labor market and rising business confidence that market demand will support efforts to strengthen profit margins through higher prices.

The recent signs of stronger inflationary pressures and, indeed, our whole experience with inflation in this recovery have pointed up limitations of the traditional aggregate demand policies, including monetary policy, to cope with inflation by themselves without difficult side effects. The problem arises from the fact that for a variety of reasons, the wage and price setting mechanisms in this country (and in other modern industrial economies) seem to be (or to have become) rather rigid and subject to a substantial amount of inertia. As a result, once inflation becomes established, prices and wages seem to respond more to ongoing inflationary expectations than they do to current demand conditions. This fact produces a self-sustaining and hard-to-break core rate of inflation.

Thus changes in nominal aggregate demand in our economy tend to have relatively little effect on prices in the short run. This means that policies operating primarily on aggregate demand such as monetary policy, while absolutely essential to restore a climate of price stability, cannot move very rapidly to contain inflation without excessively restraining needed real economic expansion. Putting it another way, it means that aggregate demand policies by themselves can realistically be expected to reduce inflation only over a long time horizon without substantial risk of impairing economic growth. These features of our economy explain why the Federal Reserve has had to move so gradually over the past three years in reducing its long-term monetary targets and, to some degree, why, despite this approach, the actual path of monetary growth has not in fact been one of steady deceleration. I remain convinced that the Federal Reserve's long-run strategy of gradually reducing monetary growth will be an essential element in beating the inflation problem, but our experience of the last three years does clearly raise the question of whether it will be enough by itself.

It is this very painful situation in which we find ourselves with regard to inflation and the apparent limitations of traditional tools, coupled with the widespread (and amply justified) aversion to mandatory wage and price controls that make it desirable to debate new and as yet untried ideas such as the TIPs proposal as possible supplements to monetary and fiscal policy.

At this point, I confess to considerable skepticism about that approach, and my ideas on exactly what form a possible TIPs approach might best take are by no means fixed. It is, however, fairly easy to draw up a list of desiderata for the ideal TIPs plan. Obviously, a TIPs plan should be significant in its quantitative impact, should involve minimal distortion of the price and wage mechanism's allocative function, should be able to attract widespread support as equitable, and should involve only moderate administrative problems. My skepticism reflects the difficulty in devising a program that successfully embodies all these objectives. On grounds of administrative simplicity, for example, a TIPs plan aimed at wages would appear preferable to one aimed at prices or at both wages and prices. Moreover, such an emphasis on wages would be justified on the grounds that profit margins are not currently high and have not themselves been a significant source of our inflationary problem. On the other hand, it is quite likely that a plan aimed solely at wages would have difficulty in attracting the support of organized labor (even though the actual tax were levied on profits) without some means of assuring that moderation in wages would be matched by moderation in prices rather than simply by widespread profit margins. But if the result would be an artificial squeeze on profit margins, prospects for growth and investment would be stifled. This seems to me indicative of the kind of political/economic problems that the approach raises.

Similarly, it could be argued that ease of administration would argue for confining TIPs to penalties for above-target wage (or price) increases since it might be easier to limit a pure penalty system to a relatively small number of large firms whereas any "reward" for lower-than-target increases would probably have to be made available to all firms meeting the standards. But the inclusion of both penalties and rewards in a TIPs program would have a desirable broadening effect on its impact since a penalty-only program would involve incentives to moderate wage increases only for firms whose increases would have been above the norm in the absence of TIPs.

I am not suggesting that it will prove impossible to reconcile these various competing objectives, but they are obviously problems requiring some satisfactory resolution before a specific TIPs program could be accepted as workable and effective. The theoretical value of a satisfactory TIPs program is that it could facilitate the adjustment of the economy to a gradually lower rate of inflation through the use of the traditional monetary and fiscal policy tools while maintaining acceptable patterns of real growth and employment in the economy and without major distortions in the allocative functions of the price mechanisms. I regard the TIPs proposal as essentially an effort to use tax incentives in conjunction with the market mechanism to achieve certain effects; it is neither related to mandatory controls nor to voluntary "social contract" ideas and is in principle, at least, within the mainstream of our traditional approaches to economic issues.

Broadly, the problems with TIPs seem to relate to gaining widespread acceptability for it without introducing excessive administrative complexity and rigidity. I do not know whether these problems can be ironed out well enough to produce a satisfactory program. But I am convinced that the bind we find ourselves in with respect to inflation is serious enough to warrant careful study of the TIPs proposal and I welcome the efforts of your Committee in this respect. I only hope that the approach in any event, not be viewed as a panacea that distracts attention from budgetary problems and the need for prudent monetary policies.

Sincerely yours,

PAUL A. VOLCKER,
*President.*

## GENOCIDE TODAY

Mr. PROXMIRE. Mr. President, just this morning I opened the Washington Post to Jack Anderson's column entitled "Genocide Still a Daily Occurrence." In his piece, Mr. Anderson reports an unfortunate and depressing truth—acts of mass murder continue to take place throughout the world.

The article details a number of instances of this horrible crime today. The perpetrators include the rulers of Cambodia, Francisco Macie, dictator of Equatorial Guinea, and Ugandan leader Idi Amin. The victims number in the tens of thousands.

According to Mr. Anderson, "The United States may be powerless to halt the killing in Cambodia and Equatorial Guinea," but economic action is one possible sanction against Uganda.

Mr. President, I believe that we can do more and that we must do more. There is one alternative which we have considered for years. In the face of thousands of deaths, we can wait no longer. It is time for this body to ratify the article of the Genocide Convention.

Ratification does not mean that we will automatically put an end to the barbarous act of genocide. It does mean that we will join 82 other nations in declaring genocide an international crime. It means that we will go on record in support of the prevention and punishment of the crime of genocide. It commits us to punish offenders as members of a league of nations which has agreed to uphold the principles of the Genocide Convention.

As a symbolic act, ratifying the treaty would place the United States on record as a stronger advocate of human rights. It would signal other nations that we will

not tolerate genocide in any nation—friend or foe. It would pave the way for a future in which we will no longer note genocide as a daily occurrence.

Mr. President, I ask unanimous consent that Mr. Anderson's article be printed in the RECORD.

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

GENOCIDE STILL A DAILY OCCURRENCE

(By Jack Anderson)

Genocide did not disappear with the downfall of Adolf Hitler, it is still an everyday occurrence in the world.

For three years, we have been reporting on the human extermination in Cambodia, whose faceless rulers have tried to reshape society simply by slaughtering everyone belonging to the old order.

We have also published evidence that Francisco Macie, the brutal dictator of Equatorial Guinea, has been executing everyone he fancies may be against him. He celebrated one Christmas Eve by hanging and shooting 150 of his countrymen in a soccer stadium, while a recording of "Those Were the Days, My Friends" blared in the background.

But the world's most flamboyant murderer is Uganda's Idi Amin, whose dreaded State Research Bureau has bludgeoned, hacked and shot to death an estimated 150,000 to 300,000 Ugandans.

It fell upon his former minister of justice, Godfrey Lule, to defend Amin before the United Nations Human Rights Commission. Now Lule has written an agonized private letter, recanting his former statements.

He repudiated the official account, for example, of the deaths of two cabinet ministers and Archbishop Janan Luwuum. They had not died in an automobile accident, he said, as the government had announced. He recalled that Amin had telephoned him "in a hilarious mood" to boast: "God had punished them."

Lule charged that Amin alone had been their "complainant, jailer, judge, executioner. The sporting president has chosen murder as his favorite sport. It is a somber thought that as the commission discusses procedure, the forces of evil exult."

The United States may be powerless to halt the killing in Cambodia and Equatorial Guinea, which are isolated from the western world. But we reported on Nov. 23, 1977, that 35 American companies were bolstering Amin by purchasing coffee beans from Uganda.

Secret intelligence studies predict that without U.S. coffee revenue, Amin would lack the revenue to pay his mercenary army and would be overthrown.

Last November, we obtained the secret list of American companies subsidizing Amin and identified the big-name companies. This brought quick results.

Folger Coffee Co., the No. 1 importer of Ugandan coffee, announced suspension of all coffee purchases from Amin. Nestle, which produces Nescafe, Tasters Choice, Decaf and Instant Sunrise, made a similar announcement.

General Foods, which sells Maxwell House, also swore it would no longer buy Ugandan coffee. But competent sources claim the company still imports Amin's coffee beans through foreign subsidiaries. The company did not respond to our calls.

A spokesman for Sachs International told us his company had stopped buying coffee from Amin but "not for human rights reasons. It's just that nobody wants to buy Ugandan coffee anymore. We can't unload it."

## CONCLUSION OF MORNING BUSINESS

Mr. PROXMIRE. Mr. President, is this the conclusion of morning business?

The PRESIDING OFFICER. If there are no further Members who wish to speak, morning business is closed.

## ORDER OF PROCEDURE ON TUESDAY

ORDER FOR RECESS UNTIL 8:30 A.M.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in recess until 8:30 a.m. tomorrow.

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

VITIATION OF SPECIAL ORDERS

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the orders for the recognition of Mr. BELLMON and Mr. MELCHER for tomorrow morning be vitiated.

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

TIME ALLOTTED TO LEADERSHIP

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the time for the two leaders tomorrow morning be reduced to 4 minutes, to be equally divided.

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

RESUMPTION OF UNFINISHED BUSINESS

Mr. ROBERT C. BYRD. Mr. President, under the order previously entered, is the Senate to resume consideration of the unfinished business upon the completion of the orders for the recognition of Senators on tommorrow?

The PRESIDING OFFICER. There is no specific order to that effect, but that will be the case.

Mr. ROBERT C. BYRD. So an order will not be needed.

The PRESIDING OFFICER. The Senator is correct.

## TIME FOR VOTE ON CLOTURE MOTION ON WEDNESDAY

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the vote on the motion to invoke cloture which will occur on Wednesday take place at 5 p.m., with no quorum call being in order just prior to the vote.

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

## PROGRAM

Mr. ROBERT C. BYRD. Mr. President, I will state the program. The Senate will come in at 8:30 tomorrow morning. I believe there are six Senators who are to be recognized under orders previously entered, each for not to exceed 15 minutes. Following the completion of those orders, the Senate will resume the consideration of the unfinished business, which will be around 10 o'clock.

The pending question is on the adoption of the Byrd amendment to the Ford amendment to the labor reform bill.

The vote on the motion to invoke cloture will occur at 2:30 p.m. tomorrow. There will be a 20-minute rollcall, a rollcall being automatic under the rules.

If cloture is invoked, then that business will be before the Senate to the exclusion of all other business until completed. If cloture is not invoked, debate will continue. In that event rollcall votes could occur on amendments or motions in relation to the bill, and conceivably on the substitute, under certain circumstances.

The fourth cloture vote will occur on Wednesday at 5 p.m. Under the order entered previously no quorum call is in order just prior to the vote on cloture tomorrow.

## RECESS UNTIL 8:30 A.M. TOMORROW

Mr. PROXMIRE. Mr. President, I move, under the previous order, that the Senate stand in recess until 8:30 a.m. tomorrow morning.

The motion was agreed to; and, at 6:28 p.m., the Senate recessed until tomorrow, Tuesday, June 13, 1978, at 8:30 a.m.

# HOUSE OF REPRESENTATIVES—*Monday, June 12, 1978*

The House met at 12 o'clock noon and was called to order by the Speaker pro tempore (Mr. WRIGHT).

## DESIGNATION OF SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

THE SPEAKER'S ROOMS,
U.S. HOUSE OF REPRESENTATIVES,
*Washington, D.C., June 12, 1978.*

I hereby designate the Honorable JIM WRIGHT to act as Speaker pro tempore for today.

THOMAS P. O'NEILL, Jr.,
*Speaker of the House of Representatives.*

## PRAYER

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

*Let us not be weary in well doing; for in due season we shall reap, if we faint not.*—Galatians 6: 9.

O God and Father of us all, in the midst of the trials of these troubled times we come to Thee seeking the firm faith of those whose minds are stayed on Thee. As we face the difficulties of these days steady us with the realization that back of all the trials and troubles that plague our minds is the assurance of Thy presence and the awareness of Thy purpose for mankind.

Empower these leaders of our Nation to bring to their tasks clear minds, clear hearts, and a creative faith that will lead our people to a higher plane of noble endeavors, always seeking the welfare

of our Nation and the wellbeing of all mankind. To this end direct us in our thinking, our planning, and our doing: for Thy name's sake and the good of our Nation. Amen.

## THE JOURNAL

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

Without objection, the Journal stands approved.

There was no objection.

## MESSAGE FROM THE SENATE

A message from the Senate, by Mr. Sparrow, one of its clerks, announced that the Senate had passed with amendments in which the concurrence of the House is requested, bills of the House of the following titles:

H.R. 5176. An act to lower the duty on levulose until the close of June 30, 1980.

H.R. 11877. An act to authorize appropriations for fiscal year 1979 for the Peace Corps and to make certain changes in the Peace Corps Act.

The message also announced that the Senate had passed bills of the following titles, in which the concurrence of the House is requested:

S. 1909. An act for the relief of certain employees of the Charleston Naval Shipyard, Charleston, S.C.

S. 2437. An act to amend the act of August 8, 1972 (Public Law 92-367), to provide Federal assistance to the States for the development and implementation of effective dam safety programs, in order to protect human life and property.

S. 2444. An act to amend the act of August 8, 1972 (Public Law 92-367), relating to a national program of inspection of dams.

S. 2522. An act to amend title X and part B of title XI of the Public Health Service Act to extend appropriations authorizations for 5 fiscal years for voluntary family planning and population research programs and for sudden infant death syndrome programs, and to make improvements in the provisions governing such programs and research with respect to such syndrome; and for other purposes.

## BROADCAST COVERAGE OF THE HOUSE

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

Mr. GORE. Mr. Speaker, this is an historic occasion—the first time that the floor debates of this House have been open to broadcast coverage. I commend Speaker O'NEILL for the decision he announced last week to allow radio coverage of our proceedings and I want to continue to work with the Speaker of this House in solving the remaining problems of television coverage also.

Most Americans get most of their news today from the broadcast media. The American people want to know more about the important issues affecting our country; they want to know more about the actions of their elected representatives in Washington. I believe we are serving their interests by permitting broadcast coverage of our floor debates.

I believe we are also serving the interest of the House of Representatives as a whole. The framers of the Constitution intended that the Members of this House have a closer relationship to the people than any other Federal officials. By opening our proceedings to broadcast coverage, we will make that relationship even closer.

Two centuries ago, when the House of Commons tried to prevent publication of its debates in the newspapers, the great leader of Parliament, Charles Fox, observed that the best way to prevent inaccurate reporting of its debates was to open up the galleries and make the debates as public as possible.

Our action today, opening floor debates to regular, continuous coverage by the broadcast media, will give the American people the chance to hear for themselves exactly what is said here in this Chamber.

The public will benefit from this change, and so will this House—for we will be able to communicate more directly than ever before with the people we were elected to represent.

## BEEF IMPORTS SHOULD NOT BE LIBERALIZED

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

Mr. SIKES. Mr. Speaker, I find it very difficult to comprehend the reasoning of President Carter in allowing a 15-percent increase in beef imports. It is questionable that this will have more than a minimal effect on the price of beef to the consumer. Obviously, the President hopes to stem the increasing cost of food. However, the real place to control food prices is after it leaves the producer on the farm or ranch.

It is almost certain that the action of the President will do more harm to the cattle producer than it will do good for the consumer. Surely Mr. Carter knows that cattlemen and farmers are just now reaching a break-even price for beef after years of losses in beef cattle production. I have protested this action and I stand ready to join in congressional attempts to reverse the President's decision.

Legislation is now pending before the House which contains a provision to prohibit the President from suspending import quotas except in cases of extreme national emergencies. This would not help in the present case, but I am hopeful that this act can be amended on the floor to reverse the action of the President.

It is well to note that the Senate has passed a bill which would, for the first time, impose quotas on processed beef and would reduce the discretionary authority which the President has to suspend or increase meat import quotas. The measure, introduced by Senator LLOYD BENTSEN, was passed as a rider to a House bill to adjust tariffs on photographic color couplers. This proposal could be helpful if it becomes law.

## OVERSIGHT HEARINGS ON VETERANS' INSURANCE PROGRAMS

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

● Mr. MONTGOMERY. Mr. Speaker, on Wednesday, June 14, at 8:30 a.m. in room 334 of the Cannon House Office Building, the Subcommittee on Compensation, Pension, and Insurance of the Committee on Veteran's Affairs will begin oversight hearings to review all of the insurance programs for veterans administered by the Veterans' Administration.

The subcommittee of which I am privileged to chair will hear first from administration witnesses. Testimony of the national service organizations will follow.

We will give close attention to the National Service Life Insurance term insurance program. As many Members know, the committee has closely monitored this program for a number of years due to the burden which falls on veterans who continue to carry their term insurance after reaching 65 years of age and older. Many veterans have kept their term coverage even though the Veterans' Administration has encouraged each policyholder that it would be more advantageous after a certain time to convert their term insurance.

I take time to announce these hearings because some Members of the House have expressed a desire to appear before the subcommittee, or to have the opportunity to submit statements when such hearings are held. Members are invited to appear; however, for those whose schedules will not permit a personal appearance, the hearing record will be open until the close of business on Friday, June 23, so that such Members may be able to file their statements.●

## BROADCAST COVERAGE OF THE HOUSE

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

Mr. VOLKMER. Mr. Speaker, we have talked about the need to restore public confidence in Government in this Congress and to bring Government closer to the people.

Today the House has taken an important first step toward restoring confidence and bringing Government closer to the people. I refer to the first live broadcast of a regular session of Congress which is taking place today.

This is both an historic and momentous occasion. For the first time, with the exception of state of the Union messages, listeners throughout the country are having the opportunity to hear live the proceedings of this body.

I am very enthusiastic about these developments. I commend the House Speaker, Congressman GILLIS LONG and Congressman AL GORE for their diligence in this matter and I look forward to the

day when we also have live television broadcasts of the House.

## LITTLE HERALDED WORK OF ACEP

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

Mr. WEISS. Mr. Speaker, I would like to bring to my colleagues' attention the work of the American Council for Emigres in the Professions, Inc. (ACEP).

The work of ACEP is little heralded, although its efforts underlie the successful resettlement of many refugees, including those recently arrived here from the Soviet Union.

I have had occasion previously to remark favorably on the President's proposal to establish a grant program to aid voluntary agencies in resettling Soviet refugees. And I am delighted that when the House voted to approve the Foreign Relations Authorization Act, H.R. 12598, on May 31, $20 million was indeed allocated for a program that would include this grant program. At this time I want to acknowledge and commend ACEP's very important job development activities, including their initiatives in behalf of 1,222 registrants in 1977.

ACEP's nonsectarian programs served 732 refugees from the Soviet Union last year as a fundamental part of the overall resettlement program in our country. The organization has been instrumental in assisting professional people from the Soviet Union, including 326 scholars and academics, to find employment in the United States.

ACEP eases transition for these and other refugees through its English language training courses, replacement of lost or stolen credentials, assistance with professional licensure, counseling services, retraining, interim placement, and in finding professional employment.

For more than 40 years, ACEP has helped to deploy the talents and training of those who seek freedom in our country. I am familiar with the organization's excellent record and I applaud its continuing contribution to the resettlement of refugees in our Nation.

## "YEAR OF THE BITE"

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

Mr. HAGEDORN. Mr. Speaker, lest any casual observers get the impression that President Carter is speaking with a straight face when he claims "tax cutting" credentials for himself, I would very briefly like to remind my colleagues, readers of the RECORD, and those who are privileged to be tuned in to this body for the first time that none other than the esteemed Washington Post recently labeled the Carter administration's first year in office as the "year of the bite."

To refresh the memory of the President, I would like to recall for him that, in December, he signed the largest tax increase in the history of this or any other country—a $227 billion social security tax increase. He has proposed a host of new energy taxes which would raise anywhere from $50 to $100 billion in new revenues. These include crude oil equalization taxes, standby gas taxes, industrial use taxes, utility taxes, and "gas guzzler" taxes.

The administration has raised taxes $10 to $12 billion simply through its continued failure to "index," or tie to the cost of living the income tax system. It has increased unemployment compensation taxes. It has attempted to tax fringe benefits, and to require taxpayers to "red flag" any questionable deductions. And its efforts at tax reform have provided almost no benefit to the middle class of this country, instead providing the most tax relief to those who pay the fewest taxes.

If President Carter believes that these are the sort of public policies endorsed by those who supported proposition 13 in California, I believe that he is going to be sorely disappointed come 1980.

## CALL OF THE HOUSE

Mr. CHARLES H. WILSON of California. 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. 436]

| | | |
|---|---|---|
| Alexander | Evans, Colo. | Nowak |
| Allen | Evans, Del | Obey |
| Ambro | Flowers | Panetta |
| Ammerman | Ford, Tenn. | Patterson |
| Anderson, Ill. | Fraser | Pepper |
| Andrews, N.C. | Frenzel | Quie |
| Annunzio | Frey | Quillen |
| Archer | Garcia | Rhodes |
| Armstrong | Gilman | Rodino |
| Ashley | Gonzalez | Roncalio |
| AuCoin | Goodling | Runnels |
| Beard, Tenn. | Hanley | Santini |
| Beilenson | Hansen | Sarasin |
| Biaggi | Harrington | Scheuer |
| Bonior | Harsha | Shuster |
| Burke, Calif. | Heckler | Solarz |
| Butler | Holland | Spellman |
| Caputo | Huckaby | St Germain |
| Cederberg | Jenrette | Steiger |
| Chisholm | Jordan | Stokes |
| Clawson, Del | Kelly | Stump |
| Clay | Le Fante | Teague |
| Cohen | McKay | Tsongas |
| Conyers | McKinney | Tucker |
| Cornell | Mann | Udall |
| Cotter | Markey | Van Deerlin |
| Coughlin | Meyner | Vander Jagt |
| Cunningham | Mikulski | Waxman |
| Davis | Mikva | Whalen |
| de la Garza | Milford | Wiggins |
| Delaney | Miller, Ohio | Wolff |
| Dellums | Murphy, Ill. | Young, Alaska |
| Dent | Myers, Michael | Zeferetti |
| Dingell | Nedzi | |
| Dodd | Nix | |
| Drinan | Nolan | |

The SPEAKER pro tempore. On this rollcall 329 Members have recorded their presence by electronic device, a quorum.

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

## AUTHORIZING APPROPRIATIONS TO COUNCIL ON ENVIRONMENTAL QUALITY FOR FISCAL YEARS 1979, 1980, AND 1981

Mr. MURPHY of New York. Mr. Speaker, I ask unanimous consent to take from the Speaker's desk the bill (H.R. 10884) to authorize appropriations to the Council on Environmental Quality for fiscal years 1979, 1980, and 1981, with a Senate amendment thereto, and concur in the Senate amendment.

The Clerk read the title of the bill.

The Clerk read the Senate amendment, as follows:

Strike out all after the enacting clause and insert: That section 205 of the Environmental Quality Improvement Act of 1970 (42 U.S.C. 4374) is amended to read as follows:

"SEC. 205. There are hereby authorized to be appropriated for the operations of the Office of Environmental Quality and the Council on Environmental Quality not to exceed the following sums for the following fiscal years which sums are in addition to those contained in Public Law 91-190:

"(a) $2,126,000 for the fiscal year ending September 30, 1979; and

"(b) $3,000,000 for each of the fiscal years ending September 30, 1980, and September 30, 1981.".

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

Mr. FORSYTHE. Mr. Speaker, reserving the right to object, I do so in order to offer the chairman of our committee the opportunity to tell the House just what this statement does for this bill.

Mr. MURPHY of New York. Mr. Speaker, if the gentleman will yield and in response to the inquiry of my colleague, the gentleman from New Jersey (Mr. FORSYTHE), I would say that on April 10, 1978, the House passed H.R. 10884 by a vote of 307 to 76. The bill would authorize $3 million to be appropriated to the Council on Environmental Quality for each of fiscal years 1979 through 1981.

Mr. Speaker, on May 25, 1978, the Senate agreed to H.R. 10884 with an amendment, which would reduce the appropriation authorization for fiscal year 1979 from $3 million to $2.126 million.

Mr. Speaker, the Senate version of H.R. 10884 is germane and would cost $874,000 less than the House version of the bill. This represents the amount appropriated to the Council on Environmental Quality for fiscal year 1978, and the amount requested to be appropriated to CEQ by the administration for fiscal year 1979. The Senate version of H.R. 10884 is completely acceptable to the Merchant Marine and Fisheries Committee and I urge the House to concur in the Senate amendments and pass H.R. 10884, as amended.

Mr. FORSYTHE. Mr. Speaker, further reserving the right to object, as I understand the chairman, this does not reduce the authorization below that amount in the 1979 appropriation bill to be later considered by the House.

Mr. MURPHY of New York. The gentleman is correct.

Mr. FORSYTHE. Mr. Speaker, I withdraw my reservation of objection.

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

There was no objection.

A motion to reconsider was laid on the table.

## CONSERVATION PROGRAMS ON MILITARY RESERVATIONS AND PUBLIC LANDS

Mr. MURPHY of New York. Mr. Speaker, I ask unanimous consent to take from the Speaker's desk the bill (H.R. 10882) entitled "An Act to authorize appropriations to carry out conservation programs on military reservations and public lands during fiscal years 1979, 1980, and 1981", with a Senate amendment thereto, and concur in the Senate amendment with amendments.

The Clerk read the title of the bill.

The Clerk read the Senate amendment, as follows:

Strike out all after the enacting clause and insert: That this Act shall be cited as the "Sikes Act Amendments of 1978".

SEC. 2. Section 106 of the Act of September 15, 1960 (16 U.S.C. 670f(b)), as amended, is further amended—

(1) by striking subsection (b); and

(2) by inserting in lieu thereof the following new subsections (b), (c), and (d):

"(b) There are authorized to be appropriated to the Secretary of Defense not to exceed $1,500,000 for the fiscal year ending September 30, 1979, and for the next fiscal year thereafter to carry out this title, including the enhancement of fish and wildlife habitat and the development of public recreation and other facilities. The Secretary of Defense shall, to the greatest extent practicable, enter into agreements to utilize the services, personnel, equipment, and facilities, with or without reimbursement, of the Secretary of the Interior in carrying out the provisions of this section.

"(c) There are authorized to be appropriated to the Secretary of the Interior not to exceed $4,500,000 for the fiscal year ending September 30, 1979, and for the next fiscal year thereafter to carry out functions and responsibilities as the Secretary may have under cooperative plans to which such Secretary is a party under this section, including those for the enhancement of fish and wildlife habitat and the development of public recreation and other facilities.

"(d) Sums authorized to be appropriated under this section shall be available until expended. In the event funds requested for appropriations are less than those authorized under this section, the Secretary of the Interior and the Secretary of Defense shall report to the Committee on Environment and Public Works of the Senate and the Committee on Merchant Marine and Fisheries of the House of Representatives stating with particularity the reason for not requesting appropriation of the amount authorized under this section and the plans of such Secretary for otherwise carrying out the intent of this Act.".

SEC. 3. Section 209 of such Act (16 U.S.C. 670o) is amended to read as follows:

"SEC. 209. (a) There are authorized to be appropriated the sum of $10,000,000 for the fiscal year ending September 30, 1979, and $15,000,000 for the fiscal year ending September 30, 1980, to enable the Department of the Interior to carry out its functions and responsibilities under this title, including data collection, research, planning, and conservation and rehabilitation programs on public lands. Such funds shall be in addition to those authorized for wildlife, range, soil, and water management pursuant to section 318 of the Federal Land Policy and Management Act of 1976, or other provisions of Law.

"(b) There are authorized to be appropriated the sum of $35,000,000 for the fiscal year ending September 30, 1979, and $40,000,000 for the fiscal year ending September 30, 1980, to enable the Department of Agriculture to carry out its functions and responsibilities under this title. Such funds shall be in addition to those provided under other provisions of law. In requesting funds under this subsection the Secretary shall take into account fish and wildlife program needs, including those for projects, identified in the State comprehensive plans as contained in the program developed pursuant to the Forest and Rangeland Renewable Resources Planning Act of 1974, as amended (16 U.S.C. 1601).

"(c) In the event funds requested for appropriations are less than those authorized under this section, the Secretary of the Interior and the Secretary of Agriculture shall report to the Committee on Environment and Public Works of the Senate and the Committee on Merchant Marine and Fisheries of the House of Representatives stating with particularity the reason for not requesting appropriation of an amount authorized under this section and the plans of such Secretary for otherwise carrying out the intent of this Act.".

The Clerk read the House amendments to the Senate amendment, as follows:

Page 1 of the Senate engrossed amendment, strike out lines 10, 11, and 12, and insert the following:

Secretary of Defense not to exceed $1,500,000 for each of the fiscal years ending September 30, 1979, September 30, 1980, and September 30, 1981, to carry out this title, including the enhancement

Page 2 of the Senate engrossed amendment, strike out lines 7, 8, and 9, and insert the following:

Secretary of the Interior not to exceed $4,500,000 for each of the fiscal years ending September 30, 1979, September 30, 1980, and September 30, 1981, to carry out such functions and responsibilities as

Page 3 of the Senate engrossed amendment, strike out lines 5 and 6, and insert the following:

ber 30, 1979, and $15,000,000 for each of the fiscal years ending September 30, 1980, and September 30, 1981, to enable the Department of the

Page 3 of the Senate engrossed amendment, strike out lines 16 and 17, and insert the following:

1979, and $40,000,000 for each of the fiscal years ending September 30, 1980, and September 30, 1981, to enable the Department of Agriculture

Mr. MURPHY of New York (during the reading). Mr. Speaker, I ask unanimous consent to dispense with further reading of the amendments, and that they be printed in the RECORD.

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

Mr. FORSYTHE. Mr. Speaker, reserving the right to object, I do so again in order to yield to my colleague, the gentleman from New York, for the purpose of explaining these amendments.

Mr. MURPHY of New York. Mr. Speaker, I thank my friend the gentleman from New Jersey for yielding.

Mr. Speaker, on April 10, 1978, the House passed H.R. 10882 by a vote of 377 to 8. As passed by the House, H.R. 10882 would authorize $1.5 million to be appropriated to the Department of Defense and $2 million to be appropriated to the Department of the Interior for each of fiscal years 1979 through 1981 to carry out fish and wildlife conservation and rehabilitation, and public recreation programs on military installations. It would also authorize $10 million to be appropriated to both the Departments of the Interior and Agriculture for each of fiscal years 1979 through 1981 to carry out fish and wildlife conservation and rehabilitation programs on certain lands under their respective jurisdictions.

Mr. Speaker, on May 26, 1978, the Senate agreed to H.R. 10882 with the following amendments, all of which were germane to the bill:

First, it would increase the appropriation authorization to the Department of the Interior to carry out Sikes act projects on military installations from $2 million to $4.5 million for each of fiscal years 1979 and 1980.

Second, it would increase the appropriation authorization to the Department of the Interior to carry out Sikes act projects on certain lands under its jurisdiction and lands under the jurisdiction of the Department of Energy and the National Aeronautics and Space Administration from $10 million to $15 million for fiscal year 1980.

Third, it would increase the appropriation authorization to the Department of Agriculture to carry out Sikes Act projects on certain lands under its jurisdiction from $10 million to $35 million for fiscal year 1979, and from $10 million to $40 million for fiscal year 1980. These figures reflect what the Department testified as needing to carry out a comprehensive Sikes Act program. This increase is consistent with the House authorization because the Committee on Merchant Marine and Fisheries intended the authorization of $10 million to be over and above the $26.7 million which the Department of Agriculture is presently spending on fish and wildlife management.

Finally, if a department does not request all of the appropriations authorized to it by the Sikes Act, it would require the Secretary of that department to specify the reason for not requesting the amount of appropriations authorized by the Sikes Act and to state the plans of that Secretary for further carrying out the intent of the act.

Mr. Speaker, the amendment which we are asking the House to concur in today, with an amendment, would result in the passage of the Senate version of H.R. 10882, except that the fiscal year 1980 authorization levels would be extended to fiscal year 1981.

Mr. Speaker, this amendment to the Senate version of the bill is germane and I urge the House to concur in the Senate amendment, as amended by the House, and pass the bill H.R. 10882, as amended.

Mr. FORSYTHE. Mr. Speaker, further reserving the right to object, I think these are very acceptable amendments for a program that we have been very anxious to see move forward.

Mr. Speaker, I support the Senate amendment and the House amendments thereto.

Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York (Mr. MURPHY) that the amendments be considered as read and printed in the RECORD?

There was no objection.

The SPEAKER pro tempore. Is there objection to the first request of the gentleman from New York (Mr. MURPHY)?

There was no objection.

A motion to reconsider was laid on the table.

## ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair desires to make an announcement.

Pursuant to the provisions of clause 3(b) of rule XXVII, the Chair announces that he will postpone further proceedings today on each motion to suspend the rules on which a recorded vote or the yeas and nays are ordered, or on which the vote is objected to under clause 4 of rule XV.

After all motions to suspend the rules have been entertained and debated and after those motions, to be determined by "nonrecord" votes have been disposed of, the Chair will then put the question on each motion on which the further proceedings were postponed.

## CONDEMNING VIOLATIONS OF HUMAN RIGHTS BY THE GOVERNMENT OF UGANDA

Mr. BONKER. Mr. Speaker, I move to suspend the rules and agree to the concurrent resolution (H. Con. Res. 612) condemning violations of rights by the Government of the Republic of Uganda and urging the President to take certain actions with respect to those violations.

The Clerk read the concurrent resolution as follows:

Whereas in recent years the Government of the Republic of Uganda has engaged in a consistent pattern of gross violations of internationally recognized human rights;

Whereas the United States holds such actions to be unacceptable and has already taken certain measures to express its abhorrence of human rights conditions in Uganda;

Whereas the United Nations Human Rights Commission has agreed to and is currently preparing for study missions in order to investigate charges of violations of rights in Uganda;

Whereas the Government of the Republic of Uganda continues to earn significant amounts of foreign exchange from exports of coffee to the United States and other countries; and

Whereas repressive measures taken by the Ugandan Government have aroused deep concern among Americans and throughout the international community: Now, therefore, be it

*Resolved by the House of Representatives (the Senate concurring)*, That (a) the Congress strongly condemns the gross violations of human rights, and other acts which suppress freedom of political thought and violate the rights of individuals, which have been committed by Idi Amin and the Government of the Republic of Uganda, and the Congress urges the President of the United States to support, and where possible, implement measures, such as an embargo on trade with Uganda, which would effectively discourage United States Support of the Government of Uganda.

(b) The Congress urges the President of the United States to encourage and support international efforts to investigate and respond to conditions in the Republic of Uganda, including economic restrictions.

The SPEAKER pro tempore. Is a second demanded?

Mr. BUCHANAN. Mr. Speaker, I demand a second.

The SPEAKER pro tempore. Without objection, a second will be considered as ordered.

There was no objection.

The SPEAKER pro tempore. The gentleman from Washington (Mr. BONKER) and the gentleman from Alabama (Mr. BUCHANAN) will be recognized for 20 minutes each.

The Chair now recognizes the gentleman from Washington (Mr. BONKER).

Mr. BONKER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, on behalf of the International Relations Committee, it is my pleasure to call up today House Concurrent Resolution 612, a concurrent resolution citing and condemning what has become a consistent pattern of gross violations of internationally recognized human rights in the Republic of Uganda. The resolution, which calls on the President to take certain actions with respect to those violations, was adopted by the House International Relations Committee, after three subcommittees conducted five hearings and briefings on United States/Ugandan relations.

The chairman of the Subcommittee on Africa, the gentleman from Michigan (Mr. DIGGS) is to be commended for his leadership in chairing these hearings, which were held jointly with the Subcommittee on Economic Policy and the Subcommittee on International Organizations chaired by Congressman BINGHAM and FRASER, respectively. My colleague, Mr. PEASE of Ohio, deserves much credit for raising our consciousness of how the United States, in effect, props up and sustains the Amin regime by importing large volumes of coffee from Uganda.

The resolution before us today does not go as far as earlier proposals sponsored by Representative PEASE and myself. Nonetheless, we are convinced that House Concurrent Resolution 612 provides a very clear message to Idi Amin and other leaders who consistently violate human rights that this Congress will not tolerate Government-sponsored atrocities on the scale we have seen in Uganda.

House Concurrent Resolution 612 is more than a general condemnation of human rights violations in Uganda. It calls on the President to take specific actions with respect to trade, training, and technical support to halt U.S. complicity in the atrocities which have been occurring in Uganda. Also, there is a desire to stimulate and support efforts by the United Nations and other multilateral organizations to investigate and hopefully stimulate an international response to conditions which prevail in Uganda.

Ugandan witnesses who appeared before the subcommittees argued strongly that tyranny and oppression must be fought wherever they exist, and cannot be rationalized on the basis of the skin color of either the perpetrators or the victims of the suffering. I share with many of my colleagues a feeling that our country needs to be much more consistent in applying its human rights policies. Consistency does not necessarily mean that identical steps must be used for every country, but it does mean that our commitment should be measured through actions, and not just through our moral pronouncements.

Therefore, House Concurrent Resolution 612 is a call for action. A summary of the provisions is contained in the accompanying report No. 95–1233. During subcommittee hearings the following points were highlighted clearly by witnesses representing the U.S. Government, American corporations conducting business with Uganda, Ugandan exile groups, academic, and private groups such as the International Commission of Jurists:

First. Since Idi Amin took power, his regime has been marked by government-sponsored mass killings and torture of as many as 300,000 individuals.

Second. The Ugandan economy is in very bad shape. Roughly 90 percent of Ugandan export revenue is obtained through the sale of coffee. Purchases by the United States of Ugandan coffee account for over 33 percent of that country's coffee exports. Ugandan coffee growers benefit very little from this trade since practically all of the proceeds go directly to the Ugandan Government to finance the purchase of military equipment and services and other items essential to Idi Amin's rule.

Third. Despite the fact that the United States closed its Embassy in Uganda in 1973, and encouraged Americans to leave the country, approximately 200 remain there, a third of this group are committed to providing professional and technical services under international and private auspices. It is encouraging to not that, according to recent corporate testimony, many of these individuals are in the process of leaving Uganda.

Fourth. Several American firms such as Harris Corp. and Page Airways have been providing sophisticated items such as communications equipment and aircraft along with training programs for Ugandan Government personnel in the operation and maintenance of this equipment.

In March of this year, after repeated requests for action, the United Nations Human Rights Commission decided to send a study mission to investigate the situation in Uganda. The "Whereas" section of the resolution before us, takes account of this as well as some of the other findings noted above.

House Concurrent Resolution 612 calls upon the President of the United States to support and where possible im-

plement measures including an embargo on trade which would effectively discourage U.S. support of the Government of Uganda. The resolution also urges the President to encourage and support international efforts to investigate and respond to conditions in Uganda, including economic restrictions. Britain, France, Japan, and West Germany collectively account for an additional 36 percent of Uganda's export earnings through coffee payments.

The administration's position to date on the proposed Uganda legislation has been disappointing. While deploring human rights violations in Uganda, the administration has consistently opposed all of the pending legislation on Uganda, including an earlier resolution I introduced, House Concurrent Resolution 426, which contained more stringent and specific provisions, and the Pease legislation calling for an economic boycott. Even the much milder and eminently reasonable resolution now before us has failed to gain executive branch support. This is hardly worthy of an administration strongly identified with human rights objectives and striving to make human rights an important facet of American foreign policy.

Following the International Relations Committee's adoption of House Concurrent Resolution 612, three major coffee companies informed the committee of their intention to terminate purchases of Ugandan coffee. Ironically, this places these companies somewhat ahead now of the Carter administration on the question of human rights, a bold if not unprecedented move from the private sector.

Some have argued that a trade embargo with Uganda would run counter to America's "free-trade" principles. But should these principles be allowed to help prop up one of the world's most notorious dictators? When countries such as Uganda engage in a policy of exterminating large segments of their or another country's populations, it seems to me that "free trade" in this case means little more than implicitly condoning genocide. There is encouraging news that trade restrictions with Uganda are also likely to be considered in other countries such as Britain.

Another question relates to the welfare of U.S. citizens in Uganda.

Frankly, I feel it would be shameful to allow support for Amin to continue simply because of concern for Americans who choose to remain in the country against repeated warnings by the State Department and others. Missionaries who have remained because of what they feel is a higher call to duty have stated in letters and in conversations their desire for Congress to proceed with action on Uganda, despite any possible consequences for them. Frankly, I doubt very much whether Idi Amin will take severe action against Americans if Congress adopts this or even stronger legislation. Not only does he need their help, but he would also tarnish even further his image, which he has been carefully attempting to improve.



What sense is it to condemn Idi Amin on the one hand, while at the same time give him the financial and technical support he needs to continue his murderous rule over the country. Clearly there are certain countries such as Uganda whose human rights violations are so egregious that exceptional steps are required to dissociate the United States from such policies. I strongly urge my colleagues to support this resolution.

Mr. Speaker, I yield to the distinguished chairman of the full committee, the gentleman from Wisconsin (Mr. ZABLOCKI).

Mr. ZABLOCKI. Mr. Speaker, I thank the gentleman for yielding.

At the very outset, Mr. Speaker, I want to commend the gentleman in the well, the able and very dependable Member from the State of Washington (Mr. BONKER). He together with the gentleman from Ohio (Mr. DON PEASE), the chairman of the Subcommittee on Africa, the gentleman from Michigan (Mr. DIGGS), the ranking minority member from Alabama (Mr. BUCHANAN), and the subcommittee members have all worked diligently, sincerely, and forthrightly on this resolution.

I want to thank and commend them for bringing this matter to the attention of the House.

Mr. Speaker, I rise in support of House Concurrent Resolution 612, condemning violations of human rights by the Government of the Republic of Uganda and urging the President to take certain action with respect to those violations.

The heinous murders of countless thousands of Ugandan people have stunned the world. Idi Amin's merciless killing and human rights violations of the Ugandan citizenry can not be condoned and must be opposed.

This resolution, which does not direct specific action against Uganda, expresses the strong sentiments of the House denouncing the gross injustice to individual rights being violated there. It calls upon the President to back measures to discourage U.S. support of the repressive government in Uganda.

The once-stable Ugandan economy has seriously deteriorated since Amin took power in 1971. Coffee production is the primary industry on which the economic viability of Uganda depends. Of the Ugandan exports, coffee comprises 90 percent—one-third of which is purchased by the United States.

We applaud the recent decisions of the U.S. companies—Nestle's Procter & Gamble, and General Foods, to halt their purchases of Ugandan coffee. We encourage such voluntary actions which will deny a significant measure of support to the Amin regime. It is hoped this will serve as an example to be followed, and will send an unmistakable message to the Ugandan Government of our intense displeasure with its actions.

It is our sincere hope the situation there will be remedied.

Mr. Speaker, I urge my colleagues to adopt the resolution.

Mr. BONKER. Mr. Speaker, I thank the distinguished chairman. I appreciate the work and cooperation that the gentleman has provided to those Members who have been pushing for this legislation.

Mr. Speaker, once again I want to commend the gentleman from Michigan (Mr. DIGGS) and the gentleman from Ohio (Mr. PEASE) for their tireless work on behalf of a resolution that has already had some effect in our relationship with Uganda.

I would also like to point out that Senator HATFIELD in the other body is pursuing similar legislation and, hopefully, the two Houses will come to terms on an expression of sentiment from the Congress concerning the atrocities in Uganda.

Mr. BUCHANAN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I join in urging the adoption of this resolution.

Within the world community of nations, there are those whose actions are so odious, so unacceptable as to command universal condemnation. Uganda is such a nation.

Under the leadership of dictator Idi Amin Dada, the Government of Uganda has violated virtually every human right conceivable to man. It has murdered religious leaders. It has undertaken the slaughter of many thousands of Ugandans, primarily members of the Acholi and Langi tribes. It has devastated the economy of a nation already among the world's poorest.

The United States is already on record in condemnation of these actions. Our embassy has been closed since 1973 and all aid and Peace Corps programs halted.

During this year's session of the United Nations Commission on Human Rights, to which I was a delegate, we adopted a resolution expressing concern about these violations and established a study mission to visit Uganda to assess these violations.

Our Government has also denied export licenses for a number of articles to Uganda.

I would also like to take this opportunity to commend those American coffee companies who have ceased buying coffee from Uganda. There are some individuals who would argue that ending trade with Uganda will only hurt the poor workers of that country. We have had substantial evidence to the contrary.

During our series of hearings on this and similar resolutions, witnesses testified that many of the coffee growers in Uganda often receive little if any payment for their crops. Instead, revenues from the coffee sales go into Idi Amin's coffers to continue his reign of terror.

Thus, such companies as the Folger Coffee Co., General Foods, and Nestles are to be commended for placing their concern for human rights and human lives above economic considerations.

Idi Amin's brutality, unfortunately, is not limited to the people of Uganda.

We all watched in horror as he praised and gave assistance to the terrorists who held captive hundreds of innocent airline passengers at Entebbe and then mer-

cilessly killed an elderly woman passenger who had been hospitalized.

Mr. Speaker, the resolution before us today puts the Congress on record in strong condemnation of the actions of Idi Amin and his government. We also urge the President to implement additional measures which effectively discourage U.S. support for the Government of Uganda.

In adopting this resolution, we will say to Idi Amin and we will say to the world, we cannot and will not accept as our full partner in the world community a nation which not only accepts, but undertakes terror, brutality and wholesale murder.

Again, Mr. Speaker, I urge the adoption of this resolution.

Mr. MICHEL. Mr. Speaker, will the gentleman yield?

Mr. BUCHANAN. Yes, certainly, I will be glad to yield to the gentleman from Illinois.

Mr. MICHEL. Mr. Speaker, I wonder if the gentleman could tell us if our U.N. Ambassador, Andrew Young, supports this concurrent resolution.

Mr. BUCHANAN. So far as I know, I will say to the gentleman, this resolution does have the support of the executive branch of the Government, including Andrew Young. I do not believe he has expressed himself on the resolution, however.

Mr. MICHEL. I note that one member of the Black Caucus is a cosponsor of the resolution, but I would be curious to know whether or not other members of the Black Caucus would support this kind of resolution.

Mr. BUCHANAN. Mr. Speaker, as the gentleman knows, the distinguished member of the Black Caucus to whom the gentleman refers is chairman of the subcommittee which reported out this resolution. It has his full support. We have a second member of the Black Caucus on the full committee, and I believe the concurrent resolution passed that committee without a dissenting vote. So I feel certain this resolution would receive the approval of all Americans.

I will say to the gentleman that when the United Nations Commission on Human Rights actually decides to investigate a country and do something about human rights in any place other than Chile and Israel, the situation must be serious.

Mr. MICHEL. Mr. Speaker, I applaud the gentleman from Alabama (Mr. BUCHANAN) for his remarks.

I think it would have a very salutary effect if this resolution were adopted unanimously by the Congress, with support from all Members, including members of the Black Caucus, and if the resolution likewise has the support of our Ambassador, Andrew Young.

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

Mr. BUCHANAN. I yield to the gentleman from Ohio.

Mr. ASHBROOK. Mr. Speaker, I appreciate my colleague's yielding.

I agree with everything the gentleman says, and I wholeheartedly support this concurrent resolution.

The only quandary I find myself in is that everything the gentleman said seems to apply equally to Communist China. I was a little disturbed, coming to the House this morning, to hear on the radio that it is indicated his administration is prepared next year to reward Communist China with diplomatic recognition and acceding to their demands. That country, through its leaders, has killed millions of people, and yet the government is still there—no change at all. There has been no turnover, as there was in Japan and Germany with the dictators overthrown and new democratic governments installed. There is talk about our abrogating relations with Nationalist China, pulling our troops out, withdrawing diplomatic relations with that country, and just acceding to every request of Communist China.

My quandary is: Do we apply one standard to smaller nations, which are easy targets, and a different standard to larger nations?

I wonder what my colleague thinks about that.

Mr. BUCHANAN. I think that our definition of human rights ought to be consistent in any situation, whether we are dealing with a large nation or a small nation. I will say to the gentleman, so far as this one Member is concerned, any increase in our relationship to Communist China, the People's Republic, which comes at the price of our relationship with the Republic of China, will be vigorously resisted by this one Member.

Mr. ASHBROOK. Mr. Speaker, I commend my colleague for his position.

Mrs. FENWICK. Mr. Speaker, will the gentleman yield?

Mr. BUCHANAN. I yield to the gentlewoman from New Jersey.

Mrs. FENWICK. I thank the gentleman for yielding, and I would like to point out, in this connection, that there has been a change of government, a very considerable change of government, in Communist China, and that we are now getting from Mr. Hua very much the kind of revelation that we received about what was going on during the Stalin era in Soviet Russia.

There is, I believe, reason to hope. As the gentleman knows, last month I opposed the exemption for the People's Republic of China because I felt that it should rest with the President to grant that exemption, or to recommend it to Congress, when he felt that there was improvement in human rights. But if there is improvement, some encouragement would certainly be in order.

However, I strongly associate myself with the remarks of my colleague in the well, the gentleman from Alabama (Mr. BUCHANAN), that nothing should be done at the expense of other people's rights.

Mr. BUCHANAN. I thank the distinguished gentlewoman from New Jersey for her comments.

Mr. BONKER. Mr. Speaker, I yield 6 minutes to the gentleman from Ohio (Mr. PEASE).

Mr. PEASE. Mr. Speaker, I would like to commend my colleagues, the gentleman from Washington (Mr. BONKER), the gentleman from Michigan (Mr. DIGGS), and other members of the Committee on International Relations, who have worked so hard to make it possible for this resolution to be on the floor today.

Mr. Speaker, Albert Einstein once observed that—

> The problems of this world are not so much attributable to those who would do evil as much as those who do nothing about them.

This observation bears upon my efforts to terminate U.S. commercial support for Idi Amin's government in Uganda. I have been troubled by the failure of the International community to come to grips with Idi Amin's genocidal policies. Moreover, I am appalled by the role a few American coffee companies have been playing in keeping Amin in power.

But this kind of cowardice among nations and corporate irresponsibility has historical precedent. In 1938, 32 nations sent representatives to a conference at Evian, France, to explore ways in which to help the Jews trapped inside Nazi Germany and Austria. It was already clear that Hitler intended to do whatever was necessary to rid these countries of the "Jewish scourge."

After much fanfare, pomp, and ceremony, the representatives of the 32 nations of Asylum finally got around to considering the grave matter before them. Much attention was focused upon the American representative, F.D.R.'s personal emissary, Robert Taylor, who was expected to announce what the United States was prepared to do to help the hundreds of thousands of Jews in jeopardy. It was understood that most of the other countries represented would follow the American lead.

Our response was shameful. The American representative announced that in 1938 the United States would allow entry of the full quota of 25,000 Jews. In practical terms, this meant that we would allow about 8,000 more Jews than in 1937. Clearly, if the Jews were to be saved, more was needed than this symbolic gesture.

Quickly, most of the other nations followed suit and offered token assistance. Only three countries, the Netherlands, Denmark, and the Dominican Republic, extended real assistance to the many Jews needing refuge. In retrospect, if only half of the countries represented at Evian had been willing to accept a full 25,000 Jews above their usual quota, all of the Jews wanting to leave Germany and Austria could have been saved from Hitler's holocaust.

I mention this bit of history to draw certain parallels to the way in which our Government has responded to the Ugandan tragedy—a tragedy on the scale of the holocaust when one takes into account the number of Ugandans who have perished or fled because of Amin.

For 7 years, the world has essentially ignored the slaughter in Uganda without taking action.

No effective action has been taken by the OAU or the United Nations.

Our State Department has chosen to look the other way with regard to the vital support provided to Amin through American purchases of Ugandan coffee.

There is much more I could say about the consequences of our past mistakes. However, I will keep my remarks brief since I have spoken to the substance of United States-Ugandan relations on several previous occasions.

Mr. Speaker, for more than 7 years, many Americans have unwittingly contributed to the perpetuation of Amin's reign of terror when buying coffee at the grocery store. Until recently, very few of us realized that several American coffee companies have been, are still to some degree, providing direct support to Amin's genocidal regime. Recently, we have come to grips with the fact that the drift of United States-Ugandan relations has allowed our country, through corporate neutrality and official neglect, to become an accessory to the merciless slaughter of thousands of Ugandans.

In the past few weeks, there have been signs of improvement. Responding to committee approval of House Concurrent Resolution 612, three of the largest American coffee roasters announced last month that they would no longer buy or import Ugandan coffee. Procter & Gamble, General Foods, and Nestle's are to be commended for changing their purchasing policies. It remains to be seen whether the remainder of the 32 American coffee companies which have been providing financial support to Amin will follow the example set by the major roasters. It is conceivable that some of these companies will try to take advantage of circumstances by buying up the Ugandan coffee refused by others. This underscores the importance of the Congress pressing ahead to end U.S. commercial support for Amin. Passage of this resolution would send a clear signal to President Carter and to the American corporate community that the American people are opposed to any commercial support for Amin and are in favor or dissociating ourselves from Amin's policies in every way possible. I strongly urge my colleagues to approve it.

The SPEAKER pro tempore (Mr. SISK). The time of the gentleman from Ohio (Mr. PEASE) has expired.

Mr. BONKER. Mr. Speaker, I yield 1 additional minute to the gentleman from Ohio (Mr. PEASE).

Mr. LUKEN. Mr. Speaker, will the gentleman yield?

Mr. PEASE. I yield to my colleague, the gentleman from Ohio.

Mr. LUKEN. Mr. Speaker, I simply would like to commend the gentleman in the well, the gentleman from Ohio (Mr. PEASE), for the leadership he has shown in sponsoring this kind of legislation and this kind of resolution. I commend the committee also for its support of this resolution.

Mr. Speaker, I rise in support of House Concurrent Resolution 612 which condemns the human rights violations by the Government of Uganda. I urge my colleagues to join me in voting favorably on this important resolution.

I am a cosponsor of this bill because I believe that time has come when the Congress of the United States must take the lead in condemning countries that are guilty of gross violations of the international standards of human rights. I believe that it is also time that the Congress joined together in urging the President to discontinue even the most indirect aid and assistance to Uganda. This is necessary in light of the well-verified human rights violations and Uganda's mistreatment of U.S. citizens dwelling within its borders.

Since Idi Amin's takeover of Uganda in 1971, it has been estimated that between 30,000 and 300,000 people have disappeared or have been murdered. The Ugandan people have been subjected to systematic purges of various ethnic and religious groups. Concentration camps have been set up, and opponents of the regime have been imprisoned, tortured, or have disappeared without any trace.

Many religious leaders have been murdered because of their opposition to Amin's policies. One of the most prominent and respected of Uganda's leaders, Archbishop Janani Luwum, was murdered last February when he spoke out in behalf of Uganda's people. We must not support the government of the man who is responsible for these atrocities.

The U.S. Congress is not alone in its condemnation of the situation in Uganda. The United Nations Human Rights Commission recently decided to investigate conditions in Uganda due to the revelations of human rights violations.

I would like also to call special attention to the initiative that several American private companies have taken in cutting their relations with the government of Idi Amin. On May 16, the Folger Coffee Co., a subsidiary of the Procter & Gamble Co., decided to suspend all purchases of Ugandan coffee immediately due to human rights violations in that country. Other firms have followed the lead of this company.

Again, I strongly urge Congress to support this resolution and encourage the administration to take prompt action to carry it out.

Mr. PEASE. Mr. Speaker, I thank my colleague, the gentleman from Ohio (Mr. LUKEN).

Mr. WEISS. Mr. Speaker, will the gentleman yield?

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

Mr. WEISS. Mr. Speaker, I, too, want to commend and congratulate the gentleman from Ohio (Mr. PEASE) for the magnificent leadership he has given in this area. Likewise, I commend the gentleman from Washington (Mr. BONKER) and the committee for the leadership they have demonstrated.

Mr. Speaker, the historical parallels that have been drawn by the gentleman from Ohio (Mr. PEASE) are very, very real and very exact. I want to associate myself fully with his remarks.

Ms. OAKAR. Mr. Speaker, will the gentleman yield?

Mr. PEASE. I yield to the gentlewoman from Ohio.

Ms. OAKAR. Mr. Speaker, I thank the gentleman for yielding.

I wanted to tell my colleague, the gentleman from Ohio (Mr. PEASE), how proud I am of his leadership and the leadership of the committee chairman and members of the committee for initiating this resolution.

Mr. Speaker, I think this is a very important piece of legislation in terms of truly demonstrating our quest for human rights throughout the world! I urge the adoption of the legislation.

Mr. PEASE. Mr. Speaker, I thank the gentlewoman.

Mr. BUCHANAN. Mr. Speaker, I yield 5 minutes to the gentleman from Illinois (Mr. DERWINSKI).

Mr. DERWINSKI. Mr. Speaker, I rise in support of this resolution condemning human rights violations in Uganda.

As a member of the International Relations Committee, I participated in a series of hearings focusing upon the Ugandan human rights situation. Testimony emerging from the inquiry indicates that as many as 300,000 people have been slaughtered by General Amin and his savage henchmen.

What we are witnessing in Uganda is genocide on a massive scale. To ignore this barbarism as we ignored the tribal genocide in Burundi in 1972 calls into question our own morality and concern for the most basic of human rights—the right to life.

Many Members seem to feel that there is nothing—besides issuing statements of disapproval of General Amin's behavior—that this country can realistically do to stop the wanton carnage in Uganda. I think we can do something that may have a positive impact on the situation in Uganda. Consequently, I associated myself with this legislative proposal which would urge establishment of a trade ban against Uganda.

While this resolution does not specifically mandate an embargo against Uganda, it does urge the President to consider implementing such a measure as a means of effectively removing U.S. support of the Government of Uganda.

Coffee is the bulwark of the Uganda economy. Approximately 90 percent of Uganda's export earnings come from that product. About a third of those earnings stem from U.S. coffee purchases. The United States, therefore, is in a position to exert economic leverage on the Amin regime.

Some contend that a U.S. trade embargo of Uganda would not have the desired effect because Amin can find alternative markets for his coffee. Maybe so, but I would like to think that if the United States took the lead, others would follow. Congressman PEASE points out that approximately 40 percent of Uganda's coffee export earnings are the result of trade with France, West Germany, Japan, the Netherlands, and the United Kingdom. If they joined the boycott, Amin's economy would be disrupted so severely that he would be forced to face up to the harsh reality that his con-

tinuance in power and Uganda's economic vitality are directly linked to a marked improvement of the human rights picture.

Opponents of trade sanctions have indicated that such action would set a bad precedent and would be in violation of the free trade principles we have recognized as a signatory to the General Agreement on Trades and Tariffs (GATT). To them, I respond that the precedent has already been established. Special cases sometimes require special exceptions, and I remind my colleagues that only last year Congress voted to ban the importation of chrome from Rhodesia into the United States.

I could go on and discuss other reasons given for not banning trade with Uganda. Suffice it to say, however, that although they are good rationalizations for not doing anything, they all have a hollow ring because they fail to take into account the moral considerations that now transcend all others in our current relationship with Uganda.

Mr. Speaker, this resolution is a timely and much needed step in the right direction. I urge its immediate adoption. To do otherwise would seriously question the depth of Congress and the President's commitment to human rights.

Mr. Speaker, I point out to the Members that our colleague, the gentleman from Ohio (Mr. PEASE) very appropriately recorded the historical situation that existed just before World War II.

I would like to remind the Members of the same indifference on the part of the world to an act of genocide which permitted the Turks to persecute and almost wipe out the Armenians during World War I.

We have in this case, in Uganda, a religious and tribal genocide in which a minority tribe attempts to impose control over a majority tribe. There is also an element of religious persecution here.

Mr. Speaker, I commend the Members who worked to produce this resolution. I think it is a practical act that we take. I urge its adoption.

Mr. BUCHANAN. Mr. Speaker, I yield 2 minutes to the gentleman from Florida (Mr. YOUNG).

Mr. YOUNG of Florida. Mr. Speaker, I rise in strong support of this resolution, and I certainly want to add my compliments to those who have already complimented the sponsors of the resolution.

I would like to call to the attention of the Members of the House language in the committee report on page 4, which says:

> With these exceptions, the committee expects that the President and the Department of State will review and explore on a continuing basis all remaining options to discourage and decrease even the most indirect assistance to the Ugandan Government, and will implement those likely to be effective.

I am glad to see that language in the report although that language, while it is exceptionally well done, does not have a lot of teeth. It is good as far as it goes, but it does not really get to the heart of the problem. American tax dollars are going to go to Uganda even with the adoption of this resolution.

With respect to the United Nations Development Program, to which we are the major contributor, it has a $30 million program for Uganda. UNICEF last year sent $339,000 to Uganda. The International Atomic Energy Agency has a $60,000 project approved for Uganda. Again, we are the major contributors to these organizations. So I say that I am happy to see the language in the report calling official attention to indirect aid.

I hope the Congress, when the time comes, will be willing to really stop that indirect aid, because I believe it is important, if we really mean what we are saying and if we really intend to put people like Idi Amin out of business, or at least not support his government with American dollars, then we cannot just hit him with a powder puff or a marshmallow; we have got to hit where it hurts.

That is with the pocketbook; that is stopping all American aid to Uganda, whether direct or indirect—direct through our aid programs or indirect through the World Bank or United Nations Development Programs.

Mr. BUCHANAN. Mr. Speaker, I yield 2 minutes to the gentleman from California (Mr. GOLDWATER).

Mr. GOLDWATER. Mr. Speaker, several months ago when we voted to condemn the Government of South Africa for closing down a couple of newspapers and apparent callousness in the death of Steve Biko, it was suggested that the Government of Uganda should also be condemned. The problem is, where does it all end and who should decide what nations should be condemned?

Are we not setting a bad precedent here by selecting certain countries for condemnation and ignoring others? If we condemn Amin for putting the innocent to the sword, shouldn't we also condemn mainland China? We all know the answer. Uganda is not as important in the scheme of things as the People's Republic of China. Besides, we are going all out to cultivate the Communist government in China, and it would be in poor taste to blast them for human rights violations. But who among the hierarchy of nations has a worse record for slaughtering people than Communist China? In the past 30 years up to 100 million Chinese have met doomsday; yet, I have not seen us condemn China since so-called normalization began 6 years ago. Does this not seem like a double standard?

I do not like Amin. I think he is a vicious person—a real Jack the Ripper. But he is no worse than the crowd in Red China. He is more open about his methods of silencing people as opposed to the boys in the Kremlin who have more "indirect" means to convince people, especially Soviet Jews, that are not conformists.

Sure, I am going to vote to condemn Amin. But, while we are at it, let us vote to condemn the People's Republic of China. Let us vote to condemn Cuba, a nation that perpetrates the wholesale killing of Africans. Let us vote to condemn the Soviet Union and the slave labor camps in Siberia. Let us vote to condemn Vietnam and its so-called re-education programs for the alleged "stooges" who wanted their country free of Communist tyranny.

There is a lot of condemning to go around. As long as we will set the precedent, let us get busy on some more resolutions. If not, let us quit this silly business, because selective morality is making us the laughing stock of the free world—nay, the laughing stock of the Communist world.

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

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

Mr. ASHBROOK. Mr. Speaker, I certainly want to congratulate my colleague, the gentleman from California. The gentleman from Ohio has been endeavoring to make statements of that kind over the years. Selective morality bothers me, but I do want to respond on the gentleman's time to our friend and colleague, the gentlewoman from New Jersey, who indicated some time ago in debate that China has changed. About the only thing Red China has changed on is that they have not killed a million people in the last year, but there has been a continuation of the government. There has been no removal of government like in a democracy or other places where they systematically become tyrannical. It is the same government, the same successors that are doing it. And to say that they have changed and that they will change for the better if this Government holds out normal relations is a very substantial contrast to the facts. It is selective morality at its worst and I do not think we should approve of that double standard.

Mr. GOLDWATER. I thank the gentleman from Ohio.

Mrs. FENWICK. Mr. Speaker, will the gentleman yield?

Mr. GOLDWATER. I yield to the gentlewoman from New Jersey.

Mrs. FENWICK. Mr. Speaker, I would like to respond. I never said there was freedom in China. I said there was change, and there has, indeed, been change when we find the head of the government accusing the previous government there of having imprisoned 140,000 people who are now going to be released. And nothing more is heard of the so-called Gang of Four, who according to the present government were perverting the true aims of China. This is a change.

Mr. ASHBROOK. Mr. Speaker, will the gentlewoman yield?

Mrs. FENWICK. No, I am sorry. I would like to answer, if I may.

And to say that I said there was freedom—I did not.

Mr. ASHBROOK. I did not say the gentlewoman said there was freedom. I said she said there was change.

Mrs. FENWICK. I said there was change and there is. And certainly one can hope that the 140,000 will prove it.

Mr. BUCHANAN. Mr. Speaker, I yield 2 minutes to the gentleman from California (Mr. DORNAN).

Mr. DORNAN. Mr. Speaker, I would like to associate myself with all of the remarks of my distinguished colleague, the gentleman from Ohio (Mr. PEASE) and also all of the remarks of my distinguished colleague, the gentleman from California (Mr. GOLDWATER). This may seem inconsistent, but I do not believe it is. I think we have to look at the wholesale murder in each nation one at a time and understand that some of us here in this Chamber will be hypocrites and accept the murder of 60 million in China, the torture and murder of many, many thousands in Cuba, and even accept the 50,000 killed in Hungary—which after a passage of $x$ number of years we forget. In Hungary's case we reward the Communist murderers with the sacred Christian symbol of political and religious liberty—the 900-year-old "Crown of Stephen."

There is going to be in exactly 50 minutes on the west steps of this Capitol a demonstration against the genocide in Cambodia. I will venture a guess that there will probably be only two or three of us Congressmen and Congresswomen present. Sad, but true. I would like to see everyone in this Chamber right now, 50 or so, roll out of here at 2 o'clock and go to the west steps and make some appropriate statement about the 1½ million to 2 million people slaughtered in Cambodia—6 or 7 times more than the nightmarish slaughter in Uganda.

The gentleman from Ohio (Mr. PEASE) and I have received letters from Procter & Gamble and General Foods and Nestle's asking us now for guidance because of their embargo of Amin. They are afraid that our Justice Department will hit them hard for restraint of trade. They better not be harassed by our Government for this courageous act. These companies tell me that the coffee trade will be picked up by other countries immediately * * * by other countries which will pick out their own particular bete noire and posture hypocritically at the U.N. about human rights. I can hear it now—"Down with Rhodesia but let us trade with the Hitler of Africa." Friday at the U.N., Amin was described by his Ambassador Khalid Kinene as "Dr. Amin, the conqueror of the British Empire." Applause followed. What ugly phoniness we see in the world today. All the more reason I want to add my enthusiastic congratulations again to the heads of Procter & Gamble, the Nestle Co., and General Foods for their morally courageous decision to voluntarily end their importation of Ugandan coffee.

Their self-imposed ban on all Ugandan coffee imports is an act of pure moral commitment. I firmly believe that we, as a Nation, and as individuals, have an overriding moral obligation to withhold support from this diabolical, totalitarian regime. Of all the letters I have written since coming to Congress, and I mean all the letters, my "thank you" letters to these coffee companies gave me the most pleasure. They have bitten the bullet and stood up for international decency and an entire nation's right to be free of torture and wholesale murder. The decision by Procter & Gamble, General Foods, and the Nestle Co., while long in coming, flies in the face of those corporate hypocrites who believe profit is the only motivation of American business. Although I pounded away at these companies for several months, I have long had faith that once they realized the horror of Idi Amin's reign of terror they would act courageously and they have.

Let this bold humanitarian initiative by American businessmen be a message loud and clear to President Carter and those other "human rights" Government officials who were content to stand on the sidelines while 400,000 innocent Ugandans were, and are, being brutally tortured and murdered by the "Adolph Hitler" of Africa.

At a 4-hour meeting with 10 high ranking exiled Ugandans in Nairobi, Kenya, last January while on a privately paid factfinding tour through Africa, I was told that the genocide of Bugandan, Langi, and Acoli citizens may now be over 350,000.

By ending our trade with Uganda these coffee companies will inflict serious financial damage on that satanic government and hopefully bring it to its knees.

As the President was prepared to evacuate Americans in Zambia, so too must he now prepare to protect those servants of God, our American missionaries, who courageously refuse to leave their beloved surviving Christian communities in Uganda. The tough decision made by these American coffee traders brings under threat the lives of 240 or more missionaries. Immediately, President Carter should inform Amin in very strong terms that if one American life is taken there will be, this time, more than one American-made C–130 landing at Entebbe Airport. He should tell Amin our 82nd Airborne will be on standby status. The President should also seize upon the momentum started by these firms and order the immediate ouster of the Ugandan Chargé d'Affaires in Washington as a persona non grata. The continued presence of dictator Amin's envoy represents, at the very least, tacit recognition of his barbarous regime. The American public and American business have made it clear they want no part of Amin. President Carter must close that office now. Would we have allowed Joseph Goebbels to move freely about Capitol Hill lobbying for the "final solution," the Nazi slaughter of 6 million Jews? We want to see dynamic protection of human rights now before another innocent life is lost.

One of our national television networks—NBC—recently broadcast a brilliantly written and produced screenplay, "Holocaust." It depicted one of the greatest, one of the most horrifying defilements of the human spirit in all of history. It reminded all of us that only a few decades ago, the death camps, the repressions, and mass exterminations of fellow human beings were all too real.

A program like "Holocaust" is important, and is useful in teaching the next generation what must never happen again. But tragically, that very horror is happening again—now. It is happening in Cambodia, it is happening in Uganda, a systematic extermination of thousands of people taking place against a backdrop of silence and inaction by most nations.

In my opinion, the Carter administration is correct in criticizing and attempting to see reformed instances of human rights violation in several Latin American and African countries.

But I would like to see similar demontrations of outrage or at least a semblance of similar enthusiasm by the White House and its State Department in attacking the holocaust currently plaguing Cambodia and Uganda. The relative silence by influential opinion leaders, and especially the top executives in our news media, is deadening.

Thank you, Mr. Chairman.

● Mr. DIGGS. Mr. Speaker, on April 6, 1978, the Subcommittees on Africa, International Organizations, and International Economic Policy and Trade held their sixth and final hearing on Uganda. These three subcommittees voted to adopt House Concurrent Resolution 612 which the House International Relations Committee will consider today.

Mr. Speaker, this bill represents the considered opinion of members of our subcommittees that the Government of Idi Amin Dada of Uganda has committed gross violations of human rights. Evidence before our three subcommittees has confirmed reports of such violations in the following areas:

Systematic purges of specific ethnic and religious groups;

The existence of concentration camps;

The imprisonment, torture, killing, and/or disappearance of opponents of the regime; and

The existence of a reign of terror promoted, supported, and implemented by various arms of the Amin Government.

Mr. Speaker, I am personally appalled at the events which have engulfed Uganda since Idi Amin's takeover in 1971. I have visited Uganda many times and have in the past been impressed with the prospects for economic development and stability which lay at Uganda's doorstep given proper leadership.

If our purpose is to seek an evenhanded and judicious approach to the implementation of our human rights policy, then I urge my colleagues to support House Concurrent Resolution 612 which condemns gross violations of human rights by the Government of the Republic of Uganda and by which the Congress urges the President of the United States to support and implement measures which would discourage U.S. support for the government of that nation.●

● Mr. GARCIA. Mr. Speaker, I rise in support of this resolution to condemn a continuing, and in fact increasing, pattern of human rights violations in Uganda. Although this resolution only formalizes a strong and forthright position by our administraton in completely cutting itself off from Uganda, it is certainly more than a pro forma statement by the Congress about the outrageous and consistent abuses that both citizens of Uganda and foreigners suffer alike

at the hands of the Ugandan Government.

This Congress must continue to speak out against these violations, to continue to urge their end, and until that time, to continue to search out ways that will enable such organizations as the United Nations Human Rights Commission, the International Red Cross, and Amnesty International to enter the country to investigate what appear to be horrendous abuses of individual liberties.

I am pleased to note, included in the committee report, the letter from the Folger Coffee Corp., stating that it will suspend its coffee purchases from Uganda. Other companies must do the same. The United States, in this instance, has certainly taken the lead, as there have been few actions taken by other countries to limit trade with that totalitarian regime. We must continue to do everything within our power to promote an end to the Amin regime. Our action today is a beginning. But I hope the administration will consider taking such steps as a formal trade embargo against Ugandans. For it is only then that our good words will have teeth.●

● Mr. HOLLENBECK. Mr. Speaker, I am pleased to support House Concurrent Resolution 612, which condemns violations of human rights by Idi Amin and the Government of Uganda.

The actions we are condemning by passage of this resolution today cannot be ignored by any nation dedicated to the principles of human dignity and freedom. Unfortunately, however, the atrocities which have been committed against the people of Uganda have not received the proper amount of attention and concern from the democracies.

Indeed, as House Concurrent Resolution 612 correctly notes, the current Ugandan dictatorship has continued to receive a substantial portion of its income from the sale of coffee to the United States and other Western nations. Some American coffee companies have announced their intentions to stop importing Uganda coffee.

Mr. Speaker, one of the excuses which we made for our failure to respond to the Nazi holocaust was that we did not know its true scope and scale. We know what is occurring in Uganda—we must respond. We can no longer avoid confronting this situation by hoping that it will dissipate or disappear through benign neglect.

House Concurrent Resolution 612 strikes the appropriate balance between expressing our outrage and concern and leaving the President with the flexibility necessary to insure the protection of the people of Uganda and the missionaries and other American citizens who could be endangered by the madness of Idi Amin. History has taught us the painful lesson that madmen cannot be placated through neglect. It is my hope that the overwhelming endorsement of this resolution by the House will be seconded by the Senate, and that it will receive the full support of the President.●

Mr. BUCHANAN. Mr. Speaker, I yield back the balance of my time.

Mr. BONKER. Mr. Speaker, I yield myself the remaining 2 minutes.

Mr. Speaker, I think it is obvious that this is truly a bipartisan effort. It has been so on the several subcommittees that discussed it as well as on the full committee. At this time I wish to commend the distinguished gentleman from Alabama (Mr. BUCHANAN) for his foresight and his consistent leadership in these efforts.

Also I think it should be noted that the administration has instructed its officials in the multilateral banking institutions to vote against the issuance of loans to countries involved in violations of human rights, including the Government of Uganda.

Finally, Mr. Speaker, I think we ought to commend and proudly applaud the decision of at least three major coffee producers who have decided to end the purchasing and importing of coffee from Uganda. This certainly is a demonstration of their sensitivity and of their leadership which, ironically, is far beyond that of the administration. This administration has been on record in support of human rights, yet it is unable to bring itself to even support a rather mild resolution that is directed against the greatest perpetrator of human rights violations in modern history.

Mr. Speaker, I again ask for the adoption of this concurrent resolution and have no further requests for time.

The SPEAKER pro tempore (Mr. SISK). The question is on the motion offered by the gentleman from Washington (Mr. BONKER) that the House suspend the rules and agree to the concurrent resolution, House Concurrent Resolution 612.

The question was taken.

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

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 3 of rule XXVII, and the Chair's prior announcement, further proceedings on this motion will be postponed.

## GENERAL LEAVE

Mr. BONKER. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the concurrent resolution just under consideration.

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

There was no objection.

## AUTHORIZATION FOR TOXIC SUBSTANCES CONTROL ACT

Mr. ECKHARDT. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 12441) to amend the Toxic Substances Control Act to increase the authorization of appropriations contained in such act.

The Clerk read as follows:

H.R. 12441

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That section 29 of the Toxic Substances Control Act (15 U.S.C. 2628) is amended by striking out "$16,200,000" and inserting in lieu thereof "$50,000,000".

The SPEAKER pro tempore. Is a second demanded?

Mr. BROYHILL. Mr. Speaker, I demand a second.

The SPEAKER pro tempore. Without objection, a second will be considered as ordered.

There was no objection.

The SPEAKER pro tempore. The gentleman from Texas (Mr. ECKHARDT) and the gentleman from North Carolina (Mr. BROYHILL) will be recognized for 20 minutes each.

The Chair now recognizes the gentleman from Texas (Mr. ECKHARDT).

Mr. ECKHARDT. Mr. Speaker, I yield myself such time as I may require.

The legislation before us today is extremely important to the American people. It provides increased authorization for appropriations to implement the Toxic Substances Control Act. The bill was reported unanimously by the Interstate and Foreign Commerce Committee on May 12, 1978.

H.R. 12441 authorizes appropriations of $50 million for fiscal year 1979 for implementation of the Toxic Substances Control Act. Present law authorizes $16.2 million for fiscal year 1979. However, the administration's 1979 budget calls for $46.5 million for this very important program, and the legislation today is necessary to provide the authorization.

The Toxic Substances Control Act is one of our most important health and environmental laws. It provides authority to protect the American people from harmful chemicals.

Within the last few years, we have begun to recognize that many of our health problems are caused by chemicals in our environment. And we have also learned that if substantial human suffering and loss is to be avoided, we must prevent or minimize our exposure to these harmful chemicals.

Chemicals with exotic names have become household words because the public is now all too familiar with the harm they can cause. We have all heard of PCB's, and we know about the commercial fishermen who have lost their livelihoods because this highly poisonous chemical has contaminated some of our most important waterways. The plight of the Michigan farmers who have had to kill thousands of head of cattle because of contamination by PBB's is another tragic and well-known story. And, of course, the human suffering and economic losses caused by Kepone is another familiar example of the kinds of problems caused by harmful chemicals in our environment.

The money we are authorizing today will be used to help us prevent these kinds of health and environmental problems. When this Congress passed

the Toxic Substances Control Act 2 years ago, it was hailed as landmark legislation. While the law holds much promise, it can only achieve its purpose if we provide adequate authorizations to carry out the act. The money authorized will be used in the development of testing regulations for chemicals which may be harmful. It will also be used to set up a program to evaluate whether new chemicals coming onto the market are dangerous, as well as to analyze and control the hazards presented by existing chemicals. It will also be used in compiling for the first time an information system on what chemicals are presently out in the environment. There are also important statutory deadlines for which funding is important.

There are approximately 70,000 chemicals in commercial use in the United States today. And more than 1,000 new chemicals come onto the market each year. The job of evaluating and regulating those which may be harmful is a massive one. The authorizations contained in H.R. 12441 are essential to effectively protect the American public from those chemicals which are harmful.

Mr. BROYHILL. Mr. Speaker, I yield myself 5 minutes.

Mr. Speaker, this bill, H.R. 12441, amends section 29 of the Toxic Substances Control Act to increase the authorization for fiscal year 1979 which begins on October 1 of this year, from $16.2 million to $50 million. This is without question a dramatic increase in the authorizations for fiscal year 1979.

At the time that the Subcommittee on Consumer Protection and Finance was considering this legislation, I expressed concern whether or not the program for the control of toxic substances could be expanded so dramatically in such a short time period without a good deal of waste. Also there is a high risk of inconsistent and also inequitable enforcement of the program if it is expanded almost threefold without adequate time for planning. There were further suggestions made during the committee hearings that the authorizations by fiscal year 1981 be increased by another $50 million, making a total authorization of $100 million by fiscal year 1981. This would have meant an $84 million increase in authorizations by fiscal year 1981 over what the law now authorizes. I felt that this was a totally irresponsible action and strongly opposed this suggestion. However, wisdom prevailed, and it was not included as a part of this bill. I continue to have some concerns over the immediate increase of $36 million in fiscal year 1979 authorizations. I did not actively oppose this bill. The reason is that the program to monitor and to control unreasonably harmful chemical substances, no doubt, is going to be costly, and we must proceed with adequate planning, and we have got to have some meaningful data prior to taking massive new governmental actions. Otherwise, we are going to have an inefficient and ineffective program, and we will experience unnecessary costly disruptions to the affected industries.

Mr. Speaker, I understand that the House Committee on Appropriations has taken a very careful look at EPA's justification for its budget request under this act and has approved most of the $46.5 million that is contained in the President's budget for this program. Obviously, the Committee on Appropriations agrees that additional funds are needed to start up this new program. However, I am sure that the members of that committee agree with me that a careful look must be taken at this program to monitor not only how they expend these funds, but also a justification for future expansion of the program.

I support this 1 year authorization; however, I do not intend to support further increases in the authorizations for this program until we have had some experience with the agency's implementation of the act and a detailed explanation from the agency as to how the increased funds will be used.

I also have another concern that I would like to express at this time, Mr. Speaker; that is, in the past fiscal year, even though the agency's authorization was only $16 million, they did obtain funds that were authorized and appropriated for other programs. In other words, these funds were appropriated under authorizations contained in other laws that are administered by the EPA on the premises that the Toxic Substances Office provides support work for administering these other laws. This is true and, of course, I have no objection if work is being done on other laws; but I am concerned that if they are going to be getting money, large amounts of money, that have been authorized by other laws and mixing them up, we do not know how these moneys will be spent.

My suggestion would be that if the authorizations that are contained in this act are not adequate, I think EPA ought to inform the committee and inform the Congress and express the authorization levels that are needed, rather than taking money from other programs.

The SPEAKER pro tempore. The time of the gentleman from North Carolina (Mr. BROYHILL) has expired.

Mr. BROYHILL. Mr. Speaker, I yield myself 2 additional minutes.

Mr. ECKHARDT. Mr. Speaker, will the gentleman yield?

Mr. BROYHILL. I yield to the gentleman from Texas.

Mr. ECKHARDT. Mr. Speaker, I thank the distinguished gentleman from North Carolina for bringing up these points, which the gentleman did very well in the subcommittee. As a response to that, we did provide in the report that the committee feels that EPA activities implementing the Toxic Substances Control Act should be funded by money authorized to be appropriated under the Toxic Substances Control Act. If the authorizations contained in the act are not adequate, the committee expects EPA to inform this committee and request that authorization levels be increased.

That language was a direct response to the criticism of the gentleman from North Carolina. I think the gentleman from North Carolina knows that the gentleman from Texas will work very closely with the gentleman to see that the language of the report is implemented in each case. I want to assure the gentleman that there will be no exceptions in this case.

I should like also to say that I think the gentleman's points are very well taken, that it is our duty as a subcommittee to very carefully monitor the operations of an extremely large program dealing with, as I pointed out in my original statement, some 70,000 chemicals already in the environment and in the general flow of commerce. We are talking about 1,000 per year. If we are not most careful to see that the policies of the act are followed, we would be remiss in our duties.

The SPEAKER pro tempore. The time of the gentleman from North Carolina has again expired.

Mr. BROYHILL. Mr. Speaker, I yield myself 1 additional minute.

Mr. ECKHARDT. Mr. Speaker, if the gentleman will yield further, the gentleman will recall that the entire theory of this act is not to inhibit the flow of progressive new substances on the market; but, rather, to be assured that such substances are tested and are safe. If the Government takes no action against a chemical, it can go onto the market. It is only when the Government takes affirmative action will chemicals be stopped in their normal flow to the marketplace.

Mr. Speaker, I thank the gentleman for yielding and for the gentleman's contribution.

Mr. BROYHILL. Mr. Speaker, I yield 10 minutes to the gentleman from Texas (Mr. COLLINS).

Mr. COLLINS of Texas. Mr. Speaker, I rise in asking congressional action to stop the growth of the Federal bureaucracy. Just this past week the people of California said in a loud voice that they wanted to put a limit on taxes.

Today we have before us in Congress an opportunity to limit the rapidly expanding bureaucracy. When the Toxic Substance bill was passed 2 years ago, a budget of $12 million was provided; also authorized was $14 million the next year and $16 million for 1979. Before the $16 million authorized appropriation is used, the bureaucracy comes to Congress asking to increase the appropriation from $16 million to $50 million and that is the bill you have before you.

We already have agencies to provide for FDA, clean air, clean water, and water pollution control. We have agencies to test for flammability and occupational safety and health as it regards chemicals. Working closely with all of these we have the Environmental Protection Agency. Then to provide for duplication of effort we have added the Toxic Substance Act. When this act was introduced, the sponsors stated there were 30,000 chemical substances. Today, the studies show there are probably around 100,000 chemical substances. They stated that there would be about 1,000 new chemical substances introduced each year, but, with that threat of regulations, we now find there are

only about 200 introduced each year. Innovation and development of new ideas is being seriously curtailed with a burdensome bureaucratic system of regulations.

It was hoped that a business could complete the paperwork hurdle with an expenditure of about $50,000. Ten days ago I was talking to an expert in the chemical business and I asked him what his estimate was of total Government processing requirement costs for establishment of new chemicals on the market. He said $1 million. This is a major reason why we should further evaluate the Toxic Substance Act instead of encouraging its bureaucratic expansion. This means that a small business in America will no longer have an opportunity to introduce new products on the market. Only big companies, only the giant industries, can exist under the bureaucratic costs and requirements.

The chemical industry is an important industry producing over $100 billion in annual sales. But we must remember that one third of the firms in the chemical industry employ five or less people and have less than $100,000 sales. This bill has far reaching implications as there are 225,000 different firms engaged in the manufacturing and processing of chemical substances. One third of these firms, which are the very smallest with five or less, will be limited from introducing new chemicals. Everything is subject to challenge as creating a toxic substance. How would America have the aspirin today if we had to wait on the bureaucracy for approval? The other day we were worried about the Federal Drug Administration banning saccharin.

All of the concern we have in America today about environment is largely caused by the increasing concentration of people in the cities. If one wants more fresh air, more clean water, and less noise, one can move back to the farm. But there is no need to impose all of the bureaucratic standards on all of America.

Let me give you an example of how fast this agency wants to grow. The first year Toxic had 112 people on the staff. The second year they moved to 314, and now Toxic proposes to take it up next year to 613.

This bill has an overbearing thrust. It has a civil penalty of $25,000 a day for violations, plus a criminal penalty of $25,000 plus one year in prison. This certainly makes industry hesitant to introduce new and improved chemicals.

One of the most worrisome features of this bill is section 23 which says,

> No employer may discharge any employee or otherwise discriminate against any employee with respect to the employee's compensation, terms, conditions, or privileges of employment because the employee (or any person acting pursuant to a request of the employee) has—1) commenced, caused to be commenced, or is about to commence or cause to be commenced a proceeding under this Act; 2) testified or is about to testify in any such proceeding; or 3) assisted or participated or is about to assist or participate in any manner in such a proceeding or in any other action to carry out the purposes of this Act.

This paragraph has the effect of encouraging any incompetent employee who has reason to believe he is about to be fired to take some action that could give him permanent employment. This not only protects him but it seems that it would almost encourage lawyers to represent him. Anybody who is a deadhead on the job, lazy, gets drunk during a morning break, can now file some complaint on the grounds that something may be wrong with the company's product and from then on he has guaranteed job tenure. And what is more, if the company fired him they can be responsible for full compensation plus compensatory damages and exemplary damages.

We also have a provision in the bill to provide that any interested individual or civic group may intervene. The interesting part is that the lawyer of this civic group is paid by the court on a full fee scale which is above his regular salary level. This would encourage civic groups to have their salaried people enter into legal proceedings because they can thereby increase lawyer's compensation.

Today we hear from so many people at home that believe inflation is the Nation's major problem. Much of inflation is caused by the excessive cost of Government. Not only does Congress create deficit financing, but Congress regulations make it much more expensive for industry to operate. And all of the costs mean higher prices for America.

To sum it up, we should turn down this triple increase in Toxic appropriations because it is not needed. It will mean that a small company will never have an opportunity to grow or to introduce new products. It will discourage inventiveness and creativity in America. It will mean that the inefficient employee will be encouraged to stir up unrest with his industry. It will mean three times as many bureaucrats in this agency as are needed in the first place.

This country today has too much government. America has more government that it needs, America has more government than it wants, and as the people speak up on taxes, they are saying that America has more taxes than they can afford.

I call on you to hear the Voice of America today and let us turn down this increase in appropriations for the Toxic Substance Act, which is an increase of threefold in an unneeded agency that duplicates other agency functions. Nothing supervised by Toxic Substance but duplications. America has too much duplicated, money spending, paperwork agencies.

Mr. ECKHARDT. Mr. Speaker, will the gentleman yield?

Mr. COLLINS of Texas. I yield to the gentleman from Texas.

Mr. ECKHARDT. I thank the gentleman for yielding.

Mr. Speaker, when the gentleman commenced his address, I had rather agreed with much that he said; but I thought his speech had been prepared for another occasion, and that he would tie into a number of the issues here.

I would like to ask the gentleman if he understands that, in the preparation of this act, there was large consultation with the businesses affected, that we eliminated from general reporting requirements small business, and that as a response of testimony and arguments before the committee we eliminated mixtures from specific coverage of the premanufacture notification section, and most small businesses generally engaged in manufacturing mixtures.

Mr. COLLINS of Texas. If the gentleman will withhold for just a moment, I would say that the only bill I saw said it was increasing the appropriation from $16 million to $50 million, and there is nothing in the bill which was submitted to the House which said anything about relief to small business or being eliminated from any type of regulation.

Where is that in the bill?

Mr. ECKHARDT. That is in the act the gentleman is addressing. It is the larger provision of the act.

Mr. COLLINS of Texas. The toxic substance bill itself?

Mr. ECKHARDT. The toxic substance act itself.

Mr. COLLINS of Texas. And that is what I object to. The bill still operates. We just give them $50 million to do what they had $16 million to do before.

Mr. ECKHARDT. But the gentleman does recognize that the industry actually supported the bill creating the Toxic Substances Act, as well as environmentalists, when it was finally passed out of the committee, does he not?

The Manufacturing Chemists Association supported the bill largely because we changed the basis of the bill that existed in previous conferences and permitted chemicals to flow to the market unless it was shown that they were dangerous or had not been adequately tested.

Mr. BROYHILL. Mr. Speaker, I yield myself 3 minutes at this time to respond to the gentleman from Texas (Mr. COLLINS).

I think he brings up some very good points, and I know he is expressing concerns that many Members feel.

However, the gentleman from Texas (Mr. ECKHARDT) has pointed out that the Toxic Substances Control Act was first written, and the gentleman from Texas and I had a great deal to do with the amendments that were adopted at that time, that amendments were adopted in response to legitimate concerns of people in the industry that were to be regulated under this program. The gentleman also knows of the grave concern that many have expressed and of the many examples that we can cite over the potential danger that these thousands and thousands of potentially dangerous chemicals can have on the environment.

Mr. Speaker ,over 1,000 new chemicals are entering interstate commerce each year; and up until the time that TSCA was adopted, there was no authority for the EPA to examine the relative safety of these particular chemicals to determine whether they would have impact on the health and safety of the American people or whether they would have an adverse effect on the environment. Therefore, one of the primary purposes of the Toxic Substances Control Act is to give the chance to the Administrator to evaluate these new chemicals before they go into the marketplace.

Mr. Speaker, I do agree with the gentleman. We do have these other programs such as the Water Pollution Control Act, the Clean Air Act, and other acts; but these acts, of course, give the Administrator authority only after the fact. In other words, when these chemicals are about to be emitted into the environment or about to do some harm, then he has some authority. More attention should be given to examining the relative safety of these chemicals which should be examined before they are marketed. This type of regulatory theme can be done far easier at that stage rather than regulating emissions into the environment.

The SPEAKER pro tempore. All of the time of the gentleman from North Carolina (Mr. BROYHILL) has expired.

Mr. ECKHARDT. Mr. Speaker, I yield 2 additional minutes to the gentleman from North Carolina.

Mr. BROYHILL. Mr. Speaker, I thank the gentleman for yielding.

The point I wanted to make is that the statute does authorize the Administrator to take action against those chemicals which do show unreasonable risks to health and the environment.

As the gentleman from Texas (Mr. ECKHARDT) has already pointed out, we very carefully constructed the language in the act when it was before us a couple of years ago to make sure that the burden would be on the Government to take a potentially dangerous chemical off the market. We felt that that was where the burden properly lay.

Of course, this part of the act has not even been implemented yet. All we are doing here with this authorization is permitting the authorization of funds for the staffing up of this agency with researchers, toxicologists, chemists, and others who have some expertise for the purpose of being able to evaluate potentially dangerous chemicals.

Therefore, Mr. Speaker, I would urge that we support this authorization since it is, as I say, to permit the staffing up at the beginning stages of this new program. The program has not even been implemented insofar as the enforcement aspects are concerned.

Mr. ECKHARDT. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I thank the gentleman from North Carolina (Mr. BROYHILL) for his remarks. The gentleman has correctly said that this act has not yet been implemented.

Therefore, the example I am about to give is really under another act. However, but for the fact that the chemical was an insecticide, it is an exact example of the problem involved here.

The gentleman may remember that in my area of the country, a company making a chemical called phosgel, an insecticide, endangered the health of many persons working in the plant. The workplace was later discovered to be a dangerous one, and the danger was related to that chemical. However, by the time OSHA found it out, many people had been subjected to the danger.

In like manner, the Consumer Product Safety Commission may find that consumers are endangered when they buy chemicals, but does not the gentleman feel that in many instances where the chemical itself is at the very source of danger and would be dangerous under all circumstances, that it is better to catch that before the harm is done?

Mr. BROYHILL. Of course, this is the underlying philosophy of the bill, which is to try to catch these dangerous chemicals before they enter the environment and before they cause undue harm to the health and safety of people or to the environment.

Mr. ECKHARDT. I thank the gentleman.

Mr. Speaker, I yield 5 minutes to the gentleman from Connecticut (Mr. MOFFETT).

Mr. MOFFETT. Mr. Speaker, I thank the distinguished chairman of the subcommittee for yielding this time to me.

I might say to my friend from Texas (Mr. COLLINS) that he cannot be accused of jumping on the proposition 13 bandwagon; that his credentials in that area were well established long before that vote. But, I think he makes a very serious mistake in so vigorously opposing this legislation. I think that one of the things we have to do—and I think my friend would agree with this—it is one thing to talk about too much Government, but we also have to look at where the Government can be utilized where no one else is going to do the job. We might agree that there is too much Government. There is also too much cancer, too many birth defects. I see the gentlewoman from New Jersey nodding agreement. I think she knows, as I know, from our committee examination with PCB's, that we desperately need some Government action in this area.

I will relate two stories that are rather close to me. First, I want to talk about a stream in my district called the Housatonic River. I think the gentleman might recall this discussion in our committee. This is one of the most beautiful trout fishing streams in America, and it is one of the most beautiful rivers to look at in America. In the last year or so it was discovered that this stream was seriously polluted by a factory upstream with PCB's. We have seen almost a panic come over the population of the northwest corner of the State with regard to the use of the river. Three PCB's are in the river and everyone is in a quandry as to what we can do about it.

We have found that these PCB's go down 10 feet into the river bottom. We cannot dredge, or else we might spread them more seriously. The Government tells us that 5 parts per million in fish is very serious. In our stream there are 38 parts per million. It is a tragic situation.

It is not going to be addressed without this program. We need a tremendous commitment here, not just a small commitment, but a real commitment. I want to see this problem addressed officially just as the gentleman does, but I can tell him that we have to have something done. And it must be done by Government.

Second, I had the rare occasion to go out on Chesapeake Bay with a charter captain yesterday. Some Members may know about problems with the striped bass, that when they do spawn now, it is not taking hold, and the fish are dying at a very small size. That has been attributed to chemicals in the Bay.

Again, the emphasis that the Carter administration is putting on prevention and control is absolutely critical. We cannot solve this problem without addressing the fact that half the PCB's that have been produced are still in the appliances, which will probably find their way into landfills and be seeping into streams. We have to figure not only what the impact is, but how we can reclaim those precious resources. And this bill represents an important part of that effort.

Mr. KOSTMAYER. Mr. Speaker, will the gentleman yield?

Mr. MOFFETT. I yield to the gentlewoman from Pennsylvania.

Mr. KOSTMAYER. Mr. Speaker, I wonder if the gentleman could answer a question. I understand and recognize the need for this measure, but I wonder if it is not excessive. They are adding 572 employees, and increasing funding from $16 million to $50 million when the President has requested $46 million. I recognize the merit of this program and I think it is very important, but I wonder if we are being somewhat excessive.

Mr. MOFFETT. Knowing the gentleman's concern for the protection of wild and scenic rivers, he knows that many of our streams, including the one I mentioned in my part of the country, are jeopardized and are now in danger of dying because of these chemicals. We are only now in recent months finding out how deadly these chemicals are, and with that discovery we are realizing how much work is going to have to be done.

Mr. ECKHARDT. Mr. Speaker, will the gentleman yield?

Mr. MOFFETT. I yield to the gentleman from Texas.

Mr. ECKHARDT. Mr. Speaker, I think we need to recognize that other bills really do not stretch as far as this one, and how much money is authorized there.

The authorization, therefore, in 1979 of the Water Quality Act is $617 million, compared to this $50 million; for the clean air, $200 million; and even safe drinking water, a very narrow program, is at $81 million; so this program is really within very close confines, considering the great magnitude of the problem.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. ECKHARDT. Mr. Speaker, I yield 5 minutes to the gentleman from New Jersey (Mr. MAGUIRE), a member of the committee.

Mr. MAGUIRE. Mr. Speaker, actually the Toxic Substances Control Act is a new act. That is the reason that increases in staff are required at this juncture. We started from zero just a little over a year ago, and the Agency has been moving as quickly as it can, not as quickly as the

Congress had intended but as quickly as it can, to absorb the additional staff in a coherent framework so that we can get along with this very important job.

Why are we doing this? Why is it so important? The fact of the matter is that we introduce a thousand new chemicals a year into the marketplace. The fact of the matter is that up until this legislation there was no systematic way of asking the question or answering the question as to whether these chemicals might not in fact be harmful to our citizens.

We also have projections which indicate something of the cost of not acting. Fifteen billion dollars a year is the figure that has been estimated for direct medical costs and indirect costs from loss of productivity and earning power as a result of cancer alone, never mind the many other diseases which are also potentially the result of exposures to toxic substances of one sort or another.

What I think this legislation indicates is that we have got to the point where it is no longer acceptable to deal on a crisis by crisis basis with each event. We have had Kepone, we have had leptophos, and we have had the PCB's and the PBB's. The list is very long. What we need now surely is a systematic program of gathering information and a rational approach to identifying those substances which may be harmful, and then taking appropriate steps with respect to those.

Perhaps you say it is an impossible task but in fact we know that there are relatively few of these substances that actually do cause cancer.

What we have now, fortunately, is a series of short test techniques, the in vitro test as opposed to the more detailed in vivo test or animal test. These short tests given in an overlapping battery of similar but different tests can give us a good indication of what may be hazardous and then they can be followed up as necessary with the in vivo test with animals.

And so we really are scientifically capable now of taking a rational step-by-step approach, which is not overly costly, to identify those substances which may in fact be harmful to us.

Therefore this additional staff and this additional money are needed so that we can do that job in the most careful possible way, so that we have quality control of the test data themselves, so that we can set priorities and move in a deliberate way from one set of priorities to the next.

We are not asking that we do something that cannot be done. All we are asking is that we take the precautions that really can be taken both in the private sector and in the public sector in order not to expose our public to the threat of cancer and other serious diseases unnecessarily.

So this is a sensible approach.

Mr. Speaker, I do agree with the gentleman from Connecticut (Mr. MOFFETT) when he says that we have got to look not just at whether this is "another example of regulation" but at whether it addresses a problem, whether it addresses that problem in a sensible way, and whether, in fact, the benefits of addressing it in this way far outweigh the cost of doing it. In this case I think we know the answer. I urge support of the legislation.

Mr. ECKHARDT. Mr. Speaker, I yield myself the remainder of the time, and I yield to the gentleman from Washington (Mr. MCCORMACK).

Mr. MCCORMACK. Mr. Speaker, I thank the gentleman from Texas (Mr. ECKHARDT) for yielding to me. I do not rise to comment on the merits of the bill, although I have some question as to the approach and whether we are indeed in danger because of certain chemicals and certain mediums, and what I am really concerned with is the use of the word "toxic." I think that most Americans know what the word "toxic" means and I believe that this will lead to extraneous litigation which will serve no useful purpose.

I realize that this is not the time to attempt to clarify the bill in order to use some other word, but I do take this opportunity in order to engage in a brief colloquy with the chairman of the subcommittee, the gentleman from Texas (Mr. ECKHARDT).

Mr. Speaker, I think we all realize that many substances can be dangerous and, indeed even fatal under certain conditions. One example is getting too much oxygen, which can be very dangerous to us. Medical history has examples showing that drinking too much water can be dangerous, they have had instances of individuals literally drowning because of drinking too much water. So we do have substances that we normally view as beneficial to us but which can well be dangerous to us.

Mr. ECKHARDT. I think those cases are rare.

Mr. MCCORMACK. But I think that it is better to exercise an allowable maximum concentration of any kind of substance in any given medium, rather than merely defining as toxic some substances and not all others.

We know, for instance, that chlorine and fluorine are dangerous halogens, yet they are also beneficial and are deliberately added to our drinking water in low concentrations, and they are therefore a benefit. But they are a toxic substance.

I wonder if the gentleman from Texas (Mr. ECKHARDT) the distinguished chairman of the subcommittee, would care to comment on this problem and what his thoughts might be about the future of this issue?

Mr. ECKHARDT. We have not actually used the word "toxic" in defining the regulatory authorities of the EPA. I think the gentleman is correct when he says that some toxic chemicals may be beneficial and that various chemicals and elements are toxic when they are abused or used unreasonably. It is for that reason that the language of the act grants authority to take action against chemicals that present "unreasonable risks."

The SPEAKER pro tempore. All time has expired.

The question is on the motion offered by the gentleman from Texas (Mr. ECKHARDT) that the House suspend the rules and pass the bill, H.R. 12441.

The question was taken.

Mr. COLLINS of Texas. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 3 of rule XXVII, and the Chair's prior announcement, further proceedings on this motion will be postponed.

## ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Debate has been concluded on both motions to suspend the rules.

Pursuant to clause 3, rule XXVII, the Chair will now put the question on each motion on which further proceedings were postponed, in the order in which that motion was entertained.

Votes will be taken in the following order:

House Concurrent Resolution 612, by the yeas and nays, and H.R. 12441, by the yeas and nays.

The Chair will reduce to 5 minutes the time for any electronic vote after the first such vote in this series.

## CONDEMNING VIOLATIONS OF HUMAN RIGHTS BY THE GOVERNMENT OF UGANDA

The SPEAKER pro tempore. The unfinished business is the question of suspending the rules and agreeing to the concurrent resolution, House Concurrent Resolution 612.

The Clerk read the title of the concurrent resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Washington (Mr. BONKER), that the House suspend the rules and agree to the concurrent resolution, House Concurrent Resolution 612, on which the yeas and nays are ordered.

The vote was taken by electronic device, and there were—yeas 377, nays 0, not voting 57, as follows:

[Roll No. 437]

YEAS—377

| | | |
|---|---|---|
| Abdnor | Blouin | Cederberg |
| Addabbo | Boggs | Chappell |
| Akaka | Boland | Chisholm |
| Alexander | Bolling | Clausen, |
| Ambro | Bonker | Don H. |
| Ammerman | Bowen | Clay |
| Anderson, | Brademas | Cleveland |
| Calif. | Breaux | Cochran |
| Andrews, N.C. | Breckinridge | Cohen |
| Andrews, | Brinkley | Coleman |
| N. Dak. | Brodhead | Collins, Ill. |
| Applegate | Brooks | Collins, Tex. |
| Archer | Broomfield | Conable |
| Ashbrook | Brown, Calif. | Conte |
| Ashley | Brown, Mich. | Corcoran |
| Aspin | Brown, Ohio | Corman |
| Badham | Broyhill | Cornell |
| Bafalis | Buchanan | Cornwell |
| Baldus | Burgener | Cotter |
| Barnard | Burke, Fla. | Coughlin |
| Baucus | Burke, Mass. | Crane |
| Bauman | Burleson, Tex. | Cunningham |
| Beard, R.I. | Burlison, Mo. | D'Amours |
| Bedell | Burton, John | Daniel, Dan |
| Benjamin | Burton, Phillip | Daniel, R. W. |
| Bennett | Butler | Danielson |
| Bevill | Byron | Delaney |
| Biaggi | Carney | Dellums |
| Bingham | Carr | Derrick |
| Blanchard | Carter | Derwinski |

| | | |
|---|---|---|
| Devine | Kastenmeier | Railsback |
| Dickinson | Kazen | Regula |
| Dicks | Kemp | Reuss |
| Diggs | Ketchum | Richmond |
| Dingell | Keys | Rinaldo |
| Dodd | Kildee | Risenhoover |
| Dornan | Kindness | Roberts |
| Downey | Kostmayer | Robinson |
| Drinan | Krebs | Roe |
| Duncan, Oreg. | Krueger | Rogers |
| Duncan, Tenn. | LaFalce | Rooney |
| Early | Lagomarsino | Rose |
| Eckhardt | Latta | Rosenthal |
| Edgar | Leach | Rostenkowski |
| Edwards, Ala. | Lederer | Rousselot |
| Edwards, Calif. | Leggett | Roybal |
| Edwards, Okla. | Lehman | Rudd |
| Eilberg | Lent | Ruppe |
| Emery | Levitas | Russo |
| English | Livingston | Ryan |
| Erlenborn | Lloyd, Calif. | Santini |
| Ertel | Lloyd, Tenn. | Satterfield |
| Evans, Del. | Long, La. | Sawyer |
| Evans, Ga. | Long, Md. | Scheuer |
| Evans, Ind. | Lott | Schroeder |
| Fary | Lujan | Schulze |
| Fascell | Luken | Sebelius |
| Fenwick | Lundine | Seiberling |
| Findley | McClory | Sharp |
| Fish | McCloskey | Shipley |
| Fisher | McCormack | Shuster |
| Fithian | McDade | Sikes |
| Flippo | McDonald | Simon |
| Flood | McEwen | Sisk |
| Florio | McFall | Skelton |
| Flynt | McHugh | Skubitz |
| Foley | McKay | Slack |
| Ford, Mich. | McKinney | Smith, Iowa |
| Forsythe | Madigan | Smith, Nebr. |
| Fountain | Maguire | Snyder |
| Fowler | Mahon | Spellman |
| Fraser | Markey | Spence |
| Frenzel | Marks | Staggers |
| Fuqua | Marlenee | Stangeland |
| Gammage | Marriott | Stanton |
| Garcia | Martin | Stark |
| Gaydos | Mathis | Steed |
| Gephardt | Mattox | Steers |
| Giaimo | Mazzoli | Steiger |
| Gibbons | Meeds | Stockman |
| Gilman | Michel | Stokes |
| Ginn | Mikulski | Stratton |
| Glickman | Mikva | Studds |
| Goldwater | Miller, Calif. | Symms |
| Gonzalez | Mineta | Taylor |
| Gradison | Minish | Thompson |
| Grassley | Mitchell, Md. | Thone |
| Green | Mitchell, N.Y. | Thornton |
| Gudger | Moakley | Traxler |
| Guyer | Moffett | Treen |
| Hagedorn | Mollohan | Trible |
| Hall | Montgomery | Udall |
| Hamilton | Moore | Ullman |
| Hammer-schmidt | Moorhead, Calif. | Vander Jagt |
| Hanley | Moorhead, Pa. | Vanik |
| Hannaford | Moss | Vento |
| Hansen | Mottl | Volkmer |
| Harkin | Murphy, N.Y. | Waggonner |
| Harrington | Murphy, Pa. | Walgren |
| Harris | Murtha | Walker |
| Harsha | Myers, Gary | Walsh |
| Hawkins | Myers, John | Wampler |
| Heckler | Myers, Michael | Watkins |
| Hefner | Natcher | Weaver |
| Heftel | Neal | Weiss |
| Hightower | Nichols | White |
| Hillis | Nowak | Whitehurst |
| Hollenbeck | O'Brien | Whitley |
| Holt | Oakar | Whitten |
| Holtzman | Oberstar | Wiggins |
| Horton | Obey | Wilson, Bob |
| Howard | Ottinger | Wilson, C. H. |
| Hubbard | Patten | Wilson, Tex. |
| Hughes | Patterson | Winn |
| Hyde | Pattison | Wirth |
| Ichord | Pease | Wright |
| Ireland | Perkins | Wydler |
| Jacobs | Pettis | Wylie |
| Jeffords | Pickle | Yates |
| Jenkins | Pike | Yatron |
| Johnson, Calif. | Poage | Young, Alaska |
| Johnson, Colo. | Pressler | Young, Fla. |
| Jones, N.C. | Preyer | Young, Mo. |
| Jones, Okla. | Price | Young, Tex. |
| Jones, Tenn. | Pursell | Zablocki |
| Jordan | Quayle | Zeferetti |
| Kasten | Rahall | |

NAYS—0

NOT VOTING—57

| | | |
|---|---|---|
| Allen | Frey | Pritchard |
| Anderson, Ill. | Goodling | Quie |
| Annunzio | Gore | Quillen |
| Armstrong | Holland | Rangel |
| AuCoin | Huckaby | Rhodes |
| Beard, Tenn. | Jenrette | Rodino |
| Beilenson | Kelly | Roncalio |
| Bonior | Le Fante | Runnels |
| Burke, Calif. | Mann | Sarasin |
| Caputo | Metcalfe | Solarz |
| Cavanaugh | Meyner | St Germain |
| Clawson, Del | Milford | Stump |
| Conyers | Miller, Ohio | Teague |
| Davis | Murphy, Ill. | Tsongas |
| de la Garza | Nedzi | Tucker |
| Dent | Nix | Van Deerlin |
| Evans, Colo. | Nolan | Waxman |
| Flowers | Panetta | Whalen |
| Ford, Tenn. | Pepper | Wolff |

The Clerk announced the following pairs:

Mr. Le Fante with Mr. Allen.
Mr. Ford of Tennessee with Mr. Caputo.
Mr. St Germain with Mr. Del Clawson.
Mr. Waxman with Mr. Dent.
Mr. Wolff with Mr. Anderson of Illinois.
Mr. Panetta with Mr. Kelly.
Mr. Pepper with Mr. Frey.
Mrs. Meyner with Mr. Cavanaugh.
Mr. Jenrette with Mr. Armstrong.
Mr. Gore with Mr. Quie.
Mr. AuCoin with Mr. Sarasin.
Mr. Annunzio with Mr. Stump.
Mrs. Burke of California with Mr. Quillen.
Mr. Conyers with Mr. Beard of Tennessee.
Mr. Davis with Mr. Tucker.
Mr. Beilenson with Mr. Whalen.
Mr. Bonior with Mr. Nix.
Mr. de la Garza with Mr. Evans of Colorado.
Mr. Flowers with Mr. Goodling.
Mr. Huckaby with Mr. Holland.
Mr. Mann with Mr. Metcalfe.
Mr. Murphy of Illinois with Mr. Miller of Ohio.
Mr. Nolan with Mr. Milford.
Mr. Van Deerlin with Mr. Nedzi.
Mr. Rangel with Mr. Teague.
Mr. Solarz with Mr. Tsongas.
Mr. Roncalio with Mr. Runnels.

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

So (two-thirds having voted in favor thereof) the rules were suspended and the concurrent resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

## ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to the provisions of clause 3(b)(3), rule XXVII, the Chair announces that he will reduce to a minimum of 5 minutes the period of time within which a vote by electronic device may be taken on the additional motion to suspend the rules on which the Chair has postponed further proceedings.

## AUTHORIZATION FOR TOXIC SUBSTANCES CONTROL ACT

The SPEAKER pro tempore. The unfinished business is the question of suspending the rules and passing the bill,

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Texas (Mr. ECKHARDT) that the House suspend the rules and pass the bill, H.R. 12441, on which the yeas and nays are ordered.

The vote was taken by electronic device, and there were—yeas 190, nays 188, not voting 56, as follows:

[Roll No. 438]

YEAS—190

| | | |
|---|---|---|
| Addabbo | Foley | Moss |
| Akaka | Ford, Mich. | Murphy, N.Y. |
| Alexander | Fowler | Murphy, Pa. |
| Ambro | Fraser | Myers, Gary |
| Aspin | Fuqua | Myers, Michael |
| Baldus | Garcia | Neal |
| Bedell | Gibbons | Oakar |
| Biaggi | Gilman | Oberstar |
| Bingham | Ginn | Obey |
| Blanchard | Gradison | Ottinger |
| Blouin | Green | Patten |
| Boggs | Hamilton | Patterson |
| Boland | Hanley | Pattison |
| Bolling | Hannaford | Perkins |
| Bonker | Harkin | Pickle |
| Brademas | Harrington | Preyer |
| Brodhead | Harris | Price |
| Brooks | Hawkins | Pritchard |
| Brown, Calif. | Heckler | Pursell |
| Broyhill | Hefner | Rahall |
| Buchanan | Heftel | Rangel |
| Burke, Mass. | Hightower | Reuss |
| Burlison, Mo. | Hollenbeck | Richmond |
| Burton, John | Holtzman | Rinaldo |
| Burton, Phillip | Horton | Roe |
| Carney | Howard | Rogers |
| Carr | Hughes | Rooney |
| Carter | Jeffords | Rosenthal |
| Cederberg | Kasten | Rostenkowski |
| Chisholm | Kastenmeier | Roybal |
| Clausen, Don H. | Keys | Russo |
| Clay | Kildee | Ryan |
| Cohen | Kostmayer | Scheuer |
| Collins, Ill. | Krueger | Schroeder |
| Conte | LaFalce | Seiberling |
| Corcoran | Lederer | Sharp |
| Corman | Leggett | Shipley |
| Cornell | Lehman | Simon |
| Cornwell | Lent | Skubitz |
| Coughlin | Levitas | Smith, Iowa |
| Danielson | Lloyd, Calif. | Spellman |
| Delaney | Long, La. | Staggers |
| Dellums | Long, Md. | Stark |
| Derrick | Luken | Steers |
| Dicks | Lundine | Steiger |
| Diggs | McCormack | Stokes |
| Dingell | McDade | Studds |
| Dodd | McFall | Thompson |
| Downey | McHugh | Thornton |
| Drinan | Maguire | Traxler |
| Duncan, Oreg. | Markey | Treen |
| Early | Marks | Udall |
| Eckhardt | Mattox | Vanik |
| Edgar | Meeds | Vento |
| Edwards, Calif. | Mikulski | Weaver |
| Eilberg | Mikva | Weiss |
| Fary | Miller, Calif. | White |
| Fascell | Mineta | Wirth |
| Fenwick | Minish | Wright |
| Fish | Mitchell, Md. | Wydler |
| Fisher | Mitchell, N.Y. | Wylie |
| Flood | Moakley | Yates |
| Florio | Moffett | Zablocki |
| | Moorhead, Pa. | |

NAYS—188

| | | |
|---|---|---|
| Abdnor | Breaux | Daniel, Dan |
| Ammerman | Breckinridge | Daniel, R. W. |
| Anderson, Calif. | Brinkley | Derwinski |
| Andrews, N.C. | Broomfield | Devine |
| Andrews, N. Dak. | Brown, Mich. | Dickinson |
| Applegate | Brown, Ohio | Dornan |
| Archer | Burgener | Duncan, Tenn. |
| Ashbrook | Burke, Fla. | Edwards, Ala. |
| Ashley | Burleson, Tex. | Edwards, Okla. |
| Badham | Butler | English |
| Bafalis | Byron | Erlenborn |
| Barnard | Chappell | Ertel |
| Baucus | Cleveland | Evans, Del. |
| Bauman | Cochran | Evans, Ga. |
| Beard, R.I. | Coleman | Evans, Ind. |
| Benjamin | Collins, Tex. | Findley |
| Bennett | Conable | Fithian |
| Bevill | Cotter | Flippo |
| Bowen | Crane | Flynt |
| | Cunningham | Forsythe |
| | D'Amours | Fountain |

| | | |
|---|---|---|
| Frenzel | McClory | Sawyer |
| Gammage | McCloskey | Schulze |
| Gaydos | McDonald | Sebelius |
| Gephardt | McEwen | Shuster |
| Giaimo | McKay | Sikes |
| Glickman | McKinney | Sisk |
| Goldwater | Madigan | Skelton |
| Gonzalez | Mahon | Slack |
| Grassley | Marlenee | Smith, Nebr. |
| Gudger | Marriott | Snyder |
| Guyer | Martin | Spence |
| Hagedorn | Mathis | Stangeland |
| Hall | Mazzoli | Stanton |
| Hammer-schmidt | Michel | Steed |
| | Mollohan | Stockman |
| Hansen | Montgomery | Stratton |
| Harsha | Moore | Symms |
| Hillis | Moorhead, Calif. | Taylor |
| Holt | | Thone |
| Hubbard | Mottl | Trible |
| Hyde | Murtha | Ullman |
| Ichord | Myers, John | Vander Jagt |
| Ireland | Natcher | Volkmer |
| Jacobs | Nichols | Waggonner |
| Jenkins | Nowak | Walgren |
| Johnson, Calif. | O'Brien | Walker |
| Johnson, Colo. | Pease | Walsh |
| Jones, N.C. | Pettis | Wampler |
| Jones, Okla. | Pike | Watkins |
| Jones, Tenn. | Poage | Whitehurst |
| Jordan | Pressler | Whitley |
| Kazen | Quayle | Whitten |
| Kemp | Railsback | Wiggins |
| Ketchum | Regula | Wilson, Bob |
| Kindness | Risenhoover | Wilson, C. H. |
| Krebs | Roberts | Wilson, Tex. |
| Lagomarsino | Robinson | Winn |
| Latta | Rose | Yatron |
| Leach | Rousselot | Young, Alaska |
| Livingston | Rudd | Young, Fla. |
| Lloyd, Tenn. | Ruppe | Young, Mo. |
| Lott | Santini | Young, Tex. |
| Lujan | Satterfield | Zeferetti |

NOT VOTING—56

| | | |
|---|---|---|
| Allen | Ford, Tenn. | Pepper |
| Anderson, Ill. | Frey | Quie |
| Annunzio | Goodling | Quillen |
| Armstrong | Gore | Rhodes |
| AuCoin | Holland | Rodino |
| Beard, Tenn. | Huckaby | Roncalio |
| Bellenson | Jenrette | Runnels |
| Bonior | Kelly | Sarasin |
| Burke, Calif. | Le Fante | Solarz |
| Caputo | Mann | St Germain |
| Cavanaugh | Metcalfe | Stump |
| Clawson, Del | Meyner | Teague |
| Conyers | Milford | Tsongas |
| Davis | Miller, Ohio | Tucker |
| de la Garza | Murphy, Ill. | Van Deerlin |
| Dent | Nedzi | Waxman |
| Emery | Nix | Whalen |
| Evans, Colo. | Nolan | Wolff |
| Flowers | Panetta | |

The Clerk announced the following pairs:

On this vote:

Mr. Annunzio and Mr. Murphy of Illinois for, with Mr. Teague against.

Mrs. Meyner and Mr. Jenrette for, with Mr. Runnels against.

Mr. Le Fante and Mr. Ford of Tennessee for, with Mr. Kelly against.

Mr. Bonior and Mr. Nedzi for, with Mr. Frey against.

Mr. Wolff and Mr. Pepper for, with Mr. Beard of Tennessee against.

Mrs. Burke of California and Mr. Conyers for, with Mr. Miller of Ohio against.

Mr. Whalen and Mr. Caputo for, with Mr. Sarasin against.

Mr. Van Deerlin and Mr. Waxman for, with Mr. Del Clawson against.

Mr. Solarz and Mr. Metcalfe for, with Mr. St Germain against.

Until further notice:

Mr. AuCoin with Mr. Allen.
Mr. Davis with Mr. Cavanaugh.
Mr. de la Garza with Mr. Dent.
Mr. Emery with Mr. Evans of Colorado.
Mr. Gore with Mr. Goodling.
Mr. Huckaby with Mr. Anderson of Illinois.
Mr. Mann with Mr. Holland.
Mr. Nolan with Mr. Milford.
Mr. Nix with Mr. Tucker.
Mr. Tsongas with Mr. Armstrong.
Mr. Flowers with Mr. Quie.
Mr. Quillen with Mr. Stump.

Mr. HILLIS and Mr. DUNCAN of Tennessee changed their vote from "yea" to "nay."

So (two-thirds not having voted in favor thereof) the motion was rejected.

The result of the vote was announced as above recorded.

## TRANSPORTATION APPROPRIATION, FISCAL YEAR 1979

Mr. McFALL. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the State of the Union for the further consideration of the bill (H.R. 12933) making appropriations for the Department of Transportation and related agencies for the fiscal year ending September 30, 1979, and for other purposes.

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

The motion was agreed to.

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the further consideration of the bill H.R. 12933, with Miss JORDAN in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. When the Committee of the Whole rose on Friday, June 9, 1978, all time for general debate had expired. The Clerk had read through line 5, page 33, and pending was an amendment offered by the gentleman from Pennsylvania (Mr. SHUSTER).

The Chair recognizes the gentleman from Pennsylvania (Mr. SHUSTER) for 5 minutes in support of his amendment.

Mr. SHUSTER. Madam Chairman, since I came to this House 6 years ago and served on the Surface Transportation Subcommittee, I have been deeply committed to highway safety; and indeed, I am the author of portions of the present highway safety law. If the hard evidence showed that airbags would do the job, I would be vigorously supporting airbags. However, the hard evidence simply does not show that.

One hundred sixty Members cosponsored the resolution of disapproval. However, they were denied the opportunity for the House to express its will on the airbag issue. The resolution was bottled up in committee by a 16-to-14 vote, and indeed I would remind the House that 16 members of the Interstate and Foreign Commerce Committee is not even a majority of that 43-member committee.

So this appropriation bill, while not the best vehicle, is the only vehicle left for Members to express themselves on an issue affecting the lives and pocketbooks of millions of Americans. There are five reasons why the mandatory airbag passive restraint regulation should be opposed.

Airbags are unproven. Just one statistic, for example, shows that on 12,000 airbag-equipped cars in real world use, thus far there have been 287 towaway crashes. Of these 287 towaway crashes, the airbag did not inflate in 122 of those crashes. This is not a Bud Shuster statistic. This statistic was provided and confirmed by NHTSA, the agency downtown, and 122 noninflations out of 287 towaway crashes means that the airbag did not inflate in 42 percent of the crashes.

Those who support the airbag say: "But it was not supposed to." They say a seatbelt is needed along with the airbag, but if seatbelts are needed, why not use the existing belt systems rather than laying a new regulation on the American people?

The next reason this mandatory regulation should be opposed at this time is because of the added cost to consumers. Depending on whom you want to listen to, the cost of an airbag ranges anywhere from $100 to $300, but that is not all. There is an additional cost to replace the airbag once deployed, and that's 2½ to 3 times the factory installation charge.

The unproven character of the airbag is not the only reason for opposing this mandate. Another reason is the added cost to consumers, which could amount to between $1 billion and $2 billion per year for the American consumers.

Another reason for opposing this mandate is because there is indeed a proven alternative, and that proven alternative is the seat belt system which is already in 95 percent of the cars. Mandating a less safe system, the airbag, is indeed a mandate of a less safe system for the 43 million Americans who do wear the seat belts.

Another reason for opposing this mandate is because of the chemical used in the airbag, sodium azide, which is the leading chemical for use in the inflation of the bags. The chemical sodium azide legally is defined as a hazardous material which is a proven mutagenic and probably a carcinogenic as well. It is ironic that just a few minutes ago the supporters of the airbags were in this House supporting the Toxic Substances Act and a great increase in the amount of that appropriation, but then they turn their backs on this very substance which has been demonstrated to be a danger, sodium azide.

Another reason for opposing this airbag mandate is the record of the agency NHTSA downtown, and that record is deplorable. I would remind this House this is the same agency that is mandating this airbag passive restraint system that gave the people the mandatory buzzer interlock system.

That is a brake standard which has been linked to 18 deaths on the highway thus far. Indeed, a Federal Court in San Francisco, just several weeks ago, ruled against it and said it was an illegal abuse of discretionary power of the agency.

For these reasons, Madam Chairman, this airbag mandate should be opposed in the only way we can oppose it by supporting my amendment.

Mr. McFALL. Madam Chairman, I rise in opposition to the amendment offered

by the gentleman from Pennsylvania (Mr. SHUSTER).

Mr. McFALL. Madam Chairman, this is, I believe, the only amendment remaining on this appropriation bill. I would hope that we could deal with it with some dispatch so we could vote on final passage and get on with the rest of the legislation for today.

Madam Chairman, I rise in opposition to this amendment. The amendment, as I understand it, would prohibit activities relating to a standard or regulation which would require any motor vehicle to be equipped with an occupant restraint system other than a belt system.

In June 1977, Secretary Adams promulgated a standard that requires the phased introduction of passive restraints, either automatic belt systems or airbags, into production by 1982. The auto industry and the potential airbag suppliers have committed themselves to meeting the requirements of the standard and have already assigned substantial personnel and committed millions of dollars to airbag development programs.

This amendment would not affect the standard itself, but would create substantial uncertainty among the manufacturers. Manufacturers would have to continue to work toward the implementation of the standard, but without any assurance that the standard would or would not ultimately be enforced.

The airbag issue has been carefully considered by the responsible legislative committee. That committee voted late last year against a resolution that would have overturned the passive restraint standard promulgated by Secretary Adams. I believe that the airbag issue is an appropriate one for the legislative committee. The legislative committee heard a considerable amount of testimony and I am sure made its decision on the basis of that testimony. I believe that the issue raised by the amendment has been decided in the appropriate forum and therefore, I oppose its adoption on the appropriations bill.

I wonder, Madam Chairman, if we could get some understanding of how many Members want to speak on this amendment, and then perhaps we could get a limitation of time.

Well, perhaps there are too many at this point to indicate any kind of reasonable time limit.

Madam Chairman, I oppose the amendment.

Mr. CLEVELAND. Madam Chairman, will the gentleman yield?

Mr. McFALL. I yield to the gentleman from New Hampshire.

Mr. CLEVELAND. Madam Chairman, I take this time to speak in support of the amendment offered by the gentleman from Pennsylvania (Mr. SHUSTER).

I do not know what legislative committee the gentleman was referring to but I can tell the Members this that the committee of oversight, the Subcommittee on Investigations and Reviews of the Committee on Public Works, just last week concluded 3 days of hearings on the subject of seatbelt safety which is closely interrelated with the airbag issue. The expert testimony that we received in that committee was very much in support of the remarks made by the gentleman from Pennsylvania (Mr. SHUSTER). I wish to associate myself with that gentleman's remarks because the evidence we received was that, by supporting the airbags, NHTSA is sort of giving up on seatbelts. The evidence is that seatbelts and shoulder belts are far superior than the airbags.

Most of the evidence we have is that even with the air bag you will still need the seatbelt but if you have the proper seatbelt and shoulder harness you would not need the air bag. That is the testimony that we received in the Committee on Public Works Subcommittee on Investigation and Review. The chairman of that subcommittee is on the floor now. I am sure that when the time comes the gentleman from Georgia (Mr. GINN) himself will substantiate the evidence I am giving you.

As I say, they had 3 days of hearings just last week on this issue.

Mr. McFALL. The committee that I was referring to, the committee that has jurisdiction of this, is the Interstate and Commerce Committee, and, of course, the members of that commitee are here to participate in the debate. We will have, I would think, an extensive debate.

The CHAIRMAN. The time of the gentleman has expired.

(By unanimous consent, Mr. McFALL was allowed to proceed for 1 additional minute.)

Mr. McFALL. The real problem is, it seems to me, that we cannot get the people of this country to put on seatbelts. If everybody would wear their seatbelts, I agree with the gentleman, the seatbelt is far preferable. But only 25 percent of the people of this country will wear a seatbelt, so something else has to be done. It seems to me that this passive restraint standard is a way to accomplish that.

Mr. CONTE. Madam Chairman, I move to strike the requisite number of words, and I rise in opposition to the amendment.

Madam Chairman, at the outset I believe it was myself and the gentleman from Oklahoma (Mr. STEED) who stopped the interlock system in our committee when it was up a few years ago. I have mixed feelings about this airbag, as the Chairman knows. I asked a lot of questions in committee and expressed my disappointment with the airbag. But I begged the gentleman from Pennsylvania—I begged him, and he knows it—not to offer this amendment in this bill. First of all, let us not kid anyone. The airbag does not go into effect until 1982. He is putting in an amendment to an appropriations bill that only affects the fiscal year 1979, so he is doing nothing—absolutely nothing. Let the people in this country know it.

Mr. SHUSTER. Madam Chairman, will the gentleman yield?

Mr. CONTE. I yield to the gentleman from Pennsylvania.

Mr. SHUSTER. I thank the gentleman for yielding.

I would be quick to say that this is not the ideal vehicle to which this should be offered. However, because it was bottled up in the legislative committee, it is the only vehicle, and this is a first step to send a message to the bureaucrats downtown that the Members of this Congress do not want this kind of further regulation over the lives of the American people without solid evidence.

Mr. CONTE. Let me tell the gentleman from Pennsylvania that his vehicle does not even have wheels on it. It does nothing—zilch. Zilch. If you want to vote for zilch, vote with the gentleman from Pennsylvania today, because this affects fiscal year 1979, and airbags do not go into effect until 1982. Whom are we kidding?

Madam Chairman, as I said, I oppose the gentleman's amendment which in effect would cut off the funding for the implementation or enforcement of any standard which requires airbags to be installed. The gentleman does correctly point out at this time that there are serious problems with the airbag technology, but, as I have said, the airbag amendment offered does nothing to encourage improvements in this system which promises safety benefits in the future. I could find no immediate need for the language suggested, and I am going to repeat: Airbags are not required until 1982 and then only in the large cars. Moreover, automakers have a choice. They may use the belt passive restraints rather than the airbags, if they feel this system is superior.

Mr. SHUSTER. Madam Chairman, will the gentleman yield on that point?

Mr. CONTE. I will be glad to yield to the gentleman.

Mr. SHUSTER. I thank the gentleman for yielding.

Perhaps the gentleman is aware of the fact that the passive belt system, indeed, does hold great promise, but can only be used in cars with bucket seats.

Mr. CONTE. In the Volkswagen.

Mr. SHUSTER. It only has been used in the Volkswagen Rabbit.

Mr. CONTE. I know that.

Mr. SHUSTER. Therefore, it is a bit misleading, and I am sure the gentleman does not want to do that, to suggest that there is an alternative to the airbag, because there really is not except in a certain kind of car.

Mr. CONTE. I say the automakers will have a choice, though, and they can do that.

Now, the authorizing committees is the place to do it, have time to investigate the wisdom of whether or not airbags are technologically sound enough to be one of the two mandated systems. This issue belongs more properly within the jurisdiction of that particular committee. This is the Appropriations Committee.

The committee report, on page 33 states that the Ninth Circuit Court of Appeals in the 121 Brakes Case chided NHTSA for failure to conduct compliance testing when critical problems developed with the mass production of vehicles designed to meet that standard. The committee directed NHTSA to carefully re-

view its procedures for development of all standards which require the mass production of safety equipment, including airbags and other passive restraints.

I put that language in the report.

In other words, the committee has sent NHTSA a message along the lines favored by the gentleman from Pennsylvania. We expect them to insure that airbags are shown to be effective in the real world before they are foisted upon the public. I believe that the language is the most reasonable course of action at this time.

Therefore, I urge this amendment be defeated.

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

Madam Chairman, I rise in support of the amendment of the gentleman from Pennsylvania (Mr. SHUSTER) to appropriate "No funds in this bill for implementation or enforcement of standards or regulations requiring any motor vehicle to be equipped with a occupant restraint system, other than the belt system."

There are a number of excellent reasons why we should support this amendment:

First, safety belts are better and are already on some 95 percent of all cars. It is a fact that if seat belts are worn, they prevent fatalities by some 4.7 times greater effectiveness than airbags. Additional, safety belts reduce injuries by some 2.6 times more than airbags. Thus, for Americans who used them, safety belts are much more effective at reducing death or injury than proposed airbags.

Second, reports I have seen indicated that the chemical propellant used in airbags is extremely dangerous. In view of the most recent charges by the Federal Government on possible cancer causing substances in food and food preparation, I feel it inconceivable that this House would allow the use of a chemical which has been classified as a "hazardous materal" and which has possible mutagenic qualities. Sufficient doubt does exist to make me very skeptical about the use of this chemical in the cars of Americans. We have been legislating the reduction of potential cancer causing substances in the environment and now we are asking Americans to endure such a substance in the front seat of their automobiles. For this reason alone I urge Members to support this amendment.

Third, airbags are estimated to cost an additional $200 per automobile. In terms of the entire economy, this could add some $20 billion more in costs to consumers. Americans have indicated their desire to reduce the costs of goods they purchase. We are proposing to add a major cost incurred by some 100 million Americans. Simply, by not passing the Shuster amendment we have effectively offset any proposed tax reduction; since this House has indicated its desire to give $19 billion in tax relief. The cost of this program is 1 billion over that proposed tax cut. This is hardly the type of reasonable legislating we are capable of.

Fourth, I am supporting the Shuster amendment because of the deplorable track record of the National Highway Transportation Safety Administration in requiring such safety standards.

Can any Member forget the famous seatbelt buzzer interlock of a few years ago? This Congress was forced by public opinion to overturn that infamous decision.

Madam Chairman, I for one am not prepared to rubberstamp the actions of another Federal bureau until they can prove to my satisfaction that these regulations are really in the best interests of the consuming public. Too many times, Washington arrogantly tells Americans how to live their lives. I would hate to give NHTSA the opportunity once again.

Madam Chairman, the airbag/passive restraint mandate should be rejected until a better case is made.

Thus, I strongly urge my colleagues to support the Shuster amendment.

Mr. MOSS. Madam Chairman, will the gentleman yield?

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

Mr. MOSS. Madam Chairman, is the gentleman aware that NHTSA did not bring about the buzzer? The interlock was arranged at a meeting at the White House attended by Mr. Henry Ford and the then President of the United States. It was directed by the President that the agency adopt the standard. They opposed that standard all the way.

Mr. LEDERER. Madam Chairman, I thank the gentleman.

Mr. SHUSTER. Madam Chairman, will the gentleman yield?

Mr. LEDERER. I yield to the gentleman from Pennsylvania.

Mr. SHUSTER. Then, Madam Chairman, if the agency opposed the interlock, let me ask the gentleman from California (Mr. Moss), why did the agency not withdraw it once they had all the information that was brought forward?

The fact remains that it was NHTSA which promulgated the regulation. That is a fact. Now, whether they did it kicking and screaming is another thing, but it is a matter of public record that this agency promulgated the regulation and refused to withdraw it.

Mr. LEDERER. Madam Chairman, I thank the gentleman.

Mr. MOSS. Madam Chairman, will the gentleman yield briefly once again?

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

Mr. MOSS. Madam Chairman, I doubt very much that when the President ordered the agency to adopt it, they were about to withdraw it. They merely complied with the directive of the President.

Mr. EDGAR. Madam Chairman, will the gentleman yield?

Mr. LEDERER. I yield to the gentleman from Pennsylvania.

Mr. EDGAR. Madam Chairman, I thank the gentleman for yielding.

The gentleman mentioned that the cost of this particular regulation would be about $200.

Mr. LEDERER. Per car.

Mr. EDGAR. Madam Chairman, I have information from estimates by NHTSA that it would cost about $112 to the consumer. But the more pressing point that needs to be made is that a whopping $40 billion per year is lost through auto insurance claims. If we do not move to a positive program of saving lives through the airbag or through passive restraints we will continue to push large economic burdens on the American public.

I am very much opposed to the amendment offered by the gentleman from Pennsylvania (Mr. SHUSTER) and would indicate that it occurs to me that the cost of medical expenses ought to be calculated into the cost of the airbag issue.

The cost could be offset by reduced insurance rates, medical care costs, and so forth. The passive restraint will reduce the health care cost by upward of $5 billion. This savings will percolate through the economy, and the net cost of passive restraint should be marginal.

Mr. SHUSTER. Madam Chairman, will the gentleman yield?

Mr. LEDERER. I yield to the gentleman from Pennsylvania.

Mr. SHUSTER. Madam Chairman, I thank the gentleman for yielding.

With specific reference to the cost of the airbag being around $100, the General Accounting Office has informed me as of last week that its investigation thus far has revealed that a more realistic figure is close to $227, and, further, that NHTSA arrived at its $100 estimate by a gerrymandering technique.

The CHAIRMAN. The time of the gentleman from Pennsylvania (Mr. LEDERER) has expired.

(On request of Mr. SHUSTER, and by unanimous consent, Mr. LEDERER was allowed to proceed for 2 additional minutes.)

Mr. SHUSTER. Madam Chairman, if the gentleman will yield further and if I may continue, NHTSA arrived at its $100 estimate by using a gerrymandering technique whereby it used the lowest available cost of each component, even though all the components could not be purchased and assembled at that price. This tells us a little about that agency downtown.

Mr. DICKS. Madam Chairman, will the gentleman yield?

Mr. LEDERER. I yield to the gentleman from Washington.

Mr. DICKS. Madam Chairman, since we are talking about gerrymandering, I notice that the gentleman quotes from some statistics that were put into the "Dear Colleague" letter that the gentleman from Pennsylvania (Mr. SHUSTER) sent around. That "Dear Colleague" letter suggests it would be safer to run into a wall at 30 miles an hour with no restraints than it would be with an airbag.

Now, commonsense simply defies those figures. It has got to be safer to have an airbag than to have no restraint at all. Yet those same kinds of gerrymandering figures have been put into this "Dear Colleague" letter, and I would suggest to my colleagues that they take a look at that.

Mr. SHUSTER. Madam Chairman, will the gentleman yield?

Mr. LEDERER. I yield to the gentleman from Pennsylvania.

Mr. SHUSTER. Madam Chairman, I thank the gentleman for yielding, and I also thank the gentleman from Washington (Mr. DICKS) for bringing up this point. It is a very significant point.

The statistics in my letter were not created by BUD SHUSTER; these statistics were provided by NHTSA and are supposed to be fully accurate.

Mr. DICKS. But they defy commonsense, and I am sure the gentleman will admit it.

Will the gentleman take my challenge that we both go out and run into a wall at 30 miles an hour, he with no restraint and me with an airbag?

Mr. SHUSTER. I would not defend the statistics of NHTSA, and when the gentleman from Washington does so, he makes my case for me. If there is something funny about those statistics, then NHTSA should go back and do a further study, but they bring forward statistics which cannot be justified. I thank the gentleman for making my case.

Mr. DICKS. The gentleman's case defies commonsense.

Mr. SHUSTER. Would the gentleman want me to defend the numbers?

Mr. DICKS. The gentleman's position defies commonsense.

Mr. ROBERT W. DANIEL, JR. Madam Chairman, I move to strike the requisite number of words.

Madam Chairman, I rise in support of the amendment offered by the distinguished gentleman from Pennsylvania (Mr. SHUSTER).

When seatbelts were made generally available to auto buyers, auto safety took an important step forward. Seatbelts are effective and relatively inexpensive devices that the driver and passengers may choose to use for their own protection. I have used seatbelts in my car for over 22 years. My 1955 Oldsmobile had seatbelts when most people thought about speed and power rather than safety.

A few years ago, the National Highway Traffic Safety Administration (NHTSA) decided that not enough people were using their car's seatbelts. It mandated passive restraints, generally airbags, for our automobiles. Its action is an extreme example of the "people-are-sheep" mentality Government often displays. We are, it reasons, too dull to make routine decisions for ourselves, so Government must be the shepherd and make decisions for us. In this case the Government shepherd is pulling the wool over our eyes.

Airbags will not do the job NHTSA wants us to believe they will. First of all, airbags are ineffective. Test data indicates that they have not inflated in 42 percent of the most serious accidents. They will, perhaps, instill a false sense of security in people who believe they are reliable.

Airbags are not true passive restraints. A lapbelt is needed for complete protection. As you recall, the airbag was conceived because people supposedly will not wear their seatbelts.

Airbags, like so many Government-mandated programs, are expensive. We cry about inflation in one breath, then in the next we talk about the need to add $200 to an automobile's cost.

Finally, I resent the NHTSA's "big brother" attitude. I use my seatbelts and urge my friends, family, and acquaintances to do the same, but I do so as a result of my own decision, not Government order.

Former President Ford's Secretary at Transportation, William Coleman, had proposed a massive but voluntary airbag test program to see if they truly provide protection. Instead NHTSA has initiated a universal program for a device that is perhaps, at best, ineffective.

I urge a vote to overturn NHTSA, just as we overturned the onerous seatbelt interlock. If we do not, NHTSA will continue to press for the airbag with all the enthusiasm and candor of a snake oil salesman.

Mr. BROOMFIELD. Madam Chairman, will the gentleman yield?

Mr. ROBERT W. DANIEL, JR. I yield to the gentleman from Michigan.

Mr. BROOMFIELD. Madam Chairman, I wholeheartedly support this amendment to prevent the National Highway Traffic Safety Administration from using any appropriated funds to implement or enforce the mandatory airbag regulation.

The mandatory airbag regulation would qualify as the classic consumer ripoff because airbags are both costly and ineffective.

It is estimated that the airbag will cost the consumer an additional $200 initially to pay for it, and $600 to reinstall it after firing. This cost, of course, will be reflected in increased insurance rates as well.

Yet, for this additional cost, the consumer will get very little. The National Highway Traffic Safety Administration itself admits that airbags are not as effective as the lap and shoulder harness system which is already in 95 percent of the cars on the road. The airbags offer protection in frontal crashes, but they are ineffective in rollovers, side impacts, rear-end collisions, and multiple-impact crashes.

Further, in 287 tow-away accidents involving airbag-equipped cars studied by NHTSA, the airbag did not deploy in 42 percent of the cases.

The effectiveness of airbags by themselves is so questionable that NHTSA has had to amend its original regulation to require lap belts with the airbags. So, if we must buckle up to be safe anyway, why not save the people the cost of the airbag and keep the three-point harness system which provides greater protection.

Madam Chairman, there is an additional issue involved in the question of mandatory airbags which goes beyond the cost and effectiveness. That issue involves the question of the proper role of government in a free society.

Granted, the effectiveness of the seat belt-shoulder harness system is diminished because everyone does not use it. However, when the Government feels it must act like the great shepherd protecting the flock from its own folly, I believe Government has exceeded its rightful role.

The Government certainly should encourage the use of safety features but, in the end, a free people should be left to make their own decision.

Madam Chairman, I am pleased that we in the House will finally have an opportunity to vote of this important issue. Last year, even though 160 Members, including myself, cosponsored a resolution of disapproval of the NHTSA order, we were never permitted to debate or vote on this matter.

Finally, through this amendment, we are able to work the will of Congress and the people on the question of mandatory airbags. I encourage my colleagues to join me in supporting this worthy amendment to stop NHTSA's needless and costly regulation.

Mr. ECKHARDT. Madam Chairman, I move to strike the requisite number of words, and I rise in opposition to the amendment.

Madam Chairman, there are really two reasons why I believe the House should vote against this amendment, and they are related reasons.

The first reason is that if we continue to operate on this floor by virtue of limitations on appropriations bills, we will have to rely on what one person says on one side of the House or on one side of the question and what one says on the other side, without sufficient consideration of the facts.

For instance, in this case is has been said that in 44 percent of the cases airbags did not deploy, did not work. But those cases are the cases which are called tow-away collisions. How many of us have had a fender bender that was a tow-away collision? If a wheel scrapes on the fender or if, for instance, the fan is driven into the radiator, it is a tow-away collision, but it may have been at a very slow speed.

Our committee has, for instance, found that a collision at 5 miles per hour may occasion the damages to the average car to cost around $200 or $300. The time when airbags are supposed to deploy is when the collision is one which would otherwise result in death.

We are talking here about life and death, and we are talking about saving 9,000 lives per year with airbags.

It has been said, "It would be just as good if people would use their seat belts and their shoulder harness." It would not be quite as good; but, indeed, it would save some 5,000 to 7,000 lives more today if they did so at a rate of 60 percent usage. They are used at 20 percent usage today.

In this instance we are not compelling anybody to do anything other than the manufacturer to supply a safe vehicle.

Madam Chairman, if we were asking for a law that would require people to fasten their seat belts or be arrested, I would be against it. I would be against it immediately on the grounds that have been raised here. That is not what we are doing. We are saying to the manufacturer, "Put something in that car which may cost, in accordance with the Gov-

ernment's estimates, $112. According to some of the industry's estimates, it would cost $230."

Take either figure. Are not 9,000 lives worth it?

Besides that, is there any real cost? The estimates that have been made by responsible insurance companies show that when airbags are fully deployed the savings per year in insurance will be $30. Divide that into either $112 or $230 and decide whether that little difference amounts to anything. Actually, there is no difference. If one keeps a car 3 or 4 years, he should decide whether that little additional cost is worth the nameless and unlimited miseries that mean 9,000 lives today. Divide that into—what was it?—45,000 lives during the first years of the Vietnam war.

Madam Chairman, how many years will we continue to lose lives needlessly by not deploying means by which lives can be saved?

I know everybody today is concerned about bureaucracy and how it injects itself into persons' lives. If it costs money, all right, let us consider that; but when the question is whether or not a reasonable provision for saving 9,000 lives will be given a chance, let us not reverse what has been decided and what has been decided in the other body by a vote in rejecting something like the Shuster amendment, an amendment which our subcommittee found was a very, very bad proposal. We recommended against it, and the full committee recommended against it.

The CHAIRMAN. The time of the gentleman from Texas (Mr. ECKHARDT) has expired.

(On request of Mr. SHUSTER and by unanimous consent, Mr. ECKHARDT was allowed to proceed for 2 additional minutes.)

Mr. SHUSTER. Madam Chairman, will the gentleman yield?

Mr. ECKHARDT. I yield to the gentleman from Pennsylvania.

Mr. SHUSTER. Madam Chairman, I thank the gentleman for yielding.

I would like to ask the gentleman this question: Is the estimate of 9,000 lives saved an estimate based on real-world experience with the airbag, or is it based on laboratory tests and extrapolations therefrom?

Mr. ECKHARDT. It is based on all available statistics that we could get hold of.

Mr. SHUSTER. Does that include real-world experiences?

Mr. ECKHARDT. Yes, it does. It includes that, but it is not exclusively based upon it.

Mr. SHUSTER. The gentleman knows that real-world experience is something different.

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

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

Mr. WIRTH. Madam Chairman, I thank the gentleman for yielding.

In answer to the question of the gentleman from Pennsylvania (Mr. SHUSTER) there were 600 million miles of road tests of automobiles with airbags.

Ordinarily, without that kind of protection, one would expect 20 fatalities.

However, in that 600 million miles driven by cars with airbags in them, there were only three fatalities, as opposed to what would be an anticipated 20 fatalities.

It seems to me that that is pretty good evidence of the fact that a great deal of the road testing indicates that the airbags would save a number of lives.

Mr. DINGELL. Madam Chairman, will the gentleman yield?

Mr. ECKHARDT. I yield to the gentleman from Michigan.

Mr. DINGELL. Madam Chairman, the answer was that there was no road testing which amounted to a row of beans. They put 200 cars in a bunch, drove them, and there was a number of accidents with them. There was no lengthy testing.

Mr. ECKHARDT. Madam Chairman, I disagree with the gentleman.

We heard this matter for days. We had as much as 3,000 committee hours in looking into these statistics, and there is no question but that the use of airbags is the best lifesaver that has been devised.

Had that not been the case, we would not have recommended it. The Senate agreed with the same proposition, and both the subcommittee and the committee of the House agreed with it.

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

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

Mr. WIRTH. Madam Chairman, I thank the gentleman for yielding to me.

The allegation was also made that a number of devices had gone off unexpectedly. That is not true. The head of General Motors pointed out that only one had gone off unexpectedly.

The CHAIRMAN. The time of the gentleman from Texas has again expired.

(At the request of Mr. GARY A. MYERS and by unanimous consent, Mr. ECKHARDT was allowed to proceed for 2 additional minutes.)

Mr. GARY A. MYERS. Madam Chairman, will the gentleman yield?

Mr. ECKHARDT. I yield to the gentleman from Pennsylvania.

Mr. GARY A. MYERS. Madam Chairman, the discussion continually gets back to the mandated airbag situation, about which there is controversy. I had supported Mr. SHUSTER in that position before. However, the thing that concerns me is that they ignore the fact that passive seatbelts are much cheaper. As I understand it, they are somewhere in the neighborhood of $25 per car. In my opinion, if it is designed correctly it appears to give the protection of the current lap and shoulder harness technology, which endorses the position of Mr. SHUSTER in that there is a safer technology than the airbag because most of us assume that if people do not buckle up now, they are not going to buckle up the belt that goes with the airbag if that continues to be a part of the regulation.

While the amendment offered by the gentleman from Pennsylvania states there are only a few car designs right now, I think perhaps we did not expect it at this point and perhaps it will be more readily available in other models.

Mr. ECKHARDT. The Shuster amendment is not at all clear. It accepts seatbelts, but the definition of seatbelts in the bill is a definition of nonpassive seatbelts. As I read the amendment, it is most ambiguous on that point. It may deny the use of any funds for research on passive seatbelts and on airbags. At any rate, we are quite sure that it denies research on both of them. It denies even a determination of whether or not these proposals are feasible.

The CHAIRMAN. The time of the gentleman from Texas has again expired.

(At the request of Mr. SHUSTER and by unanimous consent, Mr. ECKHARDT was allowed to proceed for 2 additional minutes.)

Mr. SHUSTER. Madam Chairman, will the gentleman yield?

Mr. ECKHARDT. Yes; will the gentleman clarify what his amendment intends?

Mr. SHUSTER. I think the amendment speaks for itself. It says, "other than a belt system." Therefore, this amendment does not touch the passive belt or the regular belt, and is not an amendment I previously had introduced, which was, indeed, somewhat ambiguous on this point, and which counsel and the parliamentarian suggested the amendment be changed. So, it is very clear that the passive belt is not included.

Mr. ECKHARDT. If I may retrieve a moment of my time, the original amendment, it is true, was not ambiguous because it referred to the definition in the act. This uses the same language as the act, in which seatbelt is defined as a nonpassive seatbelt. That is, the active seatbelt, so it is impossible to determine, since the gentleman changed his amendment, what really is intended. That is all.

Mr. DICKS. Madam Chairman, will the gentleman yield?

Mr. ECKHARDT. I yield to the gentleman from Washington.

Mr. DICKS. Is it not true that the manufacturers in this situation have a choice between these two systems? There is no mandate for airbags. They can use the passive belt system if they so choose.

Mr. ECKHARDT. That is true if the amendment is not placed in the bill. If the amendment is placed in the bill we make some type of prejudgment. I think that the judgment we have taken is that we may not even explore the worth. What is considered a belt system under the definition of the act? A belt system as defined under the act is an active belt system.

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

Madam Chairman, I just want to speak briefly about the facts in this case. I have in my hand a report on the passive restraint rule by the subcommittee and the minority views on this proposition. The subcommittee held hearings, extensive hearings, and took plenty of time

in considering the resolution to disapprove the rule. This proposition was proposed before the subcommittee and it was voted down by voice vote. Then, the subcommittee recommended that the disapproval resolution be defeated by the full committee.

Mr. SHUSTER. Will the gentleman yield on that point?

Mr. STAGGERS. Not at this time.

Mr. SHUSTER. Will the gentleman yield?

Mr. STAGGERS. In just a moment.

It came to the full committee. We debated it and talked about this proposition for 1 full day. Then we came back on another day and debated it, and the gentleman from Michigan made a motion to bring it to the floor, and the gentleman from Texas (Mr. ECKHARDT) made a motion to table that motion, and that motion was tabled by a vote of 16 to 14. If proxies had been called, the vote would have been 22 to 18.

Mr. DINGELL. Madam Chairman, will the gentleman yield to me on that point?

Mr. STAGGERS. Not at this point.

Mr. DINGELL. The gentleman does not want to tell us a motion to table is not debatable and takes priority over any other motion? That is the fact.

Mr. STAGGERS. It always does. The gentleman knows that, and the House knows that, that a motion to table is not debatable.

And the motion was voted upon and it was tabled. The full committee had the responsibility to address this subject and made the decision not to forward to the House a measure it disapproved.

Mr. DICKS. Madam Chairman, will the gentleman yield?

Mr. STAGGERS. I yield to the gentleman from Washington.

Mr. DICKS. Is it not true they had, by a vote of 2 to 1, voted to reject this?

Mr. STAGGERS. They did.

Mr. DICKS. Under this act we have created, is it not true that the agency does not have a free hand? We have a chance to look at the regulations they have promulgated.

Mr. STAGGERS. That is correct.

Mr. DICKS. Once the Senate rejected it, there was no purpose to bring it to the floor, because it takes both Houses to approve that.

Mr. STAGGERS. That is true.

Mr. DICKS. So the point of the gentleman from Pennsylvania is superfluous.

Mr. STAGGERS. Moreover, this is only an appropriation for 1 year, during fiscal year 1979, and we are not even talking about putting these passive restraints into effect until 1982.

All we have to do is just reason a little bit. We do not specifically say what the agency should do. They might do some research and come up with some kind of device that would save the gentleman's life or the life of his child.

I want to save lives in this country, and that is what the agency will be doing with the passive restraint rule and we are sure you want to do that.

The CHAIRMAN. The time of the gentleman has again expired.

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

Madam Chairman, I am amazed at the amount of emotion that has suddenly been evoked on a simple amendment to address a problem that we were not permitted to vote on directly in the Committee on Interstate and Foreign Commerce.

I repeat, I am surprised at the emotions that have developed as a result of our failure to be able to bring this out of the Committee on Interstate and Foreign Commerce so that we could have a vote on it. And I would hasten to add that it was perfectly legal and within the rules as to what happened, but it was engineered in such a way that after Secretary of Transportation Adams had promulgated rules and regulations that, unless the House acted within a certain period of time, why, we would not have that opportunity, and as I say, it was manipulated to the point where we did not have that opportunity.

Mr. ECKHARDT. Madam Chairman, will the gentleman yield?

Mr. DEVINE. I will not yield at this time.

Madam Chairman, I agree with our colleague the gentleman from Massachusetts (Mr. CONTE) that this really is not the proper way to approach the problem, that this is an appropriation bill for the coming fiscal year, and does not have to do with the problems that will necessarily develop as a result of this action that is to be effective in 1982. But, as my good friend the gentleman from Pennsylvania (Mr. SHUSTER) has said—and I do want to commend him for his valiant battle on this matter, and his tireless efforts—this is the only shot we will have at it. This is a message to the great bureaucracy downtown who are promulgating these rules and regulations that we are not acting upon here in this legislative body which is the body that is supposed to enact the laws. It is another example of bureaucratic mandate which people deplore.

I think the whole issue is a philosophical confrontation on the question of whether we are going to enjoy a free America or are we going to keep loading the American people down with rules and regulations and restrictions, put them in automobiles loaded up with cotton, to save them from themselves? Why do we not approach the real problem that causes automobile death? In a report by the National Traffic Council, it pointed out among other statistics, that 45,000 people were killed on the highways of this country. And what was the cause of 50 percent of those deaths? They resulted in one way and that was from the use of alcohol. Over half of them. I ask you, are we addressing that problem? No; we put belts with sirens, horns, whistles, and everything else to force people to fasten up their seatbelts, and now we put a $200 item under their dashboards just in case they should have a head-on collision with the hope that the thing will instantly inflate to the point where no one will go up against the dashboard.

Mr. SHUSTER. Madam Chairman, will the gentleman yield?

Mr. DEVINE. I yield to the gentleman from Pennsylvania.

Mr. SHUSTER. Madam Chairman, I thank the gentleman from Ohio (Mr. DEVINE) for yielding to me, and I commend the gentleman for drawing the attention of the House to a very significant point and that is that this issue goes beyond airbags. This is not simply an airbag issue, it is rather a fundamental issue as to whether we are going to let the bureaucrats downtown continue to mandate rules and regulations on the American people, or are we really serious about saying no more, unless you have got solid information.

Mr. DEVINE. Let me make one other point against this type of legislation, and that is there has been a lot of legislation to force motorcyclists to wear helmets in order to save people from themselves. But now a number of the States have repealed those regulations because the people are opposed to those of us in Washington and in their own legislatures telling them every breath to take in their lives. So, as I say, some of the States have now repealed those regulations so that you do not have to wear a headgear when you are riding a motorcycle unless you are under 18 years of age and are assumed not to be able to make that kind of a decision by yourself.

Maybe the California vote on Proposition 13, has relayed a message to our Members that the public is fast becoming fed-up with bureaucracy, restrictions, rules, regulations, and loss of their freedoms at the whim of those on the public payroll.

Mr. MARRIOTT. Madam Chairman, will the gentleman yield?

Mr. DEVINE. I yield to the gentleman from Utah.

Mr. MARRIOTT. Madam Chairman, I appreciate the gentleman from Ohio (Mr. DEVINE) for yielding to me. I would like to say that it was not too long ago that the Government mandated the 121 brake system, because it would save all these lives, and so forth, and now the national court decisions and we have determined that the 121 brake system is not what it was expected to be. I think the same thing will occur with what we are talking about here, and I do not believe we should have any mandated system. I might add that these air bags are manufactured in my district, and, personally, it makes it very difficult for me to be against them, but I think any type of mandated system is against the free enterprise system, and against Americanism as we know it.

The CHAIRMAN. The time of the gentleman has expired.

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

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

In response to the gentleman from New Jersey, I will stay in order that there be clarity at the beginning that I am opposed vigorously to this amendment. It is unfortunate, but I never recall a time in

this House when we have not had to fight hard to create a little more safety, to give the inducement for more safety. Long before the gentleman from Pennsylvania, the proposer of this amendment, ever came to the House, there were a lot of us battling to get the seatbelts in automobiles. They have saved a great many lives, but, unfortunately, there are those who will not use them, so we need some form of passive restraint. I do not care whether it is the airbag or whether it is a belt system similar to the one proposed by Volkswagen, I think by the time they become a part of the automobile we ought to have the best system in place that can be designed.

We need safety. Regarding this talk of so-called freedom of choice, remember, the seatbelt is not there because you want it there; it is there because it is mandated to be there. I remember when there were not any of them. We started by requiring under legislation sponsored by a former Member of this House, the gentleman from Alabama, Mr. Roberts, that the Federal fleet have the floors of the automobiles drilled so that they could install seatbelts, and one went around to a dealer and had a heck of a time getting a dealer to sell one a seatbelt. This has not been a case where the industry rushed out to embrace safety; but we have had a reversal in the pattern of death, because of improvements mandated as a result of congressional action. And it has been done with careful consideration.

Today a meat-ax approach is being offered. We hear without adequate background a proposal to block the use of funds to further one of the passive restraint systems. It makes no rhyme or reason to take that course of action, none whatsoever. We should continue the all-out effort to perfect both the passive belt system and the passive airbag system.

Mr. SHUSTER. Madam Chairman, will the gentleman yield?

Mr. MOSS. Of course I yield to the gentleman.

Mr. SHUSTER. I thank the gentleman for yielding.

Is he suggesting from his last comment that the passive belt or the airbag is not yet perfected?

Mr. MOSS. I say to the gentleman there is nothing that is perfected to the ultimate at this point, including the automobile. Even the brakes on it are not perfected to the ultimate. As I have been learning recently, neither is its tires. I might add over the weekend we had 1½ million recalls, because you could not rear-end impact them without fires.

I have been in this safety game for a long time, and I am saying to the Members this is not the way to go. The way to go here is let the orderly procedures of this House work and not have them in here on an appropriations bill, trying to play up on emotions. The interjection here earlier in this debate of the old interlock was as phony as it could be, because anyone who followed that knows the crass political nature of the deal that was cooked up down at the White House between Henry Ford and the then President of the United States.

Mr. ECKHARDT. Madam Chairman, will the gentleman yield?

Mr. MOSS. I yield to the gentleman from Texas.

Mr. ECKHARDT. I thank the gentleman for yielding.

I am pointing out what the procedure was in the subcommittee. As chairman of the subcommittee, some urged that we drag out the debate. We did not do that.

Mr. MOSS. Let me say to my good friend, the gentleman from Texas, every Member who has criticized the actions in committee knows that they were trying to use the same emotions to achieve their ends whenever it would suit them. That is the oldest phony cry that one can raise in the House of Representatives, which is that somehow one did not get a hearing. They had a good hearing, and the votes went against them. That happens every day in the process of legislating, and they should not cry about it.

The CHAIRMAN. The time of the gentleman has expired.

Mr. COLLINS of Texas. Madam Chairman, I move to strike the requisite number of words, and I rise in support of the amendment.

Madam Chairman, there are so many points in behalf of what the gentleman from Pennsylvania is advocating, I just want to summarize some of them. One of them is that Congress with energy conservation is demanding more and more compact automobiles. Yet they have not found a way to make airbags as safety devices fit into compacts. Airbags are not practical for compacts. The statistics I saw are just overwhelming when we start talking about airbags and that airbags are not a safety solution.

Today the House of Representatives has an opportunity to stand up for the right of the American people to make their own decisions in life. Late in the session of the 93d Congress, this body determined that the American people were to be given automobile safety options, but that the Government would not, through mechanical devices and electric sensors force any citizen to employ such devices. While the question of whether or not to allow the Department of Transportation to require mandatory airbags is subtly different, the issue is the same—Should the U.S. Government impose its bureaucratic judgment upon all Americans regardless of cost, effectiveness, and public reaction.

Scientists both in and out of the automobile industry agree that the most effective safety restraint system yet to be developed is the lap/shoulder belt system. Figures taken from documents issued by the very agency that is trying to force us to buy airbags clearly show that airbags are not as safe as the seatbelts already installed in 95 percent of the cars on the road.

The National Highway Traffic Safety Administration (NHTSA) compared field experience with airbags and seatbelts. In 230 towaway crashes with airbag-equipped cars, fatalities occurred in 1.7 percent of the accidents as compared to a 0.3-percent fatality rate in 4,032 crashes where seatbelts were worn. The same data indicated that injuries occurred in 13.9 percent of the airbag cars and only in 5 percent of the cars where seatbelts were worn.

In terms of fatalities alone, these figures indicate that seatbelts are 5.5 times more effective than airbags as lifesavers. These statistics, which have also been documented by the Highway Safety Research Center and the University of Michigan prove that safety belts when used would reduce auto fatalities by 70 percent. And, as the following figures demonstrate, this U.S. percentage is supported by the experience in other countries:

*Fatality reduction*

| | *Percent* |
|---|---|
| New Zealand | 70 |
| France | 67 |
| Sweden | 78 |
| United Kingdom | 80 |

In practical terms, increasing the use of safety belts to 70 percent will save 40,000 to 50,000 more lives by 1990 than would mandatory airbags on new cars.

The facts also work against airbags when one considers the comparative effects on injuries. The same NHTSA study I referred to earlier showed that seatbelts are 2.4 times more effective than airbags in preventing injuries; 1976 Department of Transportation estimates show that at 70 percent use, seatbelts would reduce injuries by 162,000 a year while airbags would reduce them by only 104,000. The airbag is less effective in reducing injuries partly because it does not deploy in impacts of less than 12 miles per hour.

Airbags are also less effective, because they are designed to provide only the same protection in a frontal collision that a fastened seatbelt provides. Many motorists will stop wearing seatbelts with the false belief that airbags will protect them in case of an accident. A recent GM study showed that only 9 percent of the people with airbag cars used the belts as well. The truth is that airbags work only in frontal or near frontal collisions. Airbags do not work in accidents that are side impacts, rollovers, multiple impact collisions, or rear collisions—accidents that account for 45 percent of all accidents are better than half of all fatalities. Seatbelts work in all of those situations. Even with 100 percent use of lap belts, which means the system is no longer passive, Department of Transportation estimates the airbag/lap belt combination to be only 60 percent effective—still less effective than the safety belt systems already installed in 95 percent of all automobiles.

In this same NHTSA study, the airbags did not even inflate in 42 percent of the accidents, and while many airbags did not inflate when they were supposed to, some airbags inflate when they are not supposed to. Estimates from these airbag tests show that if all cars in this country had airbags, there would be 30,000 accidental inflations every year. Consider what would happen should an airbag inflate from an electrical short,

"restraining" the driver of a car going 55 miles per hour down the highway. Consider also the dangers to other drivers from head-on and rear-end collisions caused by these accidental inflations.

I remember a short I had when cars had the buzzer. I had a rented car in Miami and was 35 miles out of the city when the buzzer snapped on. It was like a Chinese torture chamber. But suppose I was driving down a highway 50 miles per hour and hit a bump in the road which shorted my airbag. I could have a a head-on collision with an innocent vehicle, and there will be 30,000 airbags short out while driving.

Madam Chairman, I feel it is also important that we look at the cost aspect of this issue.

The U.S. Government and its departments want to hold down costs to consumers whenever possible. We are currently feeling the impact which Federal regulations have had on consumer costs and spiraling inflation in this country. When we already possess an available, effective safety restraint system which costs an average of $225, it is unreasonable to force down the throat of the American consumer another system which has been proven less effective and which will bring the total cost of safety systems to a minimum of $335 per car and probably $400 a car.

The important point to remember about this figure, however, is that it represents only the tip of the iceberg. Once the airbag inflates, and 7.3 percent of the inflations to date have been accidental, it must be replaced at approximately two to three times as much as the original cost. Specifically, Ford estimates this replacement cost to be $700 per vehicle. After all cars are installed with airbags, it is estimated that there will be 2.5 million inflations per year costing over $1 billion. When it is all added up, the airbag will cost about $2,000 (DOT estimate) to $4,000 (American Safety Belt Council estimate) over the average life of an automobile.

Airbag proponents claims this extra cost can be made up by lower insurance premiums. However, an independent survey of 60 insurance agents in three States and the District of Columbia showed an average discount of less than 1 percent of the total annual premium. Further, the Michigan AAA has announced that total auto insurance costs would be increased by mandatory air safety bags, despite reductions in personal injury premiums. While personal injury premiums would go down by 30 percent, collision coverage would go up 39 percent, since the cost of replacing the deployed airbag system is $700, in addition to the cost of fixing the accident damage itself. Claims of reduced premiums simply are not supported by fact.

It is difficult, of course, with any new system to accurately gage public reaction and acceptance, but let us consider the results of the General Motors experience with airbags. For 3 years, GM has marketed the airbag on some of its models. GM initially prepared for a capacity of 100,000 airbag equipped cars at a cost of $60 million in research and development funds. So far, the public has bought only 7,000 of these vehicles which proves the public does not want airbags.

This public rejection of mandatory airbags is also borne out by the results of polls conducted by both the Detroit News and Research Service, Inc. In the Research Service study 70 percent of the people polled indicated a desire for a choice rather than having to buy a car with congressionally mandated forms of restraints.

The airbag question is plagued by substantial doubt about its safety effectiveness, reasonable expectation of public disapproval, and Government-mandated price increases at the time consumers can least afford them. However, I feel that it is the issue of freedom of choice for the automobile consumer that is the most crucial in this debate. No one asked the individual citizens or car owners if they wanted airbags, nor could they be given the right to exercise their own judgment. It is one thing for Secretary Adams to recommend that automobile companies provide an opportunity for people to have airbags. It is quite another thing for the Government to mandate their use. There is no justification for one more Federal regulation to be shoved down the throats of the American public. If individual car owners want to pay for airbags, it should be their decision—not an order from bureaucrats attempting to shape our lives from sunup to sunset.

The American people are tired of Big Government and Big Brother. I urge my colleagues to support the Shuster amendment blocking DOT from implementing these airbag regulations.

The fact is that seatbelts are five and a half times more effective than airbags as lifesavers. When we see something like that we ask, "Why do you have anything to do with this stupid airbag mandates?"

Another fact that gets me, airbags did not even inflate in 42 percent of the accidents. Why put them in if they do not inflate?

But the thing that gets me the most is that airbags do not help half the time. They do not work in accidents when you get hit on the side, in rollovers, multiple-impact collisions, or rear collisions. Half the time airbags are no good at all.

Another thing that disturbs me. General Motors worked hard on airbags. They made a very sincere effort. General Motors had 100,000 cars prepared ready for airbags and only 7,000 people bought them.

When we talk about the mandated buzzer, let me tell you an experience I had. Those buzzers were easily triggered and you may have 30,000 inadvertently blow out inside the car as persons are driving down the road. According to statistics I have seen, 30,000 a year will blast loose each year. What makes you think this will not happen? It happened to me on the old seat buzzer one day when I was 35 miles out in the country and I hit a bump in the road and this buzzer went off. It will not take even that much to start 30,000 airbags and 30,000 innocent people may get killed and the guy coming head-on approaching may get killed, too.

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

Mr. COLLINS of Texas. I yield to the gentleman from Colorado.

Mr. WIRTH. Madam Chairman, it would be helpful if the gentleman would document the figure of 30,000. Only this morning I spoke to General Motors, the man in charge of development, and out of 12,000 automobiles that had this device, only one had gone off accidentally and that had nothing to do with jiggling. That had something to do with electronic interference and that was taken care of; so I think it would be helpful for the record to demonstrate where that estimate came from.

Mr. SHUSTER. Madam Chairman, will the gentleman yield?

Mr. COLLINS of Texas. I yield to the gentleman from Pennsylvania.

Mr. SHUSTER. Madam Chairman, the data provided by NHTSA, not General Motors, is that up through May 30, 1977, that is a year ago, there had been 12 inadvertent inflations and if you extrapolate the 12 inadvertent inflations up through the number of total cars used, it comes out to 30,000. That is simple arithmetic. The inadvertent inflations annually, based on 12 inadvertent inflations in 34,000 car-years, as reported by NHTSA, when extrapolated to 100 million car-years, works out to 30,000 inadvertent inflations annually.

Mr. WIRTH. Madam Chairman, if the gentleman will yield further, my information is based on a conversation just 2 hours ago with the head man at General Motors in charge of this program. His reaction to this question in which I asked about inadvertent inflation of airbags was this was not a problem that existed any more.

Mr. COLLINS of Texas. Madam Chairman, I want to say that in listening today to all these statistics, I know there are many ways of trying to derive the basic facts. The gentleman from Pennsylvania (Mr. SHUSTER) has done the best job of evaluating facts and research on airbags. I have found everything that the gentleman said about this airbag to be the most comprehensive and factual statements made on the floor.

Mr. SHUSTER. Madam Chairman, if the gentleman will yield further, there is one statement that I made about a year ago that proved not to be accurate. I said that while sodium azide may be dangerous and is mutagenic, carcinogenic, and real explosive, that it would not be dangerous when driving a car when the airbag went off purposely in the car.

Subsequently I have been corrected by some chemists who tell me that I could not make that statement with any degree of comfort, because when the airbag does properly inflate in a car, nevertheless there is some seepage of that sodium azide, and it may or may not be harmful.

Mr. DINGELL. Madam Chairman, I move to strike the requisite number of

words, and I rise in support of the amendment.

Madam Chairman, this airbag situation might be called "Son of Seatbelt Interlock." In just a few years we are going to be called upon by the outrage of our constituents to remove these obnoxious devices, because they do not work and they accomplish almost nothing in terms of public safety. They are unproven devices.

As a matter of fact, the statistical information put out by the people at NHTSA, besides indicating that the people down there are not very bright, do seem to prove one thing: That these devices are as useful as side pockets on a cow. They do not inflate unless you have a head-on or offset frontal collision. If you hit more than 30 degrees off to the side, if you have a rear-end or a side collison, there is one thing sure, and that is your airbag is not going to inflate. If you have a multiple collision, they are not going to save you, because they will immediately deflate assuming you have been involved in a frontal collision in the initial impact.

The testing that was supposed to have been completed before this order was put forward goes on right now. Interestingly enough, some of the tests run by NHTSA, the agency that is sponsoring these abominations, show that you are safer in an automobile which is equipped with lap and shoulder belts. In addition, the sodium azide that is used to detonate these things is toxic.

These devices are going to cost the consumers of this Nation an incredible amount of money. The cost of these is going to run between $197 and $250 per new car. And how much are they going to cost to replace after they are activated? They are going to cost somewhere between $400 and $600. That is $400 to $600 per car to replace the bag system.

I think my colleagues should know what we are mandating upon the American people.

Madam Chairman, this amendment is a simple one. All it does is say that we can go forward with passive restraints which are rated or based upon the use of belts. The passive belt system will be allowed under this amendment.

Admittedly, this is an imperfect way to attack an obnoxious problem, but the hard fact of the matter is that we have no choice. There was no opportunity for the House to have this matter debated. It was killed on a motion to table in the Commerce Committee last year, and as all the Members here know, a motion to table is not debatable.

Mr. ECKHARDT. Madam Chairman, will the gentleman yield?

Mr. DINGELL. I have made my point, and I will yield to the gentleman only if he wishes to refute the fact that we were denied an opportunity to debate the issue on a motion to table. Does he?

Mr. ECKHARDT. No, but I want to answer another point made by the gentleman.

Mr. DINGELL. Then I do not yield to the gentleman.

Mr. ECKHARDT. Madam Chairman, I have asked the gentleman to yield.

The CHAIRMAN. The gentleman from Michigan (Mr. DINGELL) controls the time, and the gentleman refuses to yield.

Mr. DINGELL. Madam Chairman, these devices are not going to save lives. As a matter of fact, they are going to require, if they are to work, the installation of two additional devices, the first of which is a knee holster under the dashboard to prevent one from submarining under the dash. And the second one is what? Good old-fashioned lap belts.

Otherwise you do not have the protection, and as a matter of fact, if you are really smart and you are going to be driving in a car equipped with these air bags, at $250 a copy and with a $600 cost for replacement, you are going to have to have lap and shoulder belts, because if you are hit from the side, hit from the rear, involved in a rollover crash, or hit at an angle of more than 30 degrees from the front on the long axis of the automobile, these devices are not going to do any good. And they will not work at all if you have a rollover crash.

Mr. ECKHARDT. Madam Chairman, will the gentleman yield?

Mr. DINGELL. I yield briefly to the gentleman from Texas.

Mr. ECKHARDT. Madam Chairman, let me tell the gentleman what happened; I am sure he recalls.

Mr. DINGELL. I recall it well.

Mr. ECKHARDT. What happened is that the subcommittee brought in a report adverse to the resolution.

Mr. DINGELL. That is right, and we were never given a vote in the full committee.

MR. ECKHARDT. Madam Chairman, will the gentleman yield?

Mr. DINGELL. I decline to yield.

We were not given an adequate chance to debate this in the full committee, and we were not given a chance in the House to debate it.

Mr. ECKHARDT. Madam Chairman, I ask the gentleman again to yield to me.

Mr. DINGELL. Madam Chairman, I will not yield, and I appeal to the Chair.

The CHAIRMAN. The gentleman from Michigan refuses to yield further, and he controls the time.

Mr. DINGELL. Madam Chairman, the further fact of the matter is that in about 3 years we are going to be faced with the fact that the House has done nothing to prevent this, and unless we do something to prevent it now, and unless we use this kind of an amendment next year and the following year, these things are going to be put in place.

I hope my colleagues who have spoken in favor of these abominations have spoken clearly, because I am going to want to read their remarks back to them. We must remember that this testing program at NHTSA still goes on, and the results of those tests are that seatbelts, lap and shoulder devices, are better by far than the airbags.

NHTSA is the same good-hearted Agency that came forward with nonpassenger automobile, the truck and van fuel mileage standards that would have shut down light duty truck and van plants all across this country, especially the West Jefferson plant.

Madam Chairman, I rise in support of the amendment offered by our colleague, Congressman BUD SHUSTER, to prohibit any funds appropriated under the Department of Transportation appropriations bill to be used to implement or enforce any standard or regulation which requires any motor vehicle to be equipped with an occupant restraint system—other than a safety belt system.

What this amendment does is eliminate funding for the National Highway Traffic Safety Administration, NHTSA, to continue its drive to implement and force airbags onto motor vehicles. What it allows for is that the Government agency and the motor vehicle manufacturers and others can more actively pursue improvements in the common, well-known, and consumer-accepted lap and shoulder safety belts. And, educate motorists to use them.

The airbag—now mandated in the NHTSA regulations as the result of the House not having an opportunity heretofore to vote on this issue last year—is an unproven device that is extremely costly and is highly questionable as to its cost-benefits in terms of reducing injuries and saving lives when compared to the current lap and shoulder belt safety devices.

The airbag will cost as much as from $197 to $250 more on each new car when the occupant passive restraint performance standard, motor vehicle safety standard 208, is scheduled to go into effect on 1982 model year large size automobiles, unless the Congress overturns the airbag mandate. By our wise actions today to adopt the Shuster amendment, the House can take the first step toward elimination of the threat of an unproven airbag device.

The cost of replacement of the airbag to the consumer, should the bag accidentally deploy or deploy in an actual vehicle crash, would be an estimated $500 to $600, according to 1977 industry and Government estimates. That does not necessarily include the factor of rising inflation and costs of auto repair.

Once again, the Congress prepares to act on auto safety rules and/or legislation. I do not need to take my colleagues back too many years to remind them of the disaster that befell the occupant seatbelt ignition interlock system that was designed to force drivers and right front seat passengers to buckle up before the vehicle could be started. That system was mandated by the Department of Transportation in August of 1973.

Approximately 1 year and 2 months later, following massive public outrage to the system, Congress eliminated interlock upon passage of the Motor Vehicle and Schoolbus Safety Amendments of 1974.

It took several years to get the active interlock system mandated. It took but 1 year of use before the motoring public had had it and so notified Congress. I believe, if the airbag mandate is not eliminated that the public outcry in 1982 and thereafter model years will demand Congress to repeal the airbag.

What we are dealing with now, as the subject of today's DOT bill and the correct Shuster amendment, is another restraint system, which also has been around for several years, but one which is automatic or passive in that the right and left front seatbelt auto occupants do not have to do anything supposedly to be sure they are reasonably safe in the event of a frontal collision while driving and riding in cars. I refer to the final rule on occupant restraint systems as sent to the Congress last summer by the Secretary of Transportation, and which the full House never had an opportunity upon which to vote. We should vote to stop the funding for the airbag portion of the DOT and NHTSA performance standard that takes effect in model year 1982 on large cars, 1983 on intermediate cars, and 1984 on small cars.

I do not believe we should mandate airbags in automobiles. It definitely was a premature rule last summer on airbags, but I do not disagree with the utilization of the passive belt system in the standard so long as all vehicles affected contain the sufficient number of lap belts. The lap belt has a long history of proven benefits when worn.

I do not believe the demonstration crash evidence to date merits the at least $200 plus extra expense to the consumer nor even the added weight of the airbag device to the car which will reduce fuel efficiency. DOT reports the airbag system weight 40 to 50 pounds and, I quote from DOT's final rule of 1977,

The additional weight of inflatable passive restraints was judged to increase the annual consumption of fuel by automobiles by 0.71 percent (about 521 million gallons annually).

While it can be argued that we must be expected to pay more for safety on the highway and reduce vehicle crash deaths and injuries, and that we must expect to pay more for fuel used for the convenience or necessity or luxury of owning, driving or riding in a car, I believe the additional costs of airbags in new cars unnecessary with no real discernible benefit for safety compared to the safety benefits derived from the use of lap and shoulder belts. Further, as I have said, the replacement costs are horrendous on airbag systems.

Replacement cost estimates are not certain and vary, based upon what I have read, ranging from up to $600. Since airbags will be still innovative by the time they are required in the first model year, 1982, on the larger cars, I believe that it is too early to determine not only their acceptance but their reliability and their occupant safety crash worthiness. I just do not believe airbags have been tried and proven to a great enough degree to be mandated.

It costs about $85 to equip new cars with seatbelts to accommodate five passengers, three persons in the rear seat with lap belts and two front-seat occupants with the current and most safe, in my opinion, three-point safety lap and shoulder belt harness. The Secretary's final rule states at one point the airbag cost in new cars would be an additional $112 and at another point he states between $100 and $200. Assuming $112 cost figure and the $85 current cost figure, that totals $197 for the system in a new car. DOT and others report the replacement cost of the complete airbag device would be 2½ times or more the original cost or, at 2½ times, it would be a consumer cost of at least $500.

This automatic or passive airbag system is dangerous. It will lull the front-seat driver and passengers into thinking that they are fully protected. Driving or even riding in a car is not a passive activity and the hooking up of seatbelts, the lap belt, and the obvious knowledge of the automatic or passive belt across the occupant's chest is a constant reminder of the need to drive and ride with caution. The airbag affords no such reminder and is highly questionable regarding its security value.

I will now address the issue of crash tests conducted for NHTSA comparing the worthiness and safety quotient of airbags and the three-point shoulder and lap belt harnesses.

These tests, five in all, conducted in late June, during July, and the latest one in August 1977, raise extremely serious questions and concerns about the safety of airbag devices. The crash tests were conducted by Calspan Corp. using NHTSA dummies and cadavers in offset head-on collisions with each vehicle running about 30 miles per hour or a 60-mile-per-hour closing speed. The cars were 1973 Chevrolet sedans, former police cars I am informed, with about 50,000 miles on them. Some were equipped with the airbag system available on those cars that model year and some were equipped with seatbelt harnesses of that model year.

But, judging from the test reports themselves, I believe these observations are in order:

COMMENTS ON CALSPAN TESTS

These tests were run to compare the effectiveness of air bags compared to seatbelts for both drivers and right front seat passengers. Dummies and cadavers were used. These offset front end collisions are more like the real world auto crash accidents that occur than the DOT, NHTSA required tests that auto manufacturers must pass before their occupant restraint systems can be marketed. The CALSPAN tests were offset, essentially right front to right front and left front to left front. The DOT tests that auto manufacturers must pass have the vehicle crashing head on into an immovable wall. The DOT test therefore, does not seem to be as representative of the real world crashes as does the type of crashes conducted by CALSPAN for DOT.

In all of the tests, with both dummies and cadavers seated as drivers and passengers, the seatbelt restraint systems did a better job in protecting the test subjects than did the air bag.

Out of the five offset crash tests, two of the cadavers and one of the dummies, all in air bag equipped cars, exceeded the injury criteria of Motor Vehicle Safety Standard 208, the final rule for air bags.

In one test, Number 344, on July 1, 1977, a cadaver seated in the driver position of an air bag equipped vehicle experienced a "g" force chest load of 74 g's, which is above the limit of 60 "g's" deemed permissible by NHTSA in its injury criteria. The cadaver experienced an Abbreviated Injury Scale (AIS) rating of three with an X-ray finding three broken ribs following the test. The AIS used by NHTSA is an injury range of from one to six with six termed fatal. The cadaver in this test, assigned an injury rating of three, was termed as experiencing severe, but not life threatening, injuries.

The belted driver, a dummy, of the opposing test car experienced roughly half of the accelerative "g" force as did the air bag protected driver in the other car.

In another test, number 346, on July 13, 1977, utilizing an air bag protected cadaver in the right front passenger seat, the cadaver experienced "g" forces on the chest in excss of the Motor Vehicle standard. This test subject experienced 70 g's, ten higher than the permissible standard. The cadaver received a broken rib, three severe leg fractures and an AIS rating of three.

As a comparison of right front seat passengers, in another test, number 347, a belted cadaver experienced only a "g" force rating of 39, almost half the "g" force experienced by the air bag protected cadaver. In comparing these two tests of cadavers in right front passenger seat positions, the belted cadaver experienced less impact. The belted cadaver experienced an AIS of only 1, or minor injury with a bruise on the knee and collar bone—no break or fracture.

Because of the severe injuries to the lower extremities of the cadaver in test number 346, an air bag equipped vehicle, CALSPAN was directed by DOT to repeat the test. On August 11, 1977, test number 353 was conducted using a cadaver and an air bag system in the right front passenger seat. Again, the cadaver received a broken leg and an AIS (injury) rating of two.

Based on these tests it is clear that both air bags and seatbelts can save lives and reduce injuries but the degree of potential safety on the test subjects in seat belts in these CALSPAN tests seem to lean in favor of seatbelts and shoulder belts.

In addition to the revelation of the existence of the CALSPAN tests, and given the controversy that surrounds the rule and those tests, I do not believe Congress should take the chance of letting the airbag be forced upon motorists and consumers.

IMPORTANT

Airbags are designed only to protect occupants in frontal, headon, and offset frontal collisions. Bags alone offer no protection in side-impact collisions, rear-end collisions, or rollover crashes. Lap and shoulder belts protect in all crash modes plus belts keep the occupants, and especially the driver, in the proper position. The driver has a much better chance to control the car if he or she is belted into place. Airbag deflates almost immediately so in any multiple crash the front seat occupants are extremely vulnerable in the event of collisions with other objects after the initial crash impact.

Since the Congress last fall did not disapprove the DOT and NHTSA airbag rule, although many of us support the passive safety belt portion of the rule, the Department has already amended the new standard to say that if a motor vehicle is to be equipped with an airbag to meet the performance standard, the vehicle must be equipped with lapbelt. The lapbelt, which is a major argument for belts over bags, is that the lapbelt prevents the front seat occupants from "submarining" under the bags which explode from the dashboard into the occupant's upper torso while the lower torso "submarines" or slips under the bag and the lower extremities

collide with the lower part of the dash or floor boards if the occupant does not wear the lapbelt.

Also, DOT has announced that, again due to this "submarining" effect of the lower torso in an auto impact, that the auto manufacturers ought to include knee bolsters under the dashboard.

What is important here is that since the DOT and NHTSA rule was sent to Congress—and subsequently not disapproved by Congress last fall—the Government agency is adding to the performance standard in order to save the airbag by adding yet further safety devices to the very expensive airbag system.

The DOT and NHTSA rule was faulty in the first place and they rushed it to the Congress knowing that full well. Now the DOT and NHTSA are realizing their errors and will require, we understand, the lapbelt after all, which means that the DOT standard is no longer passive.

Meanwhile, the passive or automatic belt system seems to remain an orphan at DOT with all of that Department's emphasis on airbags. The passive belt system automatically wraps the shoulder belt across the upper torso of the occupant when one opens and closes the door. No matter what has been done to date in research and testing, and no matter whether the vehicle is equipped with the passive shoulder belt or the airbag, the occupant still must actively engage the lapbelt. And, the lapbelt, we all must agree, is absolutely essential on motor vehicles.

Belts are proven devices and should not be replaced by the airbag. The current three-point belt system and the coming passive shoulder belt system and the lapbelt are convenient and easy to use and they are much less expensive than the controversial airbag system.

Another striking advantage of shoulder and lapbelts is that when the occupant is "buckled up" he or she is in the correct seating position for better protection. This is especially important for the driver of the vehicle who must retain full control of the vehicle at all times. The airbag does nothing to keep the driver in place so he or she can have full control of the vehicle in the event of the driver taking emergency evasive action to avoid a crash or even sliding in the seat in the event of the car going out of control on wet or icy pavement. Seatbelts and the shoulder belt hold the driver in place for full control.

The CHAIRMAN. The time of the gentleman from Michigan (Mr. DINGELL) has expired.

Mr. SHUSTER. Madam Chairman, I ask unanimous consent that the gentleman from Michigan (Mr. DINGELL) be allowed to proceed for 3 additional minutes.

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

Mr. CONTE. Madam Chairman, I reserve the right to object.

Mr. ECKHARDT. Madam Chairman, I object.

The CHAIRMAN. Objection is heard.

Mr. McFALL. Madam Chairman, I ask unanimous consent that all debate on this amendment and all amendments thereto close in 10 minutes.

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

Mr. SHUSTER, Madam Chairman, I object.

The CHAIRMAN. Objection is heard.

Mr. McFALL. Madam Chairman, I ask unanimous consent that all debate on this amendment and all amendments thereto close at 4 o'clock.

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

There was no objection.

The CHAIRMAN. Members standing at the time the unanimous-consent request was agreed to will be recognized for approximately 45 seconds each.

(By unanimous consent, Messrs. CUNNINGHAM, COHEN, COLLINS of Texas, and EMERY yielded their time to Mr. GINN.)

(By unanimous consent, Mr. PATTEN yielded his time to Mr. SCHEUER.)

The CHAIRMAN. The Chair recognizes the gentleman from Georgia (Mr. GINN).

Mr. GINN. Madam Chairman, what this matter is all about is highway safety, how to save lives.

I think the gentleman from Texas and all of us are in complete agreement on that.

What is the best way to save lives?

As chairman of the Subcommittee on Investigations and Review, along with the gentleman from New Hampshire (Mr. CLEVELAND), the ranking minority member on the subcommittee, we have just concluded 3 days of extensive hearings on automobile seatbelt safety. The hearings were not on the subject of airbags, but, of course, they came up because it is only natural that the two be compared.

Expert after expert, movies, filmstrip after filmstrip have convinced me beyond a shadow of a doubt that the safest mechanism to save lives in automobiles is seatbelts with a harness configuration.

I am not opposed to airbags. If this mandate goes through, I will be delighted to have a car with airbags in it. But as the gentleman from Michigan (Mr. DINGELL) so appropriately pointed out, airbags are no guarantee of saving lives.

After hearing numerous expert witnesses, and after seeing all the filmstrips, I am convinced that what we need in this country is a massive educational campaign to inform people that they ought to wear seatbelts. Also, we need some incentive legislation to urge State legislatures to move forward with legislation in the area of seatbelts.

Mr. SHUSTER. Madam Chairman, will the gentleman yield?

Mr. GINN. I yield to the gentleman from Pennsylvania.

Mr. SHUSTER. Madam Chairman, I thank the gentleman for yielding.

I would like to point out that Dr. S. Harry Robertson, director of the Crash Research Institute and research professor at Arizona State University, was before the committee.

As the gentleman knows, he was asked this question:

> Is it true that because the air bag/passive restraint mandate will replace the 3 point safety belt, the effect is that it mandates a less safe system for those people who wear their safety belts?

His answer was:

> You bet. It is absolutely right.

Mr. GINN. Madam Chairman, I would vouch for that statement, and I would urge support for the Shuster amendment.

The CHAIRMAN. The Chair recognizes the gentleman from New Hampshire (Mr. CLEVELAND).

Mr. CLEVELAND. Madam Chairman, as the ranking minority member of the Subcommittte on Investigations and Review of the Committee on Public Works and Transportation which the gentleman from Georgia (Mr. GINN) has just reported on, I want to associate myself with his remarks, I rise again in support of the Shuster amendment.

Madam Chairman, we had another witness, an expert witness, who was asked the same question that has just been referred to. This other expert said that the airbags, in effect, are just a very expensive form of a shoulder harness.

Again, it is not that we object to airbags particularly if people want them, but the fact of the matter is that the experts have all told us, and they told us this for 3 days of hearings, that the seatbelt and the shoulder harness are the best way to save lives and prevent dents.

Ironically the National Highway Safety Needs report dated April 1976 lists mandatory safety belt usage as by far the most effective countermeasure to forestall fatalities and injuries. Yet NHSTA has virtually given up promoting them.

The CHAIRMAN. The Chair recognizes the gentleman from Washington (Mr. DICKS).

Mr. DICKS. Madam Chairman, I rise in opposition to the amendment.

I want to make one point clear very quickly. The costs to replace the airbag which the gentleman from Michigan (Mr. DINGELL) mentioned will be picked up by the insurance companies. They will pay for putting these airbags back into the car, because it will cost them far less if peoples lives are saved.

The other thing I want to point out is that this is an appropriation bill. This is not the right bill in which to take this kind of action. The Senate, by a 2-to-1 vote, rejected a veto resolution. The House committee also acted in the same way after extensive hearings.

Madam Chairman, I think that that is the process we should be following. We are now saying that we are not responsible and that we are not able to use this review process, the so-called two-House veto; and I think it would be wrong for us to take this step.

The CHAIRMAN. The Chair recognizes the gentleman from Pennsylvania (Mr. GARY A. MYERS).

Mr. GARY A. MYERS. Madam Chairman, I would like to ask the sponsor of

the amendment, the gentleman from Pennsylvania (Mr. SHUSTER) this question: Is it true that the gentleman's amendment will allow the mandate of a passive seatbelt harness strap?

Mr. SHUSTER. If the gentleman will yield, Madam Chairman, that is correct, because my amendment does not touch the passive seatbelt. Indeed, I redrafted my amendment, based on counsel's recommendation, so that it would be limited only to airbags. The gentleman is correct.

Mr. GARY A. MYERS. Is it true that evidence has been presented which shows that that is a safer system than the airbag system?

Mr. SHUSTER. The evidence on passive belts is very promising. I think it is premature at this point to draw any final conclusions, but it is very promising. Buckle up.

Mr. GARY A. MYERS. Madam Chairman, I thank the gentleman for clarifying his amendment, and I yield back the balance of my time.

(By unanimous consent, Mr. ROBERT W. DANIEL, JR., yielded his time to Mr. SHUSTER).

The CHAIRMAN. The Chair recognizes the gentleman from North Carolina (Mr. BROYHILL).

Mr. BROYHILL. Madam Chairman, several months ago we had an issue before the Interstate and Foreign Commerce Committee with respect to whether or not to approve the regulation on airbags that was issued by the agency.

At that time the committee chose to table the resolution. That would have brought this issue to the floor so that we could have had a full debate of all aspects and all sides of this issue. I was in support of that resolution at the time, and I am still in support of it.

I think it would have been far better to have brought that resolution to the floor so as to decide the issue at that time rather than having to deal with it now as a limitation on an appropriation bill.

Madam Chairman, I am going to support this amendment. This is the only way I see that the House can express itself on this issue.

The CHAIRMAN. The Chair recognizes the gentleman from Texas (Mr. ECKHARDT).

Mr. ECKHARDT. Madam Chairman, I would not have risen again but for the fact that I was not able to clarify what happened in committee, what we actually did. The subcommittee issued a very extensive report in which the chairman of the subcommittee agreed that Mr. BROYHILL, who took the other position, should include minority views. We carried that before the full committee, submitted the report, had debate, considered the facts, and the full committee adopted the report. It was at that time that, procedurally, it was attempted by the gentleman from Michigan to move that this be sent to the floor with the recommendation that it do not pass. I thought that to be a rather silly resolution, and moved to table it. The motion carried by the vote that has been described here.

The CHAIRMAN. The Chair recognizes the gentleman from Colorado (Mr. WIRTH).

Mr. WIRTH. Madam Chairman, one of the previous speakers made the point that airbags are about as useful as side pockets on a cow. Not only is that a gross oversimplification of the issue and of the problem of automobile crashes, but it is about like saying that we should not give anybody the Salk vaccine because it does not cure cancer.

It is very clear. The evidence is in, and the airbag can be very helpful in saving a great number of lives in this country.

Right here in this body, if one were to extrapolate out in terms of percentages of individuals with children in this House, installation of airbags will save the lives of, or serious injury to, two children of Members of this very body over a given 2-year session. I think that indicates the kind of investment we can afford to make.

When the airbag decision came before the Commerce Committee last year, I had little information about the proposed system. I did have fears that it might be another unworkable regulatory scheme, like the seatbelt interconnect fiasco.

To gain information on airbags, I called the chief engineer for General Motors, in charge of their passive restraint program. Though this information, I have become a strong supporter of the passive restraint system. Let me share a summary of this discussion with my colleagues:

I asked if airbags would work; the answer was yes, and the data are well known. In 600 million miles driven by airbag equipped autos, we would expect 20 deaths. But there were only three.

Would he buy an airbag car? "You bet I would," and more than that, he has kept his 1973 experimental airbag car for his children to drive.

What would be the impact of the Shuster amendment? It would serve to further complicate the situation, and add uncertainty to the present course of developing airbags. When we get to mass production, the cost of airbags should decline from the present $300 to about half that amount. With uncertainty, money for research and development to bring costs down will not be invested.

Are you currently on schedule, to meet the requirement of passive restraints on 1982 models? "Yes, and we are prepared to offer airbags as options for 1981 models for Impala size models and up."

What of the allegations of danger coming from sodium azide—the chemical that makes the bag inflate? Of course, it is dangerous, but only if you can get at it. It is in a box with lots of steel around it.

Will the airbag be effective in all crashes? The airbag is effective in head-on crashes, and when you are hit from the side in front of the dashboard. When you are hit from the side (nondriver's side) it will certainly cushion the driver; when hit on the driver's side, the seat belt is more effective. When hit from the rear, the best protection is the head rest and seat. And in rollover accidents, the airbag with lap belt will be helpful; only 3 to 4 percent of accidents are rollovers, but 70 to 75 percent of fatalities occur in these accidents. People are thrown out of their autos, and we must work to keep this from happening.

What about the passive belt system? They will be the best sales tool for airbags; people will not like all the belts and appearance of the belt system, and that will sell people on airbags.

Finally, will the airbags go off by mistake? I do not think so; of the more than 11,000-airbag equipped autos in the experimental fleet, only one inflated by mistake. That inflation was caused by electronic interference, and we have since then corrected this potential problem.

Madam Chairman, I think the airbag decision is a good one; they are proven; they will save lives, pain, and money. I hope we continue to support the DOT position.

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

Mr. MINETA. Madam Chairman, I rise in strong opposition to the amendment offered by my colleague from Pennsylvania. I think what we have to do is to recall that we are not talking about mandated airbags, but the standard which was issued by the Secretary of Transportation, which requires that automobiles automatically protect front seat occupants in 30-mile-per-hour front-end collisions.

The standard issued by DOT Secretary Adams requires that automobiles automatically protect front-seat occupants in 30-mile-per-hour frontal crashes, which account for more than half of all fatal crashes. I believe it is important to emphasize that this standard requires only that automobiles meet minimum injury reduction crash performance requirements. Auto makers may choose any means, including airbags or passive belts, to provide the required protection. Let me also point out that this standard will be phased in over a 3-year period beginning with the 1982 model full-sized cars; in 1983 intermediate size cars; and in 1984 all model cars will be required to comply.

According to DOT estimates, once passive restraints are in all cars they will save more than 9,000 lives annually and will prevent, or reduce the severity of, hundreds of thousands of injuries each year. If the gentleman's amendment is accepted, it will deny the public the choice of being protected by either airbags or passive restraints. I do not believe the Members of Congress can, in good conscience, deny that choice to our citizens.

I would like to comment specifically on

a few of the points which the gentleman has raised in opposing this rule.

The gentleman claims that airbags are unproven. The statistics show that that is untrue. Twelve thousand airbag-equipped cars, in government and industry fleets and those owned by private individuals, have been driven approximately 558 million miles. One hundred eighty-five airbag deployments, involving 267 front-seat occupants, had been reported as of June 1, 1978. According to DOT investigations, the airbags functioned properly in each crash.

The gentleman claims airbags are expensive. DOT estimates show that airbags provide $2.10 in benefits for each $1 spent. Furthermore, if we assume an average cost of $200 per car, what we are really talking about is a cost comparable to a vinyl roof or an AM/FM radio.

The gentleman from Pennsylvania claims that the chemical propellant used in airbags is highly poisonous, explosive, mutagenic, and suspected of causing cancer. In response to these assertions DOT has worked with both EPA and OSHA in a cooperative effort to resolve any potential health damage from sodium azide.

My colleague from Pennsylvania claims that NHTSA's track record in safety standards is deplorable. Yet, since NHTSA has been in existence, the fatality rate has dropped from 5.5 deaths per 100 million miles of travel to 3.2 deaths per 100 million miles of travel.

The gentleman claims that safety belts are better and are already on 95 percent of the cars on the road. Certainly no one would argue that safety belts are an effective means of preventing death and injury but, like some methods of birth control, they are only effective if they are used.

As a fire and casualty insurance agent and broker for 22 years, and my father for 36 years before me, I know that automobile crashes are a major public health problem. More than 25,000 people lose their lives each year in automobile accidents. Automobile accidents are the leading cause of death to people from 15 to 24 years of age, and are a major cause of paraplegia and epilepsy. Fewer than one person in five currently wear the safety belts provided in nearly all cars on the roads in the United States.

I urge my colleagues to seriously and thoughtfully consider these facts and to vote against the Shuster amendment.

The CHAIRMAN. The Chair recognizes the gentleman from New York (Mr. SCHEUER).

Mr. SCHEUER. Madam Chairman, I am impressed that a Member can object to the cost of reinflating the airbag at $400 to $600 after it has been used, and presumably has saved lives. We are talking about the value of a human life, valued by the Department of Transportation at about $300,000. Assuming that we have 25,000 front seat deaths in this country annually, we are talking about $7 or $8 billion.

We are talking about human lives—thousands of them and billions of dollars.

We have gone on an emotional binge in this House, talking about compulsion. We are reacting, indeed, overreacting, to what the voters did a week ago tomorrow in California. They sent us a signal that is an important signal. We ought to listen and understand what it means. They are talking about less Government where it does not help, and more action, more productivity—more basic human courtesy from the civil service, and less unnecessary intrusion in their lives. But, I do not think they mean for us to repeal Government itself.

Should we eliminate the requirement in cars for safety glass, eliminate the requirement for soft dashboards—does any Member urge that? Should we eliminate the requirement for directional signals and the collapsible steering wheel, does any Member urge that? Should we wipe out the Food and Drug Administration and let everybody buy the drugs they want to buy at the cheaper prices to be sure, because they would save the millions it costs to process a new drug through the time consuming and expensive FDA testing procedures. Should we wipe out OSHA?

I think we are really engaging in overkill.

Mr. Speaker, following this statement is the text of a position paper I wrote for the American Legion magazine in June 1977 in favor of a mandatory airbag rule:

SHOULD CONGRESS MAKE AIRBAGS MANDATORY

(By Representative JAMES SCHEUER)

Congress must act to make lifesaving airbags and automotive seat belt systems standard equipment in all new cars at the earliest possible date.

The evidence that airbags and other passive restraint systems save lives is overwhelming. A former General Motors vice-president, Mr. John DeLorean, stated recently that delaying the installation of front seat airbags over a three-year period would result in over 36,000 deaths.

By 1980, cars with airbags will be available. Manufacturers have agreed to aggressively and affirmatively promote them to dealers and the public.

The three major insurance trade associations have long endorsed the mandatory inclusion of airbags in all new cars. Some major insurance companies have even slashed medical coverage rates in premiums by 30 percent for owners of cars equipped with full-front airbag systems.

"Yet," airbag opponents claim, "to require such an additional expenditure is to curtail freedom of choice." This argument is patently absurd.

Over the past decade, the government has required automobile manufacturers to install, and consumers to pay for, a wide variety of safety equipment. Such requirements clearly restrict consumer "freedom of choice" and demonstrate recognition of the basic principal that the voice of the marketplace doesn't necessarily represent the ultimate best interests either of the individual consumer or of society at large. The consumer must pay for these safety features, a combination of which probably prevents fewer deaths and injuries and costs more than airbags or passive belts. And we now require the consumer to pay $60 for safety belts which are not used by 80 percent of the people.

To discuss freedom of choice given this background is pious sanctimony laced with hypocrisy.

We all share the cost of accidents through higher taxes and insurance premiums; the diversion of police; for ambulance, medical and other resources urgently needed elsewhere. We all pay for medicaid, medicare and other forms of public health care. We all pay the Social Security disability and survivor benefits, welfare benefits, pensions and unemployment insurance which traffic victims and/or their families may require. It is estimated that the cost to society—to the taxpayer—of needless injuries and fatalities is more than $3.5 billion annually. The cost in human terms is incalculable.

We must make passive restraints systems mandatory. Despite the extreme cost-effectiveness of safety belt and airbag systems in preventing us from being killed or seriously injured, Americans have not voluntarily buckled up; states have not required their citizens to do so; automobile manufacturers have not voluntarily incorporated these safety measures into equipment that comes with each car, and Congress has not taken action to save lives. It should.

The CHAIRMAN. The Chair recognizes the gentleman from Minnesota (Mr. FRENZEL).

Mr. FRENZEL. Madam Chairman, I support the Shuster amendment to restrict the Transportation Department's ability to mandate airbags on new cars in the early 1980's.

Any representative who survived the interlock fiasco should not have to be reminded of how the public feels about being forced to add costly, unproved devices to automobiles. Clearly an overwhelming percentage of Americans do not favor the airbag any more than the seatbelt interlock.

The costs of the airbag are estimated by everyone but DOT, to be about $300 per car. At 10 million cars per year, or more, the minimum extra, unnecessary burden we are loading on the consumer will be $3 billion per year. That is a load our consumers should not have to bear.

The airbag is not completely tested. In fact, there is no airbag at all for small cars. And, of course, it is the small cars that we want to sell. The airbag does not work in a large percentage of accidents. Unfortunately, it works sometimes when there is no accident.

Overall, the airbag is a loser. It is not the best safety device, but it is the most expensive. We should not miss this chance to keep the Secretary of Transportation from inflicting it on our constituents.

The amendment is alleged to be worthless because it can only direct how appropriations may not be spent. It would be better, of course, to forbid the Secretary of Transportation from mandating airbags. But this amendment is the best we can do. The committee of jurisdiction gives us no other opportunity. We should pass the Shuster amendment.

The CHAIRMAN. The Chair recognizes the gentleman from Pennsylvania (Mr. SHUSTER).

Mr. SHUSTER. Madam Chairman, all of us care about saving lives. I think it is instructive to look at what the Eaton Corp., the pioneer in the airbag business,

is doing. I have before me a newspaper article saying the Eaton Corp. is dropping the business. Let me share with the Members what a GAO investigator said on this:

When a company spends $25 million developing a product and then decides not to produce it, that tells you something.

Madam Chairman, I suggest we, the elected Members of the people of the United States, should tell something to the bureaucrats downtown. Let us tell them we do not want these kinds of mandatory regulations and costs laid on the American people when indeed the hard evidence from the real world does not justify such mandatory regulations.

The CHAIRMAN. The Chair recognizes the gentleman from Massachusetts (Mr. CONTE).

(Mr. CONTE asked and was given permision to revise and extend his remarks.)

Mr. CONTE. Madam Chairman, in order to bag some of the hot air that is going on here today, I yield back the balance of my time.

The CHAIRMAN. The Chair recognizes the gentleman from California (Mr. McFALL).

Mr. McFALL. I oppose the amendment, Madam Chairman.

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

The question was taken; and the Chairman being in doubt, the Committee divided, and there were—ayes 29, noes 16.

RECORDED VOTE

Mr. McFALL. Madam Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 237, noes 143, answered "present" 1, not voting 53, as follows:

[Roll No. 439]

AYES—237

| | | |
|---|---|---|
| Abdnor | Carter | Findley |
| Akaka | Cavanaugh | Fish |
| Alexander | Cederberg | Fithian |
| Ambro | Chappell | Flippo |
| Anderson, Ill. | Clausen, | Flynt |
| Andrews, N.C. | Don H. | Ford, Mich. |
| Andrews, | Cleveland | Forsythe |
| N. Dak. | Cohen | Fountain |
| Annunzio | Coleman | Frenzel |
| Applegate | Collins, Tex. | Fuqua |
| Archer | Conable | Gammage |
| Ashbrook | Corcoran | Gaydos |
| Badham | Cotter | Giaimo |
| Bafalis | Coughlin | Ginn |
| Barnard | Crane | Glickman |
| Bauman | Cunningham | Goldwater |
| Beard, R.I. | D'Amours | Gradison |
| Beard, Tenn. | Daniel, Dan | Grassley |
| Bennett | Daniel, R. W. | Gudger |
| Blanchard | Delaney | Guyer |
| Boland | Derrick | Hagedorn |
| Bowen | Derwinski | Hall |
| Breaux | Devine | Hammer- |
| Breckinridge | Dickinson | schmidt |
| Brinkley | Diggs | Hanley |
| Brooks | Dingell | Hannaford |
| Broomfield | Dornan | Hansen |
| Brown, Mich. | Duncan, Oreg. | Harsha |
| Brown, Ohio | Duncan, Tenn. | Heckler |
| Broyhill | Early | Hefner |
| Buchanan | Edwards, Ala. | Hightower |
| Burgener | Edwards, Okla. | Hillis |
| Burke, Fla. | Emery | Holt |
| Burke, Mass. | English | Horton |
| Burleson, Tex. | Erlenborn | Hubbard |
| Burlison, Mo. | Ertel | Hughes |
| Butler | Evans, Del. | Hyde |
| Byron | Evans, Ga. | Ichord |
| Carney | Evans, Ind. | Ireland |
| Carr | Fenwick | Jacobs |
| Jenkins | Mollohan | Skelton |
| Johnson, Colo. | Moore | Skubitz |
| Jones, N.C. | Moorhead, | Slack |
| Jones, Okla. | Calif. | Smith, Nebr. |
| Jones, Tenn. | Murphy, Pa. | Snyder |
| Kasten | Murtha | Spellman |
| Kazen | Myers, Gary | Spence |
| Kemp | Myers, John | Stangeland |
| Ketchum | Myers, Michael | Stanton |
| Keys | Natcher | Steed |
| Kildee | Neal | Stockman |
| Kindness | Nichols | Symms |
| Krebs | Nowak | Taylor |
| Krueger | O'Brien | Thone |
| Lagomarsino | Pettis | Thornton |
| Latta | Pickle | Traxler |
| Leach | Pike | Treen |
| Lederer | Poage | Vander Jagt |
| Leggett | Pressler | Volkmer |
| Levitas | Pursell | Waggonner |
| Livingston | Quayle | Walker |
| Lloyd, Calif. | Railsback | Walsh |
| Lloyd, Tenn. | Regula | Wampler |
| Long, La. | Reuss | Watkins |
| Long, Md. | Rinaldo | Weaver |
| Lott | Risenhoover | White |
| Lujan | Roberts | Whitehurst |
| Luken | Robinson | Whitley |
| McClory | Rooney | Whitten |
| McCloskey | Rostenkowski | Wiggins |
| McDonald | Rousselot | Wilson, Bob |
| McEwen | Rudd | Wilson, C. H. |
| Mahon | Ruppe | Wilson, Tex. |
| Marlenee | Russo | Winn |
| Marriott | Satterfield | Yatron |
| Martin | Sawyer | Young, Alaska |
| Mathis | Schulze | Young, Fla. |
| Mattox | Sebelius | Zablocki |
| Michel | Shuster | Zeferetti |
| Milford | Sikes | |
| Mitchell, N.Y. | Sisk | |

NOES—143

| | | |
|---|---|---|
| Addabbo | Garcia | Oberstar |
| Ammerman | Gephardt | Obey |
| Anderson, | Gibbons | Ottinger |
| Calif. | Gilman | Patten |
| Ashley | Gonzalez | Patterson |
| Aspin | Green | Pattison |
| Baldus | Hamilton | Pease |
| Baucus | Harkin | Perkins |
| Bedell | Harrington | Preyer |
| Benjamin | Harris | Price |
| Bevill | Hawkins | Pritchard |
| Biaggi | Heftel | Rahall |
| Bingham | Hollenbeck | Rangel |
| Blouin | Holtzman | Richmond |
| Boggs | Howard | Roe |
| Bolling | Jeffords | Rogers |
| Bonior | Johnson, Calif. | Rose |
| Bonker | Jordan | Rosenthal |
| Brademas | Kastenmeier | Roybal |
| Brodhead | Kostmayer | Ryan |
| Brown, Calif. | LaFalce | Scheuer |
| Burton, John | Lent | Schroeder |
| Burton, Phillip | Lundine | Seiberling |
| Chisholm | McCormack | Sharp |
| Clay | McDade | Simon |
| Cochran | McFall | Smith, Iowa |
| Collins, Ill. | McHugh | Staggers |
| Conte | McKay | Stark |
| Conyers | McKinney | Steers |
| Corman | Madigan | Stokes |
| Cornell | Maguire | Stratton |
| Cornwell | Markey | Studds |
| Danielson | Marks | Thompson |
| Dellums | Mazzoli | Trible |
| Dicks | Meeds | Udall |
| Dodd | Mikulski | Ullman |
| Downey | Mikva | Vanik |
| Drinan | Miller, Calif. | Vento |
| Eckhardt | Mineta | Walgren |
| Edgar | Minish | Weiss |
| Edwards, Calif. | Mitchell, Md. | Wirth |
| Eilberg | Moakley | Wright |
| Evans, Colo. | Moffett | Wydler |
| Fary | Montgomery | Wylie |
| Fascell | Moorhead, Pa. | Yates |
| Fisher | Moss | Young, Mo. |
| Flood | Mottl | |
| Florio | Murphy, N.Y. | |
| Fowler | Oakar | |

ANSWERED "PRESENT"—1

Lehman

NOT VOTING—53

| | | |
|---|---|---|
| Allen | Beilenson | Clawson, Del |
| Armstrong | Burke, Calif. | Davis |
| AuCoin | Caputo | de la Garza |
| Dent | Meyner | Sarasin |
| Flowers | Miller, Ohio | Shipley |
| Foley | Murphy, Ill. | Solarz |
| Ford, Tenn. | Nedzi | St Germain |
| Fraser | Nix | Steiger |
| Frey | Nolan | Stump |
| Goodling | Panetta | Teague |
| Gore | Pepper | Tsongas |
| Holland | Quie | Tucker |
| Huckaby | Quillen | Van Deerlin |
| Jenrette | Rhodes | Waxman |
| Kelly | Rodino | Whalen |
| Le Fante | Roncalio | Wolff |
| Mann | Runnels | Young, Tex. |
| Metcalfe | Santini | |

The Clerk announced the following pairs:

On this vote:

Mr. Jenrette for, with Mr. Le Fante against.

Mr. Runnels for, with Mrs. Burke of California against.

Mr. Murphy of Illinois for, with Mr. Panetta against.

Mr. Teague for, with Mr. Foley against.

Mr. Nedzi for, with Mrs. Meyner against.

Mr. St Germain for, with Mr. Solarz against.

Mr. Dent for, with Mr. Ford of Tennessee against.

Mr. Nix for, with Mr. Wolff against.

Mr. Del Clawson for, with Mr. Whalen against.

Mr. Frey for, with Mr. Waxman against.

Mr. Kelly for, with Mr. Pepper against.

Mr. Miller of Ohio for, with Mr. Van Deerlin against.

Mr. Quillen for, with Mr. Metcalfe against.

Mr. Steiger for, with Mr. Shipley against.

Messrs. WHITTEN, GLICKMAN, and HUGHES changed their vote from "no" to "aye."

Mr. LEHMAN changed his vote from "no" to "present."

Mr. HOLLENBECK and Mr. JOHN L. BURTON changed their vote from "aye" to "no."

So the amendment was agreed to.

The result of the vote was announced as above recorded.

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

Madam Chairman, last Friday I would have liked very much to have had an opportunity to present an amendment, but because of the objection by the chairman of the subcommittee I was not able to do that.

Madam Chairman, my amendment would have added $500,000—the amount cut by the Committee—to the railroad safety program.

There are close to 8,000 railroad derailments in any given year. That reflects more than a maintenance problem. It reflects an inadequate Federal inspection system and a wholesale disregard by the railroads of safety needs.

We have seen in the past year spectacular and tragic accidents in which dozens of people have been killed and whole communities terrorized by railroad accidents—accidents in which there have been tremendous explosions and fires, and accidents in which deadly gases have covered areas for miles around with toxic fumes.

We know that some of these accidents could have been prevented by good maintenance. We also know that some of them could have been prevented if the railroads had not been permitted to cut corners on their equipment—for example, by failing to install head shields

to protect high-pressure tank cars, and by failing to install coupling systems that will prevent overrides. And we know that the railroads have been slow to take off dangerous high-carbon wheels that have been directly responsible for a number of accidents.

I realize that some of the trouble lies in the Department of Transportation itself, which enjoys more than a cozy relationship with the railroads it is supposed to be regulating.

But at the same time, not even the most efficient and dedicated of departments could enforce an adequate safety effort with the resources that are now available.

We ought to insist that DOT do a better job with rail safety—and I am among those who do. But let us not give them an excuse to say that we in Congress are not giving them enough money to do the job. Let us restore the appropriation to the full amount requested, and then demand action.

AMENDMENT OFFERED BY MR. ECKHARDT

Mr. ECKHARDT. Madam Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. ECKHARDT: Page 33, immediately after line 5, insert the following new section:

SEC. 318. Nothing in section 317 of this title shall be construed to prohibit the use of funds (1) for any research and development activity relating to occupant restraint systems, or (2) in connection with any court action with respect to any standard or regulation referred to in such section 317.

Mr. SHUSTER. Madam Chairman, I reserve a point of order against the amendment.

The CHAIRMAN. The gentleman from Pennsylvania (Mr. SHUSTER) reserves a point of order against the amendment.

Mr. ECKHARDT. Madam Chairman, I do not consider this amendment as a very controversial one, because in my discussion with Members coming in, the gentleman from Pennsylvania (Mr. SHUSTER) said that he did not intend to restrict research and development by his amendment but only putting into effect airbag standards.

Certainly, we need to permit DOT to look at the question of effectiveness respecting various restraint systems. All this amendment says is that nothing in section 317 of this title shall be construed to prohibit the use of funds, first, for any research and development activity relating to occupant restraint systems—still, of course, no funds could be used to deploy the airbag under the Shuster amendment—or second, in connection with any court action with respect to any standard or regulation referred to in such section 317.

This does not change the Shuster amendment making it not permissible to use the funds for putting into effect the airbag standard, but it merely lets DOT continue to consider the whole question of passive restraint.

Madam Chairman, as I said in argument against the original amendment, the original amendment is very ambiguous with respect to whether or not it affects passive seatbelts, because it says not including seatbelts; but seatbelts are defined in the act as only those restraints which are active and not passive.

Madam Chairman, I urge an aye vote on the amendment.

POINT OF ORDER

The CHAIRMAN. Does the gentleman from Pennsylvania (Mr. SHUSTER) insist upon his point of order?

Mr. SHUSTER. Yes, Madam Chairman, I do.

The CHAIRMAN. The gentleman will state it.

Mr. SHUSTER. Madam Chairman, first, I make the point of order that this is legislation on an appropriation bill.

I would say, further, that I have no objection to the first part of this amendment, which provides that nothing in this title shall be construed to prohibit the use of funds for any research and development activity.

Indeed, I support the research and development activity for airbags, as well as other restraints. This goes beyond that, however.

And the second point, that this does not touch in any way in connection with any court action in respect to any standard regulation, it would seem to me that we should have the bureaucrats in and out of court trying to define what this means.

So because of the second part of this amendment, I would make the statement that this is legislation on an appropriation bill and it seeks to undo what the House has already done.

The CHAIRMAN. Does the gentleman from Texas (Mr. ECKHARDT) desire to be heard on the point of order?

Mr. ECKHARDT. Yes, Madam Chairman, I do.

The CHAIRMAN. The gentleman from Texas is recognized.

Mr. ECKHARDT. Madam Chairman, briefly, I refer to the argument made by the gentleman from Pennsylvania (Mr. SHUSTER) on page 16995 of the CONGRESSIONAL RECORD of June 9, 1978, and the ruling by the chairman on page 16996.

The CHAIRMAN. The Chair is ready to rule.

The amendment offered by the gentleman from Texas (Mr. ECKHARDT) does not change existing law, does not mandate any affirmative new duties, but constitutes an exception to a limitation placed on an appropriation bill, which is certainly in order. It does not mandate a new course of action or additional duties on the part of any party concerned with the thrust of this legislation.

Therefore, the Chair overrules the point of order.

The question is on the amendment offered by the gentleman from Texas (Mr. ECKHARDT).

The question was taken; and the Chairman announced that the noes appeared to have it.

RECORDED VOTE

Mr. ECKHARDT. Madam Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 180, noes 194, answered "present" 1, not voting 59, as follows:

[Roll No. 440]

AYES—180

| | | |
|---|---|---|
| Akaka | Garcia | Moorhead, Pa. |
| Ambro | Gephardt | Moss |
| Ammerman | Giaimo | Mottl |
| Anderson, Calif. | Gibbons | Murphy, N.Y. |
| Applegate | Gilman | Murphy, Pa. |
| Ashley | Glickman | Myers, Michael |
| Aspin | Gonzalez | Neal |
| Baldus | Green | Nowak |
| Baucus | Hamilton | Oakar |
| Beard, R.I. | Hanley | Oberstar |
| Bedell | Hannaford | Obey |
| Benjamin | Harkin | Ottinger |
| Bennett | Harrington | Patten |
| Bevill | Harris | Pattison |
| Biaggi | Hawkins | Pease |
| Bingham | Heftel | Perkins |
| Blanchard | Hightower | Pettis |
| Blouin | Hollenbeck | Pickle |
| Boland | Holtzman | Pike |
| Bolling | Howard | Preyer |
| Bonior | Hughes | Price |
| Bonker | Ireland | Pritchard |
| Brademas | Jeffords | Rahall |
| Brinkley | Jenkins | Rangel |
| Brodhead | Johnson, Calif. | Reuss |
| Brown, Calif. | Jordan | Richmond |
| Burke, Mass. | Kastenmeier | Roe |
| Burton, John | Kazen | Rogers |
| Burton, Phillip | Keys | Rose |
| Carr | Kildee | Rosenthal |
| Cavanaugh | Kostmayer | Roybal |
| Chisholm | LaFalce | Scheuer |
| Clay | Lederer | Schroeder |
| Cochran | Lehman | Seiberling |
| Collins, Ill. | Levitas | Sharp |
| Conte | Long, La. | Simon |
| Conyers | Long, Md. | Smith, Iowa |
| Corman | Lundine | Spellman |
| Cornell | McCormack | Staggers |
| Cornwell | McDade | Stark |
| Danielson | McFall | Steers |
| Dellums | McHugh | Stokes |
| Dicks | McKay | Stratton |
| Dodd | McKinney | Studds |
| Downey | Madigan | Thompson |
| Drinan | Maguire | Trible |
| Early | Mahon | Udall |
| Eckhardt | Markey | Vanik |
| Edgar | Marks | Vento |
| Ertel | Mattox | Volkmer |
| Evans, Colo. | Mazzoli | Walgren |
| Evans, Ind. | Meeds | Weiss |
| Fary | Mikulski | White |
| Fascell | Mikva | Wirth |
| Fisher | Miller, Calif. | Wright |
| Flippo | Mineta | Wydler |
| Flood | Minish | Wylie |
| Florio | Mitchell, Md. | Yates |
| Fowler | Moakley | Young, Mo. |
| Fuqua | Moffett | |
| | Montgomery | |

NOES—194

| | | |
|---|---|---|
| Abdnor | Cohen | Ford, Mich. |
| Alexander | Coleman | Forsythe |
| Anderson, Ill. | Collins, Tex. | Fountain |
| Andrews, N.C. | Conable | Frenzel |
| Andrews, N. Dak. | Corcoran | Gammage |
| Annunzio | Cotter | Ginn |
| Archer | Coughlin | Goldwater |
| Ashbrook | Crane | Gradison |
| Badham | Cunningham | Grassley |
| Bafalis | D'Amours | Gudger |
| Barnard | Daniel, Dan | Guyer |
| Bauman | Daniel, R. W. | Hagedorn |
| Beard, Tenn. | Delaney | Hall |
| Bowen | Derrick | Hammer-schmidt |
| Breaux | Derwinski | Hansen |
| Breckinridge | Devine | Harsha |
| Brooks | Dickinson | Heckler |
| Broomfield | Diggs | Hefner |
| Brown, Mich. | Dingell | Hillis |
| Brown, Ohio | Dornan | Holt |
| Broyhill | Duncan, Oreg. | Horton |
| Buchanan | Duncan, Tenn. | Hubbard |
| Burgener | Edwards, Ala. | Hyde |
| Burke, Fla. | Edwards, Okla. | Ichord |
| Burleson, Tex. | Eilberg | Jacobs |
| Burlison, Mo. | Emery | Johnson, Colo. |
| Butler | English | Jones, N.C. |
| Byron | Erlenborn | Jones, Okla. |
| Carney | Evans, Del. | Jones, Tenn. |
| Cederberg | Evans, Ga. | Kasten |
| Chappell | Fenwick | Kemp |
| Clausen, Don H. | Findley | Ketchum |
| Cleveland | Fish | Kindness |
| | Fithian | Krebs |
| | Flynt | |

| | | |
|---|---|---|
| Krueger | O'Brien | Stangeland |
| Lagomarsino | Patterson | Stanton |
| Latta | Poage | Steed |
| Leach | Pressler | Symms |
| Leggett | Pursell | Taylor |
| Lent | Quayle | Thone |
| Livingston | Railsback | Thornton |
| Lloyd, Calif. | Regula | Traxler |
| Lloyd, Tenn. | Rinaldo | Treen |
| Lott | Risenhoover | Ullman |
| Lujan | Roberts | Vander Jagt |
| Luken | Robinson | Waggonner |
| McClory | Rooney | Walker |
| McCloskey | Rostenkowski | Walsh |
| McDonald | Rousselot | Wampler |
| McEwen | Rudd | Watkins |
| Marlenee | Ruppe | Weaver |
| Marriott | Russo | Whitehurst |
| Martin | Ryan | Whitley |
| Mathis | Satterfield | Whitten |
| Michel | Sawyer | Wiggins |
| Milford | Schulze | Wilson, Bob |
| Mitchell, N.Y. | Sebelius | Wilson, C. H. |
| Mollohan | Shuster | Winn |
| Moore | Sikes | Yatron |
| Moorhead, Calif. | Sisk | Young, Alaska |
| | Skelton | Young, Fla. |
| Murtha | Skubitz | Zablocki |
| Myers, Gary | Slack | Zeferetti |
| Myers, John | Smith, Nebr. | |
| Natcher | Snyder | |
| Nichols | Spence | |

ANSWERED "PRESENT"—1

Carter

NOT VOTING—59

| | | |
|---|---|---|
| Addabbo | Gore | Roncalio |
| Allen | Holland | Runnels |
| Armstrong | Huckaby | Santini |
| AuCoin | Jenrette | Sarasin |
| Bellenson | Kelly | Shipley |
| Boggs | Le Fante | Solarz |
| Burke, Calif. | Mann | St Germain |
| Caputo | Metcalfe | Steiger |
| Clawson, Del | Meyner | Stockman |
| Davis | Miller, Ohio | Stump |
| de la Garza | Murphy, Ill. | Teague |
| Dent | Nedzi | Tsongas |
| Edwards, Calif. | Nix | Tucker |
| Flowers | Nolan | Van Deerlin |
| Foley | Panetta | Waxman |
| Ford, Tenn. | Pepper | Whalen |
| Fraser | Quie | Wilson, Tex. |
| Frey | Quillen | Wolff |
| Gaydos | Rhodes | Young, Tex. |
| Goodling | Rodino | |

The Clerk announced the following pairs:

On this vote:

Mr. Addabbo for, with Mr. Teague against.

Mr. Sarasin for, with Mr. Del Clawson against.

Mr. Steiger for, with Mr. Frey against.

Mr. Whalen for, with Mr. Kelly against.

Mr. St Germain for, with Mr. Miller of Ohio against.

Mr. Le Fante for, with Mr. Quillen against.

Mr. Wolff for, with Mr. Nedzi against.

Mr. ABDNOR and Mr. DUNCAN of Tennessee changed their vote from "aye" to "no."

So the amendment was rejected.

The result of the vote was announced as above recorded.

AMENDMENT OFFERED BY MR. CONTE

Mr. CONTE. Madam Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. CONTE: Page 33, immediately after line 5, insert the following new section:

SEC. 318. Nothing in section 317 of this title shall be construed to prohibit the use of funds for any research and development activity relating to occupant restraint systems.

Mr. SHUSTER. Madam Chairman, will the gentleman yield?

Mr. CONTE. I yield to my good friend the gentleman from Pennsylvania (Mr. SHUSTER).

Mr. SHUSTER. Madam Chairman, I thank the gentleman for yielding.

Madam Chairman, I have no problem with this amendment and I accept it.

Mr. McFALL. Madam Chairman, will the gentleman yield?

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

Mr. McFALL. Madam Chairman, this side is willing to accept the amendment and I think most of the Members are.

Mr. CONTE. Madam Chairman, I find it necessary to offer this amendment to clarify our intentions with respect to the last two amendments we have acted upon. I fear that we have inadvertently established a legislative intent to prohibit research and development into effective occupant restraint systems.

Earlier, we adopted the amendment of the gentleman from Pennsylvania (Mr. SHUSTER) to prohibit funding for implementing or enforcing standards requiring other than a belt system. This amendment was obviously aimed exclusively at preventing implementation at this time of a mandatory airbag system.

Unfortunately, Madam Chairman, we just voted to defeat the amendment of the gentleman from Texas (Mr. ECKHARDT). That amendment attempted, not only to protect the department's ability to conduct research and development, but also to insure a vaguely worded right to participate in court actions involving restraint systems.

I am confident that this amendment was rejected solely because the Members were unclear as to what was envisioned by the exception regarding court actions.

I am equally confident that the Members did not intend to prohibit vital research and development activities so important to the future safety of automobile passengers. Yet, that is exactly the legislative intent we established.

Despite the differences that have been expressed in this Chamber over the merits of the Shuster amendments, I know that both its supporters and its opponents—and its author—have no intention of cutting off funding for R. & D. activity relating to any feasible occupant restraint system.

I do not believe there is one Member of this body who would take such an anti-consumer and antisafety stand; and I am certain that the gentleman from Pennsylvania (Mr. SHUSTER) will agree with me.

My amendment is needed to restore sanity by restoring the correct interpretation to what we have done. I urge its immediate and unanimous adoption.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Massachusetts (Mr. CONTE).

The amendment was agreed to.

The CHAIRMAN. The Clerk will read.

The Clerk concluded the reading of the bill.

Mr. McFALL. Madam Chairman, I move to strike the last word.

Mr. CUNNINGHAM. Madam Chairman, will the gentleman yield?

Mr. McFALL. I yield to the gentleman from Washington.

Mr. CUNNINGHAM. Madam Chairman, I thank the gentleman from California (Mr. McFALL) for yielding to me. I wonder, having shared with the gentleman earlier a concern we have on some major bridge work that needs to be done in Seattle in order to afford residents of West Seattle the opportunity to get to Seattle, if he would respond?

Mr. McFALL. I understand there was an accident, is that correct?

Mr. CUNNINGHAM. Yes, finally one of the oceangoing freighters has literally taken the main corridor bridge out. We now have the second largest corridor in the State crippled for what looks like 60 to 90 days. I appreciate the understanding of the chairman concerning this problem. I hope when this bill gets to conference that there will be an opportunity to address ourselves to it in seeking a permanent solution—not patchwork.

Mr. McFALL. I appreciate the gentleman's calling the attention of the House to this very serious matter, and since it happened, I know the matter will come before the Senate. We certainly will be very sympathetic to anything the Senate does with reference to this very, very serious situation in the State of Washington.

Mr. PRITCHARD. Madam Chairman, will the gentleman yield?

Mr. McFALL. I yield to the gentleman from Washington.

Mr. PRITCHARD. I thank the gentleman for yielding.

I want to put emphasis on what the gentleman from Washington said regarding the disaster in our town. I am sure the Senators will be discussing it in conference, and we will appreciate any consideration the gentleman can give.

Mr. CONTE. Madam Chairman, will the gentleman yield?

Mr. McFALL. I yield to the gentleman from Massachusetts.

Mr. CONTE. I thank the gentleman for yielding.

The gentleman from Washington spoke to me, and after discussing it with the chairman of the committee, who has always been fair with all Members of the House and also with myself, we told him we would give him every sympathy when we go to conference.

Mr. McFALL. I am sure the gentleman from Massachusetts will be at the conference, and he certainly will be working right with us in order to find a solution to this very difficult problem.

Mr. PRITCHARD. I thank the gentleman.

● Mr. LENT. Mr. Chairman, I commend the Appropriations Committee for its work on the Department of Transportation and Related Agencies Appropriation bill (H.R. 12933). In particular, I am gratified that the committee has responded to the Merchant Marine and Fisheries Committee's recommendations by appropriating $1.1 million for survey and design of future vessels by the U.S. Coast Guard.

As a member of the Merchant Marine and Fisheries Committee, I am well aware of new seagoing platform developments which will help the Coast Guard carry out its many and varied missions. Our report on the authorization bill ex-

pressed great interest in the promise of new hull designs, both nondisplacement and nonconventional.

As the original sponsor of the 200-mile economic zone around our coasts, I know what increased enforcement responsibilities face the Coast Guard in carrying out this law.

The House action today reemphasizes our commitment to improving the Coast Guard's effectiveness and I hope the Coast Guard will move ahead in examining new hull designs with serious consideration given to hydrofoil vessels during this evaluation and design process.●

Mr. McFALL. Madam Chairman, I move that the Committee do now rise and report the bill back to the House with sundry amendments, with the recommendation that the amendments be agreed to and that the bill, as amended, do pass.

The motion was agreed to.

Accordingly the Committee rose; and the Speaker pro tempore (Mr. WRIGHT) having assumed the chair, Miss JORDAN, 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. 12933) making appropriations for the Department of Transportation and related agencies for the fiscal year ending September 30, 1979, and for other purposes, had directed her to report the bill back to the House with sundry amendments, with the recommendation that the amendments be agreed to and that the bill, as amended, do pass.

The SPEAKER pro tempore. Without objection, the previous question is ordered.

There was no objection.

The SPEAKER pro tempore. Is a separate vote demanded on any amendment adopted by the Committee of the Whole? If not, the Chair will put them en gros.

The amendments were agreed to.

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

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

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

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

Mr. BAUMAN. 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 347, nays 25, not voting 62, as follows:

[Roll No. 441]

YEAS—347

| | | |
|---|---|---|
| Abdnor | Badham | Bolling |
| Akaka | Bafalis | Bonior |
| Alexander | Baldus | Bonker |
| Ambro | Barnard | Bowen |
| Ammerman | Baucus | Brademas |
| Anderson, Calif. | Bauman | Breaux |
| | Beard, R.I. | Breckinridge |
| Anderson, Ill. | Beard, Tenn. | Brinkley |
| Andrews, N.C. | Benjamin | Brooks |
| Andrews, N. Dak. | Bennett | Broomfield |
| | Bevill | Brown, Calif. |
| Annunzio | Biaggi | Brown, Ohio |
| Applegate | Bingham | Buchanan |
| Ashbrook | Blanchard | Burgener |
| Ashley | Boggs | Burke, Fla. |
| Aspin | Boland | Burke, Mass. |
| Burleson, Tex. | Harsha | Patterson |
| Burlison, Mo. | Hawkins | Pease |
| Burton, Phillip | Hefner | Perkins |
| Butler | Heftel | Pettis |
| Byron | Hightower | Pickle |
| Carney | Hollenbeck | Pike |
| Carr | Holt | Poage |
| Carter | Holtzman | Pressler |
| Cavanaugh | Horton | Preyer |
| Cederberg | Howard | Price |
| Chappell | Hubbard | Pritchard |
| Chisholm | Hughes | Pursell |
| Clausen, Don H. | Hyde | Quayle |
| | Ichord | Rahall |
| Clay | Ireland | Railsback |
| Cleveland | Jeffords | Rangel |
| Cochran | Jenkins | Regula |
| Cohen | Johnson, Calif. | Reuss |
| Coleman | Johnson, Colo. | Richmond |
| Collins, Ill. | Jones, N.C. | Rinaldo |
| Conable | Jones, Tenn. | Risenhoover |
| Conte | Jordan | Roberts |
| Conyers | Kasten | Robinson |
| Corcoran | Kastenmeier | Roe |
| Corman | Kazen | Rogers |
| Cornell | Kemp | Rooney |
| Cornwell | Ketchum | Rose |
| Cotter | Keys | Rosenthal |
| Coughlin | Kildee | Rostenkowski |
| Cunningham | Kindness | Rousselot |
| D'Amours | Kostmayer | Roybal |
| Daniel, Dan | Krebs | Rudd |
| Daniel, R. W. | Krueger | Ruppe |
| Danielson | LaFalce | Russo |
| De.aney | Lagomarsino | Ryan |
| Dellums | Leach | Sawyer |
| Derrick | Lederer | Scheuer |
| Dickinson | Leggett | Schroeder |
| Dicks | Lehman | Sebelius |
| Diggs | Lent | Seiberling |
| Dingell | Levitas | Sharp |
| Dodd | Livingston | Shuster |
| Dornan | Lloyd, Calif. | Sikes |
| Drinan | Lloyd, Tenn. | Simon |
| Duncan, Oreg. | Long, La. | Sisk |
| Duncan, Tenn. | Long, Md. | Skelton |
| Early | Lott | Skubitz |
| Eckhardt | Lujan | Slack |
| Edgar | Luken | Smith, Iowa |
| Edwards, Ala. | Lundine | Smith, Nebr. |
| Edwards, Okla. | McClory | Snyder |
| Eilberg | McCloskey | Spence |
| Emery | McCormack | Staggers |
| English | McDade | Stangeland |
| Erlenborn | McEwen | Stanton |
| Ertel | McFall | Stark |
| Evans, Colo. | McHugh | Steed |
| Evans, Del. | McKay | Steers |
| Evans, Ga. | McKinney | Steiger |
| Fary | Madigan | Stokes |
| Fascell | Mahon | Stratton |
| Fenwick | Markey | Studds |
| Findley | Marks | Taylor |
| Fish | Marlenee | Thompson |
| Fisher | Marriott | Thone |
| Fithian | Martin | Thornton |
| Flippo | Mathis | Traxler |
| Flood | Mattox | Treen |
| Florio | Mazzoli | Trible |
| Flynt | Meeds | Udall |
| Ford, Mich. | Michel | Ullman |
| Forsythe | Mikulski | Vander Jagt |
| Fountain | Milford | Vanik |
| Fowler | Miller, Calif. | Vento |
| Frenzel | Mineta | Volkmer |
| Fuqua | Minish | Waggonner |
| Gammage | Mitchell, Md. | Walgren |
| Garcia | Mitchell, N.Y. | Walker |
| Gaydos | Moakley | Walsh |
| Giaimo | Mollohan | Wampler |
| Gibbons | Montgomery | Watkins |
| Gilman | Moore | Weiss |
| Ginn | Moorhead, Calif. | White |
| Glickman | | Whitehurst |
| Goldwater | Moorhead, Pa. | Whitley |
| Gonzalez | Moss | Whitten |
| Gradison | Murphy, N.Y. | Wiggins |
| Grassley | Murphy, Pa. | Wilson, Bob |
| Green | Murtha | Wilson, C. H. |
| Gudger | Myers, Gary | Winn |
| Guyer | Myers, John | Wright |
| Hagedorn | Myers, Michael | Wydler |
| Hall | Natcher | Wylie |
| Hamilton | Neal | Yates |
| Hammer-schmidt | Nichols | Yatron |
| | Nowak | Young, Alaska |
| Hanley | O'Brien | Young, Fla. |
| Hannaford | Oakar | Young, Mo. |
| Hansen | Oberstar | Zablocki |
| Harkin | Obey | Zeferetti |
| Harrington | Ottinger | |
| Harris | Patten | |

NAYS—25

| | | |
|---|---|---|
| Archer | Devine | Mikva |
| Bedell | Downey | Moffett |
| Brodhead | Evans, Ind. | Mottl |
| Brown, Mich. | Gephardt | Satterfield |
| Broyhill | Jacobs | Symms |
| Burton, John | Jones, Okla. | Weaver |
| Collins, Tex. | Latta | Wirth |
| Crane | McDonald | |
| Derwinski | Maguire | |

NOT VOTING—62

| | | |
|---|---|---|
| Addabbo | Hillis | Roncalio |
| Allen | Holland | Runnels |
| Armstrong | Huckaby | Santini |
| AuCoin | Jenrette | Sarasin |
| Beilenson | Kelly | Schulze |
| Blouin | Le Fante | Shipley |
| Burke, Calif. | Mann | Solarz |
| Caputo | Metcalfe | Spellman |
| Clawson, Del | Meyner | St Germain |
| Davis | Miller, Ohio | Stockman |
| de la Garza | Murphy, Ill. | Stump |
| Dent | Nedzi | Teague |
| Edwards, Calif. | Nix | Tsongas |
| Flowers | Nolan | Tucker |
| Foley | Panetta | Van Deerlin |
| Ford, Tenn. | Pattison | Waxman |
| Fraser | Pepper | Whalen |
| Frey | Quie | Wilson, Tex. |
| Goodling | Quillen | Wolff |
| Gore | Rhodes | Young, Tex. |
| Heckler | Rodino | |

The Clerk announced the following pairs:

On this vote:

Mr. Addabbo for, with Mr. Panetta against.

Mr. Quillen for, with Mr. Kelly against.

Until further notice:

Mr. Wolff with Mr. Allen.

Mr. Pepper with Mr. Tsongas.

Mr. Waxman with Mr. Teague.

Mr. Van Deerlin with Mr. Holland.

Mr. St Germain with Mr. Roncalio.

Mr. Nedzi with Mr. Armstrong.

Mrs. Meyner with Mr. Mann.

Mrs. Burke of California with Mr. Caputo.

Mr. Nix with Mr. Miller of Ohio.

Mr. Le Fante with Mr. Tucker.

Mr. AuCoin with Mr. Frey.

Mr. de la Garza with Mr. Stockman.

Mr. Foley with Mr. Goodling.

Mr. Nolan with Mr. Flowers.

Mr. Metcalfe with Mr. Stump.

Mr. Huckaby with Mr. Runnels.

Mr. Santini with Mr. Davis.

Mr. Solarz with Mr. Whalen.

Mr. Murphy of Illinois with Mr. Dent.

Mr. Jenrette with Mr. Edwards of California.

Mr. Beilenson with Mr. Del Clawson.

Mr. Blouin with Mrs. Hechler.

Mr. Ford of Tennessee with Mr. Charles Wilson of Texas.

Mr. Fraser with Mr. Gore.

Mr. Pattison with Mr. Quie.

Mrs. Spellman with Mr. Schulze.

Mr. Shipley with Mr. Sarasin.

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

## GENERAL LEAVE

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

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

There was no objection.

## STATE-JUSTICE-COMMERCE APPROPRIATIONS FOR 1979

Mr. SLACK. 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. 12934) making appropriations for the Departments of State, Justice, and Commerce, the Judiciary, and related agencies for the fiscal year ending September 30, 1979, and for other purposes; and pending that motion, Mr. Speaker, I ask unanimous consent that general debate be limited to not to exceed 1 hour, the time to be equally divided and controlled by the distinguished gentleman from Michigan (Mr. CEDERBERG) and myself.

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

There was no objection.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from West Virginia (Mr. SLACK).

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. 12934, with Mr. BROWN of California 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. Pursuant to the unanimous-consent agreement, the gentleman from West Virginia (Mr. SLACK) will be recognized for 30 minutes; and the gentleman from Michigan (Mr. CEDERBERG) will be recognized for 30 minutes.

The Chair recognizes the gentleman from West Virginia (Mr. SLACK).

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

Mr. Chairman and members of the committee, we had originally planned to bring this bill up with a rule which would have waived points of order due to lack of authorization. However, because of the intense controversy over proceeding without the required authorization of many programs contained in this bill, including the FTC, we have decided to proceed without any rule.

Mr. Chairman, it is essential that something be done to provide timely authorizations if the appropriation bills are to proceed in accordance with the schedule of the Budget Act.

Mr. Chairman, the total amount of new budget authority recommended in this bill for fiscal year 1979 is $8,554,311,600. This amount is a net decrease of $84,202,000 from the total amount requested and is a net decrease of $1,318,299,400 from appropriations enacted to date for fiscal year 1978. This decrease below current funding is due largely to the enactment in fiscal year 1978 of two supplemental oppropriations totaling $2,150,000,000 for the Disaster Loan Fund of the Small Business Administration.

The following table summarizes by department and agency the recommendations of the Committee and shows comparisons with the appropriations for fiscal year 1978 and the budget estimates for fiscal year 1979:

COMPARATIVE STATEMENT OF NEW BUDGET (OBLIGATIONAL) AUTHORITY FOR FISCAL YEAR 1978 AND BUDGET ESTIMATES AND AMOUNTS RECOMMENDED IN THE BILL FOR FISCAL YEAR 1979

| Agency | New budget (obligational) authority fiscal year 1978[1] | Budget estimates of new (obligational) authority fiscal year 1979 | New budget (obligational) authority recommended in bill | Bill compared with— | |
|---|---|---|---|---|---|
| | | | | New budget (obligational) authority, fiscal year 1978 | Budget estimates of new (obligational) authority, fiscal year 1979 |
| (1) | (2) | (3) | (4) | (5) | (6) |
| Department of State | $1,151,847,000 | $1,262,897,000 | $1,260,291,000 | +$108,444,000 | −$2,606,000 |
| Department of Justice | 2,300,619,000 | 2,464,302,000 | 2,455,894,000 | +155,275,000 | −8,408,000 |
| Department of Commerce | 1,934,454,000 | 2,422,607,000 | 2,123,152,000 | +188,698,000 | −299,455,000 |
| The Judiciary | 444,318,000 | 486,481,600 | 481,316,600 | +36,993,600 | −5,165,000 |
| Related agencies: | | | | | |
| Arms Control and Disarmament Agency | 13,600,000 | 16,395,000 | 16,395,000 | +2,795,000 | |
| Board for International Broadcasting | 65,900,000 | 85,180,000 | 85,000,000 | +19,100,000 | −180,000 |
| Commission on Civil Rights | 10,480,000 | 10,752,000 | 10,752,000 | +272,000 | |
| Commission on Security and Cooperation in Europe | 347,000 | 350,000 | 350,000 | +3,000 | |
| Equal Employment Opportunity Commission | 77,050,000 | 110,000,000 | 110,000,000 | +32,950,000 | |
| Federal Communications Commission | 61,400,000 | 67,035,000 | 68,535,000 | +7,135,000 | +1,503,000 |
| Federal Maritime Commission | 9,424,000 | 10,530,000 | 10,500,000 | +1,076,000 | −30,000 |
| Federal Trade Commission | 59,500,000 | 66,485,000 | 63,600,000 | +4,100,000 | −2,885,000 |
| Foreign Claims Settlement Commission | 920,000 | 1,015,000 | | −920,000 | −1,015,000 |
| International Communication Agency | 364,572,000 | 413,327,000 | 407,709,000 | +43,137,000 | −5,618,000 |
| International Trade Commission | 11,500,000 | 13,113,000 | 12,800,000 | +1,300,000 | −313,000 |
| Japan-United States Friendship Commission | 1,000,000 | 1,500,000 | 1,500,000 | +500,000 | |
| Legal Services Corporation | 205,000,000 | 304,000,000 | 285,000,000 | +80,000,000 | −19,000,000 |
| Marine Mammal Commission | 900,000 | 702,000 | 702,000 | −198,000 | |
| Office of the Special Representative for Trade Negotiations | 2,680,000 | 2,665,000 | 2,665,000 | −15,000 | |
| Renegotiation Board | 6,000,000 | 7,277,000 | 3,000,000 | −3,000,000 | −4,277,000 |
| Securities and Exchange Commission | 58,100,000 | 64,800,000 | 64,650,000 | +6,550,000 | −150,000 |
| Small Business Administration | 3,093,000,000 | 827,100,000 | 1,090,500,000 | −2,002,500,000 | +263,400,000 |
| Grand total | 9,872,611,000 | 8,638,513,600 | 8,554,311,600 | −1,318,299,400 | −84,202,000 |

[1] Includes amounts in Supplemental Appropriations Act, 1978 (Public Law 95-240) and Small Business Administration Disaster Loan Supplemental (Public Law 95-284).

Mr. Chairman, I would like to highlight the contents of the bill, after which I will be pleased to yield to other Members to discuss various aspects of the bill.

### TITLE I—DEPARTMENT OF STATE

The total amount recommended for the Department of State for fiscal year 1979 is $1,260,291,000. This amount is a decrease of $2,606,000 from the total amount requested, but is an increase of $108,444,000 over the 1978 appropriations made to date. The increase is due largely to wage and price increases abroad and to increased assessments by international organizations.

### TITLE II—DEPARTMENT OF JUSTICE

The total amount recommended for the Department of Justice for fiscal year 1979 is $2,455,894,000. This amount is $155,275,000 more than the total appropriated to date for the current fiscal year, but is $8,408,000 less than the amount requested for fiscal year 1979.

The committee recommends the appropriation of $563,500,000 for expenses of the Federal Bureau of Investigation. This amount is an increase of $6,750,000 over the budget request for fiscal year 1979. The increase reflects restoration in two areas where program reductions were proposed. One of these is in domestic security and terrorism investigations. The amount recommended by the committee includes funds to maintain that program at the current level with no reduction. In addition, the committee recommendation includes funds to partially restore a reduction proposed in coordination of investigations.

For the Immigration and Naturalization Service, the committee recommends the appropriation of $294,500,000, representing an increase of $28,050,000 over the appropriation for the current fiscal year. The committee has expressed concern about the apparent inability of the Immigration and Naturalization Service to fill authorized positions. We are hopeful that recent efforts of the Immigration and Naturalization Service will result in the filling of most of the existing vacancies. The committee's recommendation includes funds for the 903 additional positions requested in the budget, but reflects funding for those positions for a 6-month period rather than the

9-month period proposed in the budget. In addition, the committee has expressed concern about the workload backlog in a number of district and regional offices and has urged the INS to endeavor to bring its workload current and to transfer positions and resources as necessary to accomplish this objective.

Under the Federal Prison System, the committee recommends funds for construction of a combination Federal correctional institution and Federal detention center to be located near Phoenix, Ariz. This facility is needed in order to alleviate a critical shortage of detention facilities in that area.

The committee has expressed concern about the excessive costs of construction for the housing of prisoners. We expect the Department to explore and report on new directions for dealing with the issue of prison population. In addition, we have urged the Department of Justice and the Department of Defense to continue to look into the matter of utilizing military installations for meeting the housing needs of the Bureau of Prisons.

TITLE III—DEPARTMENT OF COMMERCE

The bill includes $2,123,152,000 in new budget authority for the Department of Commerce. This amount is $188,698,000 more than appropriations for the current fical year, but is $299,455,000 less than the budget estimate for fiscal year 1979.

The budget for the National Oceanic and Atmospheric Administration included a proposal to close 19 weather stations in various sections of the country. The committee has not approved this proposal and has designated $1,713,000 and the necessary positions within the total amount provided for NOAA in order to keep these stations open and operative with no reduction in the quality of service.

TITLE IV—THE JUDICIARY

Title IV of this bill includes a total of $481,316,600 for operation of the Federal courts. This amount is $5,165,000 less than the total amount requested.

TITLE V—RELATED AGENCIES

Title V of the pending bill includes funds for 18 related agencies. The total recommended for these agencies is $2,233,658,000, which is an increase of $231,432,000 over the budget request for fiscal year 1979, but is $1,807,715,000 less than the total appropriated for these agencies for the current fiscal year. The increase above the budget request for fiscal 1979 is due to additional funds recommended for the Small Business Administration.

There are a couple of areas in this title which I believe deserve the attention of all Members In the paragraph on page 42 of the bill which provides funds for the Federal Trade Commission, language is included which would prohibit the FTC from limiting through trade regulation rules the advertising of food products which contain ingredients included on the Food and Drug Administration's list of ingredients "generally recognized as safe" I am sure other Members will have remarks concerning this matter.

Finally, Mr. Chairman, I would like to mention the Renegotiation Board. The committee recommends the appropriation of $3 million for expenses of the Board to be available only until March 31, 1979. In view of the failure of the Congress to extend the termination date in the Renegotiation Act, which applies to contracts subject to renegotiation, the committee feels it is appropriate to consider termination of the Board itself. The 6 month funding recommended by the committee will give the Board an opportunity to deal with cases having the most potential for recovery of excess profits, and will also give the appropriate authorizing committees of the Congress an opportunity to deal with the question of the continued existence of the Board.

The committee is aware that the existing Board has sent considerable time rewriting regulations and practices. It is the committee's intention that the $3 million provided in the pending bill be used only to deal with the backlog of cases. If it is determined that the Board should be terminated, it may be necessary to consider termination costs at a later date.

SUMMARY

Mr. Chairman, hearings were held on this bill from January 23 until April 12, and involved some 7,500 pages of testimony. Every member of the subcommittee has assumed his or her share of the workload in connection with the hearings, the markup and the reporting of this bill. I would like to express my personal appreciation for their excellent cooperation. As you know, we will not have JACK FLINT and YVONNE BURKE with us next year. I want to take this opportunity to thank them both for their outstanding contributions to the work of the subcommittee. We shall certainly miss them and we wish them well.

Mr. SMITH of Iowa. Mr. Chairman, will the gentleman yield?

Mr. SLACK. I yield to the gentleman from Iowa.

Mr. SMITH of Iowa. Mr. Chairman, I commend the gentleman for his statement. I agree with it.

I want to supplement what the gentleman said and ask him if he agrees. The programs that this bill covers should have been authorized prior to October 1977. If they had been authorized in a timely manner, then the departments would have considered the programs during the winter months, and the programs would have been included in the President's budget recommendations which were submitted to the Congress in January. We could have held hearings based upon those authorizations if they had been completed.

And so any authorization that is not completed by now may be about 1 year off target. As the gentleman mentioned, without these authorizations these items are subject to a point of order.

It is not really fair to these programs that the authorizations are so far behind, but we cannot hold up appropriations because of the authorization problem.

I would just point out that none of the programs for the Department of State have been authorized; in the Department of Justice, none of the authorizations except the LEAA and the DEA have been completed. In the Department of Commerce, the fishery conservation and management, the endangered species, the ocean dumping research, the coastal zone management—marine sanctuaries, the sea grant, the NACOA, the marine mammal protection, the National Fire Prevention and Control Administration, the standard reference data, and the Maritime Administration programs are not authorized. Under title V—related agencies, the Arms Control and Disarmament Agency, the Board for International Broadcasting, the Commission on Civil Rights, the Federal Trade Commission, the International Communication Agency, the International Trade Commission, and the Securities and Exchange Commission all lack authorization.

None of these items have been authorized and they should have been authorized prior to last October. The failure of the authorizing committees to get these authorizations completed in time just simply makes it impossible for the budget process to work the way it should work. I commend the gentleman for his understanding and his statement in pointing out that we are going ahead with this bill, as the Appropriations Committee did with the Labor-HEW bill, without the programs being authorized.

Mr. SLACK. I thank the gentleman from Iowa (Mr. SMITH). He states the case precisely as it is.

Mr. ECKHARDT. Mr. Chairman, if the gentleman will yield, among those items in which the authorization bill has not been completed, the distinguished gentleman from Iowa (Mr. SMITH) mentioned the Federal Trade Commission. I think a little explanation is needed on that point. I am the chairman of the subcommittee that deals with that agency. The authorization was recommended through that subcommittee and through the full committee and action was taken in the House in timely fashion. During that period of time a very controversial amendment, one which has been in dispute between the House and the Senate for a long time, was placed in that bill, the so-called Levitas amendment, which would call for a congressional veto of any rule in the Federal Trade Commission which came out.

This Member went to the conference committee and supported the position of the House fully. I am not in favor of the Levitas amendment on principle, but I felt I was, in effect, as I said here in the House, somewhat like a lawyer with the House on that particular point, and made, as the gentleman from Georgia (Mr. LEVITAS) recognized, as strong a plea to the Senate conferees to accept it as was possible. They did not accept it.

The conference report came back to the House and it was refused because of the rider, and that covers about 10 or 12 percent of the total program yet, of course, that can hold up the proceeding in this bill.

I just wanted the House to know that as far as the authorizing committee is

concerned, we have done everything possible to move that legislation through the authorizing process. I would hope that the House would permit it to go through on this bill, although I have little hope that there will not be a single person that would raise an objection. I just wanted to make it clear, though, that if the FTC is ground to a halt it may be because of the insistence of a specific, small, narrow requirement that is being considered in the Committee on Rules at the present time and I would hope we do not ultimately make the Federal Trade Commission's total operations halt over such a dispute between the House and the Senate.

Mr. SLACK. I thank the gentleman from Texas (Mr. ECKHARDT) for his contribution.

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

Mr. SLACK. I will be pleased to yield to the gentleman from California.

Mr. McCLOSKEY. Mr. Chairman, in view of the discussion on the Federal Trade Commission, I would like to ask the chairman of the subcommittee specifically about the Renegotiation Board because with the Renegotiation Board there has been a bill to renew its authorization reported out of the Committee on Banking, Finance and Urban Affairs.

A rule was granted last July to bring it to the floor, and a number of us, a majority of the House, had been prepared to offer an amendment to that authorization bill when it reached the floor that would abolish the Board until the next war or national emergency.

So in the some 9 months since there has been opportunity to bring the bill to the floor and its sponsors have chosen not to bring it to the floor. I note with interest that the Committee on Appropriations is recommending that the funding for the Renegotiation Board be terminated as of March 31 of next year.

I wanted to verify with the chairman of the subcommittee, the gentleman from West Virginia (Mr. SLACK) that in the language of the bill, on page 48 there is a statement that says that there is $3 million to be available only until March 31, 1979, that that means that the Board will have to cease operations as of that date unless the pending bill or some bill to renew the Renegotiation Board's authority is brought to the floor, is that correct?

Mr. SLACK. That is the intent of the subcommittee and the full committee.

Mr. McCLOSKEY. I commend the committee and I thank the gentleman for yielding.

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

Mr. Chairman and Members of the House, the gentleman from West Virginia (Mr. SLACK) has gone into the details of the bill and it is not my desire to repeat what he has said. I want to reemphasize something that has been said, however, and that is the problem that we on the Committee on Appropriations have.

I realize we do not have very many Members here on the floor now, but maybe they will read this in the RECORD. We are in an intolerable position as far as trying to meet our schedule of work down in the Committee on Appropriations.

The chairman, the gentleman from Texas (Mr. MAHON) and I have been before the Committee on Rules discussing this matter, and we received a rule, in fact, on this bill.

But it was decided not to bring the bill up under the rule, and I am not really sure what the basic reason is. I understand there is still a little problem within the Committee on Rules on some of the other bills that are coming up. However, unless this House is going to require advanced authorizations we are not going to be able to get our work done. It is just that simple. When we look at the restraints that we are under, the Budget Act says this Congress must complete action on appropriation bill by the seventh day after Labor Day. Here we are almost in the middle of June. We have not gone to conference with the other body on any fiscal 1979 bills yet. As a matter of fact, the other body has not yet considered the appropriation bills. Our committee is not scheduled to complete our work here until late June and probably will not have all of our appropriations bills through then. We will still have defense coming along, I know.

It seems to me that the authorization committees ought to understand the problem that the Committee on Appropriations is in. It is not only our problem, but it is the problem of the entire House of Representatives. So I would think and hope that the leadership of the House will try to do something to change the rules so that we can have some advance authorization.

On the bill we have before us today—and we will be facing this on other appropriation bills where there are points of order that lie—points of order will be made. Then we go to conference with the other body at their figures because we do not have anything in our bill. Then we have to bring it all back to the House in technical disagreement, and then we will fight on the floor of the House those amendments in technical disagreement, when we ought to make some of those decisions as each bill comes up. Can the Members see the built-in delay that we have here? I do not know what we can do about it now.

I personally would have preferred to bring this bill out under a rule so that we could at least have the figures. We go and hold hearings for months, and then we come to the floor with a bill, and somebody raises a point of order and it all goes out. That just is not the way to legislate. The sooner the Members of this body understand that, the better off we are all going to be, and the better it will be for some orderly procedures around here.

There is nothing that the Committee on Appropriations can do about this. We do not like going to the Committee on Rules and ask for rules, but we are forced to go, because of the lack of action by the authorizing committees.

There are many things in this bill, and, as a matter of fact, as far as the bill itself is concerned, that I agree with. I think it is a good bill. Some of the things in it are underestimated. The small business disaster loans are obviously underestimated, as the gentleman from Iowa knows. Unless we have a very, very fortunate year it is substantially underestimated.

I agree with the FBI increase. I think the gentleman from Massachusetts (Mr. EARLY) pointed out very clearly in the hearings—and they are worth reading—about the problems we could face such as unrest here at home, bank robberies, and so forth. I think we have an excellent Director of the Federal Bureau of Investigation in Mr. Webster.

Mr. BURLISON of Missouri. Mr. Chairman, will the gentleman yield?

Mr. CEDERBERG. I yield to the gentleman from Missouri.

Mr. BURLISON of Missouri. I thank the gentleman for yielding.

I wanted to bring to the attention of the gentleman and to the chairman and the Members of the House a problem that we have with respect to authorization on this point, that is, the domestic security and terrorism program. As the gentleman may know, this year is the first year the FBI program has been subject to authorization. This is the first year, as the gentleman also knows, for the work of the Intelligence Committee. The Intelligence Committee—the House Permanent Select Committee on Intelligence—has concurrent jurisdiction with the Committee on the Judiciary on the authorization of some portions of the FBI budget. One of those portions is the domestic security and terrorism programs. It appears that the Select Committee on Intelligence has chosen in its act to adopt the President's budget, concluding that there was not justification to support an increase.

On the other hand, the Committee on the Judiciary has adopted that additional amount and has added it to the President's budget in the amount of $3.5 million.

Incidentally, I understand that the amount added by the Committee on Appropriations is $3.601 million, the difference being accounted for by inflation, the authorizing committee not adding an inflationary factor, the Appropriations Committee doing so.

I wanted to point out to the House the difference between the two committees who hold authorization jurisdiction on this point. For this reason, I expect to make a point of order against that part of the money that appears for the Federal Bureau of Investigation for the domestic security and terrorism program.

Mr. CEDERBERG. Mr. Chairman, the gentleman from Missouri raises a very interesting point and one we ought to talk about a little bit. We are going to have to do away with these interauthorizing jurisdictional disputes if we are to

ever get authorizations bills taken care of. The gentleman is going to have to get sole jurisdiction in the gentleman's committee or the Committee on the Judiciary will have get it. We have this problem in energy in spades. We have about three committees that cannot agree on anything on energy. How can we appropriate the money for the agency's work?

Mr. BURLISON of Missouri. Mr. Chairman, will the gentleman yield.

Mr. CEDERBERG. I yield to the gentleman from Missouri.

Mr. BURLISON of Missouri. Mr. Chairman, I agree with every word the gentleman from Michigan has said. Our subcommittee and our Committee on Intelligence took our action, made our recommendations on this bill some weeks ago. I thoroughly agree with the gentleman that some method has got to be found for advance authorizations, more rapid authorizations, closer coordination between the committees that share jurisdiction, having concurrent jurisdiction.

I will not quarrel with a word the gentleman has said.

Mr. CEDERBERG. Mr. Chairman, we are just having too many disputes around here. I am sorry but we in the Appropriations Committee just cannot wait for you. We may have to under the rule, but when we get toward the end of the session and the deadlines under the Budget Act come up, then something has to give.

Mr. SMITH of Iowa. Mr. Chairman, will the gentleman yield?

Mr. CEDERBERG. I yield to the gentleman from Iowa.

Mr. SMITH of Iowa. Mr. Chairman, with respect to the terrorism item, I would like to point out, as the gentleman will agree, it became obvious during the course of the hearings that it was not really the agency's decision not to ask for the money. It was somebody in OMB that decided that this was a good place to make a reduction. It was obvious they made a mistake and within a few days the administration was making public statements that they wanted to increase the activities against terrorism. They went over to the Senate and justified the higher figure. In the end all that will happen is that the Senate will probably put the additional funds in the bill.

Mr. CEDERBERG. Mr. Chairman, an unforeseen event could occur in this country involving terrorism, and it is not impossible that this would happen. We have seen it happen around the world. We in the subcommittee felt we would protect ourselves and give the Federal Bureau of Investigation the tools needed to do its work. It just seems to me the authorizing committees ought to err, if they are going to err, on the side of protection of the citizens of the United States.

Mr. BURLISON of Missouri. Mr. Chairman, will the gentleman yield further?

Mr. CEDERBERG. I do not have much time left, but I will yield briefly.

Mr. BURLISON of Missouri. Mr. Chairman, I just want to take sharp issue with what the gentleman from Iowa has said and what the gentleman from Michigan has said. It was the conclusion of our committee, after hearing testimony from the Federal Bureau of Investigation and the Department of Justice that there was a total lack of justification for additional funds above the President's budget.

It is my understanding that the President has personally endorsed his position on this budget, and that the Attorney General and the Federal Bureau of Investigation have affirmed that they support the President's budget. They would like to have more money.

Is there one bureaucrat in the Government that would not like to be given more money?

Mr. CEDERBERG. Mr. Chairman, I cannot yield to the gentleman any longer, because my time is running out, but just let me say this:

I think the gentleman who is head of the Federal Bureau of Investigation, who, incidentally is from the State of the gentleman from Missouri (Mr. BURLISON), is one of the finest gentlemen I have ever met. I think he wants to do, and will only do, what is right with the FBI.

As far as our hearings are concerned, I think we have found enough justification from them that we should make sure that the Bureau has the tools to do what it needs to do.

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

Mr. CEDERBERG. Yes, I yield to the gentleman from West Virginia.

Mr. SLACK. Mr. Chairman, this bill was reported out of the full committee on May 24. The same day, the Justice Department here in Washington was bombed and in the city of New York two bombs exploded.

Mr. CEDERBERG. I thank the gentleman for his comments.

Mr. SLACK. Mr. Chairman, I yield 4 minutes to the distinguished gentleman from Washington (Mr. DICKS).

Mr. DICKS. Mr. Chairman, during consideration of the appropriation for State, justice, and commerce, the judiciary and related agencies in the Appropriations Committee, there was considerable debate of the proviso that would prohibit the FTC from issuing a trade regulation limiting the advertising of any foods determined safe by the Food and Drug Administration.

As approved by the subcommittee, the proviso could have been interpreted to cancel in midstream the Commission's pending nutrition disclosure and protein supplement proceedings, prevented the FTC from holding hearings on the television advertising directed toward young children, and in general, affected the continuation of the investigatory, comment, and hearing processes of the FTC.

During debate by the Full Appropriations Committee, however, our colleague, Mr. ANDREWS, offered additional language to the proviso which states: "nothing herein shall be construed as prohibiting or restricting the Federal Trade Commission's authority with respect to false and deceptive advertising." This proviso was adopted unanimously.

At this point, I would like to make the intention of the committee in adopting the proviso with this added language very clear. I would like to inquire of one of the authors of this proviso, the gentleman from Iowa (Mr. SMITH), is it the intention of the proviso to allow the Federal Trade Commission to continue its inquiry into the children's television advertising question, including the ability to investigate, conduct hearings, and solicit comments so long as no final regulation is issued in fiscal year 1979?

Mr. SMITH of Iowa. Mr. Chairman, if the gentleman will yield, that would be an accurate statement. They can continue their inquiry, but no final regulation will be issued.

Mr. DICKS. Mr. Chairman, let me ask the gentleman this question:

Will the restriction on making a rule on the children's television question also apply to other pending Commission actions such as those on nutrition disclosure and protein supplements?

Mr. SMITH of Iowa. Only so far as they are affected by the safe food provision included here.

Mr. DICKS. But as I understood the gentleman, it was not the intention of the committee to stop them from going ahead?

Mr. SMITH of Iowa. It was not the committee's intention to prohibit the inquiry, no.

Mr. DICKS. It was not the committee's intention to prohibit them from going forward on those two inquiries?

Mr. SMITH of Iowa. The gentleman is correct.

Mr. DICKS. In the final analysis, what this proviso is intended to do is to preclude the issuance of a final rule in the children's advertising proceeding in fiscal year 1979, to allow time for the appropriate congressional committees to explore the subject matter; is that correct?

Mr. SMITH of Iowa. That is correct. It could not issue the final order in 1979.

Mr. DICKS. Mr. Chairman, I wish to thank the gentleman from Iowa (Mr. SMITH) for his clarification.

At this time, I'd like to underscore the point, Mr. Chairman, that this proviso will allow the FTC to go ahead with its investigation of the children's advertising question. It will also allow the FTC to continue with its planned action on nutrition disclosure and protein supplements. The FTC's regulatory authority will not be curtailed. The Chairman of the FTC, Mike Pertschuk, did indicate to the Appropriations Committee that no rule on this subject would be issued in the coming fiscal year in any event.

Mr. CEDERBERG. Mr. Chairman, I yield 10 minutes to the gentleman from North Dakota (Mr. ANDREWS).

Mr. ANDREWS of North Dakota. Mr. Chairman, I thank the gentleman for yielding this time to me.

Mr. Chairman, I appreciate what my colleague, the gentleman from Washington (Mr. DICKS), has just poined out, but I think we ought to get into this whole discussion what took place in the subcommittee and what the intention was, because there are a dozen different theories moving around the House and in the public press. The subcommittee

was concerned about duplication in Government, duplication at high cost.

Mr. Chairman, the language of the subcommittee and the committee had a dual purpose, which I believe it adequately achieves: to withhold funding for rulemaking proceedings concerning food products containing only safe ingredients, while, at the same time, not limit the FTC's general investigatory and adjudicatory powers under section 5 of the FTC Act or its power to proceed with rulemaking with respect to food products which do not contain safe ingredients. A brief review of the progress of the amendment through the subcommittee and committee will demonstrate how language was evolved to assure that achieving the former objective did not inadvertently subvert the latter.

You will recall that the amendment which I originally proposed in subcommittee stated:

*Provided*, that none of these funds may be used to pay the salary or expenses of any person who seeks to limit through trade regulation rules the advertising of any food product that contains ingredients that have been determined to be safe for human consumption by the Food and Drug Administration and included on its list of ingredients which are 'generally recognized as safe' (GRAS) and does not contain ingredients that have been determined to be unsafe for human consumption by the Food and Drug Administration.

At subcommittee discussion, Mrs. BURKE expressed concern that this language might limit the FTC's general investigatory powers and could hamper the FTC's ability to prevent false and deceptive advertising. The first of these concerns was addressed by Mr. SMITH's motion, which carried, to delete the words "who seeks." This amendment was intended to assure the FTC's general ad hoc investigatory and adjudicative powers under section 5 and 6 of the FTC Act, while preserving the basic intent of the amendment to prohibit "the promulgation of trade regulation rules" in the designated area and to terminate any rulemaking proceedings which are part of the process of promulgating such rules.

Mrs. BURKE's other concern—possible restriction of the FTC general authority to prohibit false and deceptive advertising on a case-by-case basis—was addressed in the subcommittee's draft report language, adopted by the committee.

Despite these two attempts to assure that the elimination of rulemaking proceedings against safe foods would not undercut the FTC's general authority, the same concerns that had been expressed in subcommittee were again raised in the full committee. To finally allay these concerns, I proposed the following further language, adopted by the committee:

*Provided further*, That nothing herein shall be construed as prohibiting or restricting the Federal Trade Commission's authority with respect to false and deceptive advertising.

Again, the committee was distinguishing between "the promulgation of trade regulation rules" in the area of safe foods and the FTC's authority to proceed against false and deceptive advertising on a case-by-case basis under its general powers.

The principal excess of the children's advertising rulemaking is its proposed censorship of the free flow of truthful information about products on the ground that it is "unfair." In terminating the rulemaking, the subcommittee's amendment prevents the promulgation of such an unwise rule. There was no desire, in offering the clarifying language in committee, to qualify the subcommittee's condemnation of such a rule. The language of committee's amendment, together with the language approved by the subcommittee is a restriction on the FTC's authority.

The committee's amendment, then prohibits the expenditure of funds on any rulemaking proceedings with respect to safe foods. The language of qualification does not negate this basic purpose and effect. Rather, it tailors the remedy to the problem. leaving unaffected the FTC's general investigative and adjudicative authority.

I would like to point out that this is certainly duplication. The FCC, in 1974, considered a petition from Act, the same group that is now trying to get in by going around the end of the FTC, on the ban on children's advertising for food—breakfast preparations, mainly. The FCC conducted hearings. It received 63 docket volumes, 1,252 pages of testimony. and dismissed the petition.

I think that dismissal was in order and should not be reinvented by another agency which could better—if it really wanted to do something—go out and label the boxes of cereal. so that the parents actually buying the cereal could tell what percent of sugar was in it so that they could use their own good judgment. We do not need, as the Washington Post pointed out, a Federal nanny looking over our shoulders.

I would hope we can achieve that by this type of language. A motion to strike this language was defeated in the full Appropriations Committee by a 13 to 34 vote.

Under the unusual way in which this bill has been brought up. without a rule, the FTC section may well be stricken on a point of order. I intend to offer an amendment and add toys under the provision, so the House's position can. in effect, be protected and we will not be solely dependent upon the Senate.

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

Mr. ANDREWS of North Dakota. I yield to the gentleman from West Virginia.

Mr. SLACK. Mr. Chairman, if that is the case. I shall support the gentleman's amendment.

Mr. ANDREWS of North Dakota. I appreciate that very much, and I appreciate the chairman's statement that this is. in essence, the way that this whole process moved through the subcommittee and the committee, is it not?

Mr. SLACK. That is correct.

Mr. ANDREWS of North Dakota. Mr. Chairman, I would also like to yield to my colleague, the gentleman from Iowa (Mr. SMITH), who helped us draft this language.

Mr. SMITH of Iowa. Mr. Chairman, I thank the gentleman for yielding.

What the gentleman says is correct. Again, the intent was to prohibit the final rulemaking authority during fiscal year 1979.

Mr. ANDREWS of North Dakota. That is correct.

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

Mr. ANDREWS of North Dakota. I yield to the gentleman from Michigan, a member of the subcommittee.

Mr. CEDERBERG. Mr. Chairman, the gentleman from North Dakota (Mr. ANDREWS) states the intent of the subcommittee and the full committee, as I see it, very accurately.

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

Mr. ANDREWS of North Dakota. I yield to the gentleman from Georgia, who is a member of the subcommittee. I think this also expresses his desired objective through this procedure.

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

I think the gentleman from North Dakota (Mr. ANDREWS) has accurately stated the position of both the subcommittee and the full committee.

Mr. ANDREWS of North Dakota. Mr. Chairman, I hope we have pretty well nailed this down and also the reason for it.

Our distinguished colleague, the gentleman from Massachusetts (Mr. BOLAND), called my attention to the fact that this same excessive, shall we say, jurisdictional approach by the FTC extended to the toy industry and so forth. We included this in the amendment I intend to offer if the language in the bill is striken on a point of order. That is why we are going to include toys.

The language on tovs will state "any toy not declared hazardous and unsafe by the Consumer Product Safety Commission." The amendment will also cover anv food that contains onlv ingredients that have been declared safe by the Food and Drug Administration and are, therefore, on the GRAS list.

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

Mr. ANDREWS of North Dakota. I yield to the gentleman from Washington.

Mr. DICKS. Mr. Chairman, I want to go to one point and get the attention of the gentleman from Iowa (Mr. SMITH) at the same time.

As I understood it, when the gentleman presented his amendment to the committee, it was stated there at that time that the ban on the gentleman's amendment would not affect the nutrition disclosure on protein supplements; is that correct?

Mr. ANDREWS of North Dakota. In no way; as a matter of fact, the subcommittee and I, under my own questioning of the FTC over a number of years, have urged them to proceed in these directions. Protein supplements are not included on any safe list. They are not on the GRAS list. They have not been de-

clared safe by the Food and Drug Administration and certainly would not be protected by this type of language.

I hope we can make crystal clear that the committee had no idea of protecting protein supplements and a host of other fad foods that may or may not be injurious to an individual's health.

Mr. DICKS. The same thing is true of the nutrition disclosure too; is that correct? The gentleman is not attempting to stop the FTC in its efforts in that direction, is he?

Mr. ANDREWS of North Dakota. It would be our hope that the FTC would move on proper labeling so that the consumers' right to know can be protected.

I do not think anyone intended the FTC to be a censor which says we can or cannot have advertising, per se. They are there and they are designed and structured to give the consumer the ability to use his own God-given good judgment in making a choice on an informed and an accurate basis, and that, I would hope, would be the thrust of the Congress at this time.

Mr. DICKS. I would like to make certain that the gentleman from Iowa (Mr. SMITH) concurs in that because I think there was some confusion. At least, the way I understood the comment of the gentleman from Iowa, it was to the effect that there might be some relationship here between this amendment and the nutrition disclosure in the protein supplement process, which is ongoing, as was clearly brought forth in the subcommittee.

I say this to the gentleman from North Dakota: I thought this amendment was not aimed at those two onoing rulemaking procedures in the Federal Trade Commission.

I just want to make certain that I understand this.

Mr. ANDREWS of North Dakota. It is not aimed at protein supplement investigations, whatsoever.

Mr. DICKS. Is that also the understanding of the gentleman from Iowa (Mr. SMITH)?

Mr. SMITH of Iowa. If the gentleman will yield, Mr. Chairman, yes, that is true because they have not been found to be safe even though some parts of the ingredients might be unsafe.

Mr. DICKS. Mr. Chairman, I think the gentleman also thought that the FTC was overreacting, did he not?

Mr. ANDREWS of North Dakota. I think the FTC was proceeding with the matter. The FDA investigated it. They wanted to see how much mileage they could get out of it. I think they are investigating products that are safe. There are plenty of other things they ought to be doing with the money we are appropriating for them.

Mr. DICKS. As I understand it, this basically says that there shall be no final rulemaking or regulation handed down in fiscal year 1979; is that correct?

Mr. ANDREWS of North Dakota. No final rulemaking or regulation handed down in 1979. I think they would be awfully silly if they go ahead and cannot adopt a rule.

Mr. SLACK. Mr. Chairman, I yield 8 minutes to the distinguished gentleman from California (Mr. HANNAFORD).

THE WARTIME RENEGOTIATION BOARD DESERVES TO DIE

Mr. HANNAFORD. Mr. Chairman, I thank the gentleman from West Virginia for yielding and I commend the gentleman for his outstanding work in H.R. 12934.

Mr. Chairman, the clear message carried on lines 22 through 25 on page 48 of H.R. 12934 is that the Renegotiation Board must go and many of my colleagues and I will today vote "aye" on this decision and celebrate the passing of what some would refer to as a bureaucratic anchronism and what many of us acknowledge as an inflationary impediment to efficiency.

The Renegotiation Board was the focus of some renewed attention in the last year. The Renegotiation Reform Act, H.R. 5959, was reported by the House Banking, Finance and Urban Affairs Committee on May 9, 1977, and having been granted a rule last June, was withdrawn from the floor on September 21 due to lack of support.

On the Senate side, a companion measure was defeated in committee. Instead, the Senate Banking Committee reported legislation—S. 2790 and S. 2791—to mothball the Board. The decisions of the House Appropriations Committee and the Senate Appropriations Subcommittee to date, therefore, are further proof that this Congress does not want to breathe new life into a wartime agency whose performance in recent years has been marked by ineptness, and a deliberate attempt to discredit one defense contracting firm in order to preserve its own life. In that instance, it cost the firm at least $50,000 to prove that the Board issued misleading information.

Mr. Chairman, the administrative and compliance costs of regulation affect all of us. Only last Tuesday, June 6, the voters in the State of California registered a resounding "no" to more bureaucracy by voting "yes" on Proposition 13.

Nationwide, the people are telling legislators to cut unnecessary bureaucracy. After considerable study of the Renegotiation Board, it is apparent that this wartime agency must die now. To continue its existence beyond the provisions of this bill would be to render the taxpayers of this country a slap in the face.

In fiscal year 1977, Board operating costs were about $6 million. Actual cash recoveries were about $600,000. More than $6 million of the Board's $9 million net excess profit determinations went into litigation. What is seldom pointed out is that the costs of going to court cost the U.S. taxpayers millions of dollars. Litigating one renegotiation case costs the Court of Claims at least $100,000. This does not include costs incurred by the Justice Department and other DOD agencies which may assist in information gathering for Justice.

Compliance costs to industry range from $100 to $200 million annually. And what does the Board have to show for this cost? In the 5-year period from 1973–77, the Board screened more than 15,000 filings. Of that total, almost 90 percent, or more than 12,000 filings, were cleared.

From 1972 through 1977, 158 cases appealed to the Court of Claims received court dispositions. The court's dispositions reduced Board excess profit determinations from $84 to $33 million—a reduction of more than $50 million.

H.R. 12934 deals responsibly with the need to terminate the Renegotiation Board and deserves the full support of this body. The Board deserves no further funding and any extension of its life beyond March 31, 1979, would be unjustifiable. The Congress must not yield to any compromise to keep the Renegotiation Board alive for doing so would be tantamount to telling taxpayers in every district that the preservation of inefficient bureaucracies is more important than the sound use of public funds.

WHY THE RENEGOTIATION BOARD SHOULD BE ABOLISHED

The Renegotiation Board was originally created in 1942 as the Wartime Contract Price Adjustment Board. It was terminated at the end of World War II. Later, in 1951, it was reinstituted as the Renegotiation Board at the beginning of the Korean war.

The procurement environment today, however, is markedly different. Contracts are thoroughly negotiated and contractors are subject to stringent oversight by the Defense Department. Indeed, the procurement process for defense contracts has been so perfected that it is much more refined than for other Government contractors not under the jurisdiction of the Renegotiation Board. Let me briefly outline this refined process which makes the Renegotiation Board's work unnecessary.

There are three Defense Department agencies, the DCAA (Defense Contract Audit Agency), the DSA (Defense Supply Agency), and the DCAS (Defense Contract Administration Service) involved in DOD procurement and which employ over 54,000 people, including 9,000 auditors at a cost of about $1 billion.

Last year alone, the DCAA was able to negotiate away from contract costs $1.032 billion in precontract award audits. Moreover, DCAA last year recovered $565 million in operational and postcontract award audits. By effectively doing its job, the DCAA's 2,900 auditors have removed over $1 billion in potential excess profits, and DCAA estimates that it recovers $20 for every $1 paid in salaries to its auditors. A review of the functions of the DCAA demonstrates the degree to which DOD auditors, pricing and technical specialists monitor every phase of defense-related contracts.

When a bid is submitted, there is an extensive cost analysis by DCAA and DCAS with technical experts, usually engineers, who review contractor proposals.

Precontract award audits carefully examine prices, costs for materials, labor, general administration, and the contractor's history of profit levels on Government contracts. In addition,

DCAA auditors review actual quotations for materials submitted by the contractor's subcontractors to insure that the Government is not being overcharged. In effect, every significant document is studied by DCAA from past contract performance to actual expenses.

The provisions of the Truth in Pricing Act of 1962, in addition, stipulates that a contractor must reveal to the DCAA every bit of evidence relating to its proposal.

After a contract is granted, post-award audits are conducted by DCAA and the authority to perform such audits exists up to three years after the date of final payment on the contract.

In addition, DSA conducts complete audits of a contractor's procurement system. This examination involves insurance, facilities management, and quality audits and an audit of the contractor's subcontracting system.

On large contracts, DOD auditors work in contractor plants. In some cases, 30 to 40 DOD auditors are assigned to plants for 1 to 4 years.

The cost accounting standards which have been implemented since 1971 require contractor compliance with accounting practices encompassing allocation of costs, operating expenses, direct material and labor costs, depreciation, and pension costs. Furthermore, a CAS (cost accounting standards) audit is conducted on an annual basis to assure that contractor accounting systems are consistent with Cost Accounting Board standards.

Another existing safeguard takes the form of "should-cost" audits. Under such audits for major contracts ($20 million or more), the Secretary of Defense sends experts into a contractor's plant to review operations and accounting methods. This audit may require DOD auditors to work in the plant for 2 to 3 years. Upon completion of a should-cost audit, DOD gives the contractor its assessment of contract cost and then DOD and the contractor negotiate toward that cost.

Mr. Chairman, it is clear that DOD practices are thorough and that the extent of information on both costs and prices available to the Department are sufficient to enable responsible contractor oversight.

The Renegotiation Board is unneeded in this procurement environment and should be abolished during peacetime.

BOARD DISREGARDS INTENT OF CONGRESS

While neither the Renegotiation Board's life nor powers have been expanded by authorizing legislation since September 1976, the Board attempted to make significant policy changes by administrative rulemaking, thus, defying congressional intent. Specifically, I refer to the Board's actions with respect to foreign military sales and segmentation.

When the House approved funding for the Renegotiation Board on June 10, 1977, it was expressly stated in a colloquy at pages 18387–18388 of the CONGRESSIONAL RECORD that the Board engage itself in processing its backlog of filings. Unfortunately, since that time it has become apparent that the Board was not being faithful to that instruction. Committee report (95–1253) language to H.R. 12934 addresses the dissatisfaction with the Board's operations and that language in pertinent part follows:

RENEGOTIATION BOARD

The Committee recommends an appropriation of $3,000,000 for expenses of the Renegotiation Board to be available only until March 31, 1979. The appropriation to the Board for the current fiscal year was $6,000,000 and the request for fiscal year 1979 was $7,277,000.

In view of the failure of the Congress to extend the Renegotiation Act, which expired September 30, 1976, the Committee feels it is appropriate to consider termination of the Renegotiation Board itself. The Committee recommends the appropriation of funds for 6 months in order to give the Board an opportunity to deal with cases having the most potential for recovery of excess profits and in order to give the appropriate authorizing committees of the Congress an opportunity to deal with the question of the continued existence of the Board.

The Committee feels that the Board should be concentrating on the disposition of backlog, yet the record would indicate that they have spent time re-writing regulations and practices even though the Renegotiation Act has not been extended.

The Committee is concerned about actions of the Board dealing with foreign military sales and segmentation. Several years ago the Board exempted foreign military sales from the renegotiation process, so that sales by American contractors were not subject to renegotiation. The present Board members have recently reversed that decision and such sales from contracts on or prior to September 30, 1976 are now being subjected to the renegotiation process. The Board is also rewriting regulations dealing with segmentation and product line data. These recent actions of the Board seem highly inappropriate in view of the fact that no extension of the Renegotiation Act has been granted.

Mr. Chairman, also for the review of my colleagues, I submit the colloquy on pages 18387–18388 of the June 10, 1977, RECORD referenced earlier:

Mr. MCCLOSKEY. Mr. Chairman, on page 46 of this bill, $6 million is appropriated for operations of the Renegotiation Board, an agency whose statutory authorization terminated last September 30. A bill to extend the Board, H.R. 5959, is presently pending in the Committee on Rules. I am concerned that our vote today not be construed in any way as an implied consent to either the continuation of the Board's existence or to the proposed expansion of the Board's authority and operations as proposed in H.R. 5959.

Many of us feel that the Renegotiation Board's operations should be terminated until such future time that the President declares the type of national emergency which justified the establishment of the Board in 1942, and its reestablishment in 1951.

Further, Mr. Chairman, if there were ever a time to abolish part of the bureaucracy that time is now and in this instance.

Before voting for this appropriation a number of the Members would like to have a question answered by the chairman of the subcommittee of the Committee on Appropriations, the gentleman from West Virginia (Mr. SLACK) and I would be glad to yield to my colleague, the gentleman from California (Mr. HANNAFORD) to present and frame that question.

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

Mr. MCCLOSKEY. I yield to my colleague, the gentleman from California (Mr. HANNAFORD).

Mr. HANNAFORD. Mr. Chairman, I thank my friend the gentleman from California for yielding to me and for pointing out this very important fact regarding the sort of legal half life in which this Renegotiation Board now operates.

The report does state that this $6 million appropriation is to be used only for receipts and accruals of the Board prior to the time that the Board's authority ended, September 30, 1976.

I would like to ask the gentleman from West Virginia (Mr. SLACK) this question:

Is it the purpose of the committee in providing for this appropriation, which represents a reduction from both the current appropriation and the budget request for fiscal year 1978 of the Renegotiation Board, that the funds be used for the sole purpose of processing the backlog of work on receipts and accruals made prior to September of 1976, and that further expenditures for anything subsequent to that time received by the Board would not be authorized?

Would the gentleman from West Virginia respond to that question, please?

Mr. SLACK. Mr. Chairman, if the gentleman from California will yield, the gentleman from California (Mr. HANNAFORD) is correct. I have a statement regarding the Renegotiation Board which I would like to present at this time. I believe that statement will answer adequately the question raised by the gentleman.

Mr. HANNAFORD. I thank the gentleman.

Mr. SLACK. Will the gentleman from California yield for that purpose?

Mr. MCCLOSKEY. I yield to the gentleman from West Virginia.

Mr. SLACK. Mr. Chairman, under the Renegotiation Act of 1951, as amended, receipts and accruals under contracts with certain departments and related subcontracts are subject to renegotiation until September 30, 1976. Consequently, all filings presently processed by the Renegotiation Board, reflecting as they do, receipts and accruals prior to the present termination date, remain subject to the Renegotiation Act, even if the termination date is not further extended, and thus must be processed in accordance with the law.

The amount included in the pending bill is to enable the Board to process such filings.

As of April 30, 1977, the last date for which complete data are available, there were more than 6,000 filings pending before the Board involving renegotiable sales totaling $152 billion.

In addition to the Board estimates that, in the absence of any further extension of the termination date, the Board would receive approximately 1,500 more filings in fiscal 1977 and an additional 1,700 filings in fiscal year 1978 and later fiscal years. All of these, of course, would still be subject to the provisions of the Renegotiation Act and would have to be processed according to the terms of the Act.

All of these filings have to be processed and the appropriation of $6 million recommended by the committee is to enable the Renegotiation Board to accomplish just that.

Mr. HANNAFORD. Mr. Chairman, I thank the gentleman from West Virginia for that precise response.

I thank the gentleman for yielding.

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

Mr. MCCLOSKEY. I yield to the gentleman from Georgia.

Mr. BARNARD. Mr. Chairman, I want to thank the gentleman from California asking the question, and to say that it is important that this matter is now clarified. I think it is very important in the appropriation process that the expending of public moneys, such as this, is well known, and that we understand where the money is going and for what purpose. In this instance we know that the appropriation for the Renegotiation Board in this bill is only going to go to clear up those cases which were filed

before September 30, of 1976, at which time the Renegotiation Board expired. It does not presume at all that this Renegotiation Board will continue to be in existence. Of course, it is understood that in the event legislation is passed which does renew the Renegotiation Board, it would require new authority and new supplemental appropriations to fund it in its future activities.

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EXCERPTS OF HEARINGS BEFORE THE SENATE APPROPRIATIONS SUBCOMMITTEE ON STATE, JUSTICE, COMMERCE, AND JUDICIARY, APRIL 27, 1978

Mr. Chairman, on April 27, Senator HOLLINGS, chairman of the Senate Appropriations Subcommittee on State, Justice, Commerce and Judiciary conducted hearings on the fiscal year 1979 budget request of the Renegotiation Board. The discussion before the committee at that time highlights several pertinent issues with respect to the current need for the wartime Renegotiation Board and the following excerpts may be useful to my colleagues:

Senator HOLLINGS. Let me just say this. I understand your heartening remembrance of Harry Truman. I have a feeling if he were here he would get rid of it (Renegotiation Board). I can see the rationale in the early fifties when that was a problem. We were jumping into the Korean War. You certainly didn't want to have excess profits, people taking advantage of the war.

But since that time with auditing agencies, Truth in Negotiations, cost accounting standards boards, all of these things, they are looking at the fund, mainly the cost and adequacy of the contract.

The best renegotiation board is the marketplace. Any time you butt in in a government policy that stultifies productivity and says don't cut back your cost, don't economize, don't be productive, because if you do, that board is going to grab you anyway, so there is no incentive there, and then why should I compete once the fellow has a contract? If I go in and save money and everything else, then they are going to come and take what I saved away from me. So it is just the wrong influence with a governmental policy as I see it right now.

It is not the board and the members and whether you got into the foreign military sales or anything else like that. It is just a governmental policy with which, if you have got a private, free enterprise system, competition ought to be the best renegotiation board. Instead of allowing competition, you are awarding unproductivity and the lack of competition, because nobody wants to cut any costs.

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Senator HOLLINGS. The problem of American industry isn't excess profits. Anybody who knows anything about business knows that. It is productivity. We have a government policy that stultifies it.

Mr. MCCLOSKEY. Particularly at this time in history when we are trying to stimulate pittence investment. It would not seem we are slapping the world in the face to allow pants companies and others to retain those profits, pay their 50 percent income tax on it, and stay in business.

Mr. HANNAFORD. Mr. Chairman, the defense procurement process aims at cutting costs instead of being concerned about profits. I think that is what we are to do. This board is causing costs to increase in untold amounts because of the dilatory effect on competition and efficiency.

Senator HOLLINGS. Yes. The board to create inflation.

Mr. HANNAFORD. That is right.

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Senator MATHIAS. Mr. Chairman, I have a statement which I am prepared to submit for the record. I would just make a suggestion as I do it.

As you know, our distinguished colleague who is a member of this committee, Senator Proxmire from Wisconsin, has created a new art form in Washington which is called the Golden Fleece of the Month Award. Each month he singles out some flagrant or scandalous or ridiculous and sometimes salacious misuse of the taxpayers' money.

He makes the Golden Fleece Award to the government agency that is responsible. The very existence of the award I think is to Senator Proxmire's credit. It puts the Washington bureaucrats on notice that they if they squander the taxpayers' money and peril the public's exposure, that pointing the golden finger acts as a very powerful deterrent to thoughtless government spending.

I congratulate Senator Proxmire because of his Jasonian tenacity of tracking down these Golden Fleece recipients which I think is an example to every one of us.

Since any new movement thrives on proselytes, Mr. Chairman, I can't resist the impulse as it were to jump on the Argo. Imitation is, after all, the sincerest form of flattery. I hope that Senator Proxmire will view in that light my decision to make a nomination for the Golden Fleece Award.

I should explain that I would have not moved so boldly to volunteer to participate in Senator Proxmire's Golden Fleece Selection had I had any hope that he might finger the recipient himself. But I fear that that is not to be.

Senator Proxmire scours the wide, dark seas like Jason before him but has never found my nominee for the Golden Fleece.

My nomination for Senator Proxmire's consideration for the Golden Fleece Award for the month of April is none other than the Renegotiation Board.

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Mr. PACKARD (former Secretary of Defense). There are two problems you have in defense procurement. I have seen this in operation.

Procurement officials, knowing that a contract may be negotiated, are less likely to be as careful as they should be in the initial negotiation of a contract. In other words, it is a little disincentive in the negotiation process.

The other matter is really very simple. When you are talking about renegotiating profits, there is no incentive for a contractor to keep his costs down and actually do a better job.

So these are both really negative management incentives.

Senator HOLLINGS. The watchdog becomes then in a sense the hound-dog. He is watching to keep costs. It doesn't keep the costs down. You know, someone would criticize the action of the Congress and write one of these articles to the effect we put the watchdog to sleep or gave him strychnine or whatever it is, but it is not a watchdog.

I mean all the other things at the cost level, the audit level, and procurement level, that you had with your school there, and the offices themselves involved, those are the things that are the watchdogs for the Congress. But this has proved the opposite here.

Mr. PACKARD. I have often put it this way. It is much better to do the job right in the first place than trying to go back and patch it up or cover it up afterwards.

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INDIVIDUAL VIEWS ON RENEGOTIATION BOARD'S PEACETIME OPERATIONS

Mr. Chairman, my colleagues and I, who have long questioned the need for the Renegotiation Board during peacetime, have sufficiently stated our views and our arguments. The views of those who are directly affected by the Board's actions, however, deserve recognition. I have received numerous communications from such individuals all over the country and insert the following excerpted comments for review by my colleagues:

I think anyone critically examining the federal government's policies in procurement will find that they are all based on a policy of hire and fire. In our view and in the view of most suppliers in the electronics industry, this is an obsolete and archaic philosophy. It is time the federal government got with it and recognized that hire and fire costs us all more in the end. If you add up all the costs in the way the federal government does business, including particularly the unemployment costs, the taxpayers are paying more.

There seems to be an assumption that simply because the defense budget is large, renegotiation is necessary. From my knowledge and understanding of the Renegotiation Act from its earliest beginning, the size of the defense budget has nothing to do with it. The purpose of renegotiation to recoup excessive profits when there is inadequate time to properly and thoroughly compete for reasonable prices, when there is inadequate production capacity, or when the volume of products being purchased is abnormally large. None of these conditions exists in peacetime, particularly at the present time.

For the large major weapons systems contractors, the bill is redundant. It simply repeats everything that has already been done when going into a contract. For the major commercial suppliers selling commercial products to the government, the bill is devastating and makes the government market incompatible with the commercial market.

In listening to Admiral Rickover, who frankly was eloquent in his pitch in support of the bill, it was evident that he has no appreciation for the business manager's responsibility for stability of employment. Admiral Rickover has always lived in the environment of the Navy and the civil service. When the sailors don't have enough to do they can scrub decks, and when the civil service doesn't have enough to do there is no layoff, merely a shuffling of personnel. Not so in the commercial business world. . .

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The cost of additional accounting procedures and reports required under the Renegotiation Act is unfair and a hardship on small businesses. In fact, it discourages them from seeking government contracts and will eventually eliminate the cost reducing advantage the government has in competitive bidding on contracts.

The Renegotiation Act was a war time measure no longer needed and its abolishment affords a great opportunity to help reduce the terrific cost of government burdened upon the taxpayers. In fact, just the thought of a possibility of reducing some of the voluminous government reports and bureaucratic red tape is like a breath of fresh air.

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In our experience, the Board's purpose is redundant to half dozen different government agencies. The Defense Contract Audit Agency checks the accuracy of our costs, the GAO guards against the possibility of fraud, and the official competitive procurement process functions to keep profits at a very competitive level. In fact, most of our companies that deal primarily with the government turn in profit margins that are substantially lower than the margins we encounter with private sector business.

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The act, as applied, is a gross inversion of the principle of public interest. I am sure that your staff can provide you with a legal mem-

orandum on the cases recently decided by the Court of Claims or settled by the Justice Department. In every instance the contractor has been the small, very efficient, low overhead, quality producer who has been extorted by his government.

The act penalizes the good and encourages the bad. It is almost like announcing a homestead policy in Alaska that you can farm all the land you can clear, then five or ten years later, when demand for land lessens, announcing that you have changed your policy because you and your four sons should only be entitled to fifty acres of cleared land because all the other families only cleared twenty-five acres and your work and two mules made your profit on your one hundred acres excessive and refundable to the government.

The renegotiation act does not:

(1) Compensate initiative.

(2) Reward industry.

(3) Recognize bona fide competition.

(4) Appreciate risk of bankruptcy.

It does:

(1) Encourage excess cost incurrence.

(2) Penalize profit arrived solely from hard work.

(3) Lump all "profiteers" together, thus establishing guilt by association

(4) Encourage duplicity and dishonesty.

(5) Add confusion to the solemn contractual undertakings of the United States.

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Our company, which is now the largest security service in the State of California, and privately owned, has not had a prime U.S. Government contract since June 30, 1972. Since that time we have had virtually a running battle with the bureaucrats of the Renegotiation Board who insist that, irrespective of the fact that we do not have a single prime or sub-contract with the U.S. Government, we still have the responsibility of reporting revenues and profitability. Although we do service some DOD contractors, the price structure is fiercely competitive. On one occasion, the Renegotiaton Board, even though we claimed that our service was completely commercially orientated, required us to circulate our clients to determine what percentage of renegotiable business our clients conducted, factor this data by client, so that a determination could be made as to the "renegotiable" operation of our business.

As related to our operations, the function of this Board is so farcical that it defies description. Compiling the data, completing the reports, and engaging in extensive conversations with the representatives of the Board were a complete waste of management time. The question was raised as to the guide lines for renegotiable profits and no answers could be obtained.

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There is one fact that has not been considered by the Renegotiation Board. A manufacturer obtains a contract from the Government through competitive bidding. During the course of manufacture it is possible through industrial engineering practices and ingenuity to discover better methods of manufacture which would reduce the manufacturers costs resulting in greater profit to him. Under the present practices of the Renegotiation Board if this manufacturer does in fact use his ingenuity and reduces his costs to result in larger profit the Renegotiation Board wants to recover this extra profit. It is obvious, therefore, that the incentive is taken away from the manufacturer. We experienced this exact situation. The cost to us in presenting our side of this issue was substantial.

The reverse of the above situation is not true. If a manufacturer finds that his costs increase and the resulting profit decreases there is no provision through the Renegotiation Board to recover those lost profits.

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The existing defense contract monitoring system has been the subject of numerous Congressional enactments since 1970—none of which have been significantly reflected in Renegotiation Board actions because the Board's contract reviews are years behind schedule. Outdated data has been cited in support of H.R. 5959.

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In the conduct of our business, the opportunity for "excess" (whatever that means) profit is precluded by the competitive environment in which we operate. Here is where, I believe, the Minish Bill and its author do not understand the facts of government procurement. Even in those instances where we have offered a product which represents innovative or unique design, there has always been one or more competitors eager to provide similar equipment.

As a taxpayer, I am as adverse as anyone else to see a contractor enrich himself unreasonably by doing business with the government. However, it seems to me that abuses of this type can generally originate only in a wartime atmosphere, which is when the Renegotiation Act originated, when due to a national emergency, procurement must proceed regardless of cost. This is no way, as outlined above, describes procurement activity today. There is no urgency, and government agencies and government prime contractors have ample opportunity, which in my opinion they fully utilize, to obtain competitive bidding. Our experience, as noted, indicates that when there is a situation of competitive bidding, opportunity for "excess" profit virtually disappears. When for particular reasons competitive quoting does not apply, and negotiated sole-source procurement obtains, the Armed Services Procurement regulations and related statutes, such as Truth in Negotiation Act, Defense Production Act, Section 719, U.S. Code Title 10, etc. provide a whole series of protective steps (including pre-contract audits by Defense Contract Audit Agency, Contract Administration by Defense Contract Administration Service, etc.) which are designed to prevent improper or unfair negotiation or pricing adverse to the government's interest. Moreover, there has been no lack of awareness by government agencies and government prime contractors in knowledge and application of these statutes to assure that the government pays no more than is fair and equitable. The concept that government contractors reap large, unjustified profits, is, I believe, a stereotype, and a myth.

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We do assure you that costs and valuable time are involved, and that the reporting procedure is regarded as just one more layer of bureaucratic paperwork with which we have to put up with. We agree with you that the government is more than adequately protected by current procurement laws and personnel and that the Renegotiation Act is now obsolete. Each contractor usually has a variety of contracts—some "winners" and some "losers", and his net profit (if any) is dependent on the mix. The Renegotiation Act only considers the winners and ignores the losers.

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Our ability to earn a profit or affect the amount of profit that we may earn, is dependent on our ability to keep our expenses within the amount of income that is generated by this predetermined and fixed commission rate. We cannot and do not establish pricing policies. The industry average is about 1 percent profit on sales, a very low figure indeed. How that could ever be construed as excess profits is unfathomable, and yet hundreds of firms like ourselves are required to spend valuable and expensive man hours complying with the filing requirements.

Further, the procedures to determine renegotiable business are not well established, are time consuming, and provide spurious answers and conclusions. In short, they are currently, a waste of time.

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A study made by the Financial Executives Institute of the annual reports of the Renegotiation Board from 1971–75, using valid assumptions concerning industry administrative costs, determined that the taxpayer would have been better off without renegotiation. The costs to industry of collecting, analyzing, and reporting renegotiation data are often overlooked in discussions concerning renegotiation but these costs are included in the prices of goods and services procured by the Federal Government. If future legislation requires greater administrative costs both to government and industry, the taxpayer will be even worse off.

Another consideration often overlooked is that the Renegotiation Board determinations of excess profits are on a pre-tax basis. Because of the 50 per cent tax rate, the government would share half of these profits if they remained with the contractor.

We also believe the question of excess profits is rapidly becoming an irrelevant issue because of dramatic improvements in government procurement procedures. Currently, Defense Contract Administrative Services, the Defense Contract Audit Agency, and the newly-established Cost Accounting Standards Board all serve to make all procurement procedures more effective and to ensure reasonable costs to the government. The point is that the taxpayer is already paying for these effective procurment procedures.

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Our firm designs, engineers and manufactures filteration equipment of a fairly technical nature. One hundred percent of our military business is obtained by competitive bid under the firm fixed price provision of the Procurement Act. We have some pretty tough competition and every bid we submitted in 1976 hit head on with an average of 5 other bidders. Since each bid was made on the basis of a firm fixed price you can be assured that our pencil was mighty sharp. We were only successful on about ⅓ of the responses. A sharp pencil also meant that we didn't have any room for error. With a firm fixed price contract any slip would mean a loss on the job with no possible recourse from the government. Now on the other hand only because we were smarter than our competitors and only because we were able to run a tight ship were we able to earn a profit on the contract. Now the government comes along and says, "You guys made too much money on your government work and we want some of it back." At no time do they mention that the risk fell 100% on our shoulders. At no time have they offered to reimburse us should we run into difficulties and have a cost over run, and at no time do they take into consideration that perhaps we were 10–15% lower than the next bidder.

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Congress has provided the procurement system with a great number of effective deterrents to the possibility of excess profits, recognizing that an ounce of prevention is worth a pound of cure. I refer of course to the Truth in Negotiations Law, the DCAA, the DCAS, CASB, OFPP and other before-the-fact actions. The elements in the existing procurement system make for a tight system. If it does not seem to perform with the desired degree of efficiency, the problem is one of human failure rather than system inadequacy. Renegotiation should not be superimposed upon the present procurement system to correct for a human failure.

Further, in this area of peace time procurement, renegotiation is counter-productive. It aggravates the serious problem of

capital shortfall. It discourages contractors from seeking improved productivity or other cost reducing features. It keeps new or additional contractors away from the market, thus stifling competition and increasing cost to the government.

To conclude that the renegotiation process does anything other than add to the burden of the American taxpayer requires a steadfast persistent refusal to recognize the facts for what they are.

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We are certainly not a household word in defense contracting, but for the last three years we have been contending with the Board's efforts to deprive us of a substantial portion of our net worth in the guise of recapturing excess profits. This effort has cost us more than $250,000 in legal fees and the time of our key employees, who are thus prevented from devoting their full time to our current business and to the development of new business, and the end is nowhere in sight, despite our best efforts to settle the matter. I do not feel that negotiation can be justified economically.

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The Renegotiation Act was enacted in 1942 and re-enacted in 1951 for the purpose of protecting the Government's interests in the procurement of vast quantities of materiel on a crash basis with no time to evaluate proposals from suppliers, and no time to properly train personnel in procurement skills and functions.

Today no emergency exists. Government procurement officials are highly skilled and well trained, and a whole series of new laws has been enacted calculated to protect the Government against fraud and deception in contract negotiations.

In addition the GAO and the Defense Contract Audit Agency have become very well experienced in detecting any questionable practices on the part of suppliers to the Government.

The fact that in the past few years the Board's determinations of excessive profits have dwindled to a net amount hardly sufficient to cover the cost of maintaining itself is in itself a persuasive argument that it is no longer serving a useful purpose. If we add to this the terrible cost burden to industry in complying with all the rules, regulations and reporting requirements under the act, it seems abundantly clear that the American economy is bound to be suffering from the load and hence the American people are the losers in the final analysis.

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Our cost of doing business has certainly increased by the multiplicity of these Government Agencies. Renegotiation is unnecessary in peacetime when other procurement regulations and audit activities, such as Armed Forces Procurement Regulations (ASPR), Truth in Negotiation, Cost Accounting Standards, Defense Contract Audit Agency (DCAA) audits, General Accounting Office (GAO) audits and Internal Revenue Service (IRS) audits, guard against excessive profits.

I cannot overemphasize the increase in cost of our doing business with our commercial customers by having to staff to comply with the multiple agencies listed above. Our company exports 40 to 50% of our products and we must compete with Japanese, Scandinavian, European and other manufacturers for worldwide commercial business. Anything that adds, unnecessarily, to our costs is detrimental to the economy of the United States. I am sure that this comment is applicable to literally hundreds of U.S. manufacturers who do business with the U.S. Government.

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As an independent manufacturers' representative, we have discussed the requirements of the Renegotiation Act many times with others in our type of business, and there are hundreds of us in this limited field of endeavor who are among the many thousands required each year to keep records and submit reports. None of those with whom I have talked (including ourselves) have ever made "excessive profits" or have ever been required to reimburse the government; but all of us have been burdened with hundreds of hours of extra detailed work over the years to prepare reports which are of no use or value either to our industry or to the government.

The ever-increasing size and costs of government, together with the burdensome requirements imposed upon business and the citizens, coupled with ever-increasing taxes, form the largest discernible factors in the ever-increasing spiral of expenses. In other words, in my judgment our government is the chief cause of inflation.

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Every year I spend approximately 40 hours preparing the report for the Renegotiation Board and inevitably the report will come back as rejected for some ridiculous reason such as "one paragraph was worded wrong, not in conformance with most recent regulations," etc., etc.

Further, the thing which really irritates me is that after going to all this work and hassle back and forth, the Board doesn't respond. I am still waiting for clearance for Fiscal Years 1973, 1974 and 1975. I have written letters inquiring about the status of these long past due reports and I don't even get a reply. I have even telephoned long distance and I get a nebulous answer like "oh, we are converting over to a new computer program and everything is in a state of confusion" or "So and So is no longer here, but I will look into the status of your reports," etc., etc.

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After reviewing H.R. 5959, which I understand replaced H.R. 4082, I am completely convinced that the cost of the renegotiation process would far exceed any excessive profit recoveries if such bill was passed. The requirement that every filing be audited, in itself, seems to bear out this fact. In addition, the provision requiring contractors and the Board to renegotiate profits by division and by major product line within a division would be extremely costly. Other provisions of the bill are equally troublesome. I believe the letter from the General Counsel's Office of DOD which was sent to OMB on April 1, 1977, aptly describes most of the dangers in the proposed legislation.

With President Carter's expressed determination to simplify Government, eliminate unnecessary red tape and to reduce Government's role in private business, we agree with you that a perfect starting point is with the Renegotiation Board.

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In our view the greatest crisis affecting this country today is the lack of capital formation. There is insufficient capital being formed to solve our energy problems and to create the jobs which would permit us to have full employment. As manager of a corporation which is involved in both renegotiable and commercial sales, I must determine where to invest the corporation's resources. It is obvious that any business manager must invest his corporation's assets where the greatest return on those assets can be achieved. If H.R. 5959 passes in its current form and we are forced to produce line renegotiation where we give up our profits on the winners and are left with the losers, then I will have no choice and must place my corporation's assets into commercial ventures.

If the Minish Bill passes, a fixed price contract—probably the greatest tool for reducing costs—will become a thing of the past. We are a company whose renegotiable sales are essentially all firm fixed price. Our greatest incentive to reduce costs is our ability to retain a portion of those reduced costs as increased profits. As you know, we already share our profits with the United States Government through corporate income tax.

We are currently before the United States Court of Claims in a dispute over our fiscal year 1969. Essentially we are attempting to retain the profits we achieved through efficiency caused by greater productivity. During the years succeeding fiscal year 1969 the Government got the benefit through reduced prices of the increased efficiency we achieved during fiscal year 1969. If we lose this case then we in effect will have lost the incentive to reduce costs through greater efficiency since we will be denied any part of our success even for the short one year period where the success occurred.

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We are a small manufacturer of aircraft fasteners, and are in business to make a profit and provide a good professional life for our employees. We do not desire to provide income for 1000 clerks in Washington, D.C., if we can possibly help it.

Recently we were subjected to a Renegotiation Review for 1967 revenues.

1. In August 1971, we were told that we owed $290,000 in excessive revenues pertaining to the six months ended June 30, 1967.

2. We put up a bond for this amount, and claimed that this should have been about $210,000. We then demonstrated our rationale for this contention. We were told that certain paperwork was required to substantiate this contention. (Note: as I understand the situation, the excessive profits were caused by an Inventory re-evalution required by the Securities & Exchange Commission).

3. We spent thousands of dollars and hours of our time and our legal counsel's time on this issue, and we were ready to go to the review board. We were delayed from going before the Review Board three or four times, over a period of several years, by our adversaries asking for an extension.

4. A meeting was finally held on April 23, 1975, and as a result of this meeting, the government recommended that our initial finding be accepted.

5. On February 13, 1976, the above recommendation was accepted by the Renegotiation Review Board.

6. On September 10, 1976, we received notification that a judgment was concluded upon that was similar to our contention made back in August, 1971. However, during this time, interest had accrued that came to over $80,000.00, so we were no better off than if we had accepted the initial settlement, excepting the operational costs we had invested to prove our point.

In conclusion, we found that we had spent considerable time, energy, and dollars to prove that a Renegotiation Board's initial conclusion was erroneous, only to find that the Renegotiation Board could delay long enough to make the whole effort pointless. I would now like to tell you of recent experiencies with the Renegotiation Board. Each year, we stop the work flow of our entire finance department for about one half month so that we can fill out the paper required by the Renegotiation Board. Minds that should be spent thinking about the profitability and health of our company are spending time in clerical functions so that the Renegotiation Board's returns can be filed In my opinion, increasing the power of this Board can only be suggested by someone interested in destroying the free enterprise system.

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As you know, WEMA is an electronics trade association representing over 800 high-technology companies in all parts of the country. Our members are predominantly small companies employing fewer than 200 people.

We were shocked to read in the May 21, 1977 Washington Post that the chairman of

a significant House subcommittee was calling our members "morons" for opposing a bill he favors. We were equally distressed to have our motives impuned by the suggestion that we oppose H.R. 5959 out of "stupidity" or because some larger companies have somehow "put the arm on" our members.

It's true most of our members are small, but the thing they want most is the chance to grow and provide more jobs in the future. We certainly would be "stupid" if we failed to see that federal oppression of larger companies today will harm us tomorrow.

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

Mr. HANNAFORD. I yield to the gentleman from Georgia.

Mr. BARNARD. The chairman indicated in his opening statement that this bill contained a measure of some $3 million for the continued operation of the Renegotiation Board. Is it the gentleman's understanding that these funds will only be used to carry out the backlog of work of the Renegotiation Board, and they would in no wise be authorized to produce new programs, which they have sort of advertised that they were going to do?

Mr. HANNAFORD. That is my understanding, and some of those new programs are disturbing in light of the fact that they have no authorization to do anything but file backlogs. That was the same thing that happened to last year's appropriations. That was for filing backlogs alone, and I would ask the chairman to reaffirm that statement.

Mr. SLACK. The gentleman's response is correct. It is for backlog alone, and not to institute any additional rules and regulations.

Mr. BARNARD. Mr. Chairman, at this point I want to commend the committee, and certainly stand in support of the comments of my friend from California (Mr. HANNAFORD). I think it is time that we finally, with the effort put in, curtail an unnecessary board.

Mr. HANNAFORD. I thank the gentleman.

Mr. CEDERBERG. Mr. Chairman, I yield 5 minutes to the gentleman from California (Mr. MCCLOSKEY).

Mr. MCCLOSKEY. Mr. Chairman, as Chairman SLACK stated a few minutes ago, there is no reason to continue funding the Renegotiation Board past March 31, 1979. By our vote today for this bill, we effectively end the Board until such time as a new war or national emergency may justify its services.

The Renegotiation Board's statutory authority ended September 30, 1976. Congress has refused to extend or expand its authority and a Senate committee voted to abolish the Board until the next war or national emergency.

The House committee of jurisdction has refused to bring to the floor a bill to renew the Board's authorization solely because a majority of Members of the House has indicated an intention to abolish the Board until the next war or emergency through adoption of the so-called Hannaford-McCloskey amendment. The Board is, nevertheless, asking for its largest appropriation in history, an unprecedented $7.3 million.

In 1977, despite a 14-percent decrease in the number of filings from the previous year, the Renegotiation Board's backlog before its regional boards increased 50 percent—from 1,176 cases pending tc 1,930 cases pending.

Despite the Board's claim that its backlog has been escalating due to "manpower constraints," the Board's regional offices in 1977, with 83 employees, completed only 253 cases as against 626 cases completed the previous year with 81 employees.

Five years ago, it took the headquarters office an average of 196 days to complete a case. Last year, it took an average of 718 days.

In 1977, although the Board spent more money than ever before in its history, it reached a 10-year low in excess profits determinations; only one-third of 1 percent of the total allowable profits were found to be excessive. The companies involved were not exactly America's largest. Of the 3,628 contractors forced to meet the Renegotiation Act's paperwork burden, only 22 companies were claimed to have made excess profits, and then only to the amount of $18 million.

Last year, one U.S. company, Hewlett-Packard, testified that its own costs of compliance with the Renegotiation Act were not less than $160,000 in 1976. Renegotiation Board member Harry Van Cleve charged that Hewlett-Packard in fact had had "no incremental cost of complying with renegotiation whatsoever." Hewlett-Packard responded by requesting a GAO audit. The GAO reported on September 10, 1977, condemning the Van Cleve statement and the Board's methods:

> The company's approach to developing the estimate appeared reasonable * * * we found the company does expend considerable effort and costs in filing with the Board.
>
> The Renegotiation Board developed the estimate of contractor costs of compliance by selecting three contracts that it believed were representative of the small, medium, and large contractors performing renegotiable business. None of the contractors was made aware of the fact that it was included in the study and none was asked by the Board what it estimated its individual costs of compliance to be. The estimate of contratcor costs were made *solely* on the knowledge casually picked up by Renegotiation Board personnel during their prior contacts with respect to the contractors filing. (Emphasis added.) *From GAO Report, September 10, 1977.*

In fact, H–P revised its estimate upward from $160,000 to $197,000. The company's total renegotiable sales totaled approximately $30 million, pegging this cost of compliance at about one-half of 1 percent of renegotiable sales. If the same percentages are applied to total national renegotiable sales, cost of compliance to industry could be roughly $255 million annually.

The original Renegotiation Act had its genesis in 1942, a time of grave national emergency—when contracts had to be negotiated under stress and in great haste—when the Government's immediate need for services and materials transcended all other considerations. Under these circumstances, renegotiation to recover excess profits was justified and necessary.

The same circumstances existed in 1951 when the present act was enacted. As in 1942, we were in the first year of a major war. Contracts were being executed under special emergency circumstances, and a special law to balance the equities between the parties was clearly in order.

Today, however, there is no such urgency. Government procurement officers are experienced, competent, and under few, if any, time pressures. The principles of contract law are rooted deep in our history, and are well understood by the most recent law school graduates. The need to renegotiate a contract is a concept which should have no place in a society where the contracting parties can meet in dispassionate and quiet negotiations, with neither party under pressure to make or accept an offer.

Since 1951, Congress has enacted a whole series of additional laws calculated to prevent fraud and deception against the Government in both the negotiation and performance of contracts.

The Truth in Negotiation Act (10 U.S.C. 2306(f)), section 719 of the Defense Production Act (50 U.S.C. App. 2168) and the host of requirements codified in title 10 of the United States Code all operate in favor of the Government to require fair negotiating and fair reporting by contractors.

Why, then, should there be a special law, in nonemergency circumstances to give the Government a special remedy?

And if the contractor has not complied with those laws, if he has not submitted accurate, complete and current cost or pricing data, if he has not disclosed and adhered to disclosed cost accounting practices, there are standard legal remedies for the Government just as in the case of any other person who has been injured by breach of contract or violation of law.

I submit, Mr. Speaker, that in peacetime the whole concept of contract renegotiation is fallacious. There is no emergency to justify it. In those cases of novel, complex, and experimental new weapons or scientific systems, the Government is free to enter into contracts on any basis it wishes, cost-plus-fixed price, fixed-price incentive, or otherwise. The Government can calculate precisely what kind of contract it wishes in order to obtain the best advantage for the people of the United States.

But having done so, why should the Government need additional advantages?

Fairness of negotiation and performance is not a problem when no emergency exists.

If no fairness problem arises, what economic benefits can be said to arise from the operation of the act?

The argument has been made that whatever the Board's faults, its funding should be continued in order to permit the Board to dispose of its substantial backlog of cases.

At the present time there is a backlog of approximately 6,272 cases, some going back as far as 1965.

And, the Board's advocates say, proc-

essing the backlog of cases resulted in a determination of $18 million in excess profits this past year, 1977, with costs of less than $6 million. So, why not keep the Board in operation, at a cost of $7.3 million in fiscal year 1979, in order to generate the profits to the Government that the process seems to be generating? In addition to the backlog of cases being processed, there are at least 150 court cases pending on appeal. At present some 80 percent of the Board's current determinations are being appealed, partly because in 1977, of 36 cases disposed by the Court of Claims, 27—three-fourths—resulted in the court's lowering or eliminating altogether the excess profits determined by the Board.

To test the results on appeal, I asked my staff to get all cases decided by the Court of Claims during the past 2⅓ years—since January 1, 1976.

There are 10 case decisions, and I will add them to the RECORD at the conclusion of this statement. They reflect that on Renegotiation Board determinations of roughly $7 million, the Court of Claims reduced the Board's determinations in each instance with a total reduction of approximately $3.3 million, or 46 percent of the Board's original findings.

In 2 of the 10 cases, the court reduced the Board's determinations to zero.

In one of the cases, the attorney for the company, A. C. Ball & Co., was a personal friend of mine who practices law in my original congressional district, San Mateo County, Calif. A. C. Ball & Co. is a manufacturer of small items such as wheels, screws, fittings, et cetera, and did less than 1 percent of its business with the Government in 1967, in this case, the Air Force.

The Renegotiation Board determined A. C. Ball to have made $250,000 in excess profits in 1967. The company appealed, and after a trial court reduced this figure, the Court of Claims decided 8 years later, on March 17, 1976, that the true excess profits were only $59,000, a 76-percent reduction.

The court's opinion, found at 531 F.2d 993, is 25 pages long, and reflects that the Government was represented by Robert N. Ford, a Washington lawyer, with whom appeared Assistant Attorney General Rex E. Lee, and for whom Robert E. Tressel of Washington, D.C., appeared as counsel.

A. C. Ball was represented by Travis M. Jackson, of San Carlos, Calif.

Since Mr. Jackson's services had saved his client $191,000, I thought he might be willing to disclose his fee for those services. It was roughly $25,000, plus $5,000 in expenses, but Mr. Jackson stated to me that his fee was extremely low for the case involved because he was assisted both during the month-long trial and on the brief by a very fine law student from Stanford University, who was a full-time employee of A. C. Ball.

Assuming that the three lawyers representing the Government did work comparable to Mr. Jackson's, the total legal fees alone on this one case were substantially higher than the $59,000 recovered by the Government, roughly half of which would have come to the Government in taxes anyway.

With 80 percent of the Renegotiation Board's determinations being appealed to the courts, it seems highly possible that the Renegotiation Board's continued operations will cost the Government and the contractors more in legal fees and costs than the Government will recover.

Under these circumstances, it would seem fair to finally lay this wartime agency to rest until the next war which might justify its reincarnation, hopefully under new and better management.

I commend the Appropriations Committee for its decision to abolish this agency as of March 31, 1979.

The 10 case decisions follow:

1. *Dynasciences* v. *U.S.*—Court of Claims #62–72, Dec./July 8, 1977.

Small R&D defense firm in Blue Bell, Pennsylvania. The Renegotiation Board, on November 23, 1971, determined that company had excessive profits of *$125,000* in FY 1967.

The Court cut award in half . . . to $67,000.

2. *Gilbraltar Mfg. Co.* v. *U.S.*—Court of Claims #597–71 & 364–72 Dec./December 15, 1976.

Michigan corporation making final drive sprockets for military vehicles.

Renegotiation Board determined that company had excessive profits totalling $600,000 in FY 1967 and 1968.

Court reduced to $440,000 (Reduction of $160,000).

3. *Page-River-Curran* v. *U.S.*—Court of Claims #566–71 Dec./Apr. 19, 1978.

Engineering consortium entered single contract to install a buried intersite cable system at IBM site in South Dakota.

Renegotiation Board determined excessive profits of $1.2 million for 1963.

Court reduced to $778,000 (down $422,000).

4. *Camel Mfg. Co.* v. *U.S.*—Court of Claims #608–71, 38–72–441–73 Dec./Feb. 22, 1978.

Tennessee company making tents, packs and mattress covers. Renegotiation Board determined excess profits in FY 1966–68 of $1,375,000.

Trial Court reduced to zero—Court of Claims returned to $889,600 (drop of $485,400).

5. *Mills Mfg. Co.* v. *U.S.*—Court of Claims #607–71, 655–71, 697–71, Dec./Feb. 22, 1978.

Company made parachutes.

Renegotiation Board determined excess profits of $1.2 million for FY 1967–1968–1969.

Trial Court reduced to zero—Court of Claims returned to $775,000 (drop of $425,000).

6. *Blue Bell, Inc.* v. *U.S.*—Court of Claims No. 603–71 Dec./Apr. 8, 1977.

Successor corporation of Hicks-Ponder, maker of pants Renegotiation Board determined $275,000 excess profits in FY 1967.

Court reduced to $150,000 (reduction of $125,000).

7. *Major Coat Co.* v. *U.S.*—Court of Claims No. 31–72 Dec./Oct. 20, 1976.

Renegotiation Board determined $740,760 in excess profits in FY 1968.

Court reduced to $560,000 (drop of $180,000).

8. *Aero Spacelines, Inc.* v. *U.S.*—Court of Claims No. 589–71 Dec./Jan. 28, 1976.

Supplier of "outsize" air cargo transportation for NASA–rocket stages.

Renegotiation Board determined excessive profits of $250,00 in FY 1966.

Court reduced to *zero*.

9. *Butkin Precision Mfg. Co.* v. *U.S.*—Court of Claims No. 641–71 and 484–73 Dec./Oct. 20, 1976.

Company made parts for gas turbine engines.

Renegotiation Board determined excess profits of $986,000 for FY '68 and '69.

Court reduced to *zero*.

10. *A.C. Ball Co.* v. *U.S.*—Court of Claims No. 588–71 Dec./Mar. 17, 1976.

Company made small parts and devices, wheels, screws, couplings, etc. for Air Force.

Renegotiation Board determined $250,000 for FY '67.

Trial Court said $50,000. Court reduced to $59,000 (drop of $191,000).

(Travis Jackson of Truce, Veal).

*Summary of 10 cases appealed from Renegotiation Board findings*

| Renegotiation Board findings | ultimate Court of Claims decision |
|---|---|
| $125,000 | $67,000 |
| 600,000 | 440,000 |
| 1,200,000 | 778,000 |
| 1,375,000 | 889,000 |
| 1,200,000 | 775,000 |
| 275,000 | 150,000 |
| 741,000 | 560,000 |
| 250,000 | ---------- |
| 986,000 | ---------- |
| 250,000 | 59,000 |
| 7,002,000 | 3,718,000 |

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

Mr. MCCLOSKEY. I yield to my colleague, the gentleman from California (Mr. ROUSSELOT).

Mr. ROUSSELOT. Mr. Chairman, I thank my colleague, the gentleman from California (Mr. MCCLOSKEY), for yielding.

Also I thank this committee for mothballing this agency as of March of next year by making it clear that no funds appropriated under this bill shall extend beyond March of next year and, secondly, I appreciate the understanding of the chairman and of the committee that in appropriating $3 million under this bill we are doing so only to phase out and to complete the cases now pending and "not start any new actions."

I think the committee is to be complimented for mothballing an agency that should have been mothballed 2 years ago when the time of the agency actually expired.

I know my colleague, the gentleman from California, has been a main force in making sure that the members of the Banking and Currency Committee, on which I and the gentleman from Iowa serve—and that gentleman also wants to speak on this issue—can bring this thing to a conclusion.

I wish to thank my colleague for his consistent effort, along with others on both sides of the aisle, to bring this agency to a conclusion.

Mr. Chairman, I think it is appropriate that the Congress, only 1 week after the approval of proposition 13 in California, is mothballing the Renegotiation Board—an agency which recently was nominated for the coveted "Golden Fleece Award" by Senator MATHIAS.

By eliminating the Board during peacetime, we force procurement officials to be more careful in the original negotiations of a contract. Renegotiation acts as a disincentive for hard negotiating because procurement officers have a tendency to depend on the Renegotiation Board to catch the officers' mistakes. I

commend the Defense Department for its training programs for procurement officers. Improving the procurement process is the most efficient way to remove excess profits. The Renegotiation Board only serves to increase Government spending by adding another layer of bureaucracy.

The Board discourages contractors from keeping their costs down. A contractor who runs an efficient operation is penalized for the higher profits which are derived from doing a better job. Thus, the Renegotiation Board acts as a disincentive for effective contract management.

This is a perfect opportunity for my colleagues to answer the mandate of the American taxpayer for less Government by sunsetting an agency which cannot justify its existence during peacetime. I urge my colleagues to cast their vote for Chairman SLACK's proposal of $3 million to March 31, 1979. This will give the Board sufficient time and funds to responsibly close up shop.

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

Mr. McCLOSKEY. I yield to the gentleman from Iowa (Mr. GRASSLEY).

Mr. GRASSLEY. Mr. Chairman, I compliment the gentleman from California for his work in this area and associate myself with both his remarks and those of the gentleman from California (Mr. ROUSSELOT).

I feel a little bit of history is being made here today on this issue, so that even though we do not let old bureaucracies die, at least this one agency is going to have an opportunity to fade away.

Mr. Chairman, I would like to briefly point out to my colleagues how inefficient and ineffective the current Renegotiation Board is. Some of the Members may recall the blazing headlines with the current Chairman of the Board, Goodwin Chase, accusing Lockheed Corp. of defrauding the Government of millions only to conclude after a GAO audit that no fraud occurred.

The following data was tabulated in a recent study by the Renegotiation Subcommittee of the National Security Industrial Association from annual reports of the Board from 1972 to 1977.

In order for the Members to understand these statistics, it is necessary to give a brief explanation of the processing of cases within the Board. When cases are filed with the Board, they receive an initial screening to determine which companies are unlikely to realize excess profits. Those cases which are not cleared through the screening process are assigned to the western or eastern regional board for detailed consideration. The case is then returned to the statutory board for further consideration.

TABLE I

| Year | Number of employees at headquarters | Average no. days in screening |
|---|---|---|
| 1972 | 109 | 86 |
| 1973 | 106 | 121 |
| 1974 | 104 | 167 |
| 1975 | 109 | 204 |
| 1976 | 98 | 197 |
| TQ | 97 | 281 |
| 1977 | 93 | 372 |

In 1972, 86 days was the average number of days for headquarters to screen a filing. It now (1977) takes 372 days.

II.

| Year | Filings | Assignments | Percent assigned |
|---|---|---|---|
| 1972 | 4,874 | 433 | 9.4 |
| 1973 | 3,910 | 323 | 10.4 |
| 1974 | 3,665 | 783 | 21.4 |
| 1975 | 3,708 | 673 | 26.4 |
| 1976 | 3,067 | 552 | 20.3 |
| TQ | 812 | 164 | 24.8 |
| 1977 | 2,641 | 907 | 35.1 |

III.

| Year | Employees | Assignments received: Number | Assignments received: Per employee | Assignments completed: Number | Assignments completed: Per employee | Backlog: Number | Backlog: Per employee |
|---|---|---|---|---|---|---|---|
| 1972 | 114 | 433 | 3.5 | 677 | 5.4 | 925 | 7.4 |
| 1973 | 95 | 323 | 3.4 | 583 | 6.1 | 665 | 7.0 |
| 1974 | 79 | 783 | 9.9 | 407 | 5.2 | 1,041 | 13.2 |
| 1975 | 85 | 673 | 7.9 | 405 | 4.8 | 1,308 | 15.4 |
| 1976 | 81 | 552 | 6.8 | 624 | 7.7 | 1,236 | 15.3 |
| TQ | 85 | 164 | 1.9 | 124 | 1.5 | 1,276 | 15.0 |
| 1977 | 83 | 907 | 10.9 | 253 | 3.0 | 1,930 | 23.3 |

At the regional boards, the statistics show that more assignments are being received (907 cases in 1977 compared to only 433 in 1972). Fewer assignments are completed per year (253 cases in 1977 to 677 in 1972). Also the backlog of cases at the regional boards has jumped dramatically—an increase of over 700 cases from last year (1,236 cases in 1976 to 1,930 in 1977).

Perhaps an even more dramatic example of the Board's inefficiency is the increase in the number of days it takes for the headquarters to complete a case once the regional board has made a determination. In 1972 the average was 148 days while in 1977 the average was a startling 718 days.

Let me briefly summarize these statistics. The average case in 1977 required 62 months to complete. Five years is only the average. Many cases which were originally filed in 1969 are still unfinished. The Board's only comment in its annual report was that the manpower constraints will continue to escalate the backlog.

TABLE IV

| Year | Assignments completed—headquarters | Average No. days to complete |
|---|---|---|
| 1972 | 333 | 148 |
| 1973 | 192 | 196 |
| 1974 | 371 | 346 |
| 1975 | 201 | 359 |
| 1976 | 249 | 278 |
| TQ | 117 | 225 |
| 1977 | 156 | 718 |

V.

| Year | Determinations | Amounts | Average determination |
|---|---|---|---|
| 1972 | 178 | $40,190,577 | $225,790 |
| 1973 | 86 | 27,999,855 | 325,580 |
| 1974 | 153 | 70,207,586 | 458,873 |
| 1975 | 52 | 27,673,724 | 532,187 |
| 1976 | 46 | 40,086,556 | 871,447 |
| TQ | 12 | 3,276,124 | 273,010 |
| 1977 | 37 | 18,152,350 | 490,604 |

VI.

| Year | Cases | Cost per case [1] | Average determination [2] | Profit |
|---|---|---|---|---|
| 1972 | 178 | $26,708 | $112,895 | $86,000 |
| 1973 | 86 | 55,581 | 162,790 | 107,000 |
| 1974 | 153 | 30,658 | 229,437 | 198,000 |
| 1975 | 52 | 101,077 | 266,094 | 165,000 |
| 1976 | 46 | 120,783 | 435,723 | 315,000 |
| 1977 | 37 | 160,432 | 245,302 | 35,000 |

[1] Budget divided by the number of determinations.
[2] A 50-percent Federal income tax credit has been assumed.

The statistics indicate that the average return of profit to the Treasury in 1977 after taxes was $85,000 for each of the 37 cases which were determined to have excess profits. However, the $85,000 figure does not include the cost of trying the case before the court of claims with de novo investigation by the FBI. While statistics are not available for the cost of the Government's case, private law firms estimate their average costs to be $81,000 per case. When the cost of compliance with the Renegotiation Act is passed on through higher bids (estimates vary from 100 to 200 million per year), it is easy to see why the Board does not save millions but actually costs the American taxpayers millions in higher procurement bids.

Mr. Chairman, the Renegotiation Board serves no useful purpose during

peacetime. Therefore, I support Chairman SLACK's proposal to cut off the funding for the Board after March 31, 1979, and urge my colleagues to vote for one less layer of bureaucracy. I think our research shows, as the gentleman's statistics indicate, that this agency is about as useless as mammary glands on a male hog.

Mr McCLOSKEY. Mr. Chairman, I thank the gentleman. It will be the first time in 22 years that we will have abolished a Government agency by an act of Congress. I hope it is only the first step.

The CHAIRMAN. The time of the gentleman has expired.

Mr. SLACK. Mr. Chairman, I yield 5 minutes to the gentleman from Michigan (Mr. CONYERS).

Mr. CONYERS. Mr. Chairman, I rise to discuss one particular part of the Department of Justice appropriation, and I initiate the discussion by pointing out that the Federal prison bureaucracy has grown by more than 500 percent in 8 years—from a $70 million-a-year budget in 1970 to more than $360 million this year. It is far and away one of the leading growth industries around. Yet once constructed, prisons tend always to be filled. In those 15 States that have increased cell space by 56 percent since 1955, the crime rate rose by 167 percent, and in those 15 States that increased their prison capacity 4 percent or less, there was a decrease in the prison population and the crime rate rose by only 145 percent.

In this budget measure pending before this body, there is a proposal for a Phoenix institution, a combined Federal correctional as well as detention center for youth and young adults. The criticism around this proposal is growing not only in Arizona but outside as well, and the Bureau of Prisons is proposing in the measure before us today that will cost over $15 million, or approximately $32,000 per cell unit.

The Juvenile Justice and Delinquency Prevention Act of 1974, it seems to me, is being ignored, particularly in that provision where it is required that whenever possible, the Bureau shall place federally adjudicated juveniles in foster homes or community-based facilities near his or her home. According to a GAO report, only 1 percent of the Federal prison population is considered too violent for alternative community sanctions.

The head of the Bureau of Prisons himself has indicated that about one-third of all the people incarcerated could be secured safely in either a camp or a halfway house. We know already that if we were to merely grant prisoners parole an average of 20 days earlier, we would make available the equivalent of 1,000 beds or cells.

Ironically, the State for which this new building is proposed has the highest imprisonment rate in the Nation. Among all the Federal judicial districts the rate of imprisonment in Arizona is the highest in the Nation. It is nearly twice that of Texas which is No. 2, and among some States, it is 25 times higher in terms of their rate of incarceration.

So it seems to me, Mr. Chairman, that we ought to examine a very critical point here, namely that the best predicter of prison population is unemployment and in the State of Arizona unemployment is headed downward according to the Arizona Department of Economic Security.

At the same time, Mr. Chairman, and members of the committee, the military facilities not only in this State but across the country are generally going unused. We know that in Fort Dix we have under utilized prison facilities. The same is true for Fort Gardner, Fort Knox, Fort Leonard Wood, and Fort Riley. There are approximately 100 military institutions, and few of them are being used even to 25 percent of capacity. We also need to consider that the Davis-Mothan Air Force Base is 2 miles from the Tucson city limits and Luke Air Force Base is about 15 miles from Phoenix.

So, Mr. Chairman, I am going to ask my colleagues to remove this very unnecessary facility.

The CHAIRMAN. The time of the gentleman has expired.

Mr. CEDERBERG. Mr. Chairman, if the gentleman would like me to yield him an additional minute, I will yield him another minute.

Mr. CONYERS. I thank the gentleman from Michigan.

Mr. Chairman, the problem it seems to me, is that we have gotten confused on a couple of very important premises. I, for one, as a member of the Committee on the Judiciary who has followed this matter, urge that we do not provide money for a prison facility that will not be completed for about approximately 3 to 5 years. I say that because in light of present prison populations are stabilizing or likely to decline downward, so we might have an even more unnecessary facility on our hands by the time it is constructed.

● Mr. ROSTENKOWSKI. Mr. Chairman, as is often the case, a seemingly innocent piece of legislation has implications not readily apparent at first glance. In this case, by passage of this appropriations bill, we sound the death knell to a popular and effective overseas export promotion program. When the Department of Commerce sent its budget to the Congress this year, it did not include in it sufficient resources to operate the U.S. Trade Center located in Stockholm, Sweden. This facility services not only Sweden but all of the Scandinavian countries. I did not learn of this action here in Washington, but through a recent trip to Stockholm where I was the chairman of a House leadership delegation which had responded to an invitation from the Swedish Parliament. During the course of my visit, U.S. Ambassador to Sweden Mr. Kennedy-Minott informed me how unhappy he was that the Commerce Department's Trade Center in Stockholm was scheduled to be closed this summer. The Ambassador and his staff were understandably distressed, but not nearly as distressed as the eight local representatives of various U.S. corporations who petitioned me at length on this same subject. When I returned to Washington, I found that over 200 letters and petitions had been received by the Department of Commerce and our own Appropriations Committee also asking that this decision be reversed.

The Department of Commerce maintains that the closure of this facility is necessary for "reasons of economy." Is it "economy" to attempt to save $300,000 in the face of a $27 billion trade deficit, particularly when the Stockholm Trade Center generates far more in the way of U.S. exports than it costs the American taxpayer? Is it "economy" to terminate a program that has demonstrated effectiveness at the same time that a national export policy task force seeks additional funds far new programs with no track record? I say not.

There are considerations even more important than the small amount of resources we are discussing here. Is a "closed" sign in the window the type of signal we want to be sending to our potential trading partners at a time when we are seeking an expansion of the world economy and promoting economic growth? To me, such an action signals retrenchment; it brings down the inevitable specter of protectionism.

Further, is this the time to set a new precedent—the first closure of a U.S. trade center for other than political reasons. Precedents have a nasty habit of becoming trends. I have recently learned that the Department of Commerce is considering closing several more of these facilities with no other justification than the old saw "for economy reasons." ●

● Mr. GIAIMO. Mr. Chairman, the purpose of my remarks is to provide a budget perspective for the House as it considers H.R. 12934, making appropriations for the Departments of State, Justice, Commerce, the Judiciary, and related agencies.

The bill is within the fiscal year 1979 spending target for budget authority. However, there is a technical problem with outlays. Enactment of this bill, together with outlays that result from budget authority enacted in 1978 and in prior years, would cause this subcommittee's outlay target to be exceeded by $287 million. This results from enactment of the $750 million SBA disaster loan supplemental earlier this session, which has a $450 million outlay impact on the next fiscal year. This SBA supplemental was enacted after the first budget resolution was considered by the House, and thus the 1979 outlay effect was not considered in the first budget resolution.

Certain other items that were included within the first budget resolution are not considered in this bill, principally funds for the new labor-intensive "soft" public works program that was proposed as one of the President's urban initiatives. The $1,079 million of budget authority remaining within the committee subdivision is sufficient to cover appropriations for soft public works, when authorizing legislation for the program is provided.●

Mr. SLACK. Mr. Chairman, I move that the Committee do now rise.

The motion was agreed to.

Accordingly the Committee rose; and the Speaker pro tempore (Mr. BARNARD) having assumed the chair, Mr. BROWN of California, 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. 12934) making appropriations for the Departments of State, Justice, and Commerce, the Judiciary, and related agencies for the fiscal year ending September 30, 1979, and for other purposes, had come to no resolution thereon.

## GENERAL LEAVE

Mr. SLACK. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and to include extraneous material on the bill, H.R. 12934, which the House has just had under consideration.

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

There was no objection.

## THE CRUISE MISSILE AND CHANUTE

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

Mr. CORCORAN of Illinois. Mr. Speaker, over the past weekend I had the opportunity to tour the Chanute Air Force Base, which is very close to my district. My interest in visiting the base was the announcement by the Carter administration that it may be closed, along with similar cutbacks in other parts of Illinois and around the country. I went there to learn more about the impact of such a closing on the people in my district who work at Chanute and to find out more about the national defense consequences of closing Chanute.

Mr. Speaker, from the standpoint of both national defense and the socio-economic impact on Illinois, closing Chanute would be a disastrous decision. On both of these counts, my findings last Saturday corroborate the statements of opposition which my colleague Congressman ED MADIGAN, Illinois Senators PERCY and STEVENSON, and I have been making since the administration's announcement April 26 of this year on Chanute's future.

However, I take the floor today, Mr. Speaker, to address one other aspect of this controversy and to inform the House of Representatives that there is a lot more involved in this decision than just Illinois and what we had learned previously. What I found Saturday is that if Chanute is closed, we won't have any place to train people for the maintenance of the cruise missile. With the demise of the B–1 by the decision of President Carter, we are now putting a lot of strategic eggs in the cruise missile basket. I can only conclude that President Carter is completely unaware of the importance of Chanute to the cruise missile program. Therefore, this morning I sent him the following letter, which I also want to share with my colleagues here in the House:

WASHINGTON, D.C., *June 12, 1978.*

Hon. JIMMY CARTER,
*The President,*
*The White House,*
*Washington, D.C.*

DEAR MR. PRESIDENT: Over the weekend I had the opportunity to tour Chanute Air Force Base near my District. My interest in visiting this base then was prompted by your recent announcement regarding its closing. I went there to learn more about the impact of the proposed closing on the people in my District who work at Chanute and to find out more about the national defense consequences of its closing.

First, let me report that my findings, both from the standpoint of the socio-economic impact and the national defense considerations, further convince me that closing Chanute would be a most serious mistake. In view of previous comments by my colleague Ed Madigan, Senators Percy and Stevenson, and me, this corroboration probably does not surprise you.

However, my purpose in writing this urgent letter is to inform you about the consequences to your cruise missile program should Chanute be closed. Considering what I saw and learned about the missile training programs at Chanute on Saturday, I am convinced that not only is Chanute uniquely qualified to be the training center for the cruise missile, but it is apparently the only Air Force base in the United States with the capacity to handle this important strategic mission for our country.

Mr. President, for many reasons I believe closing Chanute is wrong. However, considering its impact on your cruise missile program, its closing would undercut your plans to cancel the B–1 bomber in favor of the cruise missile.

I urge you to personally review the Chanute case in view of its strategic importance to your new program for the defense of our country.

Sincerely,

TOM CORCORAN,
*Representative in Congress*
*15th District, Illinois.*

## CHINA POLICY REVISITED

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California (Mr. LEGGETT) is recognized for 30 minutes.

● Mr. LEGGETT. Mr. Speaker, in recent weeks our attention has again focused on that seemingly distant part of the world, China. The visit to Peking last month by National Security Adviser Zbiginiew Brzezinski has sparked apprehension among many Americans about the administration's commitment to the Republic of China on Taiwan.

We have undoubtedly reached the fork in the road to normalizing relations with the People's Republic of China. At stake is the future of the Government in Taipei.

The American people have come to realize that the choices associated with normalization are onerous and potentially divisive for both China and the United States. At stake for our Nation is the integrity of our defense commitments and the welfare of a longtime ally.

This was most clearly demonstrated by a 1976 nationwide Gallup survey of American opinion which found that only 20 percent of the American people held a favorable view of what was still termed "Communist China." Another survey released in April 1977 by the Potomac Associates indicated that 56 percent of the American people held a positive view of "the Republic of China on Taiwan," whereas only 26 percent were favorably inclined toward "Mainland China."

The generally favorable view held by most Americans toward the Republic of China on Taiwan is further expressed by opposition to breaking diplomatic relations with Taiwan as a price for normalization with the People's Republic of China. In the Potomac Associates poll of 1977, 47 percent of a national sample expressed opposition to severing diplomatic relations with Taiwan as the basis for granting Peking de jure recognition and exchanging ambassadors, even if this were accompanied by a Presidential expression of U.S. interest in Taiwan's future security. Twenty-two percent of the sample was "very strongly" opposed to normalization of Peking's terms of a complete break in all official U.S. ties with Taiwan.

These poll results appear to me to provide a clear indication of American sentiment on the China issue. The first being that the people of Taiwan are not expendable in our search for better relations with the People's Republic of China. And, second, that we cannot and should not abandon an old friend and ally, the Republic of China.

As we carefully consider normalizing relations with the People's Republic of China, we must be careful not to clear the way for abrogation of our 1954 Mutual Defense Treaty with the Republic of China. American dealings with Taiwan are currently facilitated by a web of 59 treaties and executive agreements covering such diverse issues as defense and military assistance, commerce, air transport, civilian uses of atomic energy, and immigration. U.S. derecognition of the Republic of China on Taiwan, and the abrogation of the Mutual Defense Treaty, would have a disastrous effect on the existing balance of power in East Asia, while at the same time bringing no appreciable benefits to the United States.

We are all aware that U.S. abandonment of the Republic of China, a longtime friend and ally, would arouse apprehension and distrust in Japan and other countries, such as Israel, which look to the United States for their security. Whatever is left of U.S. credibility as a dependable ally will be challenged and questioned.

Furthermore, the U.S. abandonment of the Republic of China on Taiwan and abrogation of the Mutual Defense Treaty would create a gaping hole in the U.S. chain of defense stretching from the Aleutian Islands through South Korea, Japan, all the way down to the Philippines, Indonesia, and Australia, and New Zealand.

Mr. Speaker, for two decades the United States has waged a two-front cold war against Communist aggression in Europe and Asia. The hottest spots of this confrontation were in the Far East, where Americans fought and died in Korea and Vietnam. The 1954 American Mutual Defense Treaty with the Republic of China on Taiwan was established as part of a global strategy for containing the Soviet Union and their Chinese allies.

Since our first foray into the People's Republic of China in 1971, we have be-

come more realisitc about the limits of a bilateral economic relationship with the People's Republic of China. Trade with the People's Republic of China, near zero in 1971, soared to over a billion dollars by 1974, fell to a modest $462 million in 1975, and dropped off to $336 million in 1976 and is today nearly totally dependent on sporadic grain sales. Economically, the People's Republic of China is going nowhere. They can sell us little, nor can they make significant purchases as their primitive, labor-intensive economy produces little investment capital.

On the other hand, our trade with the Republic of China on Taiwan grows at a steady pace, currently 10 times that of our trade with the People's Republic of China.

Although the Republic of China has met with considerable adversity since the onset of our efforts to normalize relations with Peking and their expulsion from the United Nations, the dimunition in formal recognition has been replaced with a prospering foreign trade. While foreign investment in Taiwan declined slightly a year after President Nixon's 1972 visit to the People's Republic of China, it has since been sustained at a level well above $100 million per year. This remarkable island enjoys a total foreign trade of nearly $20 billion a year. The Republic of China is currently the world's 22nd largest trading nation and the 12th largest U.S. trading partner. It has the second highest standard of living in Asia, second only to Japan, with a per capita income three times that of the People's Republic of China.

The Republic of China on Taiwan on May 20 inaugurated Chiang Ching-kuo as president and Shieh Tung-min, a Taiwanese, was sworn in as vice president. President Chiang, worthy successor to his father, the late Generalissimo Chiang Kai-shek, is widely known for his 40 years of government experience and substantial efforts promoting the Republic of China's economic stability. The President's economic policy of "growth with stability and stability with growth" points to continued economic vitality on the island.

What was once considered a Chinese government in exile has now been eclipsed by a more visible prosperous independent nation on Taiwan. The Republic of China is without a doubt a nation on the move.

I am also quite concerned, as are all of us, with the political future of Taiwan. The Taiwanese population of 17 million, which is 80 percent indigenous, appears to be attaining a greater role in the political affairs of the island. Their constitutional process has brought to power a new administration. I applaud this trend as it will confer greater legitimacy on a government which I think should be focusing increasingly on the future of the island itself rather than upon the Nationalist's long-standing hope of returning to the mainland.

We must recognize the reality of two Chinese states. I have recommended for some time that we pursue what I call the German solution—recognizing one China—two governments—one in Taiwan and one on Mainland China. As is also the case with the German example, one government—the Federal Republic—has long insisted that it was the only government of Germany. But that boundary, like that comprised by the Taiwan Strait, cannot be erased, so the two governments deal civilly and carry on trade to the benefit of both.

We must work with the People's Republic of China and the Republic of China to promote this kind of solution. Our relationship with the People's Republic of China and the Republic of China are not mutually exclusive. We cannot and must not abandon our old friend and ally, the Republic of China on Taiwan.●

## ANOTHER "SWEET" RIPOFF OF THE HARD-PRESSED AMERICAN CONSUMER

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

● Mr. CONTE. Mr. Speaker, I rise to inform my colleagues of a proposal that is being considered in the House which is another sweet deal for a select few.

The Agriculture Committee has held hearings, and has failed to expose the outrageous facts surrounding this proposal. Now, this week the Trade Subcommittee of Ways and Means will have this opportunity. I hope they will avail themselves of this excellent opportunity to set the record straight. This proposal, by adding literally over a billion to the "fat-cat" sugar producer's pockets, is so outrageous that it actually rots away at the initial intent of the farm price-support legislation, that of protecting the marginal, small, struggling agriculture operations who are trying to compete with the powerful large domestic and international farming operators.

Mr. Speaker, the sweetest thing about the sugar industry today is the $1.2 billion artificial price-support system that sugar coats the big producers' pockets but leaves a bitter taste in the taxpayer's mouth. Now we are asked to consider seriously handing out another $1 billion sugarplum. I believe we should follow the American Dental Association's advice in this matter—too many sweets are bad for you—and we should deny further subsidy.

The world market price for sugar is now about 7 cents per pound. The bill before us would restrict the U.S. market from competition by raising the support price to 17 cents per pound of sugar. The supporters of this bill call this price stabilization. It has been my experience that stabilization always means higher prices. And higher prices spells inflation, hardly a sweet position. It may be that those who support this bill are more concerned with the gratitude of their constituents in this election year than with the menace of inflation, and offer this candy cane to sweeten their relationship. I submit the real "cane" in this proposal is the one being used to prop up the inefficient sugar industry.

The taste of inflation is never sweet, however, and the narrow interests of a select few should not be allowed to override the national interest. This giving of inflationary candy to an industry that makes up only 1 percent of all the nation's 2.7 million farms cannot continue. However, my colleagues should also recognize who will pay for this increase. The administration experts have stated that this sweetheart of a deal will cost the consumers of sugar over $1 billion annually. This is fattened by the addition of $160 million in direct Federal subsidies.

If there are some inefficient farms that have grown fat on this sweet diet of subsidies, then it would be a good thing to start a shakeout that will result in the shifting of less productive farms to other crops where they could compete fairly, thus spare the consumer and taxpayer the unnecessary cost of price propping.

It is clear that this proposal is not a sweet deal for the consumer. Is it good even for the sugar industry itself? As prices rise, more and more sugar substitutes, especially high priced fructose corn syrup, appears sweeter than sugar. Subsidies of an inefficient sugar cane and beet industry would only hasten such a substitution process.

The time is now to stand firmly in the interests of the consumer, to stop stealing their candy, and to force a lazy sugar industry to work off some of its fat.

Too many sweets cause decay. It is time to say "no" to the sugar industry's cry for more sweets. It may be a bitter pill, but believe me, it is all for the better.

In the interest of the American consumers, I urge my colleagues to acquaint themselves with this boondoggle. I think they will find it not to be a "quaint, noncontroversial, proposal."

Thank you, Mr. Speaker.●

## ENERGY SUPPLY INITIATIVES

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

● Mr. GOLDWATER. Mr. Speaker, last month the Secretary of Energy, Dr. Schlesinger, submitted to the Science and Technology Committee a series of options to improve the potential energy supply situation beyond the mid-1980's. These options were prepared as a result of criticism by the committee of the administration's energy budget for fiscal year 1979, which the committee, and in particular its ranking minority member, Congressman JOHN WYDLER, found to be grossly deficient in its support for research, development and demonstration of new energy technologies.

Now that the Department of Energy has completed its new package of energy supply initiatives, Congressman WYDLER has again taken a careful look at these plans, and again finds considerable cause for concern. In a letter last week to Secretary Schlesinger, Mr. WYDLER noted that the administration still fails to recognize the role that nuclear power can play in meeting our energy needs. He also cited the fact that the department's proposal essentially mirrors certain add-ons that had already been included by the Science and Technology Committee. Finally, Mr. WYDLER commented on a number of the specific proposals made by Secretary Schlesinger, and concluded that some sound, bold initiatives are still to be seen.

Mr. Speaker, I not only agree with the tone of my friend's remarks, but believe that they reflect the views of the Science and Technology Committee, and of the Congres as a whole. I commend these remarks to my colleagues, and congratulate JOHN WYDLER on his perceptive insight into the energy problem.

His letter follows:

COMMITTEE ON SCIENCE AND TECHNOLOGY,
*Washington, D.C., June 1, 1978.*

Hon. JAMES R. SCHLESINGER,
*Secretary, Department of Energy, Washington, D.C.*

DEAR MR. SECRETARY: I thought that some comments were in order on your program for Energy Supply Initiatives which I received on Monday, May 15. I have analyzed the package in the context of my Minority Supply Strategy which appeared in the Congressional Record on May 17. I hope this critique will prove useful to you in the sense of a particular congressional perspective on specific requirements for energy supply.

In this letter I have included a general discussion of the Supply Initiatives, a detailed critique of certain specific initiatives and finally, an analysis of one major reprogramming action planned and my perception of its impact.

As I pointed out emphatically in my Supply Strategy, it is puzzling why there is no recognition of the nuclear role by the Administration. There is mounting concern over our indecision on the nuclear option despite the overwhelming evidence that this is the safest, cleanest and most economical way to generate electrical power. It is a sad commentary that this nation's pre-eminence in the field is about to be sacrified on "the pyre" of a well intended but naive policy. This policy, unfortunately, recognizes neither the reality of available technology nor international politics in nuclear development.

I am, however, pleased to see that your 1979 Budget Amendment includes eight specific add-ons which mirror our Science and Technology Committee initiatives. My chief reservation here is, however, that R&D funding for unconventional natural gas has been scaled down by almost a factor of three. It appears to me that the Renewable and End-User technologies fared much better at OMB and I am not sure how to interpret that.

I prefer the DOE intervention with FERC to provide financial assurances for High-BTU Coal Gas Plants. I agree with your motives here but for cases where the first-generation technology has been demonstrated at significant scale it would seem that loan guarantees should receive secondary consideration. I am very interested in seeing the DOE criteria and procedures for case-by-case review. Why we can't simply exempt demonstration plants from normal regulatory measures still puzzles me. In view of the lamentable track record on this item, I hope it isn't wishful thinking to expect some regulatory restraint on demonstration at commercial scale. You mention "Expediting the Regulatory Process" in the Supply Initiative. If one looks at the case backlog before FERC and the regulatory tangle of the first four bills of the NEP, it is clear that you'll need a lot of help on this front.

I share your concern that oil shale technology has been "just around the corner" for many years. However, I have two problems with your Shale Oil proposal. (1) The Energy Tax Bill with the shale oil credit has a high probability of never being enacted, and (2) the credit and entitlements treatment are not as simple a mechanism as a guaranteed buy. It seems to me much cleaner to authorize a federal buy in a way that preserves competition, e.g., guaranteeing a purchase of a certain number of barrels from each plant with additional purchases from the most competitive source. I am sure you have seen the recent Congressional Research Service recommendations on Federal actions to stimulate shale oil production. They are consistent with my Supply Strategy.

The Synthetic Liquids initiative is an improvement over the proposal submitted to OMB in the sense it has been broadened. I have pushed for moving across a broad front with liquids to insure that we get some demo plant successes. However, I do have some problems with the separate conceptual design studies which I'd like to elaborate upon.

Jim, it's about time for a fresh and bold approach to the demonstration program but premature narrowing of the options to Solvent Refined Coal at this time would be unfortunate. I would prefer to see the 4 or 5 "process design" studies which you outlined complemented by systems design activity. In this manner there can be some comparable base from which to assess the relative risks of these technology demonstration plants. The days of "business as usual" are over for fossil energy development; the high stakes in getting off liquids demand both performance and improved accountability in moving this technology.

I have the impression that the so-called "process design" studies are separate conceptual design efforts and the real intention is to go ahead with SRC after these token gestures are made. The aerospace and nuclear communities have a lot to offer Fossil Energy, but it seems that you, Dale Myers and Bob Thorne have had some problems seeing that "real" systems trade-off studies are done. Integrated optimization studies including risk assessment for components and integrated systems should be done in a parametric fashion to scope the relative sensitivity on these various technologies to scale-up, i.e., something like the Breeder "systems study."

The list of reprogramming reductions includes a particularly unfortunate item in the case of "Light Water Reactor Technology." This is truly a strong program in Conservation R&D notwithstanding the myopic view of your own Deputy Secretary, Mr. O'Leary. The activity is directed at generic technology development to improve the performance of light water reactors operating today. There are significant related programs totaling roughly $100 million over the next few years initiated by both the nuclear component manufacturers and the utilities so that the Federal program serves a very useful complementary purpose. The DOE effort is directed toward accelerating and focusing the technology development and providing a base for advancing the technology for improved plant performance. It is not directed at improving performance of a particular plant; that is industry's job. This kind of reprogramming disturbs me very much and appears to be based on ignorance of the critical signalling priorities.

I hope this perspective is useful to you in your deliberations on the Phase II Energy Supply Package. I don't think it is any exaggeration to say the Congress is hungry to see some bold initiatives that make sense. All of us are concerned about inflation but a sound budget initiative will get a good hearing from the Congress.

With all best wishes,

JOHN W. WYDLER,
*Ranking Minority Member.*●

## WHAT HAPPENED TO HUMAN RIGHTS?—20TH OBSERVANCE OF CAPTIVE NATIONS WEEK

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

● Mr. FLOOD. Mr. Speaker, this July 16–22, Americans and our allies will be observing the 20th annual Captive Nations Week. Congress passed in 1959 the Captive Nations Week resolution, which President Eisenhower signed into Pubic Law 86–90. Every year since then, our Presidents, as well as governors and mayors, have proclaimed the week. Because of its basic truths, the resolution has been consistently and vehemently assailed by Moscow. This fact alone suggests there is far more to the resolution than symbolism and necessary observance.

This is shown in the analytic article written by Dr. Lev E. Dobriansky of Georgetown University and published in the summer issue of the international journal the Ukrainian Quarterly. Titled "What Happened to Human Rights?" the article addresses itself to the usual questions raised about Captive Nations Week and, objectively, is in strong support of the President's declared human rights policy. The professor authored the resolution and is in the best position to explain its meaning and why Moscow attacks it so fiercely. On this 20th observance, I commend the article in highlighted excerpts to the reading of every American concerned with the threat of Soviet Russian imperialism to our national security and that of the non-totalitarian world:

WHAT HAPPENED TO HUMAN RIGHTS?

(By Lev E. Dobriansky)

In the spring of 1977, the first year of his term, President Carter advanced a dynamic and imaginative human rights thesis as the cornerstone of the new Administration's foreign policy. The idea was received with considerable elation across the country by a wide spectrum of our citizenry in view of a growing national disenchantment with the previous policy of "détente." The concept of human rights impinges on all spheres of human existence—the economic, political, cultural, religious, etc.—and if properly defined and applied can become a formidable centerpiece of our foreign policy. Unfortunately, the spontaneous growls of the Russian bear, in the voices of both Brezhnev and Gromyko, soon brought about a marked retreat in the Administration's advocacy, and despite a few reaffirming speeches by the President and the Secretary of State, in addition to Arthur Goldberg's ardent stand at the Belgrade Conference, the "crusade" has been a flagging one, with the concept still imprecisely defined and applications imprudently applied in Latin America and Asia.

"What happened to human rights?" is the question asked in almost all circles of our society. Especially is this true in conjunction with the captive nations, where human rights in all three of their generic categories apply most.[1] While on one level the growls of the Russian bear have frightened the Administration into a grand retreat on human rights, on another level Moscow chides and berates our Congressional leaders and national opinion-makers for their firm pursuit of the captive nations thesis and their unabated support of the annual observance of Captive Nations Week. Last December, for example, Georgi Arbatov, the director of the Institute of U.S.A. and Canada Studies, sharply lectured an American group on the incompatability of the captive nations idea and "the spirit of detente." In short, he was

Footnotes at end of article.

telling them if you want "detente" forget about the captive nations. Several months later, members of our House Armed Services Committee, some of whom contributed to an official publication, were confronted in Moscow by members of the Supreme Soviet for their support of Captive Nations Week. With a copy in hand, the latter read from the index the names of several of the Congressmen there and heatedly asked, "What do you want to do, break up our country?" [2] The country is supposed to be the USSR. In fact, the empire/state is made up of many different countries, with different languages, histories and traditions, most of whom were early victimized by the force of Soviet Russian imperialism—the ultimate force that today is on the rampage in the Mideast and Africa.

THE 20TH OBSERVANCE OF CAPTIVE NATIONS WEEK

The irony of the current situation, as exemplified above, is the deep, covert fear of Moscow for any constructive implementation on our part of the captive nations idea *in toto* and its seeming strength in protesting 20th Observance of Captive Nations Week overtly against a human rights policy. The this July 16–22 should center its concerns and resources on the irony and the further advancement of morality in our foreign policy, which after all was a fundamental issue in the '76 presidential campaign. The President's accurate stance on human rights was in reality a natural and well-calculated projection of the trends in Congress and, more basically, the revived values of our people for morality and principle in our foreign policy, as crystallized in part at the Republican national convention. The momentum of this national resurgence has lapsed this past year as, once again, we have allowed ourselves to be out-traded by Moscow on a Salt II agreement, an almost trained acquiescence to Soviet Russian play and penetrations in the Mideast and Africa—as before in Southeast Asia and the Caribbean, not to mention the numerous other "befores"—and a renewed confusion of purpose and action in areas of trade, intelligence, national security and global strategy. These were the hallmarks of the Nixon-Kissinger type of detente rejected by our people two years ago; their reappearance can only mean more of the same in our slippage in relative strength to the USSR.[3]

"What happened to human rights?" is not the only question to be raised on the "20th." The occasion is a most fitting one for basic questions and answers dealing with the captive nations, their crucial relationship to our national security, on the whole meaning of Congress' Captive Nations Week Resolution (Public Law 86–90) and some unknown facts about this traditional annual observance. It wasn't the first time, but when the President, on bad advice and by administrative ineptness, almost ignored the annual presidential proclamation of the 1977 Week, friends and skeptics from all corners of our nation—in government, the media, academia, etc.—bombarded me with questions of this nature.[4] You probably have entertained similar questions for which you sought answers.

THE CNL

Question (1) "Considering differences in time and areas, how could you maintain the validity of the Captive Nations List, which lumps a South Vietnam with an Armenia and omits a Russia"?

In answering this frequent question, let's first take a look at the standard CNL for 1978:

THE CAPTIVE NATIONS—WHO'S NEXT?

Country, people, and year of Communist Domination:

| | |
|---|---|
| Armenia | 1920 |
| Azerbaijan | 1920 |
| Byelorussia | 1920 |
| Cossackia | 1920 |
| Georgia | 1920 |
| Idel-Ural | 1920 |
| North Caucasia | 1920 |
| Ukraine | 1920 |
| Far Eastern Republic | 1922 |
| Turkestan | 1922 |
| Mongolia | 1924 |
| Estonia | 1940 |
| Latvia | 1940 |
| Lithuania | 1940 |
| Albania | 1946 |
| Bulgaria | 1946 |
| Yugoslavia (Serbs, Croats, Slovenians, etc.) | 1946 |
| Poland | 1947 |
| Romania | 1947 |
| Czecho-Slovakia | 1948 |
| North Korea | 1948 |
| Hungary | 1949 |
| East Germany | 1949 |
| Mainland China | 1949 |
| Tibet | 1951 |
| North Vietnam | 1954 |
| Cuba | 1960 |
| Cambodia | 1975 |
| South Vietnam | 1975 |
| Laos | 1975 |

Who's next? Angola? Ethiopia? Afghanistan? South Yemen? Rhodesia? Republic of China? South Korea? Zaire? Zambia?

This CNL is historically well-grounded and provides an evolutional and institutional vision that, regrettably, most of our Western leaders and their advisers have not fully grasped. Read any of Kissinger's works, and you'll find he hasn't the faintest conception of the nature of the USSR, the environment of the only real threat to our independent existence. The Red totalitarians detest the indicator because it refreshes people's memories and enables them to readily connect any new Soviet Russian penetration or takeover with the evolving pattern. All listed here are the victims of direct or indirect Soviet Russian aggression and support. The Western intellectual illusion of polycentrism in the Red area does not make any of the underlying populaces completely free from totalitarian control, regardless of momentary deviations from the Moscow center. Aside from commodity mix, the gross product of the USSR alone exceeds the aggregate of all the gross products of the other Red states put together.

With these background notes, the answer to the first question is simply that in the earliest period a wide diversity of countries, peoples, cultures, etc. was brought under Soviet Russian control to establish the ersatz state of the Soviet Union. Employing essentially the same techniques of a created "civil war," divide-and-conquer, infiltration and subversion, Moscow has extended and could easily establish its power, influence and control over any other nation or state on this earth, given the conditions. The recent Vietnam debacle would not have been possible without Soviet Russian support, from the 20's to the 70's. Many strategic and tactical parallels exist between Russia's conquest of Ukraine, for example, and the Russian-supported campaign of the North Vietnamese totalitarians.

Look at the CNL again, carefully. You will see that we are very cautious in not including many states that others opting for the list are prone to exaggerate at the moment. Angola, Ethiopia, etc. are objectively questioned for their circumstances and status are in a state of flux; and it is a question of what we'll do as to their final outcome. In any case, the CNL is a constant reminder.

CAPTIVE NATIONS AND THE FEAR OF NUCLEAR WAR

Q (2) "In pressing too hard on the captive nations, particularly in the Soviet Union, might it not lead to war, and at that a nuclear one with devastation to all?

No. This oft-raised question smacks more of nuclearitis and fearful appeasement than of any honest inquiry into the strategic importance of the captive nations to our security and that of the Free World. First, we have a long way to go yet in having our leaders and opinion-makers understand the idea of the captive nations *in toto*.[5] Many aren't even aware of the fact that most of the captive nations exist in the Soviet Union itself. Also, the existence of nuclear arms in no way deters Moscow from fomenting its psycho-political warfare campaigns in all quarters of the world, including our own country. A constant and imaginative focus on the captive nations could be established without provocation to the existing regimes—peaceably, in scholarly fashion, with keen interest, and in terms of a well-defined captive nations policy. One does not close one's eyes to objective reality and hope thereby to preserve freedom, not to speak of expanding it.

Q. (3) "How do you account for Moscow's acute sensitivity to Congress' Captive Nations Week Resolution?"

Literally, on record, in this whole post-World War II period no single event has been subjected to such vehement denunciation by the Kremlin totalitarians as much as has this resolution and the annual observances it authorizes. Khrushchev, Suslov, the Russian media and other sources have heaped considerable abuse on it. One of the outstanding aspects of this tirade was Khrushchev's encounter with Nixon in 1959, soon after the resolution was passed. The then Vice President didn't know what struck him and displayed his own lack of understanding the measure. He thought the resolution was only a call to prayer.[6] With such official explanations it's no wonder that in later years Moscow shifted its tactics to less publicized rantings against the resolution.

The Kremlin's acute sensitivity to the resolution is predicated on several keen perceptions into its meaning and significance. From my own experience it can be objectively stated that relatively few of our people have ever bothered to read the Congressional resolution, now Public Law 86–90. First, as indicated earlier, the resolution places the finger squarely on the real force of international unsettlement and conflict, namely Soviet Russian imperialism.

Another important point underlying Moscow's sensitivity is that the resolution for the first time in our history officially points to all the captive non-Russian nations in the USSR. It specifically enumerates Lithuania, Ukraine, Latvia, Estonia, White Ruthenia (Byelorussia), Armenia, Georgia and others. This certifies to the empire character of the USSR state. In his recent Annapolis speech the President erred badly to believe the USSR is a "nation."

AMERICAN BLINDERS RE CAPTIVE NATIONS

Q(4) "With the global impact made by this resolution, why is it that many of our people, meaning those in position to influence public opinion, have not advanced it as much as they should have?"

The condition stipulated in the question is well-known to the Kremlin's analysts of American behavior. In answer, over the years there have been numerous different factors and circumstances accounting for this. But briefly, covering several long-run forces, the first is the generational factor. What was generally well-known in the 50's about the USSR, Moscow's global design and techniques, etc. must be re-taught, and this is not being adequately done today. A few sharp experiences will demand it.

Footnotes at end of article.

There is, too, the persistence of several myths that our highest official and private institutions of learning continue to perpetuate. One is that the captive nations exist only in Central Europe, whereas the CNL shows this to be a minority and only a part of Moscow's extended empire and sphere of influence. This myth blinds one completely to the *imperium in imperio*, the USSR itself.

In activist terms, the notion in numerous circles that the captive nations are simply a concern of East European "ethnics" in our body politics also carries a heavy, mythical weight. This weight was well demonstrated in the last presidential campaign. Countless Americans of non-ethnical organized association have consistently upheld the captive nations *in toto* idea and all that it implies. At the rate events are developing today in Asia, the Mideast, Africa and Western Europe and, hypothetically, given a smooth progression and projection into the future, who in his rational frame of mind and without an iota of alarmism would deny the real possibility of the U.S. joining the CNL?

Finally, it should also be noted that some of our luminaries have been in opposition to the resolution. For instance, George Kennan sought to have President Kennedy omit his proclamation of the Week in July, 1961, but failed in a supposedly promised deal.[7] In the mid-60's, Senator Fulbright, chairman of the Foreign Relations Committee, sounded out colleagues on a possible rescission of Public Law 86-90, but he found little support for it. In 1975, former Secretary of State Dean Rusk urged the repeal of the law before that committee, but found little response to his urging.[8] These and other attempts have failed, but the fact remains that these and other opponents have influenced advisers to our Presidents in the name of a whole nominal succession of "policies." The effect has been a progressive dilution of the Capitive Nations Week presidential proclamations, with most of them scarcely based on Congress' resolution.

"U.S. IMPERIALISM" AND RUSSIAN "WHAT?"

Q(5) "We understand Congress' resolution and the CNL, but what we can't comprehend is the easy acceptance, both here and abroad, of the phrase "U.S. imperialism." What are the Russians to be typed as?

As alluded to earlier, Moscow is extremely sensitive to the resolution because it unequivocally centers on its traditional imperialism, as the CNL summarizes on the basis of a wealth of evidence. Rational definition is as important here as in the case of socialism, communism, etc. The conquest, domination, and/or control of one nation by the regime of another is clear-cut imperialism. Despite his operational deception, Lenin subscribed to this objective definition as all classical thinkers have. Multinational investments abroad, to cite one example, hardly smacks of imperialism where sovereign laws of other states prevail.

Relevant to this question, it should be emphasized that with reference to "Eurocommunism" and the myth of West European communist parties alas seeing the light of democracy, not one of the CP's in Italy, France, Spain and Portugal is on record denouncing Soviet Russian imperialism. How could they? Italy's Berlinguer has explicitly stated, "The Soviet Union's peace policy is in the general interest of mankind." All are agreed on the chief enemy, "U.S. imperialism." This, more than any other issue, should make clear the old united front and coalition government technique at work—once again.

Also of note, the crucial financing of these West European CP's would not be possible without the intensive exploitation by Moscow of the non-Russian resources within its inner and outer empires. This constitutes the economic base for its worldwide operations. It is not generally recognized that over half of the critical resources within the USSR itself exist in the captive non-Russian areas. Without these resources, Russia as such would be only a second-rate power. No one bothers to point this out, but another glaring irony of the current situation is the appeal made by the former colonies of Western empires for assistance from Moscow which prices such "aid" largely on the basis of the exploitation of its own colonialist preserve.

HUMAN RIGHTS AND CAPTIVE NATIONS

Q (6) "Your thesis in 1977 on human rights being 'old hat' for the captive nations is well taken, but why was the natural linkage officially muffed?"

The reasons for the muffing are many. One, then as now, no adequate conceptualization of human rights was achieved. Secretary of State Vance's attempt in a commencement address at the University of Georgia fell below the mark. At the Department of State those in command of the subject fantastically believe the subject is exhausted by experiences with civil rights in Mississippi. In short, national rights as an integral category of human rights have been completely ignored.

This unfortunate phenomenon was manifested also at the Belgrade conference on the Helsinki Accords. Despite the remarkable performances of Arthur Goldberg, the head of our delegation, the right questions were not raised; indeed, the captive nations idea was ignored completely. Here, too, an irony evolved with our delegation being hamstrung by an inordinate desire of the Administration to advance a highly disputable Salt II agreement, while Moscow, also chess-playing this, linked the chances of such an agreement with a de-emphasis on our part on human rights, in terms of personal, civil and national criteria. In short, the Russians are allowed a negative linkage while we deny ourselves a positive one, taking each subject on its own merits.

As was stressed in assemblies across the country during the 1977 Captive Nations Week, there is a vast difference in applying human rights to authoritarian governments beset by their peculiar problems, but who are our allies, and directing the policy toward the totalitarian world in which the captive nations and peoples exist.

FOOTNOTES

[1] See *Human Rights Are Old Hat For Captive Nations*. Congressional Record reprint, USGPO 1977.

[2] The publication is *The Bicentennial Salute to the Captive Nations*, USGPO, 1977, pp. 123.

[3] See *The Illusions of Détente*, Congressional Record reprint, USGPO 1974.

[4] For the best account of Carter's near-slip, read "Carter's Desperate Moves to Maintain Détente," *Human Events*, Washington, D.C., July 30, 1977.

[5] See writer's article "The Unforgettable Ford Gaffe," *The Ukrainian Quarterly*, Winter, 1977.

[6] Richard M. Nixon, *Six Crises*, 1962, p. 247.

[7] George F. Kennan, *Memoirs*, 1950-63, v. 2. 1972, pp. 292-93.

[8] *Détente*, 1975, p. 214.●

## EPA APPROPRIATIONS AMENDMENT

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

● Mr. BROWN of California. Mr. Speaker, on June 15, the House is scheduled to debate the HUD-independent agencies appropriations bill for fiscal year 1979, H.R. 12936. At that time, I intend to offer two amendments which would restore certain cuts which the House Appropriations Committee has made in the EPA budget request for research and development by transferring funds from other appropriations. I hope that all Members will join with me in supporting this effort. In the following paragraphs I outline the effects which the cuts proposed by the Appropriations Committee will have on the Agency's ability to carry out its mission.

In February, the House Science and Technology Committee's Subcommittee on the Environment and the Atmosphere, which I chair, held hearings on EPA's R. & D. annual authorization bill for fiscal year 1979. At these hearings, we took extensive testimony from EPA witnesses, outside scientific experts and local and State officials. During this year's hearings it became clear that EPA needs additional resources to perform the kind of research which Congress has called upon it to do. Although EPA's 1979 Agency-wide budget provided a 12-percent increase over fiscal year 1978 levels, the Agency's Office of Research and Development received only a 1-percent increase—this, in a time when it becomes increasingly important that there be a scientifically valid basis for regulations promulgated under many new statutes, recently enacted. Thus, our committee unanimously recommended an authorization level of $431 million, some $13 million over last year's authorization level and $102 million over the President's request for EPA. On April 27, the House approved H.R. 11302, authorizing these appropriations for EPA's research and development, by a vote of 367 to 34.

In the House Appropriations Committee report (H. Rept. 95-1255), under the EPA section entitled "Research and Development," you will note that the House Appropriations Committee added $17.9 million for various items, while cutting $14 million from the Agency's request, leaving a net increase of $3.9 million for R. & D. In other words, the items added by the Appropriations Committee were not contained in the Agency's budget request to Congress, but $14 million is to be deleted from the programs described in its request. My amendments would not strike the committee's increases, but rather would restore the cuts of $14 million, as well as adding another $6 million for grants demonstrating the reuse of waste water.

Briefly, the cut of $1 million in EPA's air ecological effect program would strike at this program at a time when the Agency is switching from an in-house to an extramural activity in order to make the best use of its personnel. It is ironic that when the Agency takes drastic action to live with the stringent personnel ceilings set by OMB it sees its resources cut.

Air-ecology projects that will have to be cut includes, a field study of the effects of oxidants on forests in California and Virginia, and studies of the effects of air pollutants on crops and the entry

of toxic materials into the food chain, to be carried out in New York, Utah, California, Pennsylvania, and Washington.

The cut of $4 million in the Agency's monitoring and technical support program will have nationwide adverse impacts. Let me mention just a few of these. First, this will cut important efforts to improve our ability to measure contaminants in drinking water. It is interesting to note that the Appropriations Committee report (H. Rept. 95–1255) criticizes certain drinking water regulatory activities of the Agency (on page 25), and then they cut the resources that EPA needs to do a good job. Second, this cut would impair the Agency's ability to make water quality measurements in rivers and lakes. Again, the Appropriations Committee report is critical of EPA's water quality data, especially emphasizing the need for information to prove that sewage treatment will significantly improve water quality (pp. 29, 30, 31 of H. Rept. 95–1255)—and yet they cut the very program that would make good data available. Third, this cut would significantly slow the establishment of the air quality network—and especially the fine particle network—called for in sections 309 and 403 of the Clean Air Act Amendments of 1977. Finally, this cut would adversely impact the Agency's ability to measure toxic chemicals in the environment just as they are beginning to respond to the Toxic Substances Control Act.

I should point out that $1 million of the proposed monitoring cut is to be passthrough funds for work to be conducted at the National Bureau of Standards, one of the Nation's premier labs.

The cut of $8 million and 22 positions in the anticipatory research program, a program mandated in Public Law 95–155, the EPA R. & D. Authorization Act for fiscal year 1978, and proposed in response to concerns by EPA's Science Advisory Board, the National Academy of Science, and the Office of Technology Assessment, would seriously hamper the Agency's ability to deal with tough, basic scientific questions arising from its regulatory missions. EPA's independent Science Advisory Board was so concerned about this cut that its Chairman wrote to Administrator Costle on May 11, 1978, a portion from which I will quote:

"Obviously the program is just getting off the ground and increased funds for FY 1979 are important to assure that this program is appropriately initiated. . . . This action may cripple this important program before its value to the Agency is clearly demonstrated.

In addition, the Appropriations Committee suggested removing these 22 positions from R. & D. and, in essence, transferring them to two items under "Abatement and Control." This does not take into account the difficulties inherent in civil service procedures and in the proper function of research programs. On the one hand the Appropriations Committee is critical of EPA's contractual effort and on the other hand, it is forcing EPA to go to contracts even more by reducing its research staffing.

I should point out that in the last 2 years the Agency has been allocated by OMB some 600 new positions while the research office has received only these 22, which are now proposed to be taken away. Thus, once again, the Agency is being punished for responding to a congressional mandate that exists in law.

Let me now discuss some of the specific impacts of the $8 million cut on anticipatory research:

Acid rain: The acidity of rainfall in the Eastern United States has increased markedly and we now find that rainfall more acidic than vinegar is not uncommon. Many Adirondack lakes (51 percent of those above an elevation of 600 meters) are highly acidic and 90 percent of these have no fish. Forty years ago only 4 percent of these lakes were found to be acidic or without fish. Other studies in New Hampshire have found marked changes in the amount of sulfate in acid rain. The Appropriation Committee's recommended cut would delete a study of the characteristics and scope of acid rainfall; of how acid rain affects soils; and of how aquatic systems are impacted by acid rain.

Cancer: EPA had planned to conduct epidemiological studies of the incidence of cancer in Houston, New Jersey, and Detroit. This integrated program of health studies and exposure monitoring will not be carried out as planned if the $8 million cut is adopted.

Ground water: A planned program to study the contamination of groundwater, source of much of our drinking water, will not be carried out as planned at Ada, Okla.

Pollution control processes: EPA had planned to start a program in the basic chemistry and physics of pollution control. This would partly address some criticisms that EPA is quick to regulate, but offers industry little help in meeting regulations once they are promulgated. This would be cut.

Innovative control technology: EPA had also planned to start a program of innovative research, with emphasis on innovative control technology. This program would be designed to encourage the development of truly creative ideas proposed to EPA by either outside or in-house scientists and engineers. It is, indeed, sad to note that although the Appropriations Committee has criticized the Agency for not pursuing alternative control methods (p. 31 of H. Rept. 95–1255), yet, they cut a program intended to develop such methods.

On page 24 of House Report 95–1255, the Appropriations Committee notes that:

The purpose of EPA's research and development programs is to produce the scientific information and technical tools on which national policy is based . . . that in the past EPA has at times put greater emphasis on publishing a standard rather than on the compilation of the necessary scientific data on which to base it.

As reported, H.R. 12936 cuts the means to accomplish this. My amendment would restore some of the funds EPA needs for a solid research program.

It is interesting that the Appropriations Committee says that EPA's regulatory actions are often based on insufficient data. Despite that statement, as compared to fiscal year 1978 appropriations, they increased research $8 million (about 3 percent); abatement and control is increased $150 million (about 29 percent); and enforcement is increased $24 million (about $34 percent). It would seem from this that the Appropriations Committee feels that the Agency has plenty of data to move ahead vigorously in enforcement and control.

But a close reading of the committee's report, especially pages 29 through 31 will show that they really do not believe the Agency has done enough research in all areas. They cite several studies—one by the U.S. Geological Survey of the Willamette River Basin in Oregon, one by the Vertex Corp. on advanced wastewater treatment, and finally a GAO study—all of which say that we need more water quality data before we can be sure that building more sewage treatment plants will, indeed, help our Nation's water quality. This is the main point on which they justify cutting the construction grants program by $300 million.

I tend to agree with this cut. The hearings before our Environment and Atmosphere Subcommittee showed that non-point sources—those not subject to treatment—cause a major part of our water pollution. Clearly building more and more advanced treatment plants while leaving perhaps half of the pollution stream untreated makes no sense.

It is for this reason that I am proposing not one but two amendments. The first would increase the research funding by $20 million, the second would delete a modest $20 million from the construction grants program, which will still have $4.18 billion. In effect the two amendments taken together—and I will ask that they be considered en bloc—transfer $20 million from construction grants to research and development. This $20 million would be used to restore the $14 million cut from the President's request, and to add $6 million for grants demonstrating the reuse of wastewater.

The latter activity was authorized in Public Law 95–155, the fiscal year 1978 EPA Research and Development Authorization Act. Basically, it encourages alternative methods of dealing with wastewater, something the Appropriations Committee recommended on page 31 of their report. In fact these funds would be used to demonstrate methods that would make water available for reuse, either as irrigation water or as potable water. The Appropriations Committee recommended $8 million for this program, my addition would bring this total to $14 million for wastewater reuse.

Finally, I want to say that the Science Committee felt strongly that the EPA research budget was very lean. The approval of the authorization bill shows the position of the full House, in support of increased R. & D. We recognized that the Agency had gone through a rigorous ZBB process and that many tradeoffs had been made and programs trimmed. In addition EPA has instituted management procedures to insure that research efforts are responsive to Agency mission needs. Thus, the Agency seems to have turned a corner in its manage-

ment. Administrator Costle and Dr. Gage, head of the Office of Research and Development, are dealing with problems that have plagued the Agency in the past and I feel that we should give them the resources they need to have a strong program.

In conclusion, I ask for the support of all my colleagues on these amendments.●

## MEDICARE AMENDMENTS

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

● Mr. ROSTENKOWSKI. Mr. Speaker, in the near future, the Ways and Means Health and Social Security Subcommittees will be considering amendments to the medicare and social security disability insurance programs, respectively. Because many of the changes that have been proposed are of a complex and somewhat technical nature, I have today introduced legislation incorporating a few of the proposed changes that heretofore have not been available in legislative language. The provisions included in the bill that I am introducing today are not in any way intended to reflect a complete list of issues which might be considered. This bill is simply an effort to make legislative language on some of the proposed amendments available for public review. In addition, two or three provisions in today's bill which have previously been introduced as separate pieces of legislation have been included since they have undergone some revisions in drafting since their original introduction. In particular, the provision relating to the elimination of the second and subsequent waiting periods for medicare reentitlement of disabled workers has been included so as to make available at this time one specific approach to this issue, since the Social Security Subcommittee's deliberations on disability insurance are scheduled to resume on Wednesday, June 14.●

## COOPERATION COULD INSURE SUCCESS OF OUR OBJECTIVES IN RHODESIA

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

● Mr. SIKES. Mr. Speaker, the continued policy of the U.S. Government and its Mr. Andrew Young to defeat the efforts for a successful coalition government formed between the present government and major factions within Rhodesia are incomprehensible. Apparently we do nothing to show that we want to help in the successful operation of a black-dominated government, unless that government is subjected to a measure of control from the Marxist revolutionaries who are based outside of Rhodesia and whose terrorist activities are helping to defeat the objectives of a coalition government. I feel that our Government is destroying its own credibility by this amazing performance.

On the other hand, simple cooperation with the present Rhodesian Government in its efforts to achieve stability of a working coalition could resolve the problems with which our administration and Mr. Young have been concerned.

I note in a recent issue of the Christian Science Monitor, a letter to the editor by Mr. Ralph E. Burr of Salisbury, Rhodesia. He makes a clear case against the present policies of the United States. He simply says support is needed from the West now if the nation is to be spared a continuation of the war wanted only by communism. I hope the administration will give consideration to the points made. I submit his letter for reprinting in the RECORD.

RHODESIA: LIFT THE SANCTIONS

The Monitor has consistently published wise and thoughtful comment on Rhodesia, but sometimes fails to appreciate that the commitment now made to majority rule is genuine.

The type of settlement that has been negotiated internally seems to ensure continued economic progress of Rhodesia, but support is needed from the West now. Thirteen years of economic isolation and sanctions together with terrorist infiltration from covetous and jealous neighbors have taken a toll of the country.

There is no need to fear a second Vietnam and there is no need for American troops to enter the conflict. There is however an immediate need to lift sanctions. If this does not take place, there is a possibility that, at the end of the year, when black majority rule is complete, what was once one of the most economically independent and viable countries in Africa might be economically crippled and ripe for the only ideology that thrives in such conditions—communism.

Those of us who have our homes in this beautiful country are somewhat reluctant to agree to the presence of UN troops—a principle included in the Anglo-U.S. proposals. These troops have not a good track record in permanently solving world problems.

A settlement that includes all parties would of course be ideal. But one that includes the representatives of what certainly seems to be the majority of the population must surely be better than the continuation of a war wanted only by communism.

The motives of those opposing the internal agreement need very close examination.

SALISBURY, RHODESIA.

RALPH E. BURR.●

## PERSONAL EXPLANATION

(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 was unable to participate in two rollcall votes on June 9, 1978, because of my son's graduation from high school. Had I been present, I would have voted as follows:

On rollcall No. 434, on passage of a supplemental appropriation for the black lung program, "yea."

On rollcall No. 435, on passage of H. Res. 1219, the rule waiving points of order during the consideration of appropriations for the Department of Transportation, Fiscal Year 1979, "yea." ●

## STATEMENT OF CHAIRMAN AL ULLMAN, COMMITTEE ON WAYS AND MEANS, WITH RESPECT TO THE RULE TO BE REQUESTED FOR CONSIDERATION OF H.R. 4030, A BILL RELATING TO PERMISSIBLE HOLDINGS OF CERTAIN PRIVATE FOUNDATIONS IN PUBLIC UTILITIES

(Mr. ULLMAN asked and was given permission to extend his remarks at this point in the RECORD.)

● Mr. ULLMAN. Mr. Speaker, H.R. 4030 has been favorably reported to the House and would increase the amount of stock which certain private foundations may hold in public utilities without being subject to the excise tax on excess business holdings.

I take this occasion to advise my Democratic colleagues as to the nature of the rule that I will request for consideration of H.R. 4030 on the floor of the House. The Committee on Ways and Means specifically instructed me to request the Committee on Rules to grant a closed rule for consideration of H.R. 4030 which would provide for:

First, committee amendments which would not be subject to amendment;

Second, 1 hour of general debate, to be equally divided;

Third, waiving all necessary points of order; and

Fourth, one motion to recommit with or without instructions.

It is our intention to request a hearing before the Committee on Rules as expeditiously as possible.●

## PRIVACY AND PEOPLE

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

● Mr. LAFALCE. Mr. Speaker, on Friday, June 9, 1978, I introduced a bill to protect the financial records of individuals from unnecessary Government scrutiny while at the same time preserving the effectiveness of legitimate law enforcement investigations conducted by Government agencies. The bill requires that the bank customer be given prior notice of governmental review of his financial records except in cases of emergency or national security, and requires the Government to demonstrate its law enforcement interest if the individual files an objection to the review.

The issue of financial privacy is not new, and bills have been introduced in the past to deal with this situation. However, none of the previous bills has enjoyed the active support of both the Justice Department and the Treasury support as my bill does. Simply to get these two agencies to acknowledge the need for privacy legislation is a major accomplishment, and they are to be commended for this turnabout in opinion. They have also made some significant concessions in their willingness to support my bill, accepting some elements which they do not particularly espouse and deleting others which they had considered important.

This bill will be offered during the Banking Committee's consideration of the financial institutions supervisory amendments (commonly referred to as the Safe Banking Act) as a substitute to the present title on privacy. In a day when so much can be learned about an individual from reviewing his financial records, I believe it is particularly important that we enact legislation to limit Government access to those records unless it is for good cause shown.

What follows is a section-by-section analysis of this bill, and with the description of each section are some comments on the need for or the reason behind the particular approach used. I urge all of my colleagues to acquaint themselves with this title and the arguments supporting financial privacy legislation.

TITLE XI—RIGHT TO FINANCIAL PRIVACY

Section 100. This title may be cited as the "Right to Financial Privacy Act of 1978."

Section 101. Definitions. For purposes of the bill, the following terms are defined:

(1) A "financial institution" includes all types of depository institutions organized under the laws of or with their principle place of business located in the United States or any State. In contrast to H.R. 9600, credit card issuers are not covered because it was felt that the privacy interest in their records was not great enough, as compared to bank records, to warrant inclusion. This is particularly the case for cards issued by a retail store, oil company, etc.

(2) The "financial records" protected by the bill include all originals and copies of records held by financial institutions that (a) contain information pertaining to the customer's relationship with the institution and (b) individually identify the customer of such institution.

(3) The "government authorities" whose actions are restricted by the bill include any agency or department of the United States.

(4) A "person" is defined to include only human beings. Unlike H.R. 9600, privacy rights are not afforded to partnerships, corporations, associations, trusts, or other entities that are created by law, on the theory that privacy is a personal right.

(5) A "customer" in turn, is a person who uses a service of an office of a financial institution, or for whom the institution acts as a fiduciary, but only in relation to an account maintained in the person's name. The definitions of "financial records" and "customer", taken together, are intended to preclude application of the bill to anyone other than the person to whose account information the government seeks access. They would exclude, for example, the endorsers of checks and guarantors of loans.

(6) A "supervisory agency" is defined to include a list of federal agencies that have been given by law regulatory and supervisory responsibility over one or more types of financial institutions. It also includes any State banking or securities departments or similar agencies performing functions akin to those of the listed federal agencies. References to the Bank Secrecy Act and the Currency and Foreign Transactions Reporting Act make it clear that the Secretary of the Treasury is a "supervisory agency" only with respect to those statutes:

(7) The term "law enforcement" includes either administration or enforcement of any law, whether criminal, civil, or regulatory, as well as administration or enforcement of regulations, rules, or orders issued pursuant to statutory authority.

Section 102. Confidentiality of Records—Government Authorities. This section establishes the basic restriction on government access to records. It prohibits a government authority from obtaining copies of or access to any financial records, or any information contained in them, from a financial institution, unless a special exception to the Act is met, or unless the procedures spelled out for ordinary methods of access are followed. The special exceptions are provided in sections 103 (bank notification of criminal act), 112 (emergency access), 113 (foreign intelligence and Secret Service protective activities), or 115 (other exemptions). There are five normal methods of access: customer authorization (section 104), administrative subpoena or summons (section 105), court order, other than a search warrant or grand jury subpoena (section 106), search warrant (section 107), and a "formal written request" from a government authority (section 108). To obtain records using any of the five normal methods of access, the government authority must see that the records sought are reasonably described.

Section 103. Confidentiality of Records—Financial Institutions. This section imposes a duty on financial institutions to maintain confidentiality of customer records. It prohibits institutions, and their officers, employees and agents, from providing access to customer records, or to information contained in them, except as permitted by the Act. Like all other citizens, however, financial institutions are permitted to report information to appropriate governmental authorities contained in financial records that they believe may be relevant to possible violations of laws (section 103(c)). Thus, a bank could, and should, report to the appropriate officials information pertaining to the cashing of a forged check, the passing of counterfeit currency or bonds, or the use of its services to facilitate a fraudulent scheme. This section is intended to permit such reports only if the bank volunteers the information. Government authorities may not provoke such disclosures by making inquiries. Once information is received by government authorities, they must obtain any pertinent records that they seek in accordance with the procedures of the bill. Subsection (d) also permits a financial institution to provide copies of pertinent financial records to government officials where that is necessary to perfect a security interest, to prove a claim in bankruptcy, or otherwise to collect a debt owed to the bank itself or to the bank as fiduciary. Institutions are required to notify customers of their rights under the bill when they open accounts (section 103(c)).

Section 104. Customer Authorization. This section establishes the first means of government access to records—voluntary authorization by the customer. Presumably, many customers under investigation will wish to cooperate. Their authorization must be in writing, signed and dated. It must identify generally the records which are authorized to be disclosed (*i.e.*, cancelled checks, loan application, etc.) and the government agency to which disclosure is authorized. An authorization is valid for a specified period up to three months, and it may be revoked at any time, although not with respect to records that have already been disclosed. The bank is prohibited from making an authorization a condition of doing business with it. Subsection (c) requires the bank to keep a record of all instances where a customer record is disclosed pursuant to an authorization, and to record as well the recipient agency. The customer is entitled to a copy of that record unless the government has obtained a court order barring disclosure under section 109(b).

Section 105. Administrative Subpoena and Summons. The government may obtain financial records using an administrative subpoena or summons. Authority to issue such process must be granted by some other provision of existing law, and compliance is required with the customer notice (section 109) and challenge (section 110) provisions of the bill. The process may be issued only to obtain information which may be relevant to a legitimate law enforcement purpose. This standard is comparable to that in existing law for testing subpoenas. It is considerably less than and conceptually different from probable cause, as the process would often be used in the early stages of an investigation, long before sufficient facts had been developed to establish probable cause. "Law enforcement" is broadly defined in section 1101, but the requirement that the purpose be "legitimate" is an important safeguard. It is intended to prevent an agency from acting outside the scope of its statutory authority, (e.g., investigating a violation over which it has no jurisdiction), as well as from pursuing an investigation in bad faith to harass or intimidate its subject. In order to assure the financial institution that it is protected from liability in complying with a summons or subpoena, an official of the government authority seeking records must provide a sworn statement that all applicable provisions of this title have been complied with.

Section 106. Court Order Other than a Search Warrant or a Grand Jury Subpoena. This section permits access to financial records by means of orders of a court that are neither search warrants—which are covered by section 107 and are subject to different notice and challenge provisions—or federal grand jury subpoenas—which are excluded from the bill's coverage (section 115(a)). It would cover subpoenas for trial, orders to produce documents, etc. The order must be one that the court is authorized by statutory or common law to issue and must seek information which may be relevant to a legitimate law enforcement purpose. The customer notice and challenge provisions of sections 109 and 110 must be complied with before access is permitted, and a sworn statement of compliance with the bill must be provided.

Section 107. Search Warrants. Search warrants may be used to gain access to records if they are obtained pursuant to the Federal Rules of Criminal Procedure or applicable State law. A search warrant would, of course, require a showing of probable cause under the Fourth Amendment, a higher standard than the other forms of process necessitate. Because of the increased privacy protection provided by this high standard, and the traditional *ex parte* nature of proceedings to issue warrants the pre-notice and challenge provisions applicable to other forms of process do not cover search warrants. However, delayed notice under section 109(d) would be required.

Section 108. Formal Written Request. This method of access would be created for the first time by this bill. It is necessary because many agencies of the government with vital criminal and civil enforcement responsibilities do not now have administrative summons authority. These agencies include the Federal Bureau of Investigation, all of the Justice Department's litigating and law enforcement divisions except the Antitrust Division and the Drug Enforcement Administration; the Secret Service, and a number of other Treasury Department agencies. In order to provide these agencies with continued access to financial records for legitimate law enforcement purposes, three choices are possible: First, administrative summons authority could be granted to all those agencies now lacking it. While this course has a number of advantages, such as insuring careful regulation of access and giving the agencies new power to obtain compliance with requests through enforcement of the summonses, it has a major practical drawback—the Banking Committee seems to have

neither the jurisdiction nor the time in the context of the Safe Banking Act to study and create by law administrative summons authority for perhaps dozens of agencies. A second possible solution is the use of grand jury subpoenas. But while this might take care of most criminal law enforcement needs for records, it would be of no assistance to agencies with civil enforcement responsibilities. Moreover, use of grand jury subpoenas whenever financial records are required would needlessly increase the use of such process.

The third approach to the problem, and the one chosen in this bill and adopted in principle in H.R. 9600, is, in effect, to formalize informal access by creating the "formal written request". This is a document issued by a government agency to obtain information which may be relevant to a legitimate law enforcement purpose. This is the same standard applicable under the bill to other forms of process except search warrants. The formal written request is not intended to replace the administrative summons or subpoena; it may be used only where no administrative summons or subpoena authority reasonably appears to be available to the government agency to use in obtaining the records sought for the particular purpose for which they are sought. The "particular purpose" qualification is necessary because some agencies do have an administrative summons or subpoena authority limited to certain purposes. The formal written request must also be issued in accordance with regulations promulgated by the head of the government agency or department. These regulations can be expected to specify such limitations on the formal written request as the circumstances in which it may be used, the form it must take, the information it must contain, and the officials who may issue it. The formal written request is subject to the same notice and challenge provisions as the other forms of process except search warrants and a sworn statement of compliance with the bill's provisions must be provided.

While the formal written request appears in some ways to be similar to an administrative summons or subpoena, there is one key difference. Unlike those forms of process, the request is just that—a plea for cooperation from the record-keeper. A financial institution receiving such a request would be completely free, just as it is when an agency seeks informal access to records today, to refuse to disclose the records. In contrast to a summons or subpoena, the request is not enforceable. On the other hand, the formal written request does meet one of the major goals of privacy legislation—it provides a "paper trail" to record government access to records, and it affords the customer a vehicle through which to exercise his or her prenotice and standing rights. Giving a statutorily sactioned structure to current informal modes of access should promote voluntary cooperation with government agencies seeking records legitimately.

Section 109. Notice Provisions. This section specifies the requirements for notification of customers of government requests for records. It contains the notice requirements for all three types of process covered by the bill and for the formal written request. Since the notice requirements for each type, except search warrants, are substantially the same, it seemed preferable to place them together in one section, in contrast to H.R. 9600, which has somewhat different notice and challenge requirements for each type of process.

Subsection (a) establishes the basic notice requirement for the administrative summons or subpoena, the court order other than a search warrant or grand jury subpoena, and the formal written request. It requires the government agency seeking access to records to notify the customer of that fact by providing him or her with a copy of the process or request and a notice of rights under the bill and of the general purpose of the investigation. These materials may either be served upon the customer in conformity with the Federal Rules of Civil or Criminal Procedure, or sent by registered or certified mail to the customer's last known address. At the same time, the government must also serve the process or request and a notice of rights, obligations, and liabilities on the financial institution holding the records.

In those situations where notice to a customer that financial records are being sought might cause specified kinds of harm to a persons or to an investigation or other official proceeding, subsection (b) permits the agency to apply to a court for delay of notice. Such a delay may be granted only if the court finds from evidence before it that there is reason to believe that notifying the customer will result in endangering the life or physical safety of any person, flight from prosecution, destruction or tampering with evidence, or intimidation of witnesses. In addition, subsection (e) is a general harm provision designed to accommodate unanticipated needs for delay of notice. It is intended to be used only where the potential harm to an investigation is of a magnitude similar to the listed jeopardizing factors, or in the case of a trial or other ongoing official proceeding, where notice would unduly delay the proceeding. The last exception is a narrow one designed, for example, to permit the use of trial subpoenas for records immediately before or during a proceeding. A judge would be free in such a situation simply to shorten the time for customer response if service on the customer would otherwise not jeopardize the proceeding. Since the delayed notice provision would permit the agency to obtain records before the customer has an opportunity to challenge the legitimacy of the request, the court must also make two other findings based upon an affirmative government showing of evidence—(1) that the investigation is within the agency's lawful jurisdiction, and (2) that the bill's relevancy test is met.

Subsection (c)(1) specifies that if the requisite findings are made, the court shall enter an ex parte order granting a delay of notice for up to 90 days. In addition, the bank shall be ordered not to disclose the fact of the request or that records have been obtained. The government may apply for further extensions of the delay under subsection (c)(2), but in each such case, it must make the factual showing of need required by subsection (b). At the end of any period of delay, the customer must be served or mailed a copy of the process or request and a notice explaining the reason for the delay and purpose of the investigation.

A proviso is included in subsection (c)(1) to deal with a unique problem faced by the Office of Foreign Assets Control of the Department of the Treasury. This agency administers the Trading with the Enemy Act, the International Emergency Economic Powers Act, and the United Nations Participation Act. Under these statutes the Board may enter orders blocking transactions in American bank accounts owned or controlled by nationals of certain foreign nations, generally countries unfriendly to the United States. While there is usually no reason not to notify such customers of these actions, there may be situations where doing so would literally endanger the life or physical safety of the customer himself, his relatives or associates. Where the customer remains in contact with his native land, and the government there is an enemy of the United States or a totalitarian regime, that government may well learn of the existence of the account if notice is sent to the customer. Upon learning that the customer has assets in the United States, the foreign regime may threaten the customer with violence or death as a reprisal, or an inducement to turn the money over to the government. Only if a court finds that such a danger to a person somehow associated with the account exists, may it order an indefinite delay of notice to protect the customer.

Section 109(a) contains the notice provisions for search warrants. Under it, the customer must be notified of the warrant within ninety days after its service on the financial institution. Further delays may be secured from a court, but only upon the same showing of danger or need required under section 109(b) and (c) to delay notice for other forms of process.

Subsection (e) requires courts granting delays of notice under this section to report essential information concerning the delays to the Administrative Office of the United States Courts. The Administrative Office is required to compile an annual report for Congress summarizing and analyzing the use of the delay provisions. This reporting requirement is similar to one imposed by the federal wiretap laws, 18 U.S.C. §§ 2510 *et seq.*, and should assist in evaluation of the effectiveness of the bill.

Subsection (f) spells out the special notice procedures to be followed when the government obtains records using the Emergency Access provision (section 1112).

Finally, subsection (g) directs the court to which a delay application is made to preserve all materials pertaining to the application. The customer may petition the court for disclosure of the records, which should be granted unless there is reason to believe disclosure would cause one of the types of harm specified in section 109(b)(3).

Section 1110. Customer Challenge Provisions. This section establishes the customer's right to challenge government access to his or her financial records. It applies to all methods of access covered by the draft except search warrants, which retain their traditional ex parte character.

Subsection (a) gives the customer seven days from service or mailing of a notice to move to halt the government's access. The customer must file a motion to quash an administrative summons or subpoena or a court order. Since a formal written request is not technically a form of legal process that may be quashed, the customer must make an application to enjoin the agency from obtaining records pursuant to such a request. Procedurally, such an application should be treated no differently from a motion to quash. The motion or application could be filed in the United States District Court where the bank holding the records is located. Service must be made on the government agency and the financial institution.

By requiring the customer to make the first move in court to prevent government access, the bill imposes a somewhat greater burden than does H.R. 9600 as reported out to the Banking Committee. But the procedural structure of this bill strikes the appropriate balance between privacy and law enforcement needs. Accordingly, the bill applies the same procedure to all methods of access.

H.R. 9600 would permit a customer, merely by mailing a written objection to access, to halt government attempts to gain access to records by means of administrative summonses or subpoenas or formal written requests, and would then force the government to move in court to enforce its process or to obtain a declaration that a formal written request was not improper. The customer need not go to court in the first instance to halt an investigation under H.R. 9600. Experience to date under a provision of the Tax Reform Act of 1976, 26 U.S.C. § 7609, which imposes a similar procedural regime, suggests that this makes objections entirely too easy and encourages frivolous interference with wholly legitimate investigations.

When the Internal Revenue Service moves to enforce its administrative summonses under that Act, a substantial percentage of objecting customers default, indicating they had no tenable objection to access but merely sought to delay an investigation.

Moreover, since possible government abuses of access are likely to be very few in number, stopping many thousands of legitimate investigations and putting the burden on the government to go into court in the first instance and justify them appears to be an inefficient means of rooting out the small numbers of improper requests. Rather, customers should be required in the first instance to go forward in court and argue that something may be wrong.

Under this bill, when he brings a challenge proceeding in court, the customer must show by affidavit or sworn statement first, that he is a person having standing to contest access under the bill—a customer whose financial records are being sought; and second, that there is a factual basis for concluding that the records are not being sought to obtain information which may be relevant to a legitimate law enforcement purpose, or that the government is not in substantial compliance with the provisions of the bill. In making this very limited showing, the customer might allege, for example, that he has committed no offense over which the agency has jurisdiction, that the investigation is for some reason not a legitimate one for the agency to conduct, or that it is being conducted solely to harass or intimidate him, as by showing the existence of an "enemies list," or a political basis for the investigation, or frequent recent unsuccessful probes of his affairs.

If the customer's papers fail to make the *prima facie* showing required by subsection 110(a) (1) and (2), the court should deny the motion or application. If, however, the requisite showing is made, the court should order the government to file a sworn response that should set forth the reasons why the investigation is proper and why the records meet the relevancy test. The government would bear the burden of proving compliance with the bill's requirements for access.

In order to prevent abuse of the challenge procedure as a method of pretrial discovery by putative criminal defendants, the bill permits the government to file this response *in camera*. This should be done only if it is necessary to protect the investigation or to avoid improper discover practices. The court is empowered thereafter to conduct any additional proceedings that it deems appropriate, in such manner as it finds proper. In order to prevent delay of investigations, all proceedings must be completed and the motion or application decided within five days from the filing of the motion or application.

While this is a relatively short schedule for judicial proceedings, one should note that with seven days for notice added to five days in court, an investigation could be delayed nearly two weeks by any challenge. Since the issues raised by customer challenges should be relatively simple, and since prompt action is the rule in an analogous applications for search or wiretap warrents, a five-day period is sufficient. Finally, the bill contemplates that magistrates rather than district judges will hear many of the motions or applications. The use of magistrates for this purpose should be encouraged, and the proposed Magistrates Act of 1978, S. 1613, will further facilitate their use.

Subsection (c) spells out the results that follow when the court makes particular findings under the bill. These are straightforward. "Substantial compliance" with the provisions of the bill would entitle an agency to prevail. This language is intended only to ensure that minor technical violations of the bill are not the basis for denying access when there has been compliance with its spirit. Thus, failure to meet a time requirement by a day or two, a defect in service of process where actual notice was received, typographical or clerical errors on forms, and similar mistakes should not prevent access. This follows case law interpretations of the Wiretap Act.

Subsection (d) provides that if a motion or application to prevent access is denied, there is not a final order from which an interlocutory appeal might be taken. The intent is to treat such orders in the same manner as civil discovery motions or criminal warrants—as evidentiary matters which are part of the record for appeal purposes after judgment, but as to which there is no appeal before that time. If a legal proceeding using the records is commenced against the customer, he or she may appeal the issue as part of, and in accordance with the requirements for, any appeal from a final judgment in that proceeding. The phrase "arising out of or based upon the financial records" is intended to cover any proceeding in which records are used in any way, e.g., as evidence or for investigatory purposes.

Where no legal proceeding against the customer is to be commenced, an appeal may be taken within 30 days of a notification to that effect. Subsection (d) requires an agency obtaining records to give the customer such notification promptly after a determination not to proceed is made. If no such determination is made within 180 days, a certification to that effect must be filed in court, and at reasonable intervals thereafter further certifications may be required by the court until the investigation is completed.

A customer could also challenge the propriety of a procedure that allowed access to records by bringing an action for civil penalties under section 119, but section 110(e) provides that the challenge procedures are the sole judicial remedy available to a customer to oppose disclosure of records pursuant to this bill.

Finally, subsection (f) is intended to preserve current law with respect to the rights of a finacial institution to contest a summons or subpoena for its records. If, for example, an institution now has standing to claim a subpoena is vague, overbroad, or that compliance with it would be unduly burdensome, such claims remain open to it. Similarly, an institution remains free to refuse access based on the non-coercive formal written request. A customer, however, does not have standing under the bill to raise claims that are based solely on the rights of the institution, such as the burdensomeness of compliance. If an institution does intend to contest coercive process, it may intervene as a party in a customer challenge proceeding.

Section 111. Duty of Financial Institutions. This section is intended to insure that financial institutions continue to process government requests for records pending the giving of notice and duration of customer challenge proceedings under the bill. By the end of these time periods, the requested records must be assembled and ready for delivery or disclosure to the agency if the bill's provisions are complied with. In this way, unnecessary delays of investigations while banks assemble record will be avoided. If the bank is contesting the request as, *e.g.*, overbroad or burdensome, it is protected by the "unless otherwise provided by law" clause. H.R. 9600 includes a similar provision.

Section 112. Emergency Access. This provision is designed for use in those very rare situations where access to record is needed so quickly that there is not even time to apply to a court for a delay of notice. Indeed, in many such cases, giving notice *per se* is not the problem; the time it takes is. The cases are those in which a delay in obtaining records would create imminent danger of physical injury, serious property damage, or flight to avoid prosecution. The use of bank records to investigate an ongoing kidnapping is an example.

Records may be obtained in these cases if a sworn statement is presented to the bank by an agency that one of the enumerated dangers would occur if access is delayed. Within five days thereafter, a sworn statement justifying the need for emergency access must be filed in court by a supervisory level official designed by regulation by the head of the agency. Thereafter, notice to the customer must be given as provided in section 109(f). If a customer believes that access was improperly obtained, he or she may then request the government's justifying documents under section 109(g), and could seek civil penalties under section 119.

While emergency access does present some possibility for abuse, it is minimal. The Wiretap Act contains a similar exception that has not been subject to criticism in its use. The requirement of subsequent notice and threat of civil penalties under section 119 for unjustified use of emergency access will adequately deter abues. The need for access in a few emergency situations is so great that it outweighs the danger of abuse given the threat of penalties.

Section 113. Foreign Intelligence and Protective Activities Exemption. This section exempts entirely from all of the provisions of the bill, except the requirement of section 117 that financial institutions be paid for services rendered in searching for and copying records, two narrow government functions that are essential to the nation. The first such function is foreign intelligence, whether pursued to counter or track the efforts of enemy agents spying on this country or to collect positive intelligence about the actions of our enemies. H.R. 9600 includes an exemption for this purpose. The second function is the assignment given to the Secret Service by statute (18 U.S.C. § 3056; 3 U.S.C. § 202); P.L. 90-331, as amended to protect the President, Vice President, candidates for those offices, families of such persons, and certain foreign dignitaries.

Section 114(a) exempts from the bill requests for records from a government authority authorized to conduct intelligence activities and from the Secret Service for its protective functions, but only for the purposes of conducting those activities. In order to prevent abuse of this exemption, subsection (b) requires the agency requesting records to submit to the bank a sworn statement that the records are sought for an exempt purpose. Because of the need for absolute secrecy in investigations of these kinds, no further information must be disclosed. The use of a sworn statement and the prospect of civil penalties should provide deterrence to abuses of the section. In order to protect further the intelligence and protective functions from unauthorized disclosure, subsection (c) prohibits the bank from disclosing to any person that access has been sought or records obtained pursuant to this section.

Section 114. Use of Information. This section subjects any information obtained under the records access procedures of this bill or under any of its exemptions, to all of the prohibitions on use, transfer or disclosure of information contained in current law. It is intended to apply all of the protections of the Privacy Act of 1974, the Freedom of Information Act, Rule 6(e) of the Federal Rules of Criminal Procedures (restricting disclosure of information obtained by grand juries), and other laws protecting privacy.

In addition, this provision permits supervisory agencies to exchange financial records and examination reports with each other and to supply such information to law enforcement agencies if it reveals possible law vio-

lations. Such exchanges and disclosures are permitted under current law, which is incorporated by reference in this section.

Section 115. Exemptions. This section brings together a number of areas to which the bill, for one reason or another, does not apply.

(a) Grand juries. Nothing is the bill except the bank payment requirement applies to any aspect of the proceedings before a federal grand jury. This is, of course designed to exempt grand jury subpoenas from the bill. The grand jury is the single most important investigative tool of criminal law enforcement. In addition, grand jury procedures are already subject to judicial scrutiny. Furthermore, Supreme Court decisions indicate that the constitutional status of the grand jury protects it from burdensome delays. Finally, grand juries are protected by rules keeping their proceedings secret. Expanded notice and challenge rights might diminish grand jury secrecy and threaten the privacy of individuals being investigated.

(b) Financial institution is investigatory target. This exemption assures access to records where an investigation or examination is not directed at any individual customer per se. Where it is the financial institution itself that is the "target" of an investigation or examination, customer notice and standing is inappropriate, as the Privacy Protection Study Commission recognized. This principle applies equally whether the agency seeking access to records is the Federal Reserve Board auditing a bank's lending or accounting practices, the Civil Rights Division investigating a charge of redlining or credit discrimination against the bank, or the Securities and Exchange Commission investigating questionable stock dealings by the institution.

Accordingly, subsection (b) grants an exemption from customer notice and standing requirements to any request for records sought by a government authority in connection with an official proceeding, investigation, examination, or inspection directed at the financial institution.

There are two important safeguards against abuse of this exemption. First, the agency must give the bank a sworn statement that the records are sought for an exempt purpose (compare discussion of section 113). Second, except where current law allows transfer to another agency, records obtained in an investigation of a bank may not be given to another agency. However, if the inspecting agency does discover evidence of a potential violation of a civil, criminal or regulatory statute administered by another agency, it may notify that agency of the relevant information, such as the identity of the customer and the nature of the violation. The second agency may only obtain the records itself, however, by using the methods of access provided by the Act. For example, if the Civil Rights Division, while investigating a bank's credit practices, discovers in a customer account record evidence of a fraudulent scheme, the Division could notify the appropriate law enforcement officials, who could then seek the customer's records by, say, a formal written request, with notice to and an opportunity for challenge by the customer.

(c) Non-identifiable information. This is an exemption allowing dissemination of financial information that is not identified with, or identifiable as derived from, the financial records of a particular customer.

(d) Requiring reports. This exception is for financial information required to be reported by other laws, but instead of attempting to list all such provisions, it covers generally "any statute or regulation." This should guard against inadvertent omissions from the list.

This subsection is also intended to allow the making of any reports or returns required to be filed under the Internal Revenue Code, the Bank Secrecy Act, or the Currency and Foreign Transactions Reporting Act.

(e) Tax Reform Act. Internal Revenue Service administrative summonses are exempt from the provisions of this draft and are covered solely by section 1205 of the Tax Reform Act of 1976.

(f) Supervisory agencies. This section allows supervisory agencies access to and authority to disclose financial records solely in the exercise of their supervisory, regulatory, and monetary functions.

Subsections (c) through (f) above are in substance the same as provision now contained in H.R. 9600.

(g) Government litigation with a customer. Where the customer and the United States are already engaged in civil or criminal litigation, the right to notice before access to records is obtained, and to object to the relevancy of any request for records, is provided by rules of court and the ability to move to quash process or move for a protective order in the proceeding itself. The entire process is subject to direct judicial supervision. Thus, this exemption allows access to records through discovery pursuant to the Federal Rules of Civil and Criminal Procedure to replace access procedures under the Act.

(h) Identity of account used for suspicious transaction. This section is intended to allow the government to learn the identity of a customer whose account was involved in what appears to be a suspicious transaction. In this purpose, it is similar to a provision of the Tax Reform Act of 1976 abelled "John Doe summons," but it is drawn more narrowly to reflect the needs of the affected agencies. The provision would be used in situations where, for example, the agency knows only that a large sum of cash was deposited in the bank (see *United States* v. *Bisceglia*, 420 U.S. 141(1975)), or that the bank has been used to transmit funds to an enemy nation, or that the bank processed a forged check or other instrument. Such transactions would clearly appear to involve violations of law, but in order to investigate further the agency needs to know the name and address of the customer, and the account number and type of account involved. This section would allow that information to be obtained. This is basically the information contained on an account signature card; it is not the record of a series of financial transactions by a customer, which could only be obtained by following the other procedures of the bill. Moreover, only the notice and challenge provisions of the bill are made inapplicable by this subsection, so that the government must use some form of process to get even the limited information allowed.

Because of the special nature of Foreign Assets Control and certain other functions performed by the Department of the Treasury, subsection (h)(1) is written to allow disclosure of basic account information concerning one or all transactions through a bank connected with, e.g., a particular foreign country. Such transactions may be unlawful or subject to regulation under the Bank Secrecy Act, the Currency and Foreign Transactions Reporting Act, the Trading with the Enemy Act, the International Emergency Economic Powers Act, or the United Nations Participation Act. In addition, subsection (h)(2) permits identification of customers to the Office of Foreign Assets Control on the sole basis that they are associated with a particular foreign country. This is necessary because the blocking orders for accounts owned or controlled by nationals of nations unfriendly to the interests of the United States which must be issued under the last three acts mentioned above do not depend upon the occurrence or nature of any particular transactions in those accounts.

Section 116. Suspension of Statutes of Limitations. This section tolls the running of any applicable statute of limitations during the pendency of a customer's challenge to government access. It will insure that a challenge proceeding is not used to avoid criminal liability by delaying an investigation until a limitation period expires. The period of suspension is limited, however, to the time over which the customer has control—the period from the filing of a motion or application challenging access to the date of decision on the claim. The Tax Reform Act of 1976 contains a similar tolling provision.

Section 117. Cost Reimbursement. In order to reimburse financial institutions for the expense of complying with requests for financial records, this section requires a government authority obtaining records to pay such reasonably necessary costs that an institution has directly incurred in searching for, reproducing, or transporting books, papers, records, or other data required to be and actually produced. The rates and conditions for such repayment of costs will be established by Federal Reserve Board regulations.

Section 118. Jurisdiction. This section grants jurisdiction to the federal courts to hear any action arising under the bill and involving a federal government authority, or a financial institution covered by the bill.

The bill provides a two year statute of limitations for actions brought under it. The limitations period runs from the date on which the claim arises or the date of its discovery, whichever is later.

Section 119. Civil Penalties. In order to enforce the limitations on access and the procedures mandated by the bill, customers are granted a right of action for civil penalties. This right runs against any governmental authority, or financial institution or its agents or employees, which obtains or discloses financial records or information contained in them in violation of the bill. The right encompasses any violation of the bill, including improper use of an exemption from the bill's coverage.

Four elements of damages may be recovered: (1) An automatic $100 penalty for each collective or transactional violation. Thus, if a bank improperly discloses on two separate occasions a batch of fifty and then a batch of one hundred cancelled customer checks, the bank would be liable for $200—$100 for each collective improper disclosure. Similarly, if two government agencies separately obtain the same financial records, each in violation of the bill, each agency would be liable to the customer for $100, no matter what the volume of records involved. (2) The customer may recover any actual damages resulting from violation of the bill in conformity with traditional tort principles of causation. (3) If a violation is intentional or willful, the customer may recover such punitive damages as may be allowed. (4) If the customer proves liability under this section, he is also entitled to recover the costs of the action and his reasonable attorneys fees.

Subsection (b) provides a financial institution with a defense to any action for civil penalties if it can show good faith reliance on the representations of a government authority. Generally, a bank would be acting in good faith only if the government authority was in facial compliance with the requirements of the bill. Thus, a bank is protected, for example, if it receives the sworn statement indicating that access is sought for an exempt purpose under sections 1114 or 1116(b). If such statements prove to be inaccurate, the customer would have recourse only against the government authority. On the other hand, if a bank grants access to records based only on an oral request—which is nowhere permitted by the bill—it would not be acting in good faith

Subsection (c) provides that the remedies

and sanctions described in this section shall be the only authorized judicial remedies and sanctions for violations of the bill.●

## LEAVES OF ABSENCE

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

To Mr. DEL CLAWSON (at the request of Mr. MICHEL) for today and June 13 and June 14, on account of official business.

To Mrs. MEYNER (at the request of Mr. WRIGHT) for today on account of a necessary absence.

To Mr. MILLER of Ohio (at the request of Mr. MICHEL) for today on account of illness in his family.

To Mr. PEPPER (at the request of Mr. WRIGHT) for today on account of official business.

To Mr. RODINO (at the request of Mr. WRIGHT) for today on account of illness in the family.

## 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. EMERY) to revise and extend their remarks and include extraneous material:)

Mr. CONTE, for 10 minutes, today.

Mr. GOLDWATER, for 10 minutes, today.

(The following Members (at the request of Mr. BROWN of California to revise and extend their remarks and include extraneous material:

Mr. FLOOD, for 5 minutes today.

Mr. ANNUNZIO, for 5 minutes, today.

Mr. GONZALEZ, for 5 minutes, today.

Mr. GORE, for 5 minutes, today.

Mr. BROWN, of California, for 5 minutes, today.

Mr. ROSTENKOWSKI, for 5 minutes, today.

## EXTENSION OF REMARKS

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

Mr. LAFALCE, and to include extraneous matter notwithstanding the fact that it exceeds 2 pages of the RECORD and is estimated by the Public Printer to cost $1,314.

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

Mr. SAWYER.

Mr. FINDLEY.

Mr. MICHEL.

Mr. JOHNSON of Colorado.

Mr. LAGOMARSINO, in two instances.

Mr. DORNAN in two instances.

Mr. PRESSLER in two instances.

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

Mr. LEDERER.

Mr. RAHALL.

Mr. YOUNG of Missouri.

Mr. MURTHA.

Mr. O'NEILL.

Mr. ASHLEY.

Mr. ANNUNZIO in six instances.

Mr. ANDERSON of California in three instances.

Mr. GONZALEZ in three instances.

Mr. BROWN of California in 10 instances.

Mr. MCDONALD in five instances.

Mr. SIMON.

Mr. MOORHEAD of Pennsylvania in 10 instances.

Mr. VENTO.

Mr. MOSS.

Mr. MURPHY of Pennsylvania.

Mr. GUDGER.

Mr. SKELTON in 10 instances.

Mr. JACOBS.

Mr. ZABLOCKI.

Mr. CORMAN.

Mr. MIKVA.

## SENATE BILLS REFERRED

Bills of the Senate of the following titles were taken from the Speaker's table and, under the rule, referred as follows:

S. 1909. An act for the relief of certain employees of the Charleston Naval Shipyard, Charleston, South Carolina, to the Committee on the Judiciary.

S. 2437. An act to amend the act of August 8, 1972 (Public Law 92-367) to provide Federal assistance to the States for the development and implementation of effective dam safety programs, in order to protect human life and property, to the Committee on Public Works and Transportation.

S. 2444. An act to amend the act of August 8, 1972 (Public Law 92-367) relating to a national program of inspection of dams, to the Committee of Public Works and Transportation.

## ADJOURNMENT

Mr. BROWN of California. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 6 o'clock and 7 minutes p.m.), the House adjourned until Tuesday, June 13, 1978, 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:

4356. A letter from the Director, Office of Management and Budget, Executive Office of the President, transmitting a cumulative report on rescissions and deferrals of budget authority as of June 1, 1978, pursuant to section 1014(e) of Public Law 93-344 (H. Doc. No. 95-350); to the Committee on Appropriations and ordered to be printed.

4357. A letter from the Director of Legislation, Department of the Navy, transmitting notice of the Navy's intention to sell various naval vessels to the Government of Indonesia, pursuant to 10 U.S.C. 7307; to the Committee on Armed Services.

4358. A letter from the Director of Legislation, Department of the Navy, transmitting nctice of the Navy's intention to sell two fleet ocean tugs to the Government of Mexico, pursuant to 10 U.S.C. 7307; to the Committee on Armed Services.

4359. A letter from the Director of Legislation, Department of the Navy, transmitting notice of the Navy's intention to sell a tank landing ship to the Government of Thailand, pursuant to 10 U.S.C. 7307; to the Committee on Armed Services.

4360. A letter from the Chairman, Federal Home Loan Bank Board, transmitting the annual report on conversions by insured savings and loan associations from the mutual to the stock form of organization, pursuant to section 402(j)(5) of the National Housing Act, as amended (88 Stat. 1504); to the Committee on Banking, Finance and Urban Affairs.

4361. A letter from the Director, National Science Foundation, transmitting notice of a proposed new records system, pursuant to 5 U.S.C. 552a(o); to the Committee on Government Operations.

4362. A letter from the Administrator, Energy Information Administration, Department of Energy, transmitting a report on changes in market shares for refined petroleum products during February 1978, pursuant to section 4(c)(2)(A) of the Emergency Petroleum Allocation Act of 1973; to the Committee on Interstate and Foreign Commerce.

4363. A letter from the Commissioner, Immigration and Naturalization Service, Department of Justice, transmitting copies of orders entered in the cases of certain aliens found admissible to the United States, pursuant to section 212(a)(28)(I)(ii) of the Immigration and Nationality Act; to the Committe on the Judiciary.

4364. A letter from the Commissioner, Immigration and Naturalization Service, Department of Justice, transmitting copies of orders entered in cases in which the authority contained in section 212(d)(3) of the Immigration and Nationality Act was exercised in behalf of certain aliens, pursuant to section 212(d)(6) of the Act; to the Committee on the Judiciary.

4365. A letter from the Secretary of the Army, transmitting the third annual report recommending deauthorization of various water resources projects, pursuant to section 12 of the Water Resources Development Act of 1974, as amended (H. Doc. No. 95-351); to the Committee on Public Works and Transportation and ordered to be printed.

4366. A letter from the Administrator of General Services, transmitting a prospectus proposing a succeeding lease for space currently occupied at Center Building II, 3700 East West Highway, Hyattsville, Md., pursuant to section 7 of the Public Buildings Act of 1959, as amended; to the Committee on Public Works and Transportation.

4367. A letter from the Administrator of General Services, transmitting a prospectus proposing alterations at the U.S. Customhouse, One Bowling Green, New York, N.Y., pursuant to section 7(a) of the Public Building Act of 1959, as amended; to the Committee on Public Works and Transportation.

## REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

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

Mr. ULLMAN: Committee on Ways and Means. H.R. 12578. A bill to amend the Internal Revenue Code of 1954 to make certain technical changes; with amendment (Rept. No. 95-1286). Referred to the Committee of the Whole House on the State of the Union.

## PUBLIC BILLS AND RESOLUTIONS

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

By Mr. ANNUNZIO (for himself, Mr. WYLIE, and Mr. LEACH):

H.R. 13079. A bill to amend the Consumer Credit Protection Act to establish rights, remedies, and responsibilities for all participants in the utilization of electronic fund transfer services; to the Committee on Banking, Finance and Urban Affairs.

By Mr. BROWN of Michigan:

H.R. 13080. A bill to permit Federal savings and loan associations to raise additional capital through the issuance of mutual capital certificates, and for other purposes; to the Committee on Banking, Finance and Urban Affairs.

By Mr. JOHNSON of California (for himself and Mr. PRICE):

H.R. 13081. A bill to mend the Federal Aviation Act of 1958 relating to minimum rates, fares and charges for service provided by air carriers for contract services to the Department of Defense; to the Committee on Public Works and Transportation.

By Mr. KAZEN:

H.R. 13082. A bill to amend section 218 of the Social Security Act to require that States having agreements entered into thereunder will continue to make social security payments and reports on a calendar-quarter basis; to the Committee on Ways and Means.

H.R. 13083. A bill to amend the Internal Revenue Code of 1954 to eliminate the adjusted gross income limitation on the credit for the elderly, to increase the amount of such credit, and for other purposes; to the Committee on Ways and Means.

By Mr. LIVINGSTON:

H.R. 13084. A bill to amend the Federal Pollution Control Act to provide a lower limit on penalties for the discharge of hazardous substances; to the Committee on Public Works and Transportation.

Mr. LUJAN:

H.R. 13085. A bill to amend title 5, United States Code, to include Department of Energy couriers and security inspectors within the same civil service retirement provisions as law enforcement officers and firefighters; to the Committee on Post Office and Civil Service.

By Mr. MITCHELL of Maryland (for himself and Mr. REUSS (by request):

H.R. 13086. A bill to increase the number of class C directors of Federal Reserve banks; to the Committee on Banking, Finance and Urban Affairs.

By Mr. REUSS (for himself, Mr. MITCHELL of Maryland, Mr. ANNUNZIO, Mr. LAFALCE, Mr. D'AMOURS, Mr. LUNDINE, Mr. VENTO, Mr. STANTON, Mr. BROWN of Michigan, Mr. WYLIE, Mr. HANSEN, Mr. HYDE, Mr. EVANS of Delaware, and Mr. HOLLENBECK):

H.R. 13087. A bill to authorize the issuance of substitute Treasury checks without undertakings of indemnity, except as the Secretary of the Treasury may require; to the Committee on Banking, Finance and Urban Affairs.

By Mr. ST GERMAIN (for himself, Mr. ANNUNZIO, Mr. HANLEY, Mr. PATTERSON of California, Mr. LAFALCE, Mr. ALLEN, Mr. CAVANAUGH, Mr. WYLIE, and Mr. MITCHELL of Maryland):

H.R. 13088. A bill to strengthen the supervisory authority of Federal agencies which regulate depository institutions, to prohibit interlocking management and director relationships between financial institutions, to amend the Federal Deposit Insurance Act, to restrict conflicts of interest involving officials of financial supervisory agencies, to control the sale of insured financial institutions, to regulate the use of correspondent accounts, to establish a Federal Bank Examination Council, and for other purposes; to the Committee on Banking, Finance and Urban Affairs.

By Mr. SCHULZE:

H.R. 13089. A bill to provide for the construction of a project for flood control and other purposes for Pottstown and vicinity, Schuylkill River Basin, Pa.; to the Committee on Public Works and Transportation.

By Mr. SIMON (for himself and Mr. MITCHELL of Maryland):

H.R. 13090. A bill to provide for the issuance of a commemorative postage stamp in honor of Dr. Ralph J. Bunche; to the Committee on Post Office and Civil Service.

By Mr. STANGELAND:

H.R. 13091. A bill to direct the Secretary of Agriculture to establish a price support program for honey; to the Committee on Agriculture.

By Mr. ULLMAN (for himself and Mr. CONABLE):

H.R. 13092. A bill to amend the Internal Revenue Code of 1954 to extend the optional small tax case procedures to additional taxpayers, and to make certain changes relating to the authority of commissioners of the Tax Court; to the Committee on Ways and Means.

By Mr. WRIGHT (for himself, Mr. ROBERTS, Mr. MILFORD, and Mr. CHARLES WILSON of Texas):

H.R. 13093. A bill to authorize the Secretary of the Army, acting through the Chief of Engineers, to include net regional income benefits on an equal basis with national economic development benefits in computing the economic justification for the project for Trinity River and tributaries, Tex., to the Committee on Public Works and Transportation.

By Mr. CEDERBERG:

H.R. 13094. A bill to amend the Tariff Schedules of the United States to provide duty-free treatment of certain alloy tool steels used for making chipper knives; to the Committee on Ways and Means.

By Mr. FOWLER (for himself, Mr. SOLARZ, Mr. ADDABBO, Mr. VENTO, Mr. RICHMOND, Mr. MAGUIRE, Ms. HOLTZMAN, Mr. UDALL, Mr. WOLFF, Mr. ROSENTHAL, Mr. ZEFERETTI, Mr. BINGHAM, Mr. GARCIA, Mr. BROWN of California, Mr. FORSYTHE, Mr. BARNARD, Mr BRINKLEY, Mr. GREEN, Mr. JENKINS, Mr. HARRINGTON, Mr. PATTISON of New York, Ms. MIKULSKI, Mr. EVANS of Georgia, Mr. EDGAR, and Mr. MURPHY of New York):

H.R. 13095. A bill to amend title 23 of the United States Code to provide additional exemptions to States from requirements to make refunds to the highway trust fund by reason of a withdrawal of approval of a route or portion thereof on the Interstate System; to the Committee on Public Works and Transportation.

By Mr. PRESSLER:

H.R. 13096. A bill to provide that members of the Sisseton-Wahpeton Sioux Tribe may request the Secretary of the Interior to acquire certain lands, and to provide that the tribe shall have a preference right to purchase certain lands held in trust by the United States for tribal members; to the Committee on Interior and Insular Affairs.

By Mr. ROSTENKOWSKI:

H.R. 13097. A bill to amend certain provisions of title XVIII of the Social Security Act as they relate to the medicare program established by part A of such title; to the Committee on Ways and Means.

By Mr. ANDERSON of California (for himself, Mr. ABDNOR, Mr. ADDABBO, Mr. AKAKA, Mr. AMBRO, Mr. ANNUNZIO, Mr. ARCHER, Mr. AUCOIN, Mr. BALDUS, Mr. BARNARD, Mr. BEARD of Tennessee, Mr. BEILENSON, Mr. BENNETT, Mr. BEVILL, Mr. BIAGGI, Mr. BLANCHARD, Mr. BOLAND, Mr. BONIOR, Mr. BRADEMAS, Mr. BRECKINRIDGE, Mr. BRODHEAD, Mr. BROWN of Michigan, Mr. BURGENER, Mrs. BURKE of California, and Mr. BURKE of Florida):

H.J. Res. 968. Joint resolution to provide for the designation of a week as "National Lupus Week"; to the Committee on Post Office and Civil Service.

By Mr. ANDERSON of California (for himself, Mr. PHILLIP BURTON, Mr. CARNEY, Mr. BROWN of Ohio, Mr. CARTER, Mr. CHAPPELL, Ms. CHISHOLM, Mr. DON H. CLAUSEN, Mr. DEL CLAWSON, Mr. CLEVELAND, Mr. COHEN, Mr. COLEMAN, Mrs. COLLINS of Illinois, Mr. CONTE, Mr. CORMAN, Mr. CORNELL, Mr. CORNWELL, Mr. CORRADA, Mr. COTTER, Mr. COUGHLIN, Mr. D'AMOURS, Mr. DANIELSON, Mr. DAVIS, Mr. DE LA GARZA, and Mr. DELLUMS):

H.J. Res. 969. Joint resolution to provide for the designation of a week as "National Lupus Week"; to the Committee on Post Office and Civil Service.

By Mr. ANDERSON of California (for himself, Mr. DE LUGO, Mr. DEVINE, Mr. DOWNEY, Mr. DUNCAN of Tennessee, Mr. EDWARDS of Oklahoma, Mr. EILBERG, Mr. ERTEL, Mr. EVANS of Georgia, Mr. EVANS of Colorado, Mr. EVANS of Delaware, Mr. ENGLISH, Mr. FARY, Mr. FAUNTROY, Ms. FENWICK, Mr. FINDLEY, Mr. FISH, Mr. FLOOD, Mr. FLORIO, Mr. FLYNT, Mr. FORD of Michigan, Mr. FORSYTHE, Mr. FRENZEL, Mr. FREY, and Mr. FUQUA):

H.J. Res. 970. Joint resolution to provide for the designation of a week as "National Lupus Week"; to the Committee on Post Office and Civil Service.

By Mr. ANDERSON of California (for himself, Mr. GAMMAGE, Mr. GLICKMAN, Mr. GOLDWATER, Mr. GOODLING, Mr. GORE, Mr. GRADISON, Mr. GUYER, Mr. HALL, Mr. HAMMERSCHMIDT, Mr. HANLEY, Mr. HARSHA, Mr. HARRIS, Mr. HAWKINS, Mrs. HECKLER, Mr. HEFNER, Mr. HEFTEL, Mr. HILLIS, Mr. HOLLENBECK, Mr. HORTON, Mr. HOWARD, Mr. HUCKABY, Mr. HUGHES, Mr. HYDE):

H.J. Res. 971. Joint resolution to provide for the designation of a week as "National Lupus Week"; to the Committee on Post Office and Civil Service.

By Mr. ANDERSON of California (for himself, Mr. IRELAND, Mr. JENKINS, Mr. JENRETTE, Mr. JOHNSON of California, Mr. JONES of Tennessee, Mr. JONES of Oklahoma, Mr. KAZEN, Mr. KEMP, Mr. KETCHUM, Ms. KEYS, Mr. KILDEE, Mr. KREBS, Mr. LAFALCE, Mr. LAGOMARSINO, Mr. LEACH, Mr. LEDERER, Mr. LE FANTE, Mr. LEGGETT, Mr. LEVITAS, Mr. LLOYD of California, Mrs. LLOYD of Tennessee, Mr. LOTT, Mr. MCDADE, and Mr. MCFALL):

H.J. Res. 972. Joint resolution to provide for the designation of a week as "National Lupus Week"; to the Committee on Post Office and Civil Service.

By Mr. ANDERSON of California (for himself, Mr. MCHUGH, Mr. MCKINNEY, Mr. MAGUIRE, Mr. MARKS, Mr. MARTIN, Mr. MAZZOLI, Mr. METCALFE, Ms. MIKULSKI, Mr. MIKVA, Mr. MINISH, Mr. MICHEL, Mr. MITCHELL of Maryland, Mr. MOAKLEY, Mr. MOLLOHAN, Mr. MOORE, Mr. MOORHEAD of California, Mr. MOORHEAD of Pennsylvania, Mr. MONTGOMERY, Mr. MOTTL, Mr. MURPHY of Pennsylvania, Mr. MURPHY of Illinois, Mr. MICHAEL O. MYERS, Mr. NIX, and Mr. NOLAN):

H.J. Res. 973. Joint resolution to provide for the designation of a week as "National Lupus Week"; to the Committee on Post Office and Civil Service.

By Mr. ANDERSON of California (for himself, Mr. NICHOLS, Ms. OAKAR, Mr. OBERSTAR, Mr. O'BRIEN, Mr. OTTINGER, Mr. PANETTA, Mr. PATTEN, Mr. PATTERSON of California, Mr. PEPPER, Mrs. PETTIS, Mr. POAGE, Mr. PRICE, Mr. QUIE, Mr. QUILLAN, Mr. RAHALL, Mr. RAILSBACK, Mr. RANGEL, Mr. REUSS, Mr. RICHMOND, Mr. RINALDO, Mr. ROBERTS, Mr. ROBINSON, Mr. RODINO, and Mr. ROE):

H.J. Res. 974. Joint resolution to provide for the designation of a week as "National Lupus Week"; to the Committee on Post Office and Civil Service.

By Mr. ANDERSON of California (for himself, Mr. ROSE, Mr. ROYBAL, Mr. RUSSO, Mr. RYAN, Mr. SANTINI, Mr. SARASIN, Mr. SCHEUER, Mr. SEBELIUS, Mr. SIKES, Mr. SIMON, Mr. SISK, Mr. SKELTON, Mr. SOLARZ, Ms. SPELLMAN, Mr. ST GERMAIN, Mr. STANTON, Mr. STEED, Mr. STEERS, Mr. STEIGER, Mr. STOKES, Mr. STUMP, Mr. SYMMS, Mr. TAYLOR, and Mr. TRAXLER):

H.J. Res. 975. Joint resolution to provide for the designation of a week as "National Lupus Week"; to the Committee on Post Office and Civil Service.

By Mr. ANDERSON of California (for himself, Mr. TREEN, Mr. UDALL, Mr. VAN DEERLIN, Mr. VANDER JAGT, Mr. VENTO, Mr. VOLKMER, Mr. WAGGONNER, Mr. WALGREN, Mr. WALSH, Mr. WAMPLER, Mr. WAXMAN, Mr. WEISS, Mr. WIGGINS, Mr. BOB WILSON, Mr. CHARLES WILSON of Texas, Mr. CHARLES H. WILSON of California, Mr. WINN, Mr. WOLFF, Mr. WON PAT, Mr. WRIGHT, Mr. YATES, Mr. YATRON, Mr. YOUNG of Alaska, and Mr. YOUNG of Missouri):

H. J. Res. 976. Joint resolution to provide for the designation of a week as "National Lupus Week"; to the Committee on Post Office and Civil Service.

By Mr. ANDERSON of California (for himself, Mr. ZEFERETTI, and Mr. PATTISON of New York):

H.J. Res. 977. Joint resolution to provide for the designation of a week as "National Lupus Week"; to the Committee on Post Office and Civil Service.

By Mr. BAUCUS (for himself, Mr. AKAKA, Mr. EVANS of Georgia, Mr. FLORIO, Mr. GEPHARDT, Mr. JOHNSON of California, Mr. KEMP, Mr. LLOYD of California, Mr. MARLENEE, Mr. METCALF, Mr. MURPHY of New York, Mr. MICHAEL O. MYERS, Mr. PICKLE, Mr. RAHALL, Mr. RODINO, Mr. ROE, Mr. RONCALIO, Mr. RUSSO, Mr. ST GERMAIN, Mr. SIKES, Mr. SIMON, Mrs. SPELLMAN, Mr. SPENCE, Mr. STEIGER, and Mr. THONE):

H.J. Res. 978. Joint resolution to authorize and request the President to issue a proclamation designating Sunday, September 24, 1978, as "National Good Neighbor Day" to the Committee on Post Office and Civil Service.

By Mr. MURPHY of New York (for himself, Mr. THOMPSON, Mr. FISH, Mr. HOWARD, and Mr. STEERS):

H.J. Res. 979. Joint resolution to authorize and direct the Franklin Delano Roosevelt Memorial Commission to proceed with the construction of the Franklin Delano Roosevelt Memorial, and for other purposes; to the Committee on House Administration.

By Mr. TEAGUE (for himself, Mr. COLLINS of Texas, Mr. DOWNEY, Mr. GUYER, Mr. BRODHEAD, Mr. HORTON, Mr. MAHON, Mr. HARSHA, Mrs. LLOYD of Tennessee, Mr. YOUNG of Alaska, Mr. AUCOIN, Mr. SARASIN, Mr. KOSTMAYER, Mr. BURGENER, Mr. WOLFF, Mr. AKAKA, Mr. WALKER, Mr. MURPHY of Pennsylvania, Mr. WINN, Mr. PRICE, Mr. ENGLISH, Mr. ADDABBO, Mr. GINN, Mr. EILBERG, and Mr. FISHER):

H.J. Res. 980. Joint resolution to designate May 21, 1978, as "Firefighters' Memorial Sunday"; to the Committee on Post Office and Civil Service.

By Mr. TEAGUE (for himself, Mr. BIAGGI, Mr. RODINO, Mr. WHITE, Mr. MIKVA, Ms. KEYS, Mr. KEMP, Mr. NEAL, Mr. GOLDWATER, Mr. YATRON, Mr. LEACH, Mr. HEFNER, Mr. FITHIAN, Mr. WALGREN, Mr. MATTOX, Mr. LLOYD of California, Mr. ALEXANDER, Mr. TRAXLER, Mr. REGULA, Mr. WAXMAN, Mr. WEISS, Mr. RICHMOND, Mr. SIKES, Mr. VENTO, Mr. ANDERSON of California):

H.J. Res. 981. Joint resolution to designate May 21, 1978, as "Firefighters' Memorial Sunday"; to the Committee on Post Office and Civil Service.

By Mr. TEAGUE (for himself, Mrs. BURKE of California, Mr. CORNWELL, Mr. CEDERBERG, Mr. MAZZOLI, Mr. PURSELL, Mr. WYDLER, Mr. KETCHUM, Mr. RHODES, Mr. BALDUS, Mr. NOLAN, Mr. PATTERSON of California, Mr. RUSSO, Mr. MADIGAN, Mr. GONZALEZ, Mr. HYDE, Mr. REUSS, Mr. SIMON, Mr. CHARLES H. WILSON of California, Mr. CHARLES WILSON of Texas, Mr. WATKINS, Mr. WHITEHURST, Mr. HILLIS, Mr. BURKE of Massachusetts, and Mr. STEIGER):

H.J. Res. 982. Joint resolution to designate May 21, 1978, as "Firefighters' Memorial Sunday"; to the Committee on Post Office and Civil Service.

By Mr. TEAGUE (for himself, Mr. JOHN T. MYERS, Mr. ANDERSON of Illinois, Mr. SKELTON, Mr. BOLAND, Mr. LEGGETT Mr. COCHRAN of Mississippi, Mr. DUNCAN of Tennessee, Mr. CRANE, Mr. ROGERS, Mr. MINISH, Mr. RUDD, Mr. MOORHEAD of California, Mr. LUNDINE, Mr. FINDLEY, Mr. BENJAMIN, Mr. JACOBS, Mr. HARKIN, Mr. HANSEN, Mr. YOUNG of Florida, Mr. ROE, Mr. DORNAN, Mr. PANETTA, Mr. ZABLOCKI, and Mr. BRADEMAS):

H.J. Res. 983. Joint resolution to designate May 21, 1978, as "Firefighters' Memorial Sunday"; to the Committee on Post Office and Civil Service.

By Mr. TEAGUE (for himself, Mr. STOKES, Mr. MILFORD, Mr. PEPPER, Mr. ROYBAL, Mr. QUIE, Mr. STOCKMAN, Mr. CHAPPELL, Mr. MCCLOSKEY, Mr. STUMP, Mr. LUKEN, Mr. MINETA, Mr. MILLER of Ohio, Mr. RYAN, Mr. ROONEY, Mr. ZEFERETTI, Mr. LEDERER, Mr. DENT, Mr. GAYDOS, Mr. BROWN of California, Mr. CLAY, Mr. HOWARD, Mr. BINGHAM, Mr. HAWKINS, and Mr. METCALFE):

H.J. Res. 984. Joint resolution to designate May 21, 1978, as "Firefighters' Memorial Sunday"; to the Committee on Post Office and Civil Service.

By Mr. CRANE:

H.J. Res. 985. Joint resolution to amend the Constitution of the United States to provide that appropriations made by the United States shall not exceed 33⅓ percent of the average national income of the prior 3 calendar years, except as specified during war or national emergency; to the Committee on the Judiciary.

## MEMORIALS

Under clause 4 of rule XXII:

428. The SPEAKER presented a memorial of the Legislature of the State of California, relative to the Santa Monica Mountains National Park and the Santa Monica Mountains Urban Park; jointly, to the Committees on Interior and Insular Affairs, and Appropriations.

## PRIVATE BILLS AND RESOLUTIONS

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

By Mr. LIVINGSTON:

H.R. 13098. A bill to direct the Secretary of the department in which the U.S. Coast Guard is operating to cause the vessel *Alice* to be documented as a vessel of the United States so as to be entitled to engage in the coastwise trade; to the Committee on Merchant Marine and Fisheries.

By Mr. SIKES:

H.R. 13099. A bill for the relief of Buford L. Sword; to the Committee on the Judiciary.

By Mr. STEERS:

H.R. 13100. A bill for the relief of Martha Valdez-Barrios; to the Committee on the Judiciary.

By Mr. UDALL:

H.R. 13101. A bill for the relief of Josephine Graff; to the Committee on the Judiciary.

By Mr. YOUNG of Florida:

H.R. 13102. A bill for the relief of Antonio Rivera Aristizabal; to the Committee on the Judiciary.

## AMENDMENTS

Under clause 6 of rule XXIII, proposed amendments were submitted as follows:

H.R. 11983

By Mr. BADHAM:

(Amendment to the Amendment of Mr. ANDERSON of Illinois)

—In section 2, strike out the second sentence of proposed section 506(a) of the Federal Election Campaign Act of 1971 and insert in lieu thereof "The request referred to in the preceding sentence shall contain a verification signed by the candidate and the treasurer of the principal campaign committee of such candidate stating that the information furnished in support of the request, to the best of their knowledge, is correct and fully satisfies the requirements of this title.".

H.R. 12934

By Mr. DANIELSON:

—Page 19, line 24, strike out "$34,480,000" and insert in lieu thereof "$55,480,000".

Page 19, line 25, insert after "expended" the following: ", of which $21,000,000 shall be available for a new detention center for Federal detainees in Los Angeles County, California'".

H.R. 12934

By Mr. EILBERG:

—Page 16, lines 16, 17, 18 strike "(not to exceed four hundred seven, of which two hundred ninety-eight shall be for replacement only)" and insert in lieu thereof "(not to exceed six hundred fifty-seven, of which two hundred ninety-eight shall be for replacement only)".

Page 17, line 8 strike "294,500,000" and insert in lieu thereof: "320,722,000".

# EXTENSIONS OF REMARKS

## A TRIBUTE TO THE GIRLS' LATIN SCHOOL AT BOSTON, MASS.

### HON. THOMAS P. O'NEILL, JR.

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

*Monday, June 12, 1978*

● Mr. O'NEILL. Mr. Speaker, today, on the occasion of the annual meeting of the Alumnae Association of the Girls' Latin School, it seems appropriate for me to call to the attention of my colleagues the fact that 1978 marks the centenary of the founding of this prestigious school, the oldest public college preparatory school for women in the United States.

Founded in 1878 at the request of Bostonians who wished their daughters to receive the same classical, college preparatory education which was then available to their sons at Boston Latin School, the Girls' Latin School became the first public college preparatory school for girls in the United States.

The curriculum now, as it was in 1878, consists of a 6-year college preparatory course, and the graduates of the school have traditionally gone on to the finest colleges in the country. In fact, many colleges openly admit that much of their early success, upon which they have built their reputations, is owed largely to the fact that so many graduates of the Girls' Latin School were numbered among their students.

The school earned and has maintained a reputation for excellence, a task frequently made difficult by changing times. While the school offers courses which enable the students to be exposed to new fields of learning, the demands of rigor and excellence do not change, and the school has much of which to be proud in its 100-year history. Entrance to the school is by examination only, and any resident of the city of Boston is eligible to take the examination. In 1970, the school admitted boys for the first time, and the name was changed in 1975 to Boston Latin Academy.

On the occasion of the school's actual birthday, February 4, 1978, the mayor of Boston, Kevin White, stated in a letter to the teachers students, and alumnae:

Although it is not uncommon for a student body and alumni to be proud of their school, for an entire City to be able to point with unreserved pride to the accomplishments of one of its educational institutes is indeed a unique tribute. Yet the distinction is more than deserved.

Dedicated to the principles of total extension of both a student's physical and mental capabilities, Girls' Latin has expanded the horizons of every young woman who has ever walked its corridors and enriched this City with a wealth of talented, well-informed citizens.

The School is one of the City of Boston's most valued institutions.

It is a distinct privilege and honor for me to be able to represent in the U.S. House of Representatives part of the Latin School community of the Greater Boston area, and I salute the 100 years of excellence which the Girls' Latin School has contributed to the field of education in the United States.●

## MAYOR COMER COMMENDS KELLEY

### HON. IKE SKELTON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

*Monday, June 12, 1978*

● Mr. SKELTON. Mr. Speaker, on May 16, the former FBI Director, Clarence Kelley, received the fifth annual Harry S Truman Public Award at ceremonies at the Truman Library in Independence, Mo. The mayor of Independence, Lee Comer, Jr., made the award presentation to Mr. Kelley on that occasion. I enclose for the RECORD the remarks of Mayor Comer as he presented the Truman Award to Mr. Kelley:

REMARKS OF MAYOR E. LEE COMER

Honored Guests, Ladies and Gentlemen: It is my pleasure to welcome you to the Fifth Annual Harry S Truman Award for Public Service.

Permit me to recap for you the events of this week. On Monday, in this place, fifty three students were awraded college scholarships from the Harry S Truman Scholraship Foundation.

Tuesday, here at the Library we learned of the 2½ million dollar expansion planned for this already marvelous institution. Wednesday the new book "Independence, Missouri" was introduced. Published in Independence by Herald Publishing House-Independence Press, a truly magnificent edition was unveiled for the public. We want to recognize and salute Mr. Jack Ferguson, President of Herald Publishing House-Independence Press, Margaret Baldwin, Independence Press Division Director, Garry Hood, Art Director and Gilbert Gordon, Vice President-Production, for making this book a successful and delightful part of this week's celebration. Presentation copies of the book will be given to each of them. Our hope is this book will be the publishing sleeper of the year. At the very least I predict it will become a collector's item, and you will want to get a copy of the first edition for your library. Now we pause to reflect on the like of Harry S Truman. To honor his memory, recall the legacy he left for each of us and absorb from this very special place some of his energetic spirit, good humor, wit and wisdom.

Harry Truman became a giant of history. Each of us could recount, almost by rote his early Jackson County years, his campaign for the Senate, his election as Vice President and his subsequent elevation to the highest office in our land.

We remember, with fondness, his years of retirement. The erection of this library and, from time to time, the opportunity to share some part of his life.

Mr. Truman was a man of intellect, a scholar, a soldier, a statesman. His life was victorious; he was a supreme achiever. Above all, he loved people. He enjoyed sharing his knowledge of our wonderful country and it's history with all who would pause to listen to him. He was himself, a warm and loving person. If one were fortunate enough to walk beside him, he would place his hand through your arm, drawing you close to his side. Having secured you thus, you then marched in step with him to the beat of his drum. The cadence was accented by his stories, comments and general witticisms. What wonderful memories.

On January 8th, 1973, the Independence City Council passed a resolution creating the Harry S Truman Award for Public Service. One person from the entire nation was to be chosen who best typifies and possesses the qualities of dedication, industry, ability, honesty and integrity that distinguished Harry S Truman in his years of public service.

Our week honoring Mr. Truman will close this night. Before the final curtain falls we will present and honor that one person selected by the Harry S Truman Awards commission who meets the above criteria.

Clarence M. Kelley receives the Fifth Annual Harry S Truman Award for Public Service. Mr. Kelley has distinguished himself in the field of law enforcement in a career spanning almost 35 years, and includes service at both the local and Federal levels. For twelve years he was Chief of the Police Department at Kansas City, Missouri, before becoming Director of the Federal Bureau of Investigation in July, 1973. His appointment as Director was confirmed unanimously by the Senate. He had served previously in the FBI, beginning his career as a Special Agent in 1940 and subsequently serving in a number of executive posts at FBI Headquarters and in the field. These included assignments as Inspector at FBI Headquarters and as Special Agent in charge of the Birmingham and Memphis Offices. His FBI career was interrupted by Service in the U.S. Navy in World War II, including duty aboard an attack transport ship in the South Pacific.

Mr. Kelley has been active in many civic and law enforcement organizations, including the Executive Committee of the International Association of Chiefs of Police, and service as Chairman of the Major Cities Chiefs of Police Committee. He has received numerous awards and honors; among these, the J. Edgar Hoover Gold Medal for Outstanding Job Service, presented by Veterans of Foreign Wars, and honorary Doctor of Laws Degrees from Baker University, Baldwin City, Kansas, and Culver-Stockton College, Canton, Missouri. He is a Life Elder of his church.

As a leader in his field, Mr. Kelley served on the Presidential Advisory Committee, which was headed by former FBI Director Hoover, the National Advisory Commission on Criminal Justice Standards and Goals, and was appointed by the governor of Florida to be Chairman of the Governor's Task Force to Evaluate Public Safety and Related Support Services at the 1972 National Democratic and Republican Political Conventions.

His varied experience has brought a new type of leadership to the FBI. While retaining ultimate decision making and policy direction in the person of the Director, he bolstered these management processes by encouraging participation in them by associates at all levels.

We take pleasure in presenting to Mr. Kelley this certificate as the honoree of the Harry S. Truman award for public service. Also, I present a copy of the new book Independence, Missouri and, finally, this replica

of the walking statue of Harry Truman created for the City of Independence especially for this event.

Mr. Kelley, you honor us by being here this evening. You honor our city. You honor our country by your sacrifice, devotion, service and patriotism.

We are proud to honor you as the Harry S. Truman award recipient for 1978.●

## LIFT THE EMBARGO

### HON. PAUL FINDLEY

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

*Monday, June 12, 1978*

● Mr. FINDLEY. Mr. Speaker, I submit for the record a very significant document. It is a letter from five former NATO commanders in support of lifting the U.S. arms embargo against Turkey. Their experience in defending the security interests of the West lends great weight to their concerns and counsel. As they have stated, ending the embargo is in the U.S. national interest and in the interests of all of NATO including Greece as well as Turkey. I hope that my colleagues will carefully consider the views expressed in this letter by these outstanding and dedicated men when deciding their vote on the embargo question:

WASHINGTON, D.C.,
*June 1, 1978.*

DEAR CONGRESSMAN: As former Supreme Commanders of the North Atlantic Alliance, we are deeply concerned by the damaging consequences of the U.S. arms embargo on Turkey for United States and NATO security. We view with alarm the deterioration in NATO's southern flank caused by the sharp decline in Turkish military capabilities and the increasing alienation of Turkey from the United States. Should Turkey, as a result of the embargo, turn away from this country and reduce or terminate its commitment to NATO, the whole of Southeastern Europe and the Middle East would become more vulnerable to Soviet military pressure.

Turkey is vitally important to our Western collective security in that it (1) controls the passage of Soviet war vessels from the Black Sea to the Mediterranean; (2) houses large numbers of strategically important U.S. and NATO facilities, some of which are uniquely situated for collecting intelligence on Soviet military activities; (3) provides an air defense warning critical to the operation of our Sixth Fleet in the Mediterranean; and (4) provides a major contribution of army forces to NATO. The continued adherence of Turkey to the West is particularly important to Greece. If Turkey were detached from NATO, Greece would be surrounded by neutral and Communist states and would be less able to deter or prevent Soviet political or military advances.

It is imperative, therefore, to stimulate a resolution of the differences between our two Eastern Mediterranean allies, Greece and Turkey, and to promote a just and humane Cyprus settlement in a way that does not undermine U.S. and NATO security. Our need for our Western defensive alliance is now greater than ever in light of the ominous Soviet military build-up in Europe of recent years. We, therefore, strongly support the lifting of the embargo on arms for Turkey.

Sincerely,

ANDREW J. GOODPASTER,
LYMAN L. LEMNITZER,
ALFRED M. GRUENTHER,
LAURIS NORSTAD,
MATTHEW B. RIDGWAY.●

## SOME DAMS MORE EQUAL THAN OTHERS

### HON. JAMES P. (JIM) JOHNSON

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

*Monday, June 12, 1978*

● Mr. JOHNSON of Colorado. Mr. Speaker, nothing better illustrates the bipartisan frustration felt by those of us from the reclamation West than the double standard that appears to develop when water resource development is proposed for some other part of the country. This is very ably and sharply pointed out in a recent column by the chief of the Washington bureau of the Denver Post, Mr. Leonard Larsen. I commend the article to my colleagues:

SOME DAMS MORE EQUAL THAN OTHERS

(By Leonard Larsen)

WASHINGTON.—When mistakes appear in print, they should be corrected in print—it's only fair—so the following, with an appropriate apology, is a correction.

It was printed here recently that the Eastern establishment of edict sayers and opinion molders and its accompanying environmental industry is flat out opposed to dams, any dams for whatever purpose.

That isn't quite right, it now turns out.

They are not opposed to dams to store water for the Washington area. And they are not opposed to the federal government picking up the tab, all of it.

The need to correct the earlier slander comes in the wake of a public notice published nearly two weeks ago in the Washington Post that the Potomac River will be dammed 180 miles northwest of Washington, a Corps of Engineers project which officials estimate will cost $153 million.

This dam, creating a 5½-mile-long storage reservoir with a capacity of 42 billion gallons of water, is intended to meet the "growth needs" of the Washington metropolitan area and to "increase the Potomac's flow during the dry summer months," Washingtonians were informed by their morning newspaper.

A reasonable person at this point might have expected a stern editorial lecture from the Washington Post and outcries from the environmentalist industry officials who headquarter in Washington.

The environmentalists for more than a year, since the inauguration of President Carter and his "hit list," have heightened the intensity of their attacks on water project construction.

And the Washington Post barely a month before publication of the report on the new Potomac dam had reaffirmed its editorial stand against water project "pork barrels," specifically denouncing issuance of federal permits for the Foothills project near Denver.

The Carter administration, the editorial complained, was showing its "accommodating spirit" with the dam builders "by approving Denver's huge Foothills water supply project without immediate efforts to reduce water use in that booming metropolis."

Ignoring—or ignorant of—the fact the Foothills project is to be funded by municipal bonds, the Washington Post then went on in rising anger.

"This is an easy path to trouble—budget troubles in the multi-billion dollar range, and the vexing prospect that another generation of big dams and water supply systems can be built under the same wasteful rules."

Whatever a reasonable person might have expected, not a peep of protest has been issued by the environmentalists, the Washington Post or, for that matter, by the Carter White House, at the news of this water storage project to benefit the Washington area.

Nothing about efforts to reduce water consumption in this "booming metropolis" downstream on the Potomac.

Nothing about the outraged and ravished countryside when this dam will be built.

And nothing, certainly nothing, about the implications of "budget troubles in the multibillion dollar range" with construction of a $153 million water storage project, built by the Corps of Engineers and financed entirely by the federal government.

Not even the Environmental Protection Agency, whose national and regional officials even now seek to impose one last barrier to the Foothills project in Colorado, has raised a public stir about this dam on the Potomac.

So the correction and the apology are in order.

There are water problems and then there are other water problems. And there are dams and there are other dams.

The water problems of Colorado and other states of the arid West, from the viewpoint of the environmentalists and editorialists camped along the Potomac, can be solved through conservation, certainly without the expenditure of federal money.

For Washington, though, the problems of water shortages are to be met with storage dams, paid for by all the taxpayers, with the blessings of the Eastern establishment which will benefit.

They aren't against all dams and it was boorish of me to suggest it.●

## PRESIDENT CARTER'S MEAT IMPORT DECISION

### HON. LARRY PRESSLER

OF SOUTH DAKOTA

IN THE HOUSE OF REPRESENTATIVES

*Monday, June 12, 1978*

● Mr. PRESSLER. Mr. Speaker, I am dismayed by President Carter's decision to allow the importation of 200 million pounds of beef above our quotas for the rest of this year.

This decision will not aid our Nation's farmers, and in the long run, it will hurt our consumers. At the most, hamburger prices may decrease a penny per pound with additional imports. Yet, our U.S. cattle producers will suffer a severe market price depression in the wake of the President's decision. It appears to me that the price we are paying to reduce beef prices a penny a pound is far more inflationary than if we had left the quotas alone.

U.S. cattle producers are just gaining back the markets they lost in 1973–74. Then, as now, beef prices were increasing because supply could not keep up with demand. Herd levels throughout the United States are low right now. Cattle producers are making money for the first time in years. This money is being reinvested by our farmers in producing more cattle to build up their herds once again.

The President's announcement could not come at a worse time. Most of my South Dakota farmers were just getting ready to invest their money in building up their stocks. This cycle will repeat itself until we can get some stability into the industry.

The Meat Import Act does not set

quotas that are directly related to U.S. beef production. We need to update this law. Imports should be permitted when U.S. herd levels are low, and reduced when our domestic supply is high. This countercyclical formula would insure a steady supply of meat for our country without radical supply and price fluctuations. At present, our farmers have no assurance that imports will be restricted when their herd levels are high and ready for market. Quotas should also be extended to live cattle.

President Carter would serve the consumers and farmers well by supporting these amendments to the Meat Import Act. Inflation would be fought effectively if the President would endorse this legislation instead of making American agriculture his inflation scapegoat.●

## THE NEED TO DEVELOP ALTERNATIVE FUELS

### HON. DON FUQUA

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

*Monday, June 12, 1978*

● Mr. FUQUA. Mr. Speaker, the Department of Energy should be commended for its recent decision to spur the development of synthetic fuels. I have long been an advocate of developing alternative sources of energy as the long-term solution to our energy crisis. The Department of Energy in making its decision to subsidize the development of synthetic fuels is recognizing the fact that energy conservation alone is not the answer to our energy crisis.

I would like to present to my colleagues in the Congress an editorial published recently in the Tallahassee Democrat which both commends and endorses the recent decision of the Department of Energy.

The article follows:

ALTERNATIVE FUELS

It has taken a long time for the message to get through, but the Carter administration finally has decided to promote the development of alternative fuels.

The Department of Energy is raising synthetic fuel from its status as a largely ignored stepchild of federal energy planning to that of a participant in a multimillion dollar subsidy program.

It's a good move which should help spur the development and use of alternatives to oil.

Virtually the entire thrust of the Carter administration, until now, has been toward energy conservation. The greatest criticism of the Carter energy program was of the president's failure to emphasize the development of new energy sources.

The apparent failure of his energy program in Congress—and with the public—may have done more than anything else to convince federal officials there are advantages in seeking oil alternatives.

You can't knock conservation, of course, because it makes too much sense. But you don't have to pull back to a point where your economy may be severely damaged—not when the technology for producing synthetic fuels is available.

Effective July 1, a $2 per barrel subsidy will be paid for alternative fuels such as oil from wood chips and alcohol from grain. The subsidy will help bring down the price of "gasohol," a mixture of gasoline and alcohol which can be used in cars without modifications.

The program will work just like one already used to balance the costs of foreign and domestic crude oil prices under which refiners with access to domestic oil pay a $2 per barrel subsidy to those who import oil.

The beauty of the subsidy plan, federal officials say, is that it won't cost the public any additional tax money. The subsidy will be paid by refiners using domestic crude oil to those using synthetic oil or mixing gasohol.

We hope it works as smoothly as the officials say it will and that thousands of barrels of synthetic fuels will be rolling from producers within a few years.

Any way that can be found to make synthetic fuels competitive in the marketplace will speed the changeover from oil. We can beat the energy crisis yet—if we try hard enough.●

## VETO OF NAVIGATION ACT WOULD BE A MISTAKE

### HON. ROBERT A. YOUNG

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

*Monday, June 12, 1978*

● Mr. YOUNG of Missouri. Mr. Speaker, I would like to bring to the attention of my colleagues an editorial that appeared recently in the St. Louis Post-Dispatch. The topic of this well-reasoned editorial is one that is on the minds of many persons in the St. Louis area and across the Nation: The threat of a Presidential veto of the Navigation Development Act (H.R. 8309).

I think that most of us will agree that the President's intentions in calling for a higher level of waterway user fees in this legislation are good. But I think it is extremely important for us to recognize that a thorough study of the levels and effects of waterway user charges is necessary before higher fees are considered. Both the House and Senate versions of the legislation provide for such studies.

It would be a wasteful error to brush aside the action of the House and the Senate on this legislation. It would be even more wasteful to again delay the authorization of a project that is vital to the economy of the St. Louis area and the entire Midwest—the replacement of locks and dam 26 on the Mississippi River at Alton, Ill.

For those reasons, and the reasons outlined in the following editorial, I call upon Congress to complete action on this legislation as soon as possible, and on the President to sign the bill into law. The editorial follows:

VETO THREAT

Previous administrations might well have thought it a major achievement to win the precedent of riverways user fees from Congress, especially in the form of fairly substantial fees. Not the Carter administration. President Carter said in Chicago that he would veto a user fee bill that the Senate attached to an authorization for a new Alton lock and dam. Mr. Carter thus backed Secretary of Transportation Adams, who had said he would resign if the president did not carry out an earlier veto threat.

What Mr. Carter and Mr. Adams find so objectionable in the Senate bill is the omission of a requirement that barge lines pay charges recovering 10 percent of the government's cost of new riverway construction. Otherwise, the Senate bill is rather similar to the administration-supported measure that was rejected. Both would phase in fuel taxes rising to 12 cents a gallon, though at different dates. Both would require federal studies of how to pay for future waterways expenditures.

By rejecting the Senate measure, Mr. Carter seems to have caught himself in a political bind occasioned by earlier demands to begin user fees at a far higher level. Winning the precedent, with the prospect of going on from there, is apparently not enough. Yet it ought to be. Congress is right to insist on knowing what the propcsed fees do to river commerce and the huge inland area it serves before imposing heavier charges. In view of that, Mr. Carter might still find some wisdom in further compromise.●

## BEEF IMPORTS

### HON. WILLIAM S. MOORHEAD

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

*Monday, June 12, 1978*

● Mr. MOORHEAD of Pennsylvania. Mr. Speaker, President Jimmy Carter has not received many kind words lately, but I would like to put on the record my approval of a tough decision he has just made—the decision to increase the level of beef imports that will be permitted this year. I recognize that the increase will have only a modest impact in curbing the upward movement of the price of hamburger. I recognize that the domestic cattle industry has had a tough time in the last 3 years and is understandably concerned about anything that might interfere with its long-awaited cycle of higher prices, though the upward movement of live beef cattle futures prices after the President's announcement suggests that the domestic industry will suffer no great disaster.

The main reason to applaud this action is not that it will have a major impact on beef prices—for either consumers or the domestic producers. The importance of the action is in its demonstration that the President means what he says when he calls inflation our No. 1 domestic problem and promises to act against it even when particular interests in this country object. One swallow does not a summer make, but I hope this particular swallow is succeeded by many others along the same line. There is only one convincing test of a meaningful Government anti-inflation program: That it makes somebody squeal. The next time, I must say in all honesty, I might be among the squealers.

One other aspect of this beef episode is worth noting. It reveals the great value of the provision in the present beef import control law, enacted in 1964, that gives the President some discretion to cope with changing conditions, particularly conditions of short supply at home. The various efforts to amend the law, including a Senate-passed bill now pending before the Ways and Means Committee, would reduce or virtually eliminate that discretion on the part of the Presi-

dent to permit more imports as conditions require. We should be wary of tampering with the existing law.●

## TRANSPORTATION: THE NEED FOR GOVERNMENT REGULATION TO PROTECT THE PUBLIC

### HON. JOHN E. MOSS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Monday, June 12, 1978*

● Mr. MOSS. Mr. Speaker, as the debate over deregulation has evolved, one question has frequently been raised: Why should the Government regulate the commercial activities of airlines, trucks, and ships? It is a fair question. It deserves a thoughtful response, something more than simply, "It is necessary to give investors confidence they will receive a 'fair return' on their investment." Especially since experience has repeatedly demonstrated such regulation cannot provide such earnings.

The economic and physical factors which lead to regulation have long been known. Most of these elements are set forth in the famous court case of *Smyth* v. *Ames*, 169 U.S. 466, 507 (1897), which is cited by regulators as the genesis of their fair return test.

In the first place, most forms of transportation are regarded as a capital intensive industry in terms of the investment in equipment required to render such service. However, because such equipment tends to have a relatively long life, a larger proportion of the operating expenses are out-of-pocket cash costs.

Second, the ratio of operating expenses to final selling price tends to be much greater for transportation firms than for other industries which produce a product. Since there are no middlemen, retailers, or transportation involved in distributing the service, as compared to most manufactured products, the markup on operating costs is much smaller. As a consequence, prices for transportation cannot be slashed as greatly as other industries without producing a cash loss.

In addition, transportation carriers, like other industries, frequently must expand their capacity and increase their capital investment during boom periods to meet the greater demand for their service. This unfortunately produces an anomaly: the revenue needed to cover noncash costs associated with depreciation and income on investment often is greater when traffic starts to decline than when traffic begins to increase.

Third, in most industries the level of operating expenses depend very largely upon the amount of business done, but in transportation these expenses go on for regular route carriers and cannot be greatly reduced when little business is transacted, particularly as regards to the terminals.

Fourth, the services produced by transportation firms cannot be stored away and kept for a better market like manufactured products. If the service is not sold at the time it is produced, it can never be sold, and yet the large percentage of its costs which has already been incurred and paid, must be lost.

The foregoing operating conditions constantly spur transportation executives to sell what they have on hand so as not to lose the expenses already incurred. Sellers of other goods always have the alternative, when the price is thought too low, of holding on to them with little additional expense for a better market.

Finally, the market for transportation is derived from the demand for other goods, services, and places, rather than the demand for transportation per se. Consequently, the demand for many transportation services has historically fluctuated with economic activity on an hour of day, day of week, seasonal, regional, and cyclical basis.

It is the combination of all these factors—the fluctuations in demand, the inability to inventory the service, the relatively constant or fixed nature of regular route carrier expenses, and the narrow margin between operating expenses and price—which create the need for Government regulation of the commercial activities of transportation . . . even where there is not a monopoly.

Since transportation costs do not vary with traffic or revenues, transportation is a very high leverage business with respect to earnings and losses. In addition, the same cost characteristics make it impossible to ascertain what the cost is for any particular service. It is feasible, using grade school mathematics, to derive the average cost. This precise figure, however, bears no relation to the value or demand for the service which determines the amount of service purchased, and hence is the cost causative factor.

As a consequence, absent Government regulation, transportation prices are established solely on the basis of short-run value and competition. As in other business, this is not unattended with possible mischief. However, because of the smaller markup on operating expenses, and the inability to ascertain what those costs are for any particular service, this mischief can be much greater and more destructive in transportation.

When times are good, and traffic is more than sufficient, rates may become unreasonably high and lead to the purchase of excess capacity. On the other hand, when traffic declines and the carriers have excess capacity, transportation executives are under extreme pressure to sell what they have on hand or to reduce capacity without losing their market share. This has led to predatory prices, rebates, pooling, special private contracts, and all sorts of discriminations between various members of the public . . . without any real benefit to investors.

Our distinguished colleague Congressman JOHN MURPHY, chairman of the Committee on Merchant Marine and Fisheries, articulated this fundamental problem in this Chamber on March 22, 1978, with respect to shipping:

> Rebating is simply a device to attract traffic away from competitors. Generally speaking, when times are good, the load factors experienced by carriers in U.S. liner trades are sufficiently high that the incentive for "cargo stealing" dimenishes even without the existence of other stabilizing mechanisms. Conversely, when times are bad, traffic is light and the incentive to "steal cargo" increases, since there are no effective stabilizing mechanisms in what is essentially a capital intensive industry. In other words, since there is no effective mechanism in a given U.S. trade to smooth out fluctuations in traffic and their economic impact on individual carriers, rebating goes hand-in-hand with the ratio between available cargo and the liner tonnage competing for that traffic. . . . (O)cean carriers incur substantially the same voyage costs for bunkers, insurance, and crews' wages, whether the vessel is empty or fully loaded. Therefore in periods of slack traffic, the demand for any cargo is progressively accelerated.

Thus, Mr. Speaker, the reason why the Government should regulate the commercial activities of airlines, trucks, and ships, rests not in the fact that they are "quasi-public utilities," which they are not, but rather because the demand for their services fluctuates; they are unable to store that service but must produce it when needed; the costs of the regular route carriers are relative constant and fixed; and the spread between those costs and the price is relatively narrow. These factors necessitate Government regulation to protect the public from excessively high fares when demand is high, and discrimination when demand is slow. ●

## RALPH SOULE HONORED

### HON. IKE SKELTON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

*Monday, June 12, 1978*

● Mr. SKELTON. Mr. Speaker, unselfishness and friendliness are two of the greatest attributes that any human being can have. A resident of the Fourth Congressional District, and a lifelong friend of mine, Ralph Soule, has these admirable characteristics.

Ralph Soule, as a young man, was a Boy Scout leader in Lexington. During the war years, he served his country in the jungles of New Guinea. He now continues to share his time, talents, and resources with the young and less fortunate. I feel honored to know such an exceptional person.

Thus, Mr. Speaker, it is certainly fitting that Ralph Soule is awarded the "Man of the Year" award by the Mo-Kan Fleet Reserve Association of the Kansas City area. Harry S Truman was the first recipient of this award. Other outstanding persons through the years have been similarly honored. I congratulate Ralph Soule on being named the recipient for this year, for he is truly an admirable person. I join his many friends in extending best wishes on this commendation.●

## PERSONAL EXPLANATION

### HON. PAUL SIMON

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

*Monday, June 12, 1978*

● Mr. SIMON. Mr. Speaker, because I have been attending the United Nations Special Session on Disarmament, I have had to miss a number of votes in the House during the past week. I would like to insert in the RECORD my position on some of these votes:

Rollcall No. 380. Approval of the Journal of May 30. Yea.

Rollcall No. 383. H.R. 7041 Glenn Cunningham Lake and Standing Bear Lake. Yea.

Rollcall No. 384. H.R. 212 R. Shaefer Heard Park. Yea.

The following votes concerning the Foreign Relations Authorization Act, Fiscal Year 1979, H.R. 12598:

Rollcall No. 385. Approval of the rule, H. Res. 1204. Yea.

Rollcall No. 387. To strike language authorizing establishment of a Commission on Proposals for a Center for Conflict Resolution. No.

Rollcall No. 388. To strike language authorizing establishment of an Institute for International Human Rights. No.

Rollcall No. 389. To prohibit the use of authorized funds directly or indirectly to effect implementation of the Panama Canal Treaties of 1978 without a specific Act of Congress. No.

Rollcall No. 390. Passage of H.R. 12598. Yea.

Rollcall No. 415. H.R. 12637 North Pacific fisheries act amendments. Yea.

Rollcall No. 416. Polar Living Marine Resources Conservation Act. H.R. 12668. No.

The following votes concerning Intelligence Authorizations, H.R. 12240:

Rollcall No. 417. Approval of the rule, H. Res. 1205. Yea.

Rollcall No. 419. Passage of H.R. 12240. Yea.

Rollcall No. 420. H. Res. 1206, the rule for consideration of H.R. 12426 New York City Financial Assistance Act of 1978. Yea.

Rollcall No. 421. Approval of the Journal of June 6, 1978. Yea.

Rollcall No. 422. H. Con. Res. 561, providing for the printing of copies of the folder "The United States Capitol." Yea.

Rollcall No. 423. S. Con. Res. 89, authorizing the printing of additional copies of vol. II, Senate hearings, "Korean Influence Inquiry." Yea.

The following votes concerning the Treasury, Postal Service and General Government Appropriations, H.R. 12930:

Rollcall No. 424. Adoption of the rule, H. Res. 1218. Yea.

Rollcall No. 426. Passage of H.R. 12930. Yes.

The following four votes concerning H.R. 12426, New York City Financial Assistance Act of 1978:

Rollcall No. 429. Motion to resolve into the Committee of the Whole for consideration of said bill. Yea.

Rollcall No. 430. Establish an effective date of October 1, 1978, for authorization of appropriations for defaults. Yea.

Rollcall No. 431. Motion to recommit the bill. Nay.

Rollcall No. 432. Passage of H.R. 12426. Yea.

Rollcall No. 433. H.R. 12929 Labor-HEW Appropriations, fiscal year 1979, amendment to reduce HEW appropriations by $1 billion, limited to those areas in which fraud, abuse, and waste have been defined and cited in the Department. No.

Rollcall No. 434. H.J. Res. 945, urgent supplemental appropriations for black lung. Yes.

Rollcall No. 435. H. Res. 1219. Rule waiving points of order on H.R. 12933, Department of Transportation Appropriations. Yes.●

## U.S. TANK CREWS PERFORM VERY POORLY

### HON. LARRY McDONALD

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

*Monday, June 12, 1978*

● Mr. McDONALD. Mr. Speaker, if I had my druthers, I would much rather be reporting good news about our Army. However, the news is not all good. Everyone is aware of the awesome odds our men in Germany will face if the Soviets march westward. And most of us in the Congress are quite concerned that the best equipment avaliable be gotten to our men in Germany as soon as possible. However, we cannot choose when a war will start. What bothers me now is the fact that our tank crews do not appear to be well trained on the M–60 tanks they now have, let alone the MX–1 tanks we are just authorizing. Last year, I wrote the Department of the Army about the matter, when I learned that the American tank team placed last in NATO competition. I was assured that steps would be taken to improve the situation. Evidently, nothing has changed. I do intend again to ask the Army why there has been no improvement. The article from the Atlanta Journal of June 5, 1978 follows:

U. S. TANK CREWS PERFORM VERY POORLY
SOVIETS HAVE BIG EDGE

(By Arthur T. Hadley)

NATO has as its No. 1 scientific priority a highly classified project to develop secure voice communication for commanders. All the scientists I talked to regard this project as a waste of time and money.

Voice communication is expensive, difficult to make secure, relatively easy to jam and there are many languages in NATO. Data is universal, it is transmitted in short burts that cut through jamming, is so quick that it can't be located by direction finding, and has no voice signature to tell the enemy who is talking to whom.

Yet the senior U.S. commanders both in NATO and the Joint Chiefs have insisted on voice. They claim they want to get the "feel" of their subordinates.

Our problems in electronic warfare extend to the smallest things. Sensors, for instance. Sensors are small tubes, about 3 inches in diameter and a foot long, that are inserted in the ground behind enemy lines by hand or from the air to measure movement, vibrations, sounds and changes in the electromagnetic field, and broadcast this information automatically so that intelligence officers can gain insight into troop movements they cannot see.

Owing to a painful bit of recent history, the air-dropped sensors are disguised as small palm shoots. Neither the Army nor the Air Force has found the money to change this camouflage. Yet surely a Soviet lieutenant attacking through the pines and snows of Germany will at least blink when his eye lights on a group of baby palm trees along his route.

Next the sensors broadcast over the same frequencies as German taxis and other private radios. This means no one gets a chance to practice with them. Yet emplacing sensors correctly and interpreting their data is a complex and demanding process. Do we really believe we can do these things right without constant practice?

In tanks, NATO is outnumbered, 3 to 1. Here again, the Warsaw Pact forces also have a qualitative edge. Here again, the American forces in NATO are not well enough trained to use effectively the weapons they do have.

In no other area is the rain dance—the technique of comparing drawing-board U.S. weapons to actively used Soviet weapons—as prevalent. The entire military and civilian high command of the Defense Department compares the Soviet T–72 tank, which is now in the field, to the U.S. XM–1 main battle tank, which will not arrive in NATO until 1982 at the earliest, and whose gun will not have the killing power of the Soviet tanks.

The tank now costs three times as much in constant dollars as the World War II fighter plane; it has more complex weapons systems and is harder to maintain. Yet that fighter was commanded by a lieutenant with two years of college education or the equivalent; today's tank is commanded by a sergeant who may well not be a high school graduate.

Or, to look at the problem another way, a tank and a helicopter cost about the same and are equally complex. Yet the helicopter is flown by two warrant officers and maintained by a crew headed by a senior sergeant. But the tank is still commanded by a sergeant and maintained by privates.

The results are predictable. In a recent NATO tank crew competition, the best American crews finished last in gunnery behind such minor powers as the Dutch and the Belgians. The Germans point out, and honest American commanders admit, that the level of tank-driving skill in the U.S. Army is so low that the tanks don't know how to maneuver individually and can only charge in massed formations. On the tank-firing qualification range—in the battalion I watched, at least half the tanks had major defects—the crew gets a passing score if they identify a pop-up target and shoot at it in 40 seconds. Actually they are allowed about a minute. In the real world you get 10 seconds.

All over NATO, commanders fudge their figures a bit in an effort to make the mating of today's personnel and modern weapons look better than it is. You can't help but recall those Hamlet Evaluation statistics out of Vietnam. For example, a division commander told me proudly, and his battalion commanders confirmed, that his men scored 95 percent hits with the hand-held anti-aircraft missile, the infrared-guided Redeye. I found that the reason for the good score was that the target had been slowed down to 60 miles an hour. At speeds closer to that of an attacking aircraft, most soldiers missed the target.

Another paramount lesson of the Yom Kippur war is the importance of precision-guided infantry anti-tank weapons, like the Soviet Saggers with which the Egyptian infantry destroyed charging Israeli tanks. The primary U.S. infantry weapon in this field is the wire-guided Dragon. The infantryman has to keep his Dragon in sight on the target and the missile will automatically correct its course to make a bull's-eye. I never found a single soldier in NATO who had fired a Dragon, though commandars were always assuring me that most of their men had qualified.

Furthermore, the Dragon has grave problems. It is too heavy to fire standing up, and if it is fired the best way, lying down, its blast burns off the firer's buttocks. It sight is so delicate that it must be sent to the rear for recalibration every seven days, and there is no device on the weapon to tell the soldier whether the sight needs adjustment.

I watched a test Dragon firing, in which an excellent electronic simulator is used for training. Even with the simulator, everyone has trouble hitting the target. I asked the sergeant training the recruits whether he has ever fired a Dragon. The sergeant, an old-timer, says he hasn't, but he once saw one fired. He was at a special Dragon school and the top man in his class, a Marine captain, got to fire the school's one Dragon.●

## BITTER BATTLE OVER SWEETNESS

### HON. RAYMOND F. LEDERER

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

*Monday, June 12, 1978*

● Mr. LEDERER. Mr. Speaker, on behalf of the food consumers of the United States, I would like to share with my colleagues an article contained in the June 12, 1978 edition of Time magazine:

BITTER BATTLE OVER SWEETNESS

Why on earth would Congress at a time when food prices are soaring rush to raise artificially the price of a basic supermarket staple? Yet that is just what is happening to sugar. Moreover, the congressional effort is designed to bail out far fewer than one-half of 1% of the nation's farmers, specifically 11,000 sugar-beet growers and 1,800 raisers of sugar cane.

These entrepreneurs are already supported by an amendment to last year's farm bill, which was designed to raise U.S. prices of sugar to 13.5c per lb. But that has not been enough for the growers, who contend that they cannot make a profit at that price. So last week the House wound up subcommittee public hearings on a bill that would use import quotas and fees to set a floor price for sugar of 17¢ per lb. The same bill has been put forward in the Senate by Idaho Democrat Frank Church, and it has 34 co-sponsors.

The Administration argues that the bill is highly inflationary, will hinder U.S. relations with exporting countries, notably the Philippines and the Dominican Republic, and will fan protectionism in the U.S. The White House estimates that the measure will cost consumers an extra $700 million a year, a figure that Church's supporters and Government sugar experts claim is exaggerated. In any case, the bill is opposed by the Consumer Federation of America as well as candy and soft-drink makers and other big users of sugar; it is supported by the farmers and most of Big Labor.

President Carter has threatened to veto the bill if it passes, but instead of fighting any price fixing, he has come forward with a halfway measure. It would pay subsidies to farmers and, in effect, boost sugar prices to 14.4c per lb. This proposal would cost the public an extra $120 million in direct payments, plus possibly millions more to underwrite federal support if sugar prices fail to rise high enough to enable farmers to redeem their Government loans. The Administration proposal has so little support on Capitol Hill that no Congressman has agreed to sponsor it. Because it would keep the price of sugar lower than the Church bill, the President's proposal does have the enthusiastic backing of big sugar users like the Coca-Cola Co., which is headed by Jimmy Carter's old friend, J. Paul Austin.

Why all the fuss now about sugar? U.S. growers say that they cannot survive in a market that is about as quiet, orderly and predictable as a sailors' bar on Saturday night. Crop failures sent world prices soaring to 65c per lb. in 1974, and overproduction has made them plunge to about 8¢. Late last year the Administration signed the International Sugar Agreement, which would use buffer stocks and export restraints to keep prices between 15¢ and 19¢ per lb. But the ISA deal must be ratified by the Senate; and Church, who represents a big beet-grower constituency, has kept the agreement bottled up in the Foreign Economic Policy Subcommittee, of which he is chairman. He plans to hold the treaty hostage until some legislation is adopted that will give sugar growers firmer price guarantees.

While the battle drags on, the only thing certain is that the consumer will pay more, and nobody in Washington is giving any thought to freeing up the market to bring down the price.

In formulating a viable American sugar policy, it is my hope that my colleagues will not sacrifice the interests of the American consumer for short sighted legislation which will benefit only certain special interests. The bill which I have introduced, H.R. 12492, represents an accommodation to the legitimate needs of both the grower and consumer of this Nation.●

## NANCY WILSON—25 YEARS ENTERTAINING AMERICA

### HON. ROBERT K. DORNAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Monday, June 12, 1978*

● Mr. DORNAN. Mr. Speaker, I wish to address myself on behalf of Miss Nancy Wilson on the occasion of her 25th anniversary as a professional entertainer during the month of June, specifically June 11 through June 17.

During the past 2½ decades, Miss Wilson has brought pleasure to millions of listeners, both in the United States and around the world. From this unique position of popularity, Miss Wilson has long championed the cause of racial dignity, hoping to unite all people, regardless of color, creed, and walk of life, under one common banner. Her music is one tool she has used to achieve this goal, but even when she is off the stage, she is an indefatigable agent forever seeking to better the human condition. She has devoted her time, her complete dedication, and her own personal funds to countless humanitarian and charitable interests.

Miss Wilson is extremely interested in the plight of today's youth. During the school dropout crisis of the midsixties, she took time to address high school students on the importance of education in each and every city in which she appeared professionally.

Despite her extensive concert and travel schedule, Miss Wilson has also found time to give of herself in other ways. For example, she served as a past cochairman with Lorne Greene of the TEACH Foundation, a support organization for the Dubnoff Center for Child Development and Educational Therapy which aids handicapped children from infants to adolescents. Recently, Miss Wilson was invited to speak before the special Senate Agricultural Committee hearing on nutrition which resulted in a nationwide campaign called, significantly, "To Your Baby's Health."

Miss Wilson's artistry, coupled with her unflagging dedication toward improving the quality of life on our planet, has made her a good will ambassador, without portfolio, for our country to all the nations she visits each year on her performance tours.

For our part, on this occasion, we wish to commend Miss Wilson for her 25 years of achievement, both as an entertainer and humanitarian.●

## TURKEY'S INSENSITIVITY TO HUMAN RIGHTS

### HON. HAROLD S. SAWYER

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

*Monday, June 12, 1978*

● Mr. SAWYER. Mr. Speaker, I feel compelled, at this time, to make my colleagues aware of the extreme lack of compassion and concern for human rights which now exists in Turkey, as evidenced by the case of JoAnn McDaniel and Katherine Zenz, who are under nonparolable sentences of 24 years and on which they have already served 5, for possession of hashish. The facts of this case are outlined in the letter which I am including here with my remarks. This is a copy of a letter which was sent to Vice President WALTER MONDALE, on September 2, 1977, by Mr. J. Brian Atwood, Acting Assistant Secretary for Congressional Relations. I intend for this letter and these remarks to become but the first of a continuing series of protests that I will offer for the consideration and information of the Members of this Congress. We cannot continue to tolerate the attitude of Turkey in dealing with U.S. citizens. Appeals to their Government for clemency have been ignored. It is, therefore, my objective to gain the support of the Members of this body to unify in opposition to all attempts to lift the arms embargo which is presently in effect on that country, until such time as this situation is satisfactorily resolved.

The letter follows:

SEPTEMBER 2, 1977.

The VICE PRESIDENT,
*U.S. Senate,*
*Washington, D.C.*

DEAR MR. VICE PRESIDENT: This is in reference to Mrs. Frank Wermes' letter to you of July 25, 1977 on behalf of Misses JoAnn McDaniel and Katherine Zenz who are imprisoned in Turkey. We share her concern for the plight of these young women who have been incarcerated since 1972 after having been found guilty by a Turkish court of narcotics smuggling.

Judicial procedures and penal conditions vary from country-to-country but as long as our citizens are treated in accordance with internationally accepted standards there is no basis for our Foreign Service officers to intervene in an individual case. Our efforts are not designed to secure the release of persons convicted under foreign law but rather to insure that they receive the rights guaranteed by local law and international practice. Foreign Service officers do appropriately guide and assist others who may wish to pursue legal relief for American citizens imprisoned abroad. It is in this respect that our Embassy has provided assistance to the attorney representing Misses McDaniel and Zenz. In addition the Embassy and the Department of State have worked closely with the offices of the Governors of Oregon and Wisconsin as well as the Congressional delegations from these two States.

What follows is a background resume of this case and of the efforts made thus far to assist these young Americans.

In December 1972, seven American citizens, including the two named above, were arrested by Turkish customs authorities on the Turkish-Syrian border. Their vehicles, three minibuses driven by Misses McDaniel and Zenz and another person, were found to contain 233 pounds of hashish. Subsequent searches of the vehicles uncovered yet more hashish.

According to their testimony in court, Misses McDaniel and Zenz, in conjunction with a male co-defendant, had rented the three vehicles in Germany and had driven to Lebanon. In Lebanon they were met by four American women who were accompanying them at the time of their arrest. After some eight months of detention, these four were released on bail. They were subsequently acquitted of all charges.

In the trial, their co-defendant pleaded guilty, stating that none of the girls knew about the drugs. Unfortunately, the Court did not fully accept his claim. On December 28, 1973, all three were convicted of narcotics smuggling and sentenced to death, commuted immediately to life imprisonment. In preparing their case before the Turkish Supreme Court of Appeals, their defense attorney was joined by the president of the federation of Turkish bar associations. On April 26, 1974, the Court of Appeals upheld the life sentences of the three young people.

In May 1974, the Turkish Parliament passed a General Amnesty which reduced the life sentences to twenty-four years each with a possibility of parole on good behavior after sixteen years. As they have been in prison for almost five years, this leaves eleven to serve.

Although the appeals process failed to reverse the sentences of Misses McDaniel and Zenz their attorney attempted to secure their early release through a petition for pardon to the Turkish Parliament. Despite approaches made by our Ambassador in behalf of the girls' attorney, the Turkish Government took the position that granting a parliamentary pardon to Misses McDaniel and Zenz would not have been equitable to other prisoners in Turkey.

Both the American Embassy in Ankara and the Department of State stand ready to provide appropriate assistance and guidance to these young Americans' attorney and the Governors of Oregon and Wisconsin who have been following the case very closely. In the meantime the American consular officers at Adana, where Misses McDaniel and Zenz are imprisoned, make regular visits, deliver mail and secure any needed medical or dental care. Many Members of Congress and the public have expressed interest in this tragic case and the Turkish authorities are well aware of this. While such a long sentence may be considered severe by American standards, it is not inconsistent with penalties imposed by the Turkish judicial system.

Please be assured that we shall continue to do whatever we can for Misses McDaniel and Zenz.

Respectfully,

J. BRIAN ATWOOD,
*Acting Assistant Secretary for Congressional Relations.*●

## MRS. RUBY BARKER

### HON. IKE SKELTON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

*Monday, June 12, 1978*

● Mr. SKELTON. Mr. Speaker, since my childhood days, I had the pleasure of knowing and having as a friend Mrs. Ruby Barker of Odessa, Mo. Mrs. Barker recently passed away, and I would be remiss if I did not mention it today. Mrs. Barker was an excellent example of a devoted person—devoted to her husband, her children, and her grandchildren. She was a good and kind lady. Ruby Barker inspired faith and encouragement to those who knew her. I extend my sincere sympathy to her husband, Alva Barker, to her children and grandchildren. We will all miss her.●

## PRESIDENT'S ENERGY PROGRAM

### HON. THOMAS L. ASHLEY

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

*Monday, June 12, 1978*

● Mr. ASHLEY. Mr. Speaker, the House and Senate conferees on the President's energy program have settled the major issues in the last of the bills involving regulatory initiatives needed to achieve significant reduction in our use of imported oil. There is much work still to do: to deal with the crude oil equalization tax and related tax matters, to fashion legislative language that will codify all the complex agreements we have reached, to have the conferees sign off on the conference reports, and finally to submit the reports to both bodies of Congress for their approval.

While this process is continuing, Mr. Speaker, we must not lose sight of the underlying fact of the argument about energy: despite the temporary presence of sufficient supplies of energy at fairly reasonable prices, we must continue to look down the road and take sensible precautions—because there is an energy crunch ahead. That is what the National Energy Act is all about. And despite the soothing reports from various quarters that seem to say we are OK now, why go to all the trouble of enacting a complicated law that will require some work and effort on the part of Government and industry, we do need a national energy policy that looks to the future.

In the New York Times magazine of Sunday, June 4, a lengthy article by Daniel Yergin, a member of the energy research project at the Harvard Business School, spells out in some detail the reasons why the United States—and the world—must not be lulled by today's temporary oil glut. Mr. Yergin agrees that we are running out of oil—but we may find ourselves, he says, without the oil we need at prices we can pay. And that could well bring on a world depression.

Mr. Yergin declares that energy conservation is the logical way to cope with the oil crunch of the 1980's:

Energy conservation is America's great untapped energy source, the secret weapon in the energy struggle. The single most effective way to avoid the energy crisis of the 1980's is through extensive oil conservation in the U.S.

And that, Mr. Speaker, is what the legislation we are bringing out of the conference on the National Energy Act is all about.

I believe that the concluding portion of Mr. Yergin's thoughtful article, though we may not be able to agree with every detail, will give my colleagues an excellent overall picture of why we desperately need to pass the National Energy Act in this Congress.

EXCERPTS FROM "THE REAL MEANING OF THE ENERGY CRUNCH"

The impact of American consumption on the international oil market is enormous. Not only do we use a third of all the oil used in the world every day, but the trends are all in the wrong direction. Our consumption has been rising—up by 18 percent since 1973. An increasing share of the oil we use is imported—36 percent in 1973, 47 percent in 1977. Of the imported oil, an overwhelming share comes from OPEC—70 percent in 1973, 86 percent in 1977. And imports from the Arab members of OPEC have increased even more dramatically—from 22 percent of our total imports in 1973 to 43 percent today.

We use energy less efficiently than other countries. The amount of energy used per person in Sweden is 60 percent of the amount used per person in the United States. In West Germany, the figure is 50 percent, in France less than 40 percent. This does not mean that we could instantly achieve the efficiency of those other countries in energy use. But these comparisons, and a number of other careful studies, suggest that we could use a good deal less energy—30 percent to 40 percent less—without cutting into our standard of living.

Such changes, of course, would call for new investment, as do oil exploration and development, and they also involve lead times. But they probably would involve a good deal less investment and much shorter lead times than do oil our nuclear reactors. In short, the single most effective way to avoid the worldwide energy crisis of the 1980's would be a thoroughgoing program of energy conservation in the United States.

But it is here that self-interest runs head on against a wall of skepticism. The American public and its elected servants and bureaucrats have long been in the habit of believing that salvation comes only from big technology. One day it is "another Manhattan Project," the next day "another man-in-space program." Always big technology and a hundred billion dollars. Energy conservation seems much too modest a method to take seriously for a problem like the energy gap. People scoff. "America," they say, "did not become great by conserving." The very idea seems un-American, fit for investigation by a Congressional committee.

Such a view is often reflected in the statements of the American oil companies. This contrasts markedly with the attitudes of European oil corporations. The managing director of British Petroleum, for instance, has suggested that growth of energy consumption in Western Europe should be brought down to zero. The major Italian company, E.N.I., has said that Western Europe should actually reduce its energy consumption after 1985. These companies operate in societies where the strains of the OPEC era are all too vivid. Most American-based companies, on the other hand, seem to be insulated from the political and economic costs of avoiding a realistic view of energy consumption, and continue, in the face of contrary evidence, to pin their faith on the traditional alternatives, while playing down the importance of conservation.

The failure to come to grips with the nature and extent of the energy crisis is hardly limited to the oil companies, however. It extends all the way across the political landscape. Most of the participants in this debate are having a great time attacking each other, trying to settle pre-1973 scores in a post-1973 world. Depending on who is speaking, the villains are either the Federal bureau-

crats or the oil companies or the environmentalists or the Naderites. But these are all actors in a far larger drama—the transformation of the international oil system.

To forestall the breach of the 1980's action—adequate action—should have been initiated four years ago. But a lot of lost time can still be made up. The Carter program is a start, but despite all the sound and fury, only a modest start. We are still drifting. A few guidelines for a national reassessment might be helpful:

(1) The gap—a devastatingly tight energy market—is the most reasonable scenario for the 1980's.

(2) We must see the problem in its international context.

(3) We must realize that the issues surrounding the various forms of energy are interrelated. Our efforts against nuclear proliferation lack credibility. If we ask the Europeans and the Japanese to slow down their nuclear programs, we must, at the same time, carry out an American domestic conservation program that reduces our take of the world's oil.

(4) We ought to strive for an adroit mixture of incentives, regulation, public education and energy-pricing policies that would promote energy conservation habits, programs and technology speedily and with a minimum of dislocation.

(5) We should seek mechanisms to encourage oil development in diverse parts of the world—as diverse as possible.

(6) Obviously, all alternatives to OPEC oil should be promoted. But we must remember that decision making on energy involves decision making on investment. More attention needs to be given to the evaluation of different kinds of investment. For instance, would an investment in conservation technology "produce" more energy more quickly and cheaply—by saving it—than would be produced by a comparable investment in nuclear plants? (It often will.)

Unhappily, complex and fragmented problems that stretch far ahead and involve foreign countries tend not to get the sustained attention they require. As Immo Strabreit of the International Energy Agency has pointed out, "Energy policies are politically risky, because the danger with which we are dealing is 8, 10 or 12 years away, whereas our governments face re-election every four years." In other words, the glory and reward for successful avoidance of disaster, or for providing a better way of life, cannot be attained during the politically relevant period—before the next election. "There is, therefore, a strong built-in urge to dodge the issue."

Dodge it now, and the United States and the other Western countries will pay later. That is the challenge before the West—and primarily before the United States, with its overwhelming impact on the world oil market. For here are posed, as one peers into the 1980's, issues of survival that, in their own way, are no less fundamental than those of the nuclear arms balance.●

## IN MEMORY OF LEON BOLDRIDGE

### HON. IKE SKELTON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

*Monday, June 12, 1978*

● Mr. SKELTON. Mr. Speaker, it is with sadness that I note the passing of Leon Boldridge of Lexington, Mo. Leon "Slick" Boldridge was a prominent barber of Lexington. He always had a kind word and a warm heart. Leon Boldridge was a respected and well-loved person who will not be forgotten by the many who knew him. He was a deacon and a devoted member of the 2d Baptist Church in Lexington. He is survived by his wife, two sons, five daughters, and 15 grandchildren. The people of Lexington and I join his family in their loss.●

## THE CARTER RORSCHACH TEST

### HON. ROBERT H. MICHEL

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

*Monday, June 12, 1978*

● Mr. MICHEL. Mr. Speaker, the day after President Carter's foreign policy speech at Annapolis, I came across two headlines that sought to describe the essence of the speech. The first appeared in the Chicago Sun-Times. It read: "Carter Softens Line on Soviets."

The second appeared in the Washington Post: It read: "President Challenges Soviet Leaders."

It would appear that the President's speech was a political version of the famous Rorschach test in which ink blots are presented to the patient for his interpretation. Each person reads into the Carter speech precisely what he wants to and finds ample evidence from the text to confirm his interpretation, even though others may reach an opposite conclusion and point to ample evidence from the text backing their interpretation.

The Chicago Tribune was also puzzled. In an editorial, that newspaper stated: "We still do not know very clearly what the policy is."

I want to insert in the RECORD this editorial, "Strange, to Say the Least," from the Chicago Tribune, June 8, 1978:

STRANGE, TO SAY THE LEAST

President Carter's speech to the Naval Academy graduating class had been billed in advance as a "major policy address." It turned out to be a new effort to define the administration's foreign policy; and if that was the intention, it was an attempt that failed. We still do not know very clearly what the policy is.

The Carter statement featured in most news stories was the comment that the Soviet Union "can choose either confrontation or co-operation. The United States is prepared to meet either choice."

That the Soviet Union has those two options is hardly a novel revelation. That the U.S. is prepared to meet either choice is an assertion which we devoutly hope to be true. But a painful study of the world military balance and of U.S. ineffectiveness in dealing with the Soviet challenge in Africa makes us wonder if this country truly is prepared for the harsher of the two options.

This caveat aside, the principal problem with Mr. Carter's speech is that he left his own country and the world still wondering what the U.S. intends to do. He passed the buck to the Soviet Union and did a rather butterfingered job of it.

"Our long-term objective," he said, "must be to convince the Soviet Union of the advantages of co-operation and the costs of disruptive behavior."

Fine. What are the advantages of co-operation? What are the costs of disruptive behavior? These are not spelled out.

Some who read these words thought the President was approaching the idea of linkage—the tying together of Soviet mischief in Africa and the negotiations for a strategic arms limitation agreement: If the mischief gets worse, the negotiations get worse. But, no, that wasn't what he seemed to mean, for he said of the SALT talks: "We and the Soviet Union are negotiating in good faith because we both know that failure would precipitate a resumption of a massive nuclear arms race." In short, SALT must go through, no matter what.

It would have been helpful if Mr. Carter had at least explained where those negotiations stand at this time. What has been agreed to? Where are the sticking points? The Soviet leaders know the answers, Mr. Carter knows the answers, but we, the American public seem destined not to know until the deed is finally done.

All was vagueness to such a pronounced degree that Moscow, through the press agency Tass, in an uncharacteristically rapid reaction, called the speech "strange, to say the least." Pravda earlier had complained that it is difficult to tell "who in Washington expresses the true policy of the administration." Mr. Carter's remarks will not change matters. Pravda accused the President's national security adviser, Zbigniew Brzezinski, of wanting to move Soviet-American relations from "co-operation to confrontation." But the President's words suggested that Mr. Brzezinski, if he indeed has that goal, has not succeeded in getting his President off the fence.

Mr. Carter has a foreign policy problem because Mr. Brzezinski talks tough, Secretary of State Cyrus Vance talks nontough, Ambassador Andrew Young talks off the cuff, and Mr. Carter weaves about somewhere in the middle. We don't often agree with Tass, but the agency seems correct in suggesting the administration hasn't got it act together and that the speech was "strange." We wait with declining hope for Mr. Carter to explain to us, to our allies, and to the Soviet Union what to expect of the Carter administration.●

## CARNEGIE HERO FUND COMMISSION HONORS JOHN R. BAZELLA

### HON. JOHN P. MURTHA

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

*Monday, June 12, 1978*

● Mr. MURTHA. Mr. Speaker, the Carnegie Hero Fund Commission notified me recently of an honor accorded to Mr. John R. Bazella who resides in the area I represent in Congress. I certainly want to add my personal congratulations to his efforts.

Mr. Bazella was one of five men cited for their work during a coal mine cave-in in February 1977. Mr. Donald J. McCully was completely buried alongside a mining machine and the quick work of the men in removing rocks and tunneling to Mr. McCully allowed a successful rescue.

The other men involved in this rescue operation were Mr. Thomas V. Damico, Mr. Clayton R. Wall, Mr. Vincent J. Shilobod, and Mr. Lawrence P. Rankin.

I certainly want to congratulate them all on this award, which is certainly deserved, for their outstanding efforts to save Mr. McCully.●

## WASTEFUL WATER

### HON. ANDREW JACOBS, JR.

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

*Monday, June 12, 1978*

● Mr. JACOBS. Mr. Speaker, at the request of the National Wildlife Federation I insert the following letter and would like to call your attention to the waste of water mentioned in paragraph 4.

SALT LAKE COUNTY ATTORNEY,
*Salt Lake City, Utah, June 9, 1978.*

Re Bonneville Unit of the Central Utah Project.

CECIL D. ANDRUS,
*Secretary of the Interior, U.S. Department of the Interior, Washington, D.C.*

DEAR SECRETARY ANDRUS: In the last few months, my staff completed a water resources and use pattern study for Salt Lake County. During my study, several unresolved issues developed. I would appreciate your response, in as much as the integrity of the Bonneville Unit is at issue and my Salt Lake County constituency comprises roughly 60% of the tax base for the repayment of the reimbursable portion of the project.

(1) The project data sheet for the Bonneville Unit on Page 4, Note 13, refers to the fact that the project will go over its authorized cost ceiling, to quote: "If actual bid amounts on future critical construction items substantiate the above total of estimated requirements, new legislation for additional appropriation ceiling will be recommended at an appropriate time."

Has Congress been advised that the project is "sinking" funds toward an excess of the authorized cost ceiling? What assurance can be offered that Congress will finish the project by raising the authorized cost ceiling?

(2) Bureau of Reclamation personnel have advised me that a very substantial amount of funds have been spent on an unauthorized investigation of a "pump back" feature at the Diamond Fork powerplant. The Bureau has been criticized in the past for such unauthorized expenditures and I am concerned that Congress may discover the unauthorized investigation to the detriment of the project. Can you assure me that the unauthorized investigation did not occur and/or that future unauthorized expenditures will not occur?

(3) Environmental impact statements are currently being prepared in a piecemeal fashion. While this piecemeal process may confuse the public successfully, and prevent an accurate assessment of the environmental damage, I am concerned that the piecemeal EIS process will make the project vulnerable to a lawsuit which will delay the project further. May I have your assurance that the piecemeal EIS process will not be allowed to continue in order that an accurate assessment of the environmental impact can be made?

(4) It is obvious now that our changing land use patterns in Salt Lake County will require less agricultural water here in the future. While I recognize that the State of Utah has intentionally avoided studies of land use and water use. I would hope that your office has made appropriate study of the conversion of agricultural to culinary water use in both Salt Lake and Utah counties to insure that the Bureau and Salt Lake County are not vulnerable to claims of waste of our water resources. (All the best data shows that we are currently wasting about 125,000 acre feet of water per year in Salt Lake County alone. No figures are available for Utah County.)

(5) Erosion in Diamond Fork and the resulting silt problem in Utah Lake are of concern to all of us. Can the pipeline down Diamond Fork be built within the 1979 FY appropriation you have requested from Congress?

(6) The classification of Uintah Mountain streams by the State of Utah pursuant to the 1972 amendments to the Federal Water Pollution Control Act has not been completed. Are these waters, which are the basic supply for the Bonneville Unit, outstanding national resource waters which are subject to nondegradation? May I have your assurance that a review has been conducted of the issue and may I have a copy of your review?

Your response to these issues would be very helpful to my understanding of the project and your cooperation is appreciated.

Very truly yours,

R. PAUL VAN DAM,
*Salt Lake County Attorney.*●



## AN APOLOGY TO BILL STEIGER

### HON. ABNER J. MIKVA

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

*Monday, June 12, 1978*

● Mr. MIKVA. Mr. Speaker, on June 6, 1978, I inserted in the CONGRESSIONAL RECORD a statement opposing the Steiger amendment to lower the capital gains tax rate and to remove the application of the minimum tax to the untaxed half of capital gains.

In my remarks I mistakenly stated that the Steiger amendment would also liberalize the treatment of capital losses. I want to apologize to my friend and colleague from Wisconsin for that error, and to say that his proposal is already generous enough to the top four-tenths of 1 percent of all taxpayers even without my help.

The redistribution of tax burdens represented by the Steiger amendment is really astounding. The amendment would give a tax break averaging close to $60,000 each to between 15,000 and 20,000 taxpayers earning over $200,000, and an average tax break of $214,000 to 3,000 taxpayers earning over $1 million. Moreover, the Steiger amendment would take 110 individuals with incomes exceeding $200,000 entirely off the tax rolls, and drop the effective tax rate for a person with $200,000 in capital gains income from an already low 19 percent down to 12 percent—roughly equivalent to the effective rate that a person earning $20,000 pays.

Mr. Speaker, I am not unsympathetic to the impact of inflation upon people earning more than $100,000 or $200,000 a year. Certainly, they, too, have been hard hit by rising costs, but I hardly think our concern for them justifies turning over 10 percent of the total tax cut which the Ways and Means Committee is considering. That kind of redistribution of wealth will be justifiably rejected by the 99.6 percent of taxpayers who will receive an average tax break of $1 under STEIGER.

Again, I ask Congressman STEIGER's pardon for attributing more to his amendment than it contained. My only excuse is that I was somewhat blinded by the dazzling substance of what it accomplishes.●

## HEW'S WATERGATE: $7 BILLION DOWN THE TUBE; WHERE'S WOODWARD AND BERNSTEIN WHEN WE REALLY NEED THEM?

### HON. LARRY McDONALD

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

*Monday, June 12, 1978*

● Mr. McDONALD. Mr. Speaker, it was personally pleasing to me to see the Congress finally put HEW on notice by reducing its appropriations by $1 billion recently. At least the Congress is now recognizing that this vast sprawling bureaucracy is a prolific waster of the taxpayer's money. However, the American press did not exercise its responsibility by featuring the scandal, as announced by HEW itself, and putting some investigative reporters on the story for followups. John Lofton, the nationally syndicated columnist, wrote an article on the treatment of this story that appeared in Battle Line, the publication of the American Conservative Union for June 1978. The article follows:

HEW'S WATERGATE: $7 BILLION DOWN THE TUBE; WHERE'S WOODWARD AND BERNSTEIN WHEN WE REALLY NEED THEM?

(By John Lofton, Jr.)

("It is not enough to be busy. The question is: what are we busy about?"—Henry David Thoreau quote, framed and hanging on the wall of Secretary of Health, Education and Welfare, Joseph Califano)

WASHINGTON.—On April 3, Secretary of Health, Education and Welfare, Joe Califano, announced the Watergate of Washington waste stories—that his department had "misspent" between $6.3 billion and $7.4 billion in Fiscal 1977 due to waste, fraud and abuse. The report Mr. Califano was quoting from, which was given to him by HEW's Office of the Inspector General, stressed that these figures are "no more than an initial inventory" and they portray "a conservative measure of the extent of fraud, abuse and waste in key HEW programs, and their causes." Unfortunately, these HEW statistics cannot be compared to similar rip-offs in previous years because the Inspector General's report is the first of its kind.

Commenting critically on this massive amount of tax dollars that disappeared down the Federal rat-hole, the Washington Star editorialized that the HEW report "should have ignited outrage from Puget Sound to Cape Charles." And, indeed it should have. Even in this city, where hard-earned tax dollars are valued on a par with water, seven billion bucks is a lot of dough.

In order to waste $7 billion in a year, HEW had to misspend $19 million a day, everyday, for 365 days. Seven billion dollars is the total combined income taxes paid by 5,000,000 households with an income of $15,000 each. This figure is equal to the total amount of income taxes paid by the residents of: Alaska, Delaware, Hawaii, Maine, Montana, Nevada, New Hampshire, New Mexico, North Dakota, Rhode Island, South Dakota, Utah, Vermont, West Virginia, and Wyoming.

Seven billion dollars is equal to the Gross Domestic Product of Ireland; it is twice the GDP of Ethiopia and three times the GDP of Luxembourg; and it is four times the Net Domestic Product of Hungary, five times the NDP of Poland, and 12 times the NDP of Yugoslavia.

The Star says the HEW report "should" have ignited outrage from Puget Sound to Cape Charles, but it didn't. In fact, after one day this incredible story sank from sight

with only a "whimper," as the newspaper put it.

The New York Times noted the HEW report in a six-inch article at the bottom of page 18. The Washington Post, in a four-inch story, played it at the bottom of page 2.

The three networks showed even lousier news judgment. NBC reported the HEW scandal ninth among its 17 news items, giving the $7 billion rip-off one minute and 31 seconds. The fourth news report NBC carried this night, was a one minute and 37 second story about John Wayne's open-heart surgery. The network closed out its Nightly News with a two minute and nine second story about an American women who had begun a bull-fighting career in Mexico!

On CBS, among the 21 news stories reported on, the HEW revelation ranked number 13 and ran one minute and 42 seconds. In 10th, 11th and 12th place, CBS reported on: The L.A. police release of a "Hillside Strangler" suspect (1:51); Alabama Gov. Wallace's meeting with the Federal Election Commission (19 seconds); and a trip to Miami by Richard and Pat Nixon (27 seconds). The Evening News ended its program with a one minute, 47 second piece on the first broadcast session of the British parliament.

Last, and certainly least, among its 15 stories, the ABC Evening News played the HEW horror story eighth, giving it a whopping 27 seconds! In 10th place, the network gave six times as much air time—two minutes, 50 seconds—to a report on how women are now dominating the movies. And in 14th place ABC gave two minutes, 33 seconds to a story about the danger posed to marijuana smokers by the chemical poison paraquat.

In Congress, the reaction to HEW's wasting of $7 billion has been just as pathetic as that of the national news media. The only person who raised any real hell was Sen. Harry Byrd, Jr., of Virginia, who made a couple of speeches. Noting that HEW's current budget request is 13 percent higher than last year, Byrd introduced two amendments: one would have cut the Department's budget by $5.6 billion, the other would have cut it by $2.1 billion, one-third the amount HEW admits it wasted last year. Both amendments were voted down.

So, what does it all mean? Well, one thing it obviously means is that there is a double-standard in this town when it comes to waste in the military versus waste at HEW. Does anyone doubt the hue and cry that would have been raised had Defense Secretary Harold Brown announced that his Department had squandered $7 billion last year? Why, the networks would have reported this event live, interrupting regular programming with bulletin-like coverage, the papers would have launched a page-one 98-part series on this atrocity, Woodward and Bernstein would now be working on a book, and Dustin Hoffman and Robert Redford would be reading scripts for their new movies, "All the Pentagon's Profligates."

A taxpayer's dollar wasted is a taxpayer's dollar wasted. The fact that the news media has failed to react to the scandal at HEW the way it has, belies a bias which the press says it does not have. But, in this case, their lack of words and actions speak louder than anything they might say in their defense—which thus far, has been nothing.

The following are verbatim excerpts from the Department of HEW's Office of Inspector General, Annual Report, April 1, 1977—December 31, 1977:

MEDICAID

Expenditures under the Medicaid program approximated $9.8 billion in Federal funds during FY 1977. Of this amount we found estimates that as much as $2.3–$2.6 billion might be misdirected because of fraud waste and abuse.

| General Description: | *Amount (millions)* |
|---|---|
| Payments to Ineligible Recipients | $330–660 |
| Fraud and Abuse | 468 |
| Third Party Liability Losses | 330 |
| Erroneous Payments | 110 |
| Common Audit | 50 |
| Quarterly Expenditure Report Review | 17 |
| Audit Exceptions | 18 |
| Other Excessive Health Care Costs | 987 |
| Totals | 2,310–2,640 |

1) Payments to Ineligible Recipients ($330–660 million)—Ineligible payments are based on a review of a sample of paid claims and information submitted by 47 States and jurisdictions for the period from April-September 1976 and projected to FY 1977 dollars.

2) Fraud and Abuse ($468 million)—The Subcommittee on Long-Term Care of the Senate Special Committee on Aging, reports that Medicaid fraud and abuse exists on a massive scale. This conclusion is based on their study of Medicaid providers in five States involving 100 "Medicaid Mills" (mostly in New York City), 60 physicians and $15 billion in Medicaid expenditures (55 percent of 1975 Medicaid expenditures in the U.S.). Also, involved, a separate subcommittee study of 21 medical labs, 50 medical clinics and 50 or more physicians in the State of Illinois. This latter review included information on fraud and abuse investigations of clinical labs in other States. They report that all parties in the programs, i.e., Providers, Clinical Laboratories, Pharmacies, Nursing Homes, and recipients have been affected.

$423 million of the $468 million applies to *providers*—The subcommittee staff report entitled "Fraud and Abuse Among Practitioners Participating in the Medicaid Program" states that, of the $2.2 billion that flows through Medicaid mills, roughly 35 percent ($770 million) is pocketed by entrepreneurs "who essentially provide no services." Of this amount, they estimate $220 million is involved in outright fraud. Another $550 million results from overutilization of services. The Federal portion of these payments in the States reviewed averages roughly 55 percent—thus our estimate of $423 million (55 percent x 770 million). There may be some duplication in the above figures in that certain fraud and abuse cases may also fall under the category of "payments to ineligibles." However, it is our feeling this would involve a small percentage of the totals. The fraud and abuse figures concern mainly overutilization of services to recipients in Medicaid Mills—their eligibility was not the main issue. We recognize, however, that some of these recipients may have been ineligible.

The abuses most frequently found in Medicaid Mills are referred to as: ping-ponging, ganging, upgrading, steering and billing for services not rendered. The following briefly describes these practices which were actually found during an investigation by the Special Committee Staff. (The study did not provide a breakdown of the $423 million by each of the following practices.)

"Ping-ponging" is the term applied to the most common mill abuse, the referral of patients from one practitioner to another within the facility, even though medically there is no reason for the referral.

"Ganging" refers to the practice of billing for multiple service to members of the same family on the same day when, in fact, only one person needs treatment.

"Upgrading" is the practice of billing for a service more extensive than that actually provided. A physician may treat a suspected cold, for example, and bill for treating acute bronchitis.

"Steering" involves direction of a patient to a particular pharmacy by a physician or anyone else in the medical center. It is a violation of the patients' freedom of choice.

"Billing for services not rendered" consists either of adding services not performed on to an invoice carrying legitimate billings, or submitting a totally fraudulent billing for a patient the doctor has never seen and/or an ailment he has not treated.

$45 million of the $468 million applies to *clinical* laboratories—The full dimensions of Medicare and Medicaid fraud and abuse with respect to clinical labs is *unknown*. However, the Special Committee on Aging estimated that $45 million in Medicare and Medicaid billings is either fraudulent or unnecessary.

MEDICARE

During FY 1977 an estimated $21.9 billion was spent providing medical services to the 26 million aged and disabled Americans eligible under Medicare. Our survey has identified $2.2 billion in estimated losses due to fraud, waste and abuse in this program.

| General Description: | *Amount (Millions)* |
|---|---|
| Excessive Nursing Differential | 185 |
| Renal Dialysis | 153 |
| Provider Overpayments | 141 |
| Cost Report Reviews | 16 |
| Common Audit | 8 |
| Audit Exceptions | 3 |
| Other Excessive Health Care Costs | 1,711 |
| Total | $2,217 |

AFDC PROGRAMS

The program of aid to families with dependent children (AFDC) assists States and localities in providing public assistance benefits to the needy. Outlays for these grants are estimated at $6.3 billion in FY 1977. Our analysis indicated that an estimated $745 million of AFDC payments involve fraud, waste or abuse.

| *General Description* | *Amount (Millions)* |
|---|---|
| Payments to Ineligibles and Overpayments to Eligibles | 490 |
| Fraud and Abuse | 145 |
| Quarterly Expenditure Report Reviews | 13 |
| Audit Exceptions | 21 |
| Total | $669 |

(1) Payments to Ineligibles and Overpayments to Eligibles ($490 million)—As in the Medicaid and SSI programs, a quality control review is performed to determine AFDC recipients eligibility. The State agencies administering the program are required to review a sample of approximately 45,000 recipients every six months. Results of the most current reviews (January-June 1977) indicate that $490 million of AFDC payments are made to ineligible recipients or as overpayments to eligible recipients.

(2) Fraud and Abuse ($145 million)—State agencies reported that there were 166,342 AFDC cases which involved questions of fraud and/or abuse disposed of by administrative action during FY 1976. It was determined that 40,271 of the cases had sufficient facts to support a question of fraud and were referred to law enforcement officials for action (18,475 actually prosecuted). Of the remaining 125,621 cases; 16,838 are still under review; reimbursement was arranged in 16,943; and for 91,840, although there is some question as to propriety, the facts were deemed insufficient to support the question of fraud. Based on these statistics, we estimate that $145 million is involved in fraud and abuse in the AFDC program. We arrived at this figure by multiplying the estimated average amount of AFDC cases ($2,000) by the 40,721 cases referred to law enforcement officials (fraud) and 91,840 cases not prosecuted but where there was an indication of impropriety

(abuse) and by 55 percent, the average Federal share of national AFDC payments.

SUPPLEMENTAL SECURITY INCOME

The supplemental security income (SSI) program, which replaced Federally aided State assistance programs for the aged, the blind and disabled, provided an estimated $5.4 billion in Federal benefit payments to 3.9 million recipients in FY 1977. Of this amount we could find estimates of approximately $334 million lost due to waste and abuse.

| General Description: | Amount (Millions) |
|---|---|
| Overpayments and Payments to Ineligible Recipients | 310 |
| Overpayments to Medicaid Nursing Home Residents | 23 |
| Audit Exceptions | 1 |
| Total | $334 |

SOCIAL SERVICES

Under Title XX of the Social Security Act, assistance is provided to States and localities for the delivery of services to eligible individuals and families in order to promote their independence and overall well-being. States and localities, which are responsible for delivering the kinds and levels of services to be delivered within Federal regulations, provide a broad array of services ranging from family planning and child care to transportation and services to senior citizens. Federal outlays for this program were estimated to be $2.7 billion in FY 1977. Our current estimate is that at least $88 million of these funds were lost due to fraud, waste and abuse.

| General Description: | Amount (Millions) |
|---|---|
| Quarterly Expenditure Report Reviews | 82 |
| Audit Exceptions | 6 |
| Total | $88 |

STUDENT FINANCIAL AID (SFA) PROGRAMS

The Office of Education sponsors five major student aid programs:

Basic Educational Opportunity Grants (BEOG)
Supplmental Educational Opportunity Grants (SEOG)
College Work Study (CWS)
National Direct Student Loan (NDSL)
Guaranteed Student Loans (GSL)

Federal contributions for these five programs amounted to approximately $3.6 billion during FY 1977. Funds are distributed on the basis of need to students enrolled in a wide range of postsecondary institutions including colleges; universities; community and junior colleges; vocational, technical and business schools; and hospital schools of nursing.

We found estimates of $356 million in losses due to fraud, waste and abuse in SFA programs.

| Program: | Amount (Millions) |
|---|---|
| Basic Educational Opportunity Grants | 109 |
| Campus Based Programs | 49 |
| Guaranteed Student Loans | 187 |
| Audit Exceptions | 11 |
| Total | $356 |

INCOME SECURITY (SSA)

Included in this category are benefits of about $84 billion paid out under the Social Security trust funds for retirement and disability, and special benefits for disabled coal miners in fiscal year 1977. The largest part of the $160–$867 million in losses involve overpayments and payments to ineligible recipients. As noted in the footnotes to the following schedule, SSA officials caution that a part of this figure is estimated and not verifiable in SSA records.

| General Description: | Amount (Millions) |
|---|---|
| Retirement and Survivors Benefits | 85–723 |
| Disability Insurance and Black Lung | 74–143 |
| Total | $160–$867 |

INDIRECT COSTS

To recover indirect costs incurred while administering Federal programs, colleges and universities, hospitals and other health providers, non-profit institutions and State/local governments establish indirect costs rates. The entities submit indirect cost proposals for review by the Divisions of Negotiation and Grantee Assistance (DNGA) of the Office of Principal Regional Officials. DNGA negotiates overhead rates after desk audits, field reviews and participation in HEW or other Federal agency audits of the indirect cost proposals. These reviews and negotiations resulted in approximately $102 million of indirect cost disallowances during FY 1977.

ESEA TITLE I

Title I of the Elementary Secondary Education Act (ESEA) authorizes Federal financial assistance through the States to local educational agencies (LEA) for programs designed to meet the special educational needs of educationally disadvantaged children. Federal outlays for this program were estimated at $2.1 billion in fiscal year 1977.

During fiscal year 1977, we performed 15 audits of State Title I programs and recommended financial adjustments totaling $22 million, or 4.6 percent of the $474 million we reviewed. Projecting the results of our 15 audits nationwide, we estimate that in FY 1977 about 4.6 percent or $97 million of Title I program funds may have been improperly expended because of the above discussed problems, i.e., supplanting, general aid, and comparability.●

## EDUCATOR RETIRING

## HON. ROBERT J. LAGOMARSINO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Monday, June 12, 1978*

Mr. LAGOMARSINO. Mr. Speaker, from part-time instructor in 1946 to president of Los Angeles City College in 1966, and on to superintendent-president of Santa Barbara City College, Santa Barbara, Calif., in 1970, Glenn G. Gooder, Ph. D., has served his profession with honor and dedication. Now this singular man is going to retire.

Men leave legacies mainly by their service to their fellow man. Dr. Gooder has surely done that. The hundreds upon hundreds of lives he has touched, the countless careers he has guided, are a testimonial to a man dedicated to the honorable profession of "teaching."

Teacher, administrator, author, visiting lecturer, friend and confident to young and old alike—all of these describe Glenn Gooder. And, yet, he has still found time to be a civic leader.

Remembering this long and distinguished career in education, I ask the Members of the House to join with me and Glenn's many, many friends throughout California in extending a heartfelt "thanks" from a grateful community, and in wishing my good friend Dr. Glenn G. Gooder and his wife, Virginia, a bright, long and happy future.

## LETTER FROM CONGRESSMAN WILLIAM NATCHER

## HON. TIM LEE CARTER

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

*Monday, June 12, 1978*

● Mr. CARTER. Mr. Speaker, it has been my pleasure over the years to be associated with the distinguished gentleman from the Second District of Kentucky, Mr. WILLIAM NATCHER. I have observed that Mr. NATCHER is most knowledgeable about the history of our Capitol, and also about legislation which comes before this august body.

Each week he writes letters to his grandchildren, telling them of interesting events which occur here in the Nation's Capital, and at the same time he encloses an allowance for each youngster. The last letter which I was privileged to see was so interesting that I thought it should be included for the perusal of the Members.

The letter follows:

HOUSE OF REPRESENTATIVES,
*Washington, D.C., February 18, 1978.*

Masters JEFFERY, PAUL, WILLIAM AND PETER JIRLES,
*Cambridge, Ohio.*

DEAR JEFFREY, PAUL, WILLIAM AND PETER: One of the major issues before the United States Congress today is the ratification by the Senate of the two treaties which turn over the Panama Canal to Panama in the year 2000. Before going any further, I want you to know that if the House, under the Constitution, had to ratify treaties, I would vote against the ratification of these two treaties and keep the Panama Canal.

In speaking of the Panama Canal, Kentucky played an unusual part in the construction of the Canal. Representative Maurice H. Thatcher, a Republican from Louisville, Kentucky, and Representative Joseph Swager Sherley, a Democrat, also of Louisville, Kentucky, played a very important part in the history of the Panama Canal.

Panama granted the Canal strip to the United States by treaty ratified February 26, 1904 with the compensation being $10 million. For a period of 9 years thereafter, payments of $250,000 a year were made. The Canal was open to traffic August 15, 1914 and payments were increased to Panama up to $430,000 per year. Later on payments were increased to $1,930,000, and, in addition, we gave to Panama $28 million worth of real estate and buildings no longer necessary to us in the Canal Zone.

Maurice Thatcher, the Congressman from Louisville from March 4, 1923 until March 3, 1933, served at one time as a Member of the Isthmian Canal Commission and was Civil Governor of the Canal Zone from 1910 to 1913. Mr. Thatcher was serving during the final days of the construction of the Canal and played a very important part in the completion of this Canal.

Swager Sherley served in the House of Representatives from Louisville, Kentucky, from 1903 until 1919. Mr. Sherley was Chairman of the Subcommittee on Appropriations that appropriated the money for the construction of the Panama Canal. Obtaining the money to construct this Canal was no small task and probably the greatest achievement of Swager Sherley during his tenure as a Member of Congress was being able

to put through the necessary bills that appropriated the money to build the Canal. Mr. Sherley died in 1941 and Mr. Thatcher died in 1973.

During the construction of the Canal, Mr. Thatcher was there taking care of the business of the United States of America and Mr. Sherley, while serving in the Congress, was in Washington seeing that the money was appropriated and used for the purpose of building the Panama Canal. We have invested in the Panama Canal and in the Panama Canal zone over $10 billion.

I hope this letter finds you well and happy and with lots of love, I am

Your Grandfather,

BILL.●

## NOISY AIRCRAFT REVENUE AND CREDIT ACT

## HON. JAMES C. CORMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Monday, June 12, 1978*

● Mr. CORMAN. Mr. Speaker, I bring to the attention of my colleagues a most articulate speech presented by Lee Anderson on the worthiness of the Noisy Aircraft Revenue and Credit Act. This is a most sound proposal worked out by the House Public Works and Ways and Means Committees to promote noise abatement. Mrs. Anderson's remarks are particularly noteworthy due to her proximity to the importance of aircraft legislation. Lee is the devoted wife of my colleague from California and chairman of the Aviation Subcommittee, GLENN ANDERSON. I commend this article for your careful consideration:

REMARKS OF LEE ANDERSON

First, I want to apologize for Glenn's absence this morning. Unfortunately some things came up unexpectedly which have required his presence in Washington. I know he was looking forward to discussing his bill with such a group of experts in the field as is represented here this morning. I hope, though, that through his words, I can convey the message he would have left with you. I will begin by reading a brief passage from an interesting and significant report:

"The immediate problem is to find a way to protect present airports and the people residing near them by applying some means of control of ground use in approach zones. Local authorities should prevent further use of land for public and residential buildings near the ends of existing runways. If this is not done, new contingents of home owners will be added to the ranks of those who are now protesting against noise and hazard. In time, public pressure may threaten the continued existence of the airport and large investments of public and private funds will be jeopardized."

These words of warning and prophesy were not written in 1978, although, of course, they might have been. They are contained in the 1952 report of the President's Airport Commission entitled "The Airport and Its Neighbors." However, because the Commission's recommendations were not followed, aircraft noise has become the major constraint to the growth of this nation's air transportation system, and represents a substantial blight on areas near our airports.

Over 9 million Americans suffer intolerable noise levels through impact on their homes. Over 6 million Americans and nearly a million acres of valuable land are impacted by noise levels deemed normally unacceptable for new residential construction loan guarantees by the Department of Housing and Urban Development. Aircraft noise disturbs the normal activities of airport neighbors—their conversation, sleep and relaxation—and degrades their quality of life. Depending on the use of land contiguous to an airport, noise may also affect education, health services and other public activities.

Aircraft noise erodes local tax bases. The President's Council on Wage and Price Stability estimates that aircraft noise costs property owners near airports some $3¼ billion annually in decreased property value. Let me repeat this very important point: Aircraft noise costs property owners $3¼ billion a year in decreased property value.

Our nation's airports are spending millions of dollars to acquire noise-impacted land and have currently pending against them lawsuits which can be measured in billions of dollars. Citizen opposition to aircraft noise has delayed and, in many cases, prevented needed airport development and expansion and the facilities to improve safety and airport capacity. In short, aircraft noise has been, and continues to be, a national problem.

Over the past two years, the House Subcommittee on Aviation held 27 days of hearings in Washington and in the field on current and proposed federal policy on the abatement of aircraft noise. Some 2000 plus pages of printed transcript were amassed during the hearing process. From these hearings, it is clear that comprehensive legislation is required to deal with this problem effectively.

The federal effort to date has centered around reduction of noise at the source, the aircraft. However, source control has technological limits; and no amount of quieting existing aircraft will totally solve the problem. Although making aircraft quieter will shrink the areas of greatest impact significantly, incentives must be provided to airport operators and surrounding communities to get on with the long-delayed need to make land surrounding airports more compatible with airport operations. To continue placing sole emphasis on source noise control without making significant progress on the land use side has the effect, in my opinion, of unwisely raising the public's expectations for noise relief. Let's face it: normal airport operations involve noise and always will. We must deal with the problem by assuming that unacceptable noise will continue in areas immediately adjacent to airports.

During the hearing process, my husband, Glenn, authored H.R. 8729, which has now been favorably considered by the House Ways and Means Committee. The bill was reported favorably last December by the Public Works and Transportation Committee.

In a nutshell, the bill does the following:

First, it establishes a new voluntary program to assist airports and surrounding communities to develop and carry out programs to reduce existing non-compatible land uses.

Second, it increases existing authorized funding levels for the airport development program, including the purchase of noise buffer zones.

And finally, the bill establishes a program to provide assistance, through a series of excise taxes, to air carriers facing the recently-required obsolescence of nearly three-fourths of the currently active jet fleet by January 1, 1985.

With respect to the last part of the bill, 2200 jet aircraft are currently in the U.S. commercial carrier fleet. 1600 of those 2200 are too noisy, and will have to be either retrofitted or replaced, 25% by 1981, an additional 25% by 1983, and the remainder by 1985.

The first part of the bill, Title I, is the key section as far as Glenn is concerned. I would like now to give a full explanation of its provisions. But first some background:

The inherent variability in individual reaction to noise makes it impossible to predict accurately how any one individual will respond to a given noise. However, considering the community as a whole, trends emerge which relate to annoyance. In this way it is possible to correlate a noise index, cumulative or single event, with community annoyance. This index will represent the average annoyance response for the community.

There has been a confusing proliferation of approaches to measure the quantity and understand the effects of noise on people.

During the course of Committee hearings, one recurring theme was the need to establish a single system for measuring noise and its impact on individuals and communities.

The first thing that happens under Title I is that the Secretary of Transportation is given one year to do the following:

1. establish a single system to measure noise;

2. establish a single system to determine the impact of noise on individuals, and

3. identify land uses normally compatible with various impacts of noise on individuals.

Note that this provision does not in any way impose federal standards for land use control. The Committee report makes this clear. The bill preserves traditional local control over these issues.

Once these yardsticks are in place, the new noise compatibility planning and program development features of the bill are triggered. There are two limitations: these provisions apply with respect to air carrier airports only; and, the program is voluntary, not mandatory.

The planning program has two parts:

1. development of a noise impact map to show current and projected airport traffic and the area of noise impact (e.g., noise contours) and to show current and projected non-compatible land uses.

2. formulation of a noise compatibility program, having the goals of systematically reducing existing areas of non-compatible use as shown on the map, and preventing future non-compatible use in the areas of impact.

The airport operator does the planning and program development. But, he is required to consult with units of local government, representatives of the federal government, air carriers, and any regional planning authority.

The Title I approach is a carrot, not a stick.

Inducements are offered to air carrier airports to bring them into the "voluntary" category. Planning grants are available to air carrier airports ($15 million for fiscal years 1979 and 1980). The federal share is 75% for such grants.

Once the airport operator has completed the noise compatibility program, it must be submitted to the Secretary of Transportation for approval. The plan may include all the operator's proposals for meeting the goals of reducing existing non-compatible land uses and preventing future non-compatible uses—or, of course, reducing the present noise impact on existing non-compatible uses.

Examples of such action would be: preferential runway systems, restrictions on airport use, sound-proofing, land purchase, flight procedures.

The Secretary has 180 days to approve or disapprove the program. The bill gives the Secretary three tests:

1. the program must provide for the continuation of safe flight operations;

2. the program measures must not create an undue burden on interstate and foreign commerce;

3. the program measures must be reasonably consistent with the goals: reducing and preventing non-compatible land uses.

The approval process is not intended in any way to limit an airport operator's proprietary rights. Approval or disapproval of the program affects only an airport operator's eligibility for the new grant program. Approval or disapproval does not constitute the Secretary's judgment that noise levels around a particular airport are acceptable or unacceptable.

Once a program is approved, both the airport sponsor and communities identified in the noise impact map are eligible to apply for grants to assist the implementation of the program. These grants will be totally discretionary. No priorities or limitations are given to the Secretary. The federal share is fixed at 80%. $150 million are authorized out of the Trust Fund for fiscal year 1979; $250 million are authorized for fiscal year 1980.

Now a brief discussion of Title II and its importance.

For fiscal year 1979, Title II increases the current authorized funding level for airport development grants by $260 million; for fiscal year 1980, the currently authorized level is raised by $310 million. This total increase will go into the discretionary fund. So, the smaller airports, which depend on discretionary money, will benefit greatly.

Title II also extends for two more years the 90 percent federal share for ADAP grants for all except large and medium-HUB airports. Without this provision, the federal share will drop to 80 percent beginning with fiscal year 1979.

The Ways and Means Committee has considered two aspects of the bill:

1. since Title I contains an authorization for Trust Fund expenditures for a new purpose, Ways and Means approval was required;

2. since Title III was based on the premise that temporary passenger and shipper tax charges must be made, Ways and Means action was required.

Two weeks ago, Ways and Means reported a bill, H.R. 11956 concerning both issues.

As to Title III, the Ways and Means Committee changes the Public Works and Transportation Committee's surcharge concept to an excise tax concept with credits being allowed for qualified expenditures for retrofit and replacement. These credits, however, will be made part of a carrier's income for tax purposes. This is a major difference between H.R. 8729 and the Ways and Means Committee's approach.

While the Ways and Means Committee action will take away some of the front end money for the carriers, on balance, the excise tax idea is workable and has Glenn's full support.

Now that Ways and Means has acted, the path is clear for the two Committees to ask the Rules Committee for a rule so that we can get the bills on the House Floor—hopefully, within the next 30 days.

I know that the real reason Glenn had hoped to be here himself today was that you are the important technical experts in the aviation industry. He wanted to be able to point out, especially to you, that this bill is a long way from being signed by the President. There will be some resistance to this bill and attempts to change it in Congress. We have already heard loud protests about a "rip-off of taxpayer's money." You who are here today, the experts in the field, have contacts in Washington. Some Congressmen and Senators are solidly with us; some just need a little "down home advice." We need your help in the next few days and weeks.

Thanks again for the opportunity to "pinch-hit" for Glenn and good luck in your symposium.●

## HALLIE Q. BROWN COMMUNITY CENTER—A SAINT PAUL INSTITUTION

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### HON. BRUCE F. VENTO

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

*Monday, June 12, 1978*

Mr. VENTO. Mr. Speaker, Saint Paul, Minn., is indeed fortunate to have a community center like Hallie Q. Brown. The center is named after a gentle, small black woman who attained international renown as an educator and lecturer on racial justice. Hallie Q. Brown was a heroine and role model to the young black lad who suggested her name in a winning essay when the center was opened.

But there is another Saint Paul woman, Alverta Coram, who has been even closer to the community center. Although the center does not bear her name, it certainly reflects her spirit and contributions.

Mrs. Coram, now almost 80 years old, was there when the center opened in 1929 and when Hallie Q. Brown, at the age of 90, came there to speak in 1947.

Mrs. Coram worked at the center her entire life. And her family is carrying on the tradition. Her daughter is president of the center's board of directors and her grandchildren are active participants in center projects.

Mrs. Coram's life story is really a story about the struggle and dedication that brought about the establishment of the Hallie Q. Brown Community Center and why it played such an important role for generations of Saint Paul citizens. This article from the Saint Paul Dispatch reflects that history and those memories:

AT 79 MRS. CORAM BELIEVES IN EQUAL RIGHTS FOR PEOPLE

(By Ann Baker)

Alberta Coram looks back on the Depression as one of the "most formative" times of her life.

"It was hard," she said. "But everybody had it hard. We were all poor together, and somehow life was more interesting, more challenging. My work at Hallie made me feel part of the community."

Mrs. Coram vividly remembers when Hallie Q. Brown Community Center opened in 1929. She was one of several persons hired to work there in 1934 under the WPA. Her job was to organize discussion forums and charm clubs and to teach parliamentary procedure and Negro history.

Her family is one of many where three generations claim "Hallie" as their second home.

Today Mrs. Coram is active with the center's Golden Agers, and she regularly attends hot lunches for seniors.

Her daughter Kathryn Gagon started at Hallie in nursery school, later learned dance, music, basketball there, went to camp every year from age 10 and worked on the staff for six years. Now she is president of the board.

Kathryn's three children are continuing the tradition, singing in Hallie's glee club and eagerly waiting for this summer's camps to start.

Mrs. Coram was born in New Richmond, Ohio, in 1899. Her earliest memories are of that town and Columbus, Ohio.

"You know that you've gone through so very much," she said the other day, reminiscing about her life.

"I go back to a time that was elemental, when we were brought here by midwives. I came from a family where the fireplace and the kitchen stove provided all the heat. We had a small dark kitchen. I can't imagine anyone able to cook in it, but my great-grandmother was a good cook, a good gardener. She did all the nice things I liked."

Her great-grandparents, Marshall and Rebecca Jones, had crossed the Ohio River from Kentucky, she thinks probably after the Civil War.

Her mother, Ella, and aunt, Becky, were the first two in the family to get an education, Mrs. Coram said. Her mother attended high school and Aunt Becky went to Wilberforce University, Xenia, Ohio. Becky's husband, Seymour Moore, was a chef on the Soo Line, and after the Moores moved to St. Paul, most of the others came to join them. Alverta was 7. Her father, John Phillips, died in 1912.

"The family just took it for granted I would go to college," she said. "It was a sharing business . . . I was very spoiled and without realizing how spoiled I was."

She attended McKinley School, Central High and the University of Minnesota. Her tuition was paid by her aunt and uncle. At times she was the only black woman on campus.

"You were alone," she said "There were few of us. Other people simply didn't pay any attention to you. You managed to get through it. If you had a sense of humor you'd get through it better. I didn't, till I met my husband. He was the type who would go into a grocery store and kid the girls. They liked that."

Alverta Phillips met Ulysses "Duke" Coram in his hometown of White Plains, N.Y., where she had a job first in a community center, then in a library after she was graduated from the university.

They married in 1920, and moved back to St. Paul. Alverta went back to the university for graduate school. Duke tried to get a job as a mechanic and instead was hired as a "night man" or janitor at Gibbons car dealer, back in the days of electric cars.

"When they organized the union, they wouldn't take him because he was black," Mrs. Coram said. "He had to put up the chairs for their meetings, but they wouldn't take him in."

Two decades later, in 1945, Duke overheard union members say they planned to enroll a Japanese man as an apprentice "He proceeded to blow up." Then he was enrolled as a mechanic, and a few years later became union steward.

In the meantime, he volunteered at Hallie as a Cub Scout master and assistant Boy Scout master, belonged to the men's club there, played golf and was on the board at Phalen Golf Course. In later years, he taught golf to seniors at Hallie. He died two years ago on May 31.

Mrs. Coram looks back to the 1930s as the time when her outlook began to reach beyond her personal life to the wider world. She became concerned about rights and justice.

"When I started reading Negro history, I began to understand what other people and my parents had gone through."

In 1943, Mrs. Coram got a job as interviewer at the state Employment Service, which was then considered marvelously lucky, "and now it would be seen as a very ordinary job." She stayed there 21 years and loved it.

Nineteen years ago, the Corams moved to a large contemporary home on five acres in Lakeville. Their home in the Rondo neighborhood of St. Paul was deteriorating, "and

at that time you could not move out of that area, because you were black."

They quickly made lasting friends with their new neighbors. Mrs. Coram moved back to St. Paul after her husband died. Last week she moved in with her daughter Kathryn. She loves to read—Readers Digest condensed books, National Geographic, the National Audubon magazine, Ebony.

One thing that upsets her these days is a trend to limit some freedoms.

"Equal rights should be a constitutional guarantee for all people," she said. "I don't believe in taking people's rights away. I'm too old to have any babies and I'm not gay, but I am for abortions and for gay rights. I believe everybody should have the same rights I would want, the right for an education, preparation for a job. . . ."

One thing that encourages her is the senior program at Hallie.

"There are more white than black there," she said. "People are learning to play cards together, laugh together and go on trips together. Crowds come in to play bingo, some people from as far as White Bear Avenue."

Learning to have fun with one another is crucial, she said, "if people are going to live together."

## AEROSPACE RESCUE AND RECOVERY SQUADRON

### HON. IKE SKELTON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

*Monday, June 12, 1978*

● Mr. SKELTON. Mr. Speaker, earlier this year, I received a letter from T. Dick Fleming, the administrator of the Wetzel Clinic in Clinton, Mo. His letter refers to the excellent work that was done by the 37th Aerospace Rescue and Recovery Squadron at Whiteman Air Force Base. I offer this letter for the RECORD at this time:

WETZEL CLINIC INC.,
*Clinton, Mo., February 27, 1978.*

IKE SKELTON,
*House of Representatives, Washington, D.C.*

DEAR IKE: I would like to call your attention to the excellent support given to our Physicians' and a specific family in the Golden Valley area by the 9th Detachment, 37th Aerospace Rescue and Recovery Squadron, Whiteman Air Force Base.

On Monday, February 13, 1978, Nicholas Hampton, age-four (4) months, became severely ill with a serious respiratory infection. On that particular day we experienced a snow storm which virtually halted all traffic, even that traffic that was moving was terribly slow. The 37th was called upon to move the child as quickly as possible from Golden Valley Memorial Hospital to the University of Missouri Pediatric Care Unit in Columbia. Through the heroic efforts of Major Boortz and Captain Campbell, a helicopter was dispersed to the Hospital from Whiteman and delivered the child to Columbia with three (3) Physicians in the chopper attending the child while in flight.

This is the type of thing I have envisioned in earlier correspondence with you. Although we have not been able to establish any continuing type of relationship it is good to know that in a situation of unusual circumstances these facilities are made available to us.

I'm sure it would be of interest to you to know that the child is alive and well due to these efforts.

Respectfully,

T. DICK FLEMING.●

## A TRIBUTE TO COL. DUKE E. JONES

### HON. CLEMENT J. ZABLOCKI

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

*Monday, June 12, 1978*

● Mr. ZABLOCKI. Mr. Speaker, I was saddened to learn of the recent death of the distinguished Col. Duke E. Jones of the U.S. Army, who served our country diligently and honorably for some 37 years and fought to defend this Nation and its allies in three wars overseas. I was privileged to know him personally and observe his service to our country since Colonel Jones was a member for many years of a committee to review candidates for appointment to the service academies. While I have already expressed my sympathy and condolences to his widow and family, I would like to pay tribute publicly to Colonel Jones' long career in the military and to his numerous contributions to the land he served so well.

As reported in a recent article in the Milwaukee Sentinel, retired Col. Wilbur Moore speculated that after World War I, "He [Colonel Jones] could have had any assignment he wanted. When he came back from France. . . he had row after row of medals on his chest."

Under leave granted, I insert the Milwaukee Sentinel article under the byline of Mike Plemmons which highlights some of Col. Duke Jones' career and service to his country and fellow man.

TAPS TO BE SOUNDED FOR SOLDIER'S SOLDIER DUKE E. JONES

(By Mike Plemmons)

This is the biography of a professional soldier who fought three wars for America and never gave it a second thought.

The man had "row after row of medals on his chest" and came up through the ranks from buck private to full bird colonel, retiring two decades ago after 37 years in uniform.

But that first Silver Star he won on a patrol action in the Argonne forest never turned his head.

"There's a saying in the military, one of the highest compliments: 'He wore the iron (of an officer's bars) lightly,'" a longtime friend said Sunday.

"Every day in the service was like Sunday on the farm," he once told a friend.

A pulp fiction writer could not have created a better name for him: Duke E. Jones.

Duke Jones got shot at in France, won a slew of medals and became a platoon sergeant by war's end. He was a provost marshal (chief of military police) in the South Pacific, and ran a Korean prison for captured Chinese soldiers. He was 81 when he died last week.

Since his retirement in 1954, Jones had lived in Milwaukee and immersed himself in a second military career, putting together veterans' groups.

An assiduous organizer, he had been highly prized as a logistics officer and administrator.

"He could have had any assignment he wanted," said retired Col. Wilbur Moore. "When he came back from France after the first war, he had row after row of medals on his chest."

"He's left piles and piles of papers and records and citations," said his daughter, Jeanne M. Jones.

But none of the numerous persons interviewed Sunday knew what act of bravery won Duke the Silver Star with oak leaf cluster.

"Duke would never talk about that kind of thing. He'd say, 'These (medals) are just bottle caps,'" said Howard Manske, a retired captain who knew Jones as a sergeant instructor between the two world wars.

Manske explained that it was good form in the "old military" not to discuss or inquire about medals for heroism.

But Jones got practically every medal available: the Legion of Merit, two Silver Stars, twelve Bronze Stars, Presidential Testimonial, Crossed Muskets, French Fouragere Green and Red with 1–16.

"I doubt if there's anyone in Wisconsin connected with the military in any way who never heard of Duke Jones," Manske said. "He was intensely liked."

Jones was a life member of the Reserve Officers Association, American Legion, World War I Last Man's Club, and WWI and WWII Retreads.

Funeral services will be at 10 a.m. Monday at the Veteran Chapel at Wood. Burial will be in Wood National Cemetery.

He is survived by his wife, Elsie; two daughters, Jeanne M. Jones of Milwaukee and Roberta A. Grams of Green Lake; a son, Duke R. Jones Jr. of Kodiak, Alaska; three brothers, John T. of Olustee, Okla.; Clifford C. of Trona, Calif., and Cecil E. of Whittier, Calif.; and a sister, Ruth Griffin of Olustee, Okla.●

## SHEILA ANN SMITH

### HON. AUSTIN J. MURPHY

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

*Monday, June 12, 1978*

● Mr. MURPHY of Pennsylvania. Mr. Speaker, as a cosponsor of Federal legislation which strives to exert all efforts to locate the 1984 summer olympic games in the United States, I commend those many young Americans who are training now to hopefully represent this country in the 1984 Olympic Games. One such dedicated young woman in my congressional district is Sheila Ann Smith from Upper St. Clair, Pa. Sheila is graduating from high school with honors this year, is a member of the National Honor Society, and has been offered a complete gymnastics scholarship to Southwestern Missouri State in Springfield, Mo.

With such prestigious credentials, Sheila has been selected by her local school and township officials to teach gymnastics to other young Americans during the Upper St. Clair summer recreation program. Her leadership abilities, academic excellence, and athletic talents are those precious qualities which when combined with dedication and ambition create gold medal olympians inherent to our American tradition. Sheila's parents, Mr. and Mrs. Peter J. Smith, Jr. can certainly be proud of their daughter's accomplishments as well as look forward to her bright and promising future.

Mr. Speaker, as a Nation we do little for our young olympic competitors therefore I believe that all of our potential American olympians should receive Congressional recognition for their accomplishments. Sheila Ann Smith is one of the top women gymnasts in the Nation having placed first in the 1976 USGS.

Therefore, I am happy to inform my colleagues in Congress of her background, and I hope that her example will inspire other young Americans who may be this country's future olympians.●

## SEARCH FOR AMERICANS DEEMED MISSING IN THE U.S.S.R. CONTINUES

### HON. LARRY McDONALD

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

*Monday, June 12, 1978*

● Mr. McDONALD. Mr. Speaker, many times on these pages I have brought to the attention of the Congress the possibility that there are still Americans being held in the U.S.S.R. connected with many incidents since World War II. One person who has been carried on a one-man crusade in this respect is Mr. Ted Greevers of Grand Rapids, Mich., a private detective. Mr. Greevers feels that at last he has located the so-called "secret" forced labor camp where foreigners are held in the U.S.S.R. Stories concerning this camp have been alleged for years. He has learned of this camp via a Romanian national who through the freakish circumstances of a flood was able to escape and eventually return to his home village. In order to make contact with this man, Mr. Greevers is seeking the assistance of President Ceausescu of Romania to talk with this man in the name of humanity. Mr. Greevers' letter to President Ceausescu, copies to Mr. Brezhnev and President Carter, follows and I wish him well in his quest to settle this matter:

THE FATMAN, INTERNATIONAL
PRIVATE DETECTIVE SERVICE,
*Grand Rapids, Mich., June 12, 1978.*

President NICOLAE CEAUSESCU,
*Central Committee Romanian Communist Party, Bucharest, Romania, Europe.*

DEAR PRESIDENT CEAUSESCU: I am writing to you, President Ceausescu, after nearly three years of exhaustive private investigation and considerable financial sacrifice and many days and hours of time away from my family and profession.

This letter is about a Romanian National by the name of Georghe Risoiu, who was forced to fight with the German occupation army in World War II and was captured along with many of his Romanian countrymen in the Soviet Union.

He was presumed dead by his family and loved ones, not having been heard from for well over thirty years, but, HE WAS NOT DEAD, and with five of his countrymen he escaped from a special Soviet prison camp in the far eastern reaches of Russia, a result of the confusion of a flash flood that occurred at this prison camp in January of 1975. A most incredible journey resulted during which one of the escapees died.

Allowing their hair to grow and travelling by night they lived off the land. Through a miracle, they were able to avoid detainment and apprehension until Georghe Risoiu returned to the village of Pitesti in his homeland of Romania, an unbelievable six months later in June of 1975, after a journey of over 4,500 miles.

Avraham Shifrin, a former Soviet prisoner himself, for 14 years, who now resides in Israel, who is without doubt the world's foremost authority, outside the U.S.S.R., on the Soviet Prison Camp System, in his testimony before the ninety third United States Congress on February 1, 1973, gave the following description of a Special Russian Camp as follows:

Senator GURNEY. "How long is this railroad?"

Mr. SHIFRIN. "Sixty kilometers to Barashevo. From Potma to Barashevo, it is a very little district to concentration camps. I was there and I can show you this."

Senator GURNEY. "How many concentration camps are on this railroad line?"

Mr. SHIFRIN. "I do not know, because you see, maybe here I was in 10 or 15. But they have another here and also, I explained when we spoke before testimony that here we have in the side, in the wild forest, we have one place which no one except KGB in the U.S.S.R. can tell anything. We know that there is a big concentration camp with the name Sarovo. In this concentration camp, they have not only fences and earth and guards and so on, they have a special highway around this concentration camp, with more secret police which see that no one would come into this district. Because they have this concentration camp so secret that no one knows what it is in there. They bring cars with the prisoners only in the night and a special guard takes them from Baroshevo to this site."

When Georghe knocked on the front door of his home, a human tragedy unfolded that is generally known only in opera, theater or literature. By this time his hair was very long and his clothing extremely tattered, and after identifying the woman who answered the door by her first name, he told her that she was his wife. Of course, she denied it, so he then told her the names of their children and the church where they were married and the woman still denied it, claiming her husband had been forced to fight with the German Army and had died during World War II on the Russian front and had never been heard from again. He then told her the date of their marriage, her parent's names and the dates of birth of their children. She finally gasped, realizing that this was in fact her husband, even though she had remarried, believing her first husband to have perished.

I learned of this tragedy a short time after the return of Mr. Risoiu and understand he was cautioned by Romanian government officials not to speak to anyone of his prison experiences and in turn was given a government pension and a home in the city of Curtea de Arges. Mr. Risoiu, who was again re-united with his wife and family has since this time been moved to "the other side of the mountain".

My purpose in writing to you today, President Ceausescu, is one that concerns the deepest of all humanitarian endeavors, and that is that we have knowledge of the fact the secret prison camp that Mr. Risoiu and his fellow countrymen escaped from holds many foreign nationals, mostly German army officers from World War II, but also citizens from the Netherlands, Belgium, France, Spain, England, Italy, and Yugoslavia, also Austrians, Japanese and of course additional Romanians, but what concerns me most is this camp holds AMERICANS.

President Ceausescu, Mr. Georghe Risoiu and his fellow escapees, I am informed, have an extensive list of names available identifying and describing those persons being held in this camp.

Mr. John H. Noble, an American citizen, who was imprisoned in the Soviet Union for nearly 10 years before his release in 1955, reported speaking with other prisoners within the Soviet Gulag Archipelago of American GI's who were captured in the Korean War being moved about in the transit camps of the Soviet Penal System.

I have reason to believe this special prison camp houses American prisoners from the Korean War and World War II and American military personnel from isolated incidences of U.S. Patrol Planes shot down by the Soviets during the Cold War.

In all sincerity I ask I be allowed to interview the remaining Soviet escapees, who are now living in your country, prior to having them testify without delay before an appropriate U.S. Congressional Committee so the remaining Americans now illegally imprisoned in the Soviet Union and all other foreign nationals held there can immediately be brought home to their families and loved ones.

This request is so vitally urgent to our honor and many American families who have suffered an agonizing loss, far worse than the finality of death, but never really gave up hope their son, father or husband could still be alive. The identification of the brave Americans and others who suffer cannot be delayed, I am sure you will agree, for even one additional hour.

In the spirit of truth and honor and everything that has made our country great, I sincerely ask for your immediate personal intervention and assistance for those who survive everyday only by unquestionable faith, hope and prayers.

Sincerely,

THEO. R. GREEVERS.●

## VETERANS GET SHORTCHANGED

### HON. NICK JOE RAHALL II

OF WEST VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

*Monday, June 12, 1978*

● Mr. RAHALL. Mr. Speaker, presently a terribly unfair law lets the Federal Government reach its hands into the veterans' pocket and take back some of the pension benefits they have earned.

Every time social security benefits increase, the Government gets to cut back on the veterans' benefits. As far as I am concerned, this is giving with one hand and taking away with the other, while the cost of living is skyrocketing.

Many veterans all over this great Nation have only a few means of support. In many cases it is their social security and veterans' benefits, and any decrease in either, in these inflationary times, results in great hardship.

As a cosponsor of similar legislation that has been incorporated into H.R. 10173, I urge my colleagues to support this measure, which is a major reform in legislation concerning those who fought so that we may remain free.

Two other measures of great concern to veterans are, H.R. 11886, a bill that increases disability compensation for spouses and dependents; and H.R. 11888, a bill that will provide additional monthly benefits to veterans with substantial disability.

Mr. Speaker, I believe we owe it to the men and women who gave a great deal of themselves to this Nation through our military.

I urge the support of my colleagues for this package of major veteran reform legislation.●

## SOLZHENITSYN AT HARVARD

**HON. ROBERT K. DORNAN**
OF CALIFORNIA
IN THE HOUSE OF REPRESENTATIVES

*Monday, June 12, 1978*

● Mr. DORNAN. Mr. Speaker, once in a rare century a man will stand forth, and through the raw power of his moral and intellectual being, he will inspire the world. A prophet, he may take it upon himself to rise up from the depths of humble or adverse circumstances and defy the various kingdoms of this world.

In the case of Alexander Solzhenitsyn, we have been privileged to witness something that will inspire free men as long as they are free to read, and write, and remember. This solitary figure, widely acclaimed as the world's greatest single, living writer, courageously stood forth and defied the massive power of the world's most formidable totalitarian state.

The Soviet Leviathan had swallowed thousands of young scholars, writers, and artists in its spasmodic blood lusts. It had ground many into dehumanized, babbling automatons, confessing to crimes they had never committed, betraying their innermost ideals after the most frightful tortures, beatings, and threats to themselves and their loved ones. But Solzhenitsyn was indigestible. His power of thought and expression, his absolute, almost inhuman, defiance, and his world renown as a literary artist were simply too much for Leviathan. For the first time the Kremlin, the absolute master of the Soviet state, found itself helpless before the moral force of a single human being. Options were closed. Leviathan could not cower him, it could not resentence him, and it could not kill him. And so, like Jonah's whale, it spit him out.

For Solzhenitsyn, exile was the worst of punishments. He was cut off from his native land, and the people he loves so deeply, the men and women who embody the deep spiritual sentiments that, in spite of Communist materialism, will forever characterize the Russian people.

The solitary courage of this one man had broader significance beyond his own personal challenge to the Kremlin. Solzhenitsyn graphically demonstrated the truth of his own faith. Through it all, the threats, the foreboding power of Leviathan, the vicious capabilities of the Stalinist survivors and collaborators who rule Red Russia, we were witnessing the exercise of free will and the power of the spirit of a man. The failure to grasp this elementary fact is a failure to comprehend the mighty significance of that entire episode. Solzhenitsyn was a living, breathing refutation of the Communist doctrine of social and economic determinism. He was, rather, living proof of the Christian doctrine of free will. He was a pure product of Soviet society. He had known nothing else. He was raised in the Soviet state, according to the ideological canons of Soviet education. As a young man he was indoctrinated into the belief that communism embodied all truth. He served faithfully in the armed forces of the Soviet state. And yet his mind reached into other dimensions under pain and suffering to be sure. Like his countrymen, he had known pain and suffering intimately. He emerged reborn.

His speech at Harvard severely hurt a number of us. By a man who has displayed such bravery, we do not like being called cowardly. By a man who has made excellence a standard of life, we do not like being termed weak and mediocre. By a man who has displayed such amazing spiritual strength, we do not like being called materialistic. That Mr. Solzhenitsyn should have given his address at Harvard is yet even more significant; for he blames the intellectual community of the West for our many problems, most particularly, problems of the spirit. He recognizes, as so few of our political leaders do, that our malaise is metaphysical and religious.

Mr. Speaker, none of this should have surprised us. Did we ever expect a man who had defied the KGB to draw back from offending the liberal sensibilities of the Harvard faculty or their rich and comfortable students? Can we face him, with our high crime rates, our indecisive international policies, our burgeoning abortion rates, our premarital sexual license and divorce rates, and say to him, without turning beet red, Mr. Solzhenitsyn you are wrong. We are not materialistic? We are a strong religious people? We are self-restrained? We always strive for excellence at work, as businessmen, as laborers, as Government officials, as educators, and as clergymen? Can we stand before the world and say that we have not allowed ourselves to slip; that we have held firm to our traditions; that we have no need of a national examination of conscience?

Mr. Speaker, I do not think that anyone in this House can totally agree with Alexander Solzhenitsyn. We cannot be expected to totally agree with any man. And I would imagine that Mr. Solzhenitsyn himself would consider a slavish parroting of his own observations to be nothing more than intellectual weakness, the absence of independent thought, indeed, as the very kind of weakness that he abhors. But whatever criticisms we have of him, let them be of a caliber befitting him and ourselves. I was disturbed to hear Mr. Archibald MacLeish use the phrase "foreigner" in his recent dispute with Mr. Solzhenitsyn's Harvard speech. I took note of the fact that some liberal Members of this House previously referred to him pejoratively as "that Russian." To dismiss or downgrade the substance of the great Russian author's observations because he is a "foreigner" is a form of intellectual self-abuse. We dishonor our own critical powers of thought in resorting to such a counterattack.

Mr. Speaker, the truth is that some of the greatest critics, and indeed the friendliest critics of the United States, have been great men of different nations. For all of their deep and strong patriotism, the Founding Fathers of this Republic openly avowed inspiration across time and space: The wisdom of classical Greece, Cicero, and the Roman lawyers, the work of the English jurists, Blackstone and Coke. Political theorists such as John Locke, who inspired Thomas Jefferson, and James Harrington, who influenced John Adams enriched our tradition. We learned the wisdom of the separation of powers from the French scholar, Charles de Montesquieu.

Mr. Speaker, some of our most constructive critics were men of foreign nationality. The French essayist, Alexis de Tocqueville's "Democracy in America," stands even today as one of the most powerful and penetrating accounts of American life and culture. The workings of American Government have rarely been described in more impressive fashion than in "The American Commonwealth" by the English scholar, Lord Bryce. We are a cosmopolitan people, because our very roots are cosmopolitan. Our people have come to these shores from many nations, with the hope of living the good life of the Republic. It was not without reason that the Father of our Country, President Washington, wrote:

> Our cause is noble. It is the cause of mankind. And the danger to it is to be apprehended from ourselves.

Mr. Speaker, Mr. Solzhenitsyn is only telling us that, in our current condition, we are what President Washington feared—a danger to ourselves. Those who are shocked by his remarks, really have no right to be shocked. He has not told us anything we have not heard before from our best critics.

Consider the sensationalism of our press. There is no greater benefit to a free society, than a free and open press. But we often fail to realize that rights bear responsibilities, most especially a sense of self-restraint and prudence. But in 1840, the great French essayist, De Tocqueville, remarked:

> The characteristics of the American journalist consist in an open and course appeal to the passions of the populace; and he habitually abandons the principles of political science to assail the characters of individuals, to track them into private life, and disclose all their weaknesses and errors.

And so James Fenimore Cooper, one of our greatest American writers, warned:

> The press is equally capable of being made the instrument of elevating man to the highest point of which his faculties admit, or of depressing him to the lowest.

And yet the Washington Post of June 11, pompously declares that Solzhenitsyn betrays "a gross misunderstanding of Western society * * *"

Mr. Speaker, maybe the writers at the Post are hurt, because they realize that Mr. Solzhenitsyn speaks of ills which they suspect their own vision of society would perpetuate. If he is right, they are severely wrong. They claim that Mr. Solzhenitsyn speaks for "boundless cold war" in our dealings with the Kremlin. But for what does the Kremlin leadership speak, when year after year, they declare their intentions to destroy the West; when they declare "peaceful coexistence" to be only another form of the class struggle; when they continue an unprecedented military buildup far be-

yond their legitimate need for self-defense?

Mr. Speaker, the Book of Proverbs tells us.

Faithful are the wounds of a friend, but the kisses of an enemy are deceitful.

Let us heed the man's words. It is an honor for me to insert this speech into the CONGRESSIONAL RECORD:

SOLZHENITSYN'S INDICTMENT: "THE WEST HAS LOST ITS COURAGE"

(By Alexander Solzhenitsyn)

A loss of courage may be the most striking feature which an outside observer notices in the West in our days. The western world has lost its civil courage, both as a whole and separately, in each country, each government, each political party and of course in the United Nations.

Such a decline in courage is particularly noticeable among the ruling groups and the intellectual elite, causing an impression of loss of courage by the entire society. Of course there are many courageous individuals but they have no determining influence on public life. Political and intellectual bureaucrats show depression, passivity and perplexity in their actions and in their statements and even more so in theoretical reflections to explain how realistic, reasonable as well as intellectually and even morally warranted it is to base state policies on weakness and cowardice.

And decline in courage is ironically emphasized by occasional explosions of anger and inflexibility on the part of the same bureaucrats when dealing with weak governments and weak countries, not supported by anyone, or with currents which cannot offer any resistance. But they get tongue-tied and paralyzed when they deal with powerful governments and threatening forces, with aggressors and international terrorists.

Should one point out that from ancient times decline in courage has been considered the beginning of the end?

When the modern western states were created, the following principle was proclaimed: governments are meant to serve man, and man lives to be free and to pursue happiness. (See, for example, the American Declaration of Independence).

Now at last during past decades technical and social progress has permitted the realization of such aspirations: the welfare state. Every citizen has been granted the desired freedom and material goods in such quantity and of such quality as to guarantee in theory the achievement of happiness, in the morally inferior sense which has come into being during those same decades.

In the process, however, one psychological detail has been overlooked: The constant desire to have still more things and a still better life and the struggle to obtain them imprints many western faces with worry and even depression, though it is customary to conceal such feelings. Active and tense competition permeates all human thoughts without opening a way to free spiritual development.

The individual's independence from many types of state pressure has been guaranteed; the majority of people have been granted well-being to an extent their fathers and grandfathers could not even dream about; it has become possible to raise young people according to these ideals, leading them to physical splendor, happiness, possession of material goods, money and leisure, to an almost unlimited freedom of enjoyment. So who should now renounce all this, why and for what should one risk one's precious life in defense of common values, and particularly in such nebulous cases when the security of one's nation must be defended in a distant country?

Even biology knows that habitual extreme safety and well-being are not advantageous for a living organism. Today, well-being in the life of western society has begun to reveal its pernicious mask.

Western society has given itself the organization best suited to its purposes, based, I would say, on the letter of the law. The limits of human rights and righteousness are determined by a system of laws; such limits are very broad.

People in the West have acquired considerable skill in using, interpreting and manipulating law, even though laws tend to be too complicated for an average person to understand without the help of an expert. Any conflict is solved according to the letter of the law and this is considered to be the supreme solution. If one is right from a legal point of view, nothing more is required, nobody may mention that one could still not be entirely right, and urge self-restraint, a willingness to renounce such legal rights, sacrifice and selfless risk: it would sound simply absurd.

One almost never sees voluntary self-restraint. Everybody operates at the extreme limit of those legal frames. An oil company is legally blameless when it purchases an invention of a new type of energy in order to prevent its use. A food product manufacturer is legally blameless when he poisons his produce to make it last longer: after all, people are free not to buy it.

I have spent all my life under a communist regime and I will tell you that a society without any objective legal scale is a terrible one indeed. But a society with no other scale but the legal one is not quite worthy of man either. A society which is based on the letter of the law and never reaches any higher is taking very scarce advantage of the high level of human possibilities. The letter of the law is too cold and formal to have a beneficial influence on society. Whenever the tissue of life is woven of legalistic relations, there is an atmosphere of moral mediocrity, paralyzing man's noblest impulses.

And it will be simply impossible to stand through the trials of this threatening century with only the support of a legalistic structure.

In today's western society, the inequality has been revealed of freedom for good deeds and freedom for evil deeds. A statesman who wants to achieve something important and highly constructive for his country has to move cautiously and even timidly; there are thousands of hasty and irresponsible critics around him, parliament and the press keep rebuffing him. As he moves ahead, he has to prove that each single step of his is well-founded and absolutely flawless. Actually an outstanding and particularly gifted person who has unusual and unexpected initiatives in mind hardly gets a chance to assert himself; from the very beginning, dozens of traps will be set out for him. Thus mediocrity triumphs with the excuse of restrictions imposed by democracy.

It is feasible and easy everywhere to undermine administrative power and, in fact, it has been drastically weakened in all western countries. The defense of individual rights has reached such extremes as to make society as a whole defenseless against certain individuals. It is time, in the West, to defend not so much human rights as human obligation.

In spite of the abundance of information, or maybe because of it, the West has difficulties in understanding reality such as it is. There have been naive predictions by some American experts who believed that Angola would become the Soviet Union's Vietnam or that Cuban expeditions in Africa would best be stopped by special U.S. courtesy to Cuba.

Kennan's advice to his own country—to begin unilateral disarmament—belongs to the same category. If you only knew how the youngest of the Moscow Old Square officials laugh at your political wizards!

As to Fidel Castro, he frankly scorns the United States, sending his troops to distant adventures from his country right next to yours.

However, the most cruel mistake occurred with the failure to understand the Vietnam War. Some people sincerely wanted all wars to stop just as soon as possible; others believed that there should be room for national, or communist, self-determination in Vietnam, or in Cambodia, as we see today with particular clarity.

But members of the U.S. antiwar movement wound up being involved in the betrayal of Far Eastern nations, in a genocide and in the suffering today imposed on 30 million people there. Do those convinced pacifists hear the moans coming from there? Do they understand their responsibility today? Or do they prefer not to hear?

The American intelligentsia lost its nerve, and as a consequence thereof danger has come much closer to the United States. But there is no awareness of this.

Your shortsighted politicians who signed the hasty Vietnam capitulation seemingly gave America a carefree breathing pause; however, a hundredfold Vietnam now looms over you.

That small Vietnam had been a warning and an occasion to mobilize the nation's courage. But if a full-fledged America suffered a real defeat from a small communist half-country, how can the West hope to stand firm in the future?

I have had occasion already to say that in the 20th century western democracy has not won any major war without help and protection from a powerful continental ally whose philosophy and ideology it did not question.

In World War II against Hitler, instead of winning that war with its own forces, which would certainly have been sufficient, Western democracy grew and cultivated another enemy who would prove worse and more powerful yet, as Hitler never had so many resources and so many people, nor did he offer any attractive ideas, or have such a large number of supporters in the West—a potential fifth column—as the Soviet Union.

At present, some western voices already have spoken of obtaining protection from a third power against aggression in the next world conflict, if there is one; in this case the shield would be China. But I would not wish such an outcome to any country in the world.

First of all, it is again a doomed alliance with evil; also, it would grant the United States a respite, but when at a later date China with its billion people would turn around armed with America weapons, America itself would fall prey to a genocide similar to the one perpetrated in Cambodia in our days.

And yet—no weapons, no matter how powerful, can help the West until it overcomes its loss of willpower. In a state of psychological weakness, weapons become a burden for the capitulating side. To defend oneself, one must also be ready to die; there is little such readiness in a society raised in the cult of material well-being.

Nothing is left, then, but concessions, attempts to gain time and betrayal. Thus at the shameful Belgrade Conference free western diplomats in their weakness surrendered the line where enslaved members of Helsinki watchgroups are sacrificing their lives.

Western thinking has become conservative; the world situation should stay as it is at any cost, there should be no changes. This debilitating dream of a status quo is the symptom of a society which has come to the end of its development.

But one must be blind in order not to see that oceans no longer belong to the West, while land under its domination keeps shrinking. The two so-called world wars—they were by far not on a world scale, not yet—have meant internal self-destruction of

the small progressive West which has thus prepared its own end. The next war—which does not have to be an atomic one and I do not believe it will—may well bury western civilization forever.

Facing such a danger, with such historical values in your past, at such a high level of realization of freedom and apparently of devotion to freedom, how is it possible to lose to such an extent the will to defend oneself?

How has this unfavorable relation of forces come about? How did the West decline from its triumphal march to its present sickness? Have there been fatal turns and losses of direction in its development?

Destructive and irresponsible freedom has been granted boundless space. Society appears to have little defense against the abyss of human decadence, such as, for example, misuse of liberty for moral violence against young people, motion pictures full of pornography, crime and horror. It is considered to be part of freedom and theoretically counterbalanced by the young people's right not to look or not to accept. Life organized legalistically has thus shown its inability to defend itself against the corrosion of evil.

And what shall we say about the dark realm of criminality as such? Legal frames (especially in the United States) are broad enough to encourage not only individual freedom but also certain individual crimes. The culprit can go unpunished or obtain undeserved leniency with the support of thousands of public defenders. When a government starts an earnest fight against terrorism, public opinion immediately accuses it of violating the terrorists' civil rights. There are many such cases.

Such a tilt of freedom in the direction of evil has come about gradually but it was evidently born primarily out of a humanistic and benevolent concept according to which there is no evil inherent to human nature; the world belongs to mankind and all the defects of life are caused by wrong social systems which must be corrected. Strangely enough, though the best social conditions have been achieved in the West, there still is criminality and there even is considerably more of it than in the pauper and lawless Soviet society. (There is a huge number of prisoners in our camps who are termed criminals, but most of them never committed any crime; they merely tried to defend themselves against a lawless state resorting to means outside of a legal framework.)

The press too, of course, enjoys the widest freedom. (I shall be using the word press to include all media). But what sort of use does it make of this freedom?

Here again, the main concern is not to infringe the letter of the law. There is no moral responsibility for deformation or disproportion.

What sort of responsibility does a journalist have to his readers, or to history?

If they have misled public opinion or the government by inaccurate information or wrong conclusions, do we know of any cases of public recognition and rectification of such mistakes by the same journalist or the same newspaper?

No, it does not happen, because it would damage sales. A nation may be the victim of such a mistake, but the journalist always gets away with it. One may safely assume that he will start writing the opposite with renewed self-assurance.

Because instant and credible information has to be given, it becomes necessary to resort to guesswork, rumors and suppositions to fill in the voids, and none of them will ever be rectified, they will stay on in the readers' memory.

How many hasty, immature, superficial and misleading judgments are expressed every day, confusing readers, without any verification? The press can both simulate public opinion and miseducate it.

Thus we may see terrorists heroized, or secret matters, pertaining to one's nation's defense, publicly revealed, or we may witness shameless intrusion on the privacy of well-known people under the slogan: "Everyone is entitled to know everything."

But should someone ask me whether I would indicate the West such as it is today as a model to my country, frankly I would have to answer negatively. No, I could not recommend your society in its present state as an ideal for the transformation of ours.

Through intense suffering our country has now achieved a spiritual development of such intensity that the western system in its present state of spiritual exhaustion does not look attractive. Even those characteristics of your life which I have just mentioned are extremely saddening.

A fact which cannot be disputed is the weakening of human beings in the West while in the East they are becoming firmer and stronger. Six decades for our people and three decades for the people of Eastern Europe; during that time we have been through a spiritual training far in advance of western experience. Life's complexity and mortal weight have produced stronger, deeper and more interesting characters than those generated by standardized western well-being.

Therefore, if our society were to be transformed into yours, it would mean an improvement in certain aspects, but also a change for the worse on some particularly significant scores.

It is true, no doubt, that a society cannot remain in an abyss of lawlessness, as is the case in our country. But it is also demeaning for it to elect such mechanical legalistic smoothness as you have.

After the suffering of decades of violence and oppression, the human soul longs for things higher, warmer and purer than those offered by today's mass living habits, introduced by the revolting invasion of publicity, by TV stupor and by intolerable music.

All this is visible to observers from all the worlds of our planet. The western way of life is less and less likely to become the leading model.

There are meaningful warnings which history gives a threatened or perishing society. Such are, for instance, the decadence or art, or a lack of great statesmen.

There are open and evident warnings, too. The center of your democracy and of your culture is left without electric power for a few hours only, and all of a sudden crowds of American citizens start looting and creating havoc.

The smooth surface film must be very thin, then, the social system quite unstable and unhealthy.

But the fight for our planet, physical and spiritual, a fight of cosmic proportions, is not a vague matter of the future; it has already started.

The forces of evil have begun their decisive offensive, you can feel their pressure, and yet your screens and publications are full of prescribed smiles and raised glasses. What is the joy about?

Very well-known representatives of your society, such as George Kennan, say: We cannot apply moral criteria to politics. Thus we mix good and evil, right and wrong and make space for the absolute triumph of absolute evil in the world.

On the contrary, only moral criteria can help the West against communism's well-planned world strategy. There are no other criteria. Practical or occasional considerations of any kind will inevitably be swept away by strategy. After a certain level of the problem has been reached, legalistic thinking induces paralysis, it prevents one from seeing the size and meaning of events.

But this is a false slogan, characteristic of a false era: people also have the right not to know, and it is a much more valuable one. The right not to have their divine souls stuffed with gossip, nonsense, vain talk. A person who works and leads a meaningful life does not need this excessive, burdening flow of information.

Hastiness and superficiality are the psychic disease of the 20th century and more than anywhere else this disease is reflected in the press. In-depth analysis of a problem is anathema to the press. It stops at sensational formulas.

Such as it is, however, the press has become the greatest power within the western countries, more powerful than the legislature, the executive and the judiciary. One would then like to ask: By what law has it been elected and to whom is it responsible?

In the communist East, a journalist is frankly appointed as a state official. But who has granted western journalists their power, for how long a time and with what prerogatives?

There is yet another surprise for someone coming from the East where the press is rigorously unified: one gradually discovers a common trend of preferences within the western press as a whole. It is a fashion; there are generally accepted patterns of judgment and there may be common corporate interests, the sum effect being not competition but unification.

Enormous freedom exists for the press, but not for the readership, because newspapers mostly give enough stress and emphasis to those opinions which do not too openly contradict their own and the general trend.

Without any censorship, in the West fashionable trends of thought and ideas are carefully separated from those which are not fashionable; nothing is forbidden, but what is not fashionable will hardly ever find its way into periodicals or books or be heard in colleges.

Legally your researchers are free, but they are conditioned by the fashion of the day. There is no open violence such as in the East; however, a selection dictated by fashion and the need to match mass standards frequently prevent independent-minded people from giving their contribution to public life. There is a dangerous tendency to form a herd, shutting off successful development.

This gives birth to strong mass prejudices, to blindness, which is most dangerous in our dynamic era. There is, for instance, a self-deluding interpretation of the contemporary world situation. It works as a sort of a petrified armor around people's minds.

Human voices from 17 countries of Eastern Europe and Eastern Asia cannot pierce it. It will only be broken by the pitiless crowbar of events.

It is almost universally recognized that the West shows all the world a way to successful economic development, even though in the past years it has been strongly disturbed by chaotic inflation.

However, many people living in the West are dissatisfied with their own society. They despise it or accuse it of not being up to the level of maturity attained by mankind. A number of such critics turn to socialism, which is a false and dangerous current.

I hope that no one present will suspect me of offering my personal criticism of the western system to present socialism as an alternative. Having experienced applied socialism in a country where the alternative has been realized, I certainly will not speak for it.

It does not seem so. The West kept advancing socially in accordance with its proclaimed intentions, with the help of brilliant technological progress. And all of a sudden it found itself in its present state of weakness. This means that the mistake must be

at the root, at the very basis of human thinking in the past centuries.

I refer to the prevailing western view of the world which was first born during the Renaissance and found its political expression from the period of the Enlightenment. It became the basis for government and social science and could be defined as rationalistic humanism or humanistic autonomy the proclaimed and enforced autonomy of man from any higher force above him. It could also be called anthropocentricity, with man seen as the center of everything that exists.

The turn introduced by the Renaissance evidently was inevitable historically. The Middle Ages had come to a natural end by exhaustion, becoming an intolerable despotic reprehension of man's physical nature in favor of the spiritual one.

Then, however, we turned our backs upon the Spirit and embraced all that is material with excessive and unwarranted zeal. This new way of thinking, which had imposed on us its guidance, did not admit the existence of intrinsic evil in man nor did it see any higher task than the attainment of happiness on earth.

It based modern western civilization on the dangerous trend to worship man and his material needs. Everything beyond physical well-being and accumulation of material goods, all other human requirements and characteristics a subtler and higher nature, were left outside the area of attention of state and social systems, as if human life did not have any superior sense.

That provided access for evil, of which in our days there is a free and constant flow. Merely freedom does not in the least solve all the problems of human life and it even adds a number of new ones.

However, in early democracies, as in American democracy at the time of its birth, all individual human rights were granted because man is God's creature. That is, freedom was given to the individual conditionally, in the assumption of his constant religious responsibility.

Such was the heritage of the preceding thousand years. Two hundred or even 50 years ago, it would have seemed quite impossible, in America, that an individual could be granted boundless freedom simply for the satisfaction of his instincts or whims.

Subsequently, however, all such limitations were discarded everywhere in the West; a total liberation occurred from the moral heritage of Christian centuries with the great reserves of mercy and sacrifice.

As humanism in its development became more and more materialistic, it made itself increasingly accessible to speculation and manipulation at first by socialism and then by communism. So that Karl Marx was able to say in 1844 that "communism is naturalized humanism."

This statement turned out to be not entirely senseless. One does see the same stones in the foundations of a despiritualized humanism and of any type of socialism: endless materialism; freedom from religion and religious responsibility, which under communist regimes reach the stage of a religious dictatorship; concentration on social structure with a seemingly scientific approach.

This is typical of the Enlightenment in the 18th century and of Marxism. Not by coincidence all of communism's meaningless pledges and oaths are about Man, with a cap M, and his earthly happiness.

At first glance it seems an ugly parallel: common traits of the thinking and way of life of today's West and today's East? But such is the logic of materialistic development.

We are now experiencing the consequences of mistakes which had not been noticed at the beginning of the journey. We have placed too much hope in political and social forms, only to find out that we were being deprived of our most precious possession: our spiritual life.

In the East, it is destroyed by the dealings and machinations of the ruling party. In the West, commercial interests tend to suffocate it. This is the real crisis. The split in the world is less terrible than the similarity of the disease plaguing its main sections.●

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CHARLES E. CATES

## HON. IKE SKELTON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

*Monday, June 12, 1978*

● Mr. SKELTON. Mr. Speaker, recently, a pamphlet of the Community Services Administration, Region VII, tells about federally sponsored housing, particularly the low rent rural housing for the elderly. This publication refers to one individual, Charles E. Cates, CSA housing specialist, who works in the Kansas City Regional Office. To my knowledge, no other Federal publication has printed a pamphlet singling out the work of one individual. Many people in the 4th Congressional District are recipients of the good work of Charles Cates and I take this opportunity to include in the CONGRESSIONAL RECORD part of the pamphlet that refers to Mr. Cates and his work:

Many millions of dollars in low-rent rural housing for the elderly in Region VII have been mobilized through FmHA low-interest loans with CAAs serving as the catalyst at the local level.

Usually the efforts of one individual are not publicly singled out by the organization for which he works, unless the results are spectacular.

However, because of one man's ability to cause people to work together, his knowledge of the construction business and a lot of energy coupled with a keen desire to help elderly poor people, some 5,500 senior citizens in a very rural 4-state region now are paying from $65 to $90 monthly for new, attractive apartments.

The man is Charles E. Cates, CSA Housing Specialist, who works out of the Region VII Office at Kansas City. His energy belies his nearly threescore and ten years and close friends of "Charlie" Cates enjoy kidding him about the "senior citizens" his efforts have helped.

How does Charlie Cates move so many rural elderly into modern, comfortable very low-rental homes?

It's not exactly a simple process. Over the past seven years Charlie has had to go personally to dozens of small Midwesten towns in Missouri, Kansas, Iowa and Nebraska which have had a shortage of any kind of adequate housing and a superabundance of elderly persons who were ill-housed.

GETTING IT ALL TOGETHER

Charlie is a gregarious, persuasive individual who can go into a small community, round up its Mayor, Newspaper Editor-Publisher, Banker and usually other community leaders for the purpose of establishing a local, not-for-profit housing corporation to implement a low-rent housing project for the local elderly. He's a packager of programs which combine federal funds with local interest and effort. Charlie's efforts are always in close cooperation with the Community Action Agency in the area in which he's working.

Most of the hundreds of projects Charlie has worked on have utilized FmHA 515 low-interest loans. To obtain a FmHA loan a local committee, or "housing authority" must be formed, a site must be located (often Charlie has been successful in causing sites to be donated) and 2 per cent of the housing complex's total expected cost must be collected in cash. This usually is done through sale of stock to local groups and individuals.

In addition, for every proposed unit in the housing project, two prospective renters must be signed up by name to occupy each apartment after construction has been completed. Those whose names appear first on the list of prospective occupants are those who have been certified as most in need of low-rent housing by the CAA and the local housing committee or authority.

Occupants must be over age 62 and must meet poverty or near-poverty income guidelines to qualify.

Projects usually range from 12 units to 48 units. Projects with 12 units or more qualify for construction of a contiguous "community building" which includes meeting facilities, a kitchen and laundry facilities which are always available to residents of the projects.

Projects have to meet FmHA standards as to construction and safety criteria and Cates has worked closely with both FmHA and architects to assure quality, but with simple designs and at lower costs.

MODERN ATTRACTIVE HOUSING

Most of the modern structures are brick fourplexes with hip roofs and fire safety walls between each unit. Interiors are carpeted, have their own baths and kitchens with appliances. Residents furnish the apartments to suit themselves and many are handsomely decorated with what have become fine old antiques and heirlooms.

CSA Region VII's Charlie Cates has worked with CAAs, local leaders and a cooperative Farmers Home Administration on more than $30 million worth of low-rental rural housing for the elderly, but the bottom line is the $65 to $90 a month which thousands of elderly Americans who have been trapped on fixed incomes are paying for good housing where they want to live.

"These people want a really decent place to live at a rent they can afford," Charles Cates says, "And CSA, the CAAs, the Farmers Home Administration and I intend to help them get what they want."●

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FRANCIS F. "PETE" JEWETT

## HON. IKE SKELTON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

*Monday, June 12, 1978*

● Mr. SKELTON. Mr. Speaker, Bates County, Mo., recently lost a civic leader, and many of us in western Missouri have lost a good friend. Francis F. "Pete" Jewett of Butler recently passed away. Pete Jewett was a well known and highly respected citizen of Butler, having been the office manager for the Agriculture Stabilization and Conservation Service in that community for 12 years before he retired in 1973. Prior to that, Mr. Jewett operated the Passaic Elevator and Seed Corn Co., for many years. He was a member of the Butler First Christian Church and active in governmental and political affairs. He was a devoted husband and warm friend.

I wish to express sincere sympathy to

his wife, Mrs. Gleeta Jewett, and his sisters, who survive him. He will be greatly missed by all who knew him.●

## SOLZHENITSYN SPEAKS

### HON. LAMAR GUDGER

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

*Monday, June 12, 1978*

● Mr. GUDGER. Mr. Speaker, too often, in the press of day-to-day challenges, we fail to look up long enough to take navigational bearings on the drift of our Nation.

At such times, it is sometimes necessary for a newcomer to remind us of our historic trust and of ways we may be departing from the path which our forefathers initially trod.

Nobel Prize winner Alexander Solzhenitsyn, exiled from his motherland since 1974, take a searching look at America and seeks unchecked materialism, timid leadership, legalism without moral values, an irresponsible press, a spiritual vacuum. Do these charges add up to a society which has lost the will to defend itself? This is a question we should ask ourselves.

In the Sunday, June 11, 1978, issue of the Washington Post, Mr. Solzhenitsyn raises these issues. I commend the following account to the attention of my colleagues:

[From the Washington Post, June 11, 1978]

SOLZHENITSYN'S INDICTMENT: THE WEST HAS LOST ITS COURAGE'

(By Alexander Solzhenitsyn)

A loss of courage may be the most striking feature which an outside observer notices in the West in our days. The western world has lost its civil courage, both as a whole and separately, in each country, each government, each political party and of course in the United Nations.

Such a decline in courage is particularly noticeable among the ruling groups and the intellectual elite, causing an impression of loss of courage by the entire society. Of course there are many courageous individuals but they have no determinining influence on public life. Political and intellectual bureaucrats show depression, passivity and perplexity in their actions and in their statements and even more so in theoretical reflections to explain how realistic, reasonable as well as intellectually and even morally warranted it is to base state policies on weakness and cowardice.

And decline in courage is ironically emphasized by occasional explosions of anger and inflexibility on the part of the same bureaucrats when dealing with weak governments and weak countries, not supported by anyone, or with currents which cannot offer any resistence. But they get tonguetied and paralyzed when they deal with powerful governments and threatening forces, with aggressors and international terrorists.

Should one point out that from ancient times decline in courage has been considered the beginning of the end?

When the modern western states were created, the following principle was proclaimed: governments are meant to serve man, and man lives to be free and to pursue happiness. (See, for example, the American Declaration of Independence).

Now at last during past decades technical and social progress has permitted the realization of such aspirations the welfare state. Every citizen has been granted the desired freedom and material goods in such quantity and of such quality as to guarantee in theory the achievement of happiness, in the morally inferior sense which has come into being during those same decades.

In the process, however, one psychological detail has been overlooked: The constant desire to have still more things and a still better life and the struggle to obtain them imprints many western faces with worry and even depression, though it is customary to conceal such feelings. Active and tense competition permeates all human thoughts without opening a way to free spiritual development.

The individual's independence from many types of state pressure has been guaranteed; the majority of people have been granted well-being to an extent their fathers and grandfathers could not even dream about; it has become possible to raise young people according to these ideals, leading them to physical splendor, happiness, possession of material goods, money and leisure, to an almost unlimited freedom of enjoyment. So who should now renounce all this, why and for what should one risk one's precious life in defense of common values, and particularly in such nebulous cases when the security of one's nation must be defended in a distant country?

Even biology knows that habitual extreme safety and well-being are not advantageous for a living organism. Today, well-being in the life of western society has begun to reveal its pernicious mask.

Western society has given itself the organization best suited to its purposes, based, I would say, on the letter of the law. The limits of human rights and righteousness are determined by a system of laws; such limits are very broad.

People in the West have acquired considerable skill in using, interpreting and manipulating law, even though laws tend to be too complicated for an average person to understand without the help of an expert. Any conflict is solved according to the letter of the law and this is considered to be the supreme solution. If one is right from a legal point of view, nothing more is required, nobody may mention that one could still not be entirely right, and urge self-restraint, a willingness to renounce such legal rights, sacrifice and selfless risk; it would sound simply absurd.

One almost never sees voluntary self-restraint. Everybody operates at the extreme limit of those legal frames. An oil company is legally blameless when it purchases an invention of a new type of energy in order to prevent its use. A food product manufacturer is legally blameless when he poisons his produce to make it last longer; after all, people are free not to buy it.

I have spent all my life under a communist regime and I will tell you that a society without any objective legal scale is a terrible one indeed. But a society with no other scale but the legal one is not quite worthy of man either. A society which is based on the letter of the law and never reaches any higher is taking very scarce advantage of the high level of human possibilities. The letter of the law is too cold and formal to have a beneficial influence on society. Whenever the tissue of life is women of legalistic relations, there is an atmosphere of moral mediocrity, paralyzing man's noblest impulses.

And it will be simply impossible to stand through the trials of this threatening century with only the support of a legalistic structure.

In today's western society, the inequality has been revealed of freedom for good deeds and freedom for evil deeds. A statesman who wants to achieve something important and highly constructive for his country has to move cautiously and even timidly; there are thousands of hasty and irresponsible critics around him, parliament and the press keep rebuffing him. As he moves ahead, he has to prove that each single step of his is well-founded and absolutely flawless. Actually an outstanding and particularly gifted person who has unusual and unexpected initiatives in mind hardly gets a chance to assert himself; from the very beginning, dozens of traps will be set out for him. Thus mediocrity triumphs with the excuse of restrictions imposed by democracy.

It is feasible and easy everywhere to undermine administrative power and, in fact, it has been drastically weakened in all western countries. The defense of individual rights has reached such extremes as to make society as a whole defenseless against certain individuals. It is time, in the West, to defend not so much human rights as human obligations.

Destructive and irresponsible freedom has been granted boundless space. Society appears to have little defense against the abyss of human decadence, such as, for example, misuse of liberty for moral violence against young people, motion pictures full of pornography, crime and horror. It is considered to be part of freedom and theoretically counter-balanced by the young people's right not to look or not to accept. Life organized legalistically has thus shown its inability to defend itself against the corrosion of evil.

And what shall we say about the dark realm of criminality as such? Legal frames (especially in the United States) are broad enough to encourage not only individual freedom but also certain individual crimes. The culprit can go unpunished or obtain undeserved leniency with the support of thousands of public defenders. When a government starts an earnest fight against terrorism, public opinion immediately accuses it of violating the terrorists' civil rights. There are many such cases.

Such a tilt of freedom in the direction of evil has come about gradually but it was evidently born primarily out of a humanistic and benevolent concept according to which there is no evil inherent to human nature; the world belongs to mankind and all the defects of life are caused by wrong social systems which must be corrected. Strangely enough, though the best social conditions have been achieved in the West, there still is criminality and there even is considerably more of it than in the pauper and lawless Soviet society. (There is a huge number of prisoners in our camps who are termed criminals, but most of them never commited any crime; they merely tried to defend themselves against a lawless state resorting to means outside of a legal framework.)

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I hope that no one present will suspect me of offering my personal criticism of the western system to present socialism as an alternative. Having experienced applied socialism in a country where the alternative has been realized, I certainly will not speak for it.

But should someone ask me whether I would indicate the West such as it is today as a model to my country, frankly I would have to answer negatively. No, I could not recommend your society in its present state as an ideal for the transformation of ours.

Through intense suffering our country has achieved a spiritual development of such intensity that the western system in its present state of spiritual exhaustion does not look attractive. Even those characteristics of your life which I have just mentioned are extremely saddening.

A fact which cannot be disputed is the weakening of human beings in the West while in the East they are becoming firmer and stronger. Six decades for our people and three decades for the people of Eastern Europe; during that time we have been through a spiritual training far in advance of western experience. Life's complexity and mortal weight have produced stronger, deeper and more interesting characters than those generated by standardized western well-being.

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There are meaningful warnings which history gives a threatened or perishing society. Such are, for instance, the decadence of art, or a lack of great statesmen.

They are open and evident warnings, too. The center of your democracy and your culture is left without electric power for a few hours only, and all of a sudden crowds of American citizens start looting and creating havoc.

The smooth surface film must be very thin, then, the social system quite unstable and unhealthy.

But the fight for our planet, physical and spiritual, a fight of cosmic proportions, is not a vague matter of the future; it has already started.

The forces of evil have begun their decisive offensive, you can feel their pressure, and yet your screens and publications are full of prescribed smiles and raised glasses. What is the joy about?

Very well-known representatives of your society, such as George Kennan, say: We cannot apply moral criteria to politics. Thus we mix good and evil, right and wrong and make space for the absolute triumph of absolute evil in the world.

On the contrary, only moral criteria can help the West against communism's well-planned world strategy. There are no other criteria. Practical or occasional considerations of any kind will inevitably be swept away by strategy. After a certain level of the problem has been reached, legalistic thinking induces paralysis, it prevents one from seeing the size and meaning of events.

In spite of the abundance of information, or maybe because of it, the West has difficulties in understanding reality such as it is. There have been naive predictions by some American experts who believe that Angola would become the Soviet Union's Vietnam or that Cuban expeditions in Africa would best be stopped by special U.S. courtesy to Cuba.

Kennan's advice to his own country—to begin unilateral disarmament—belongs to the same category. If you only knew how the youngest of the Moscow Old Square officials laugh at your political wizards!

As to Fidel Castro, he frankly scorns the United States, sending his troops to distant adventures from his country right next to yours.

However, the most cruel mistake occurred with the failure to understand the Vietnam War. Some people sincerely wanted all wars to stop just as soon as possible; others believed that there should be room for national, or communist, self-determination in Vietnam, or in Cambodia, as we see today with particular clarity.

But members of the U.S. antiwar movement wound up being involved in the betrayal of Far Eastern nations, in a genocide and in the suffering today imposed on 30 million people there. Do those convinced pacifists hear the moans coming from there? Do they understand their responsibility today? Or do they prefer not to hear?

The American intelligentsia lost its nerve, and as a consequence thereof danger has come much closer to the United States. But there is no awareness of this.

Your shortsighted politicians who signed the hasty Vietnam capitulation seemingly gave America a carefree breathing pause; however, a hundredfold Vietnam now looms over you.

That small Vietnam had been a warning and an occasion to mobilize the nation's courage. But if a full-fledged America suffered a real defeat from a small communist half-country, how can the West hope to stand firm in the future?

I have had occasion already to say that in the 20th century western democracy has not won any major war without help and protection from a powerful continental ally whose philosophy and ideology it did not question.

In World War II against Hitler, instead of winning that war with its own forces, which would certainly have been sufficient, Western democracy grew and cultivated another enemy who would prove worse and more powerful yet, as Hitler never had so many resources and so many people, nor did he offer any attractive ideas, or have such a large number of supporters in the West—a potential fifth column—as the Soviet Union.

At present, some western voices already have spoken of obtaining protection from a third power against aggression in the next world conflict, if there is one; in this case the shield would be China. But I would not wish such an outcome to any country in the world.

First of all, it is again a doomed alliance with evil; also, it would grant the United States a respite, but when at a later date China with its billion people would turn around armed with American weapons, America itself would fall prey to a genocide similar to the one perpetrated in Cambodia in our days.

And yet—no weapons, no matter how powerful, can help the West until it overcomes its loss of willpower. In a state of psychological weakness, weapons become a burden for the capitulating side. To defend oneself, one must also be ready to die; there is little such readiness in a society raised in the cult of material well-being.

Nothing is left, then, but concessions, attempts to gain time and betrayal. Thus at the shameful Belgrade Conference free western diplomats in their weakness surrendered the line where enslaved members of Helsinki watchgroups are sacrificing their lives.

Western thinking has become conservative;

the world situation should stay as it is at any cost, there should be no changes. This debilitating dream of a status quo is the symptom of a society which has come to the end of its development.

But one must be blind in order not to see that oceans no longer belong to the West, while land under its domination keeps shrinking. The two so-called world wars—they were by far not on a world scale, not yet—have meant internal self-destruction of the small progressive West which has thus prepared its own end. The next war—which does not have to be an atomic one and I do not believe it will—may well bury western civilization forever.

Facing such a danger, with such historical values in your past, at such a high level of realization of freedom and apparently of devotion to freedom, how is it possible to lose to such an extent the will to defend oneself?

How has this unfavorable relation of forces come about? How did the West decline from its triumphal march to its present sickness? Have there been fatal turns and losses of direction in its development?

It does not seem so. The West kept advancing socially in accordance with its proclaimed intentions, with the help of brilliant technological progress. And all of a sudden it found itself in its present state of weakness. This means that the mistake must be at the root, at the very basis of human thinking in the past centuries.

I refer to the prevailing western view of the world which was first born during the Renaissance and found its political expression from the period of the Enlightenment. It became the basis for government and social science and could be defined as rationalistic humanism or humanistic autonomy: the proclaimed and enforced autonomy of man from any higher force above him. It could also be called anthropocentricity, with man seen as the center of everything that exists.

The turn introduced by the Renaissance evidently was inevitable historically. The Middle Ages had come to a natural end by exhaustion, becoming an intolerable despotic repression of man's physical nature in favor of the spiritual one.

Then, however, we turned our backs upon the Spirit and embraced all that is material with excessive and unwarranted zeal. This new way of thinking, which had imposed on us its guidance, did not admit the existence of intrinsic evil in man nor did it see any higher task than the attainment of happiness on earth.

It base modern western civilization on the dangerous trend to worship man and his material needs. Everything beyond physical well-being and accumulation of material goods, all other human requirements and characteristics or a subtler and higher nature, were left outside the area of attention of state and social systems, as if human life did not have any superior sense.

That provided access for evil, of which in our days there is a free and constant flow. Merely freedom does not in the least solve all the problems of human life and it even adds a number of new ones.

However, in early democracies, as in American democracy at the time of its birth, all individual human rights were granted because man is God's creature. That is, freedom was given to the individual conditionally, in the assumption of his constant religious responsibility.

Such was the heritage of the preceding thousand years. Two hundred or even 50 years ago, it would have seemed quite impossible in America, that an individual could be granted boundless freedom simply for the satisfaction of his instincts or whims.

Subsequently, however, all such limitations were discarded everywhere in the West; a total liberation occurred from the moral heritage of Christian centuries with their great reserves of mercy and sacrifice.

As humanism in its development became more and more materialistic, it made itself increasingly accessible to speculation and manipulation at first by socialism and then by communism. So that Karl Marx was able to say in 1844 that "communism is naturalized humanism."

This statement turned out to be not entirely senseless. One does see the same stones in the foundations of a despiritualized humanism and of any type of socialism: endless materialism; freedom from religion and religious responsibility, which under communist regimes reach the stage of anti-religious dictatorship; concentration on social structures, with a seemingly scientific approach.

This is typical of the Enlightenment in the 18th century and of Marxism. Not by coincidence all of communism's meaningless pledges and oaths are about Man, with a capital M, and his earthly happiness.

At first glance it seems an ugly parallel: common traits in the thinking and way of life to today's West and today's East? But such is the logic of materialistic development.

We are now experiencing the consequences of mistakes which had not been noticed at the beginning of the journey. We have placed too much hope in political and social reforms, only to find out that we were being deprived of our most precious possession: our spiritual life.

In the East, it is destroyed by the dealings and machinations of the ruling party. In the West, commercial interests tend to suffocate it. This is the real crisis. The split in the world is less terrible than the similarity of the disease plaguing its main sections.●

## LT. COL. JOSEPH BAKER—ARMY, RETIRED, CIVILIAN, ACTIVE

## HON. ROBERT J. LAGOMARSINO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Monday, June 12, 1978*

● Mr. LAGOMARSINO. Mr. Speaker, being a civil defense director in peacetime is not the most attractive position to hold in a community; oftentimes there appears to be nothing to civilly defend against. If the name is changed to coordinator of emergency services it does not help much when there is not an emergency around to coordinate. But by whatever title they call it, to be prepared for emergencies that are inevitable, is not only necessary, but imperative to survival. Lt. Col. Joseph A. Baker (U.S. Army, ret.) took these jobs on for the city of Santa Barbara, Calif., in 1963. It was not for the money; he was a volunteer.

Even when he became deputy director of civil defense for the city in 1966, and then coordinator of emergency services in 1968, it was because of the urge to community service, not the money.

After serving his country for 20 years with honor and distinction, Colonel Baker continued to serve his community for many, many more years until the work of the office of emergency services was absorbed by other departments on August 31, 1977.

Colonel Baker, long active in community and military organizations and affairs, is not through yet. He is now disaster chairman for Santa Barbara County, American Red Cross.

Because of this long and distinguished career of dedication to this country and the well-being of his fellow man, I ask the Members of the House to join with me in extending "thanks" to Colonel Baker and in wishing him and his wife, Harriet, a long and happy future.●

## LEON TOLOCHKO

## HON. WILLIAM S. MOORHEAD

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

*Monday, June 12, 1978*

● Mr. MOORHEAD of Pennsylvania. Mr. Speaker, I join his family and friends in mourning the passing of M. Leon Tolochko, a distinguished attorney and public servant, who spent his life working for the people of Pittsburgh and the Commonwealth of Pennsylvania.

Leon Tolochko, a member of the Allegheny County Bar Association for over 50 years, was a founder of the law firm of Tolochko and Baruth and worked until his retirement in 1973 as an assistant State attorney general. During his lengthy legal career, he served the Commonwealth in various other capacities. His activity in local politics in Pittsburgh centered around the Republican Party, but I know his support for the office holders of his city, his State, and his country extended beyond mere partisan polictics.

An active member of the Pittsburgh Jewish community, he served during the 1950's as president of the Beth Shalom Congregation in the Squirrel Hill area. Mr. Tolochko also served as a former board member of the Young Men's Hebrew Association and the Jewish Federation in Pittsburgh. His activity in the B'nai B'rith organization took him beyond Pittsburgh service to positions at the State level.

Community leaders like Leon Tolochko, who selflessly devote so much of their time to their religious community and to civic affairs, will not soon be forgotten. He was a good man of whom his wife, three children and the rest of his family could be rightfully proud. His loss is not only to his family but to the people of Pittsburgh and Pennsylvania.●

## SENATE COMMITTEE MEETINGS

Title IV of the 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 of 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 until the computerization of this information becomes operational the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Any changes in committees scheduling will be indicated by placement of an asterisk to the left of the name of the unit conducting such meetings.

Meetings scheduled for Tuesday, June 13, 1978, may be found in Daily Digest of today's RECORD.

MEETINGS SCHEDULED

JUNE 14

9:00 a.m.
Government Affairs
Federal Spending Practices and Open Government Subcommittee.
To hold joint hearings with Judiciary Subcommittee on Citizens and Shareholders Rights and Remedies on S. 2787, proposed Contract Disputes Act.
2228 Dirksen Building

9:30 a.m.
Commerce, Science, and Transportation
Aviation Subcommittee
To continue hearings on S. 747, S. 3064, and H.R. 8729, proposed Aircraft and Airport Noise Reduction Act.
235 Russell Building
Environment and Public Works
Nuclear Regulation Subcommittee
To hold hearings on S. 3146, S. 2761, and 2804, to expand the jurisdiction of the NRC over nuclear waste storage and disposal facilities.
4200 Dirksen Building
Governmental Affairs
Governmental Efficiency and the District of Columbia Subcommittee
To hold hearings on H.R. 8588, to establish offices of Inspector General in certain Federal departments and agencies.
6226 Dirksen Building
Human Resources
To hold hearings on S. 2910, proposed Adolescent Health, Services, and Pregnancy Prevention and Care Act.
4232 Dirksen Building
Commerce, Science, and Transportation
To hold hearings to examine negotiations by the Antarctic Treaty parties on the Antarctic living marine resource regime and the present U.S. posture in the negotiations.
318 Russell Building
Commerce, Science, and Transportation
Communications Subcommittee
To hold hearings on S. 864, to reduce the radio frequency interference with home entertainment products.
155 Russell Building
Energy and Natural Resources
To continue mark up of S. 2692, FY 79 authorizations for civilian programs for the Department of Energy, and on pending calendar business.
3110 Dirksen Building
Environment and Public Works
Environmental Pollution Subcommittee
To continue mark up of S. 2900, to provide compensation for damages and cleanup costs caused by discharges of oil and hazardous substances.
6202 Dirksen Building
Finance
Private Pension Plans Subcommittee
To hold hearings on pension plan bookkeeping methods.
2221 Dirksen Building
Joint Economic
To continue hearings on economic change, including demographic, employment, and inflation.
S-207, Capitol

10:30 a.m.
Governmental Affairs
To resume consideration of S. 2640, proposing reform of the Civil Service laws.
3302 Dirksen Building

2:00 p.m.
Appropriations
Labor-HEW Subcommittee
To mark up proposed appropriations for FY 79 for the Departments of Labor and HEW.
S-126, Capitol
Conferees
On S. 9, to establish a policy for the management of oil and natural gas in the Outer Continental Shelf.
Until 5:00 p.m. 3110 Dirksen Building

4:00 p.m.
Conferees
On S. 2401, to establish consumer product safety rules governing standards for flammable and corrosive cellulose insulation.
Until 6:00 p.m. S-146, Capitol

JUNE 15

9:30 a.m.
Environment and Public Works
Regional and Community Development Subcommittee
To hold hearings on the proposed Labor Intensive Public Works Act as set forth in the President's urban program.
4200 Dirksen Building
Governmental Affairs
Governmental Efficiency and the District of Columbia Subcommittee
To continue hearings on H.R. 8588, to establish offices of Inspector General in certain Federal departments and agencies.
3302 Dirksen Building
Veterans' Affairs
Housing, Insurance, and Cemeteries Subcommittee
To hold hearings on S. 1643 and H.R. 4341, to eliminate the requirement for inspections of the mobile home manufacturing process by the VA, and S. 1556, authorizing funds through FY 81 to assist States in establishing and maintaining VA cemeteries.
457 Russell Building

10:00 a.m.
Agriculture, Nutrition, and Forestry
Agricultural Research and General Legislation Subcommittee
To hold hearings on S. 3092, to require that meat subject to Federal Inspection be produced only from livestock that has been humanely slaughtered.
324 Russell Building
Banking, Housing, and Urban Affairs
To mark up proposed New York City financial aid legislation.
5302 Dirksen Building
Commerce, Science, and Transportation
Surface Transportation Subcommittee
To hold hearings on S. 2981, to provide for the expansion of the category of rail lines eligible for rehabilitation, deferred maintenance, and various alternative facilities.
1202 Dirksen Building
Foreign Relations
Foreign Economic Policy Subcommittee
To hold hearings on the human rights situation in Uganda with a view toward assessing U.S. policy.
4221 Dirksen Building
Judiciary
Citizens and Shareholders Rights and
To resume joint hearings on S. 2117, to Remedies and Administrative Practice and Procedures Subcommittees expand the basis upon which the U.S. can be held liable for the conduct of its employees under the Tort Claims Act.
5110 Dirksen Building
Joint Economic
To continue hearings on economic change, including demographic, employment, and inflation.
345 Cannon Building
Select Intelligence
To resume hearings on S. 2525, to improve the intelligence systems of the U.S. by establishing a statutory basis for U.S. intelligence activities.
1318 Dirksen Building

2:00 p.m.
Appropriations
To mark up H.J. Res. 945, making supplemental appropriations for FY 78 for the black lung program, Department of Labor, and H.R. 12930, making appropriations for FY 79 for the Department of the Treasury and U.S. Postal Service.
S-128, Capitol
Appropriations
Labor-HEW Subcommittee
To continue markup of proposed appropriations for FY 79 for the Departments of Labor and HEW.
S-126, Capitol
Select Ethics
Business meeting.
Room to be announced
Conferees
On S. 9, to establish a policy for the management of oil and natural gas in the Outer Continental Shelf.
Until 5:00 p.m. 3110 Dirksen Building

JUNE 16

9:00 a.m.
Human Resources
Employment, Poverty, and Migratory Labor Subcommittee
To hold hearings to examine the recent change of methodology used by the Bureau of Labor Statistics for computing unemployment figures and the effect of such change on the distribution of CETA funds.
4232 Dirksen Building

9:30 a.m.
Commerce, Science, and Transportation
Aviation Subcommittee
To continue hearings on S. 747, S. 3064, and H.R. 8729, proposed Aircraft and Airport Noise Reduction Act.
235 Russell Building
Environment and Public Works
To mark up of S. 2900, proposed Oil Spill Liability Fund and Compensation Act.
4200 Dirksen Building

10:00 a.m.
Banking, Housing, and Urban Affairs.
To resume hearings on S. 72, to restrict the activities in which registered bank holding companies may engage, and to control the acquisition of banks by holding companies and other banks.
5302 Dirksen Building
Energy and Natural Resources
To hold oversight hearings on relations between the Department of Energy and segments of the energy industry.
3110 Dirksen Building
Foreign Relations
Arms Control, Oceans, and International Environment Subcommittee
To receive a report from Ambassador Richardson on the Seventh Session of the UN Law of the Sea Conference.
4221 Dirksen Building
Joint Economic
To resume hearings on economic change, including demographic, employment, and inflation.
S-207, Capitol

JUNE 19

9:00 a.m.
Finance
Taxation and Debt Management Generally Subcommittee
To hold hearings on pending proposed tax legislation.
2221 Dirksen Building
Judiciary
Improvements in Judicial Machinery Subcommittee
To hold hearings on S. 3107, to insure the bankruptcy offices shall be maintained separate and apart from the offices of the U.S. district court clerk.
2228 Dirksen Building
Select Small Business
To hold hearings on S. 836, to improve the surety bond program provided by the Small Business Investment Act.
424 Russell Building

9:30 a.m.

Environment and Public Works
Regional and Community Development Subcommittee
To hold hearings on S. 1493, to provide financial and technical assistance to States, local governments, and Indian tribes to manage impacts caused by energy development.
4200 Dirksen Building

10:00 a.m.
Banking, Housing, and Urban Affairs
Rural Housing Subcommittee
To hold oversight hearings on the impact of solar energy on rural housing.
5302 Dirksen Building
Energy and Natural Resources
Public Lands and Resources Subcommittee
To resume hearings on S. 3046 and 707, granting the power of eminent domain to coal slurry pipelines in certain circumstances.
3110 Dirksen Building
Judiciary
Criminal Laws and Procedures Subcommittee
To hold hearings on S. 1766, proposed Federal Computer Systems Protection Act.
457 Russell Building

JUNE 20

9:00 a.m.
Judiciary
Improvements in Judicial Machinery Subcommittee
To hold hearings on S. 3100, to provide greater discretion to the Supreme Court in selecting the cases it will review.
2228 Dirksen Building

9:30 a.m.
Environment and Public Works
Resource Protection Subcommittee
To hold hearings on the environmental impact aspects (section 5) of S. 3077, proposed Export-Import Bank Act Amendments.
4200 Dirksen Building
Environment and Public Works
Nuclear Regulation Subcommittee
To resume hearings on S. 3146, 2761, and 2804, to expand the jurisdiction of the NRC over nuclear waste storage and disposal facilities.
1114 Dirksen Building
Select Small Business
Monopoly and Anticompetitive Activities Subcommittee
To resume hearings on the Federal Government patent policy.
424 Russell Building

10:00 a.m.
Banking, Housing, and Urban Affairs
Rural Housing Subcommittee
To continue oversight hearings on the impact of solar energy on rural housing.
5302 Dirksen Building
Human Resources
Health and Scientific Research Subcommittee
To resume markup of S. 2755, the Drug Regulation Reform Act and S. 3115, to establish a comprehensive disease prevention and health promotion program in the United States.
4232 Dirksen Building
Joint Economic
To resume hearings on economic change, including demographic, employment, and inflation.
1202 Dirksen Building
Judiciary
Criminal Laws and Procedures Subcommittee
To continue hearings on S. 1766, proposed Federal Computer Systems Protection Act.
1318 Dirksen Building

JUNE 21

9:30 a.m.
Environment and Public Works
To consider S. 1493, to provide financial and technical assistance to States, local governments, and Indian tribes to manage impacts caused by energy development.
4200 Dirksen Building
Human Resources
Alcoholism and Drug Abuse Subcommittee
To resume hearings jointly with the Judiciary Subcommittee on Juvenile Delinquency on S. 2778, and other proposals, to tighten controls on and to increase penalties for the manufacture and distribution of the drug PCP (angel dust).
2228 Dirksen Building
Select Small Business
Monopoly and Anticompetitive Activities Subcommittee
To continue hearings on the Federal Government patent policy.
424 Russell Building

10:00 a.m.
Banking, Housing, and Urban Affairs
Financial Institutions Subcommittee
To hold hearings on H.R. 10899, the International banking Act.
5302 Dirksen Building
Energy and Natural Resources
To mark up S. 499, 1500, 1546, 1787, 2465, and 2944, to designate or add certain lands in Alaska to the National Parks, National Wild and Scenic Rivers, and National Wilderness Preservation Systems.
3110 Dirksen Building
Environment and Public Works
To hold hearings on the Federal acquisition and renovation of Union Station in Nashville, Tennessee.
1114 Dirksen Building
Human Resources
Health and Scientific Research Subcommittee
To continue markup of S. 2755, the Drug Regulation Reform Act, and S. 3115, to establish a comprehensive disease prevention and health promotion program in the U.S.
4232 Dirksen Building
Rules and Administration
To mark up S. 2 and S. 1244, to require periodic reauthorization of Government programs, and to consider other committee business.
301 Russell Building
Joint Economic
To continue hearings on economic change, including demographic, employment, and inflation.
S-207, Capitol

JUNE 22

9:30 a.m.
Judiciary
Constitution Subcommittee
To hold hearings on S. 3162 and 3164, proposed Citizen's Privacy Protection Amendment.
2228 Dirksen Building
Veterans' Affairs
Compensation and Pension Subcommittee
To hold hearings on S. 879 and H.R. 6501 to provide increased awards of service-connected compensation to certain veterans who have suffered the loss or loss of use of paired extremities, and S 2828, the Veterans Disability Compensation and Survivor Benefits Act.
6226 Dirksen Building

10:00 a.m.
Banking, Housing, and Urban Affairs
Financial Institutions Subcommittee
To continue hearings on H.R. 10899, the International Banking Act.
5302 Dirksen Building
Commerce, Science, and Transportation
Merchant Marine and Tourism Subcommittee
To resume hearings on S. 2873, proposed Ocean Shipping Act.
235 Russell Building
Energy and National Resources
To continue markup of S. 499, 1500, 1546, 1787, 2465, and 2944, to designate or add certain lands in Alaska to the National Parks, National Wild and Scenic Rivers, and National Wilderness Preservation Systems.
3110 Dirksen Building
Joint Economic
To continue hearings on economic change, including demographic, employment, and inflation.
318 Russell Building
Select Small Business
To mark up H.R. 11318, to amend and extend through FY 1980 authorizations for the SBA; S. 836, to improve the surety bond program provided by the Small Business Investment Act; S. 2156, the Minority Enterprise Venture Capital Act; and S. 2259, to expand and revise procedures for insuring small business participation in Government procurement activities.
424 Russell Building

JUNE 23

9:00 a.m.
Judiciary
Improvements in Judicial Machinery Subcommittee
To hold hearings on S. 2857, proposed Customs Courts Act.
4232 Dirksen Building

10:00 a.m.
Banking, Housing, and Urban Affairs
To resume hearings on S. 72, to restrict the activities in which registered bank holding companies may engage, and to control the acquisition of banks by holding companies and other banks.
5302 Dirksen Building
Environment and Public Works
Water Resources Subcommittee
To hold hearings on S. 1592, to terminate further construction of the Cross-Florida Barge Canal project.
4200 Dirksen Building

JUNE 26

9:30 a.m.
Select Small Business
Monopoly and Anticompetitive Activities Subcommittee
To resume hearings on the Federal Government patent policy.
318 Russell Building

JUNE 27

9:00 a.m.
Judiciary
Improvements in Judicial Machinery Subcommittee
To resume hearings on S. 2857, proposed Customs Courts Acts.
4232 Dirksen Building

JUNE 28

9:00 a.m.
Commerce, Science, and Transportation
Consumers Subcommittee
To hold hearings on the procedures of EPA and the Consumer Product Safety Commission as relates to chronic hazards.
235 Russell Building

9:30 a.m.
Environment and Public Works
Nuclear Regulation Subcommittee
To resume hearings on S. 2775, to improve the siting and licensing process for nuclear power reactors.
4200 Dirksen Building
Finance
Taxation and Debt Management Generally Subcommittee
To hold hearings on S. 3065, 2608, and 2428, proposals affecting taxation of capital gains.
2221 Dirksen Building

JUNE 29

9:00 a.m.
Commerce, Science, and Transportation
Consumer Subcommittee

To hold oversight hearings on auto odometer requirements.
235 Russell Building

9:30 a.m.
Environmental and Public Works
Nuclear Regulation Subcommittee
To continue hearings on S. 2775, to improve the siting and licensing process for nuclear power reactors.
4200 Dirksen Building

Finance
Taxation and Debt Management Generally Subcommittee
To continue hearings on S. 3065, 2608, and 2428, proposals affecting the taxation of capital gains.
2221 Dirksen Building

Special on Aging
To resume hearings on the degree to which older Americans are purchasing more private health insurance than needed to supplement gaps in the Medicare programs.
457 Russell Building

10:00 a.m.
Judiciary
Penitentiaries and Corrections Subcommittee
To hold oversight hearings on the Bureau of Prisons, with emphasis on west coast prison facilities.
2228 Dirksen Building

JULY 12

9:30 a.m.
Environment and Public Works
Nuclear Regulation Subcommittee
To resume hearings on S. 2775, to improve the siting and licensing process for nuclear power reactors.
6226 Dirksen Building

JULY 13

9:30 a.m.
Environment and Public Works
Nuclear Regulation Subcommittee
To continue hearings on S. 2775, to improve the siting and licensing process for nuclear reactors.
6226 Dirksen Building

CANCELLATIONS

JUNE 14

10:00 a.m.
Foreign Relations
Foreign Economic Policy Subcommittee
To hold hearings on the depreciation of the dollar and its implication for domestic and international economic growth and price stability.
4221 Dirksen Building

Human Resources
Health and Scientific Research Subcommittee
To mark up S. 2755, the Drug Regulation Reform Act and S. 3115, to establish a comprehensive disease prevention and health promotion program in the U.S.
4232 Dirksen Building

## PERSONAL EXPLANATION

### HON. LARRY PRESSLER

OF SOUTH DAKOTA

IN THE HOUSE OF REPRESENTATIVES

*Monday, June 12, 1978*

● Mr. PRESSLER. Mr. Speaker, I was unable to be present for the June 5 session of the House. Therefore, I was not able to vote on H.R. 12250 to designate the Boundary Waters Canoe Area Wilderness. I was a cosponsor of Mr. FRASER'S BWCA legislation, and a supporter of the Burton-Vento compromise measure. Had I been present to vote on this issue June 5, I would have cast my vote as follows:

Rollcall 408, yea.
Rollcall 409, aye (Vento amendment).
Rollcall 410, yea (final passage).●

## DR. HARRY LEROY BARROWS

### HON. IKE SKELTON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

*Monday, June 12, 1978*

● Mr. SKELTON. Mr. Speaker, it is my sad duty to report the loss of a respected educator in western Missouri, who recently passed away. Dr. Harold Leroy Barrows, dean of the School of Education at Central Missouri State University, recently died in his home community of Warrensburg.

Dr. Barrows was a longtime and well-respected educator in the State of Missouri. Prior to being dean of Education at Central Missouri State University, he was a member of the staff there. Earlier, he served as superintendent of schools for the Center School district in Kansas City. He is survived by his wife, two sons, and a daughter.

Dr. Barrows was highly regarded by his community. He was active in civic work, the Boy Scouts, and his church. All who knew him will miss him greatly.●

## IN MEMORY OF OTTO HENNING

### HON. IKE SKELTON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

*Monday, June 12, 1978*

● Mr. SKELTON. Mr. Speaker, along the path of life, certain friends make the journey a bit brighter. Such a person was Otto Henning of Concordia, Mo., who recently passed away.

Otto Henning served as a Lafayette County circuit clerk for many years. He was active in community affairs, and he was a devoted church member and family man. Most of all, Otto Henning will be remembered for his warm personality and devotion to his friends. I felt that I was a recipient of his special friendship, as I had the opportunity to work closely with him while I served as prosecuting attorney in the Lafayette County Courthouse and later as an attorney in Lexington. All who knew him will remember him warmly and with a feeling of gratitude for having known such as singularly kind and noble man.●

## COACH BILL HAMANN

### HON. IKE SKELTON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

*Monday, June 12, 1978*

● Mr. SKELTON. Mr. Speaker, as we go through life, there are certain special people who wield influence by their advice, encouragement, and friendship. Coach William Hamann of Lexington, Mo., who recently retired as a high school instructor, is one such person.

Coach Bill, as he is affectionately known in the community of Lexington, Mo., served the young people of Missouri for 38 years. His skill as an athletic coach is well remembered. As a matter of fact, he gave me encouragement in my early days of running track. His devotion to the subject of history is well known, and any of his students will benefit from his inspiration and teachings. I know all of us wish coach Bill Hamann all the best on his retirement from the Lexington school system.●

# HOUSE OF REPRESENTATIVES—*Tuesday, June 13, 1978*

The House met at 12 o'clock noon and was called to order by the Speaker pro tempore (Mr. WRIGHT).

## DESIGNATION OF SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

THE SPEAKER'S ROOMS,
U.S. HOUSE OF REPRESENTATIVES,
*Washington, D.C., June 13, 1978.*

I hereby designate the Honorable JIM WRIGHT to act as Speaker pro tempore for today.

THOMAS P. O'NEILL, Jr.,
*Speaker of the House of Representatives.*

## PRAYER

Rev. Timothy W. Dols, St. Peter's Episcopal Church, Arlington, Va., offered the following prayer:

Heavenly Father, we pray this day that You would be with the people of this Nation, and especially with those to whom the responsibility of government has been committed. Grant a vision of Your purpose in the midst of confusion and decisionmaking; grant hope when the way seems unclear; grant imagination when the choices seem limited; and grant strength in the lives of Your servants that all they think, plan, say, and do may be to the benefit of society, to the enhancement of human life, and to Your everlasting glory.

May all Your people be enlivened and enlightened by Your presence and come to know the joy of conscious integrity.

We remember the leaders of this Nation and the leaders in the nations of this world. Be with them, O Lord, and grant to all Your people that inner peace that passes understanding—that peace that comes from knowing You and responding honestly to Your love.

All our prayers and hopes are offered in the name of Jesus Christ, our Lord and Saviour. Amen.

Statements or insertions which are not spoken by the Member on the floor will be identified by the use of a "bullet" symbol, i.e., ●