

SENATE—Thursday, April 6, 1978

(Legislative day of Monday, February 6, 1978)

The Senate met at 11 a.m., on the expiration of the recess, in executive session, and was called to order by Hon. JOHN GLENN, a Senator from the State of Ohio.

PRAYER

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

Let us pray.

O God, Lord of all creation, we thank Thee for Thy faithfulness through the changing seasons, and especially for the resurrection of springtime. We thank Thee for the world which Thou hast given us for our home—for buds and blossoms, bubbling brooks and cascading streams, for gentle rains and singing winds, for the warmth of the Sun, for starlit nights and the lyric notes of the birds, and for all of nature which proclaims Thy glory.

Create in us an inner beauty and grace in harmony with all that is beautiful and good and true in the world about us. May the same spirit which created the heavens and the Earth be in us to save us from falsehood and guide us to the truth. Be with the President and all in authority in this land. Draw together all the nations of the Earth in the bonds of brotherhood and the service of Thy kingdom.

In the name of Him who is the Light of the world. Amen.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

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

The legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, D.C., April 6, 1978.

To the Senate:

Under the provisions of rule I, section 3, of the Standing Rules of the Senate, I hereby appoint the Honorable JOHN GLENN, a Senator from the State of Ohio, to perform the duties of the Chair.

JAMES O. EASTLAND,
President pro tempore.

Mr. GLENN thereupon assumed the chair as Acting President pro tempore.

THE JOURNAL

Mr. ROBERT C. BYRD. Mr. President, as in legislative session, I ask unanimous consent that the Legislative Journal be approved to date.

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

RECOGNITION OF LEADERSHIP

Mr. ROBERT C. BYRD. Mr. President, as in legislative session, I ask unanimous consent that the distinguished

minority leader and I have 10 minutes each before the special orders today. I do this at the special request of the distinguished minority leader.

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

Mr. ROBERT C. BYRD. Mr. President, I yield to the distinguished minority leader such time out of my 10 minutes as he may desire.

The ACTING PRESIDENT pro tempore. The minority leader is recognized.

Mr. BAKER. Mr. President, I thank the distinguished majority leader.

The reason for my request of the majority leader this morning was to accommodate the two distinguished Senators from Utah and the Senator from Idaho on certain matters they wish to discuss.

I see the distinguished Senator from New Mexico on the floor and I understand he has a special order this morning. I would inquire before I yield my time if this procedure causes an inconvenience to him; that is, that these remarks might go in advance of his special order time?

Mr. SCHMITT. How much time do the Senators request? I am in the midst of a markup in the Banking Committee and came over specifically—

I will wait.

Mr. BAKER. I thank the Senator from New Mexico.

I yield to the distinguished Senator from Utah.

Mr. ROBERT C. BYRD. Mr. President, before the distinguished Senator from Utah begins, and on my time, which I have yielded to the distinguished minority leader, I wonder if we can get this agreement?

Mr. BAKER. Yes.

Mr. President, we are prepared to proceed.

TIME-LIMITATION AGREEMENT—
H.R. 6782

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that on Monday, April 10, at 9 a.m., the Senate proceed to the consideration of the conference report on the farm bill, H.R. 6782, that there be a 2-hour limitation overall, to be equally divided between Mr. TALMADGE and Mr. MUSKIE, and that the vote occur on the adoption of the conference report at 11 a.m.

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

(Later the following occurred:)

Mr. ROBERT C. BYRD. Mr. President, earlier today when the agreement on the agriculture conference report, H.R. 6782, was made, part of the agreement was that after 2 hours debate a vote occur on the conference report at 11 a.m. I understand that this might have the effect of precluding any appropriate motions or a point of order if one would lie

against the conference report, and this was not the intent of the parties involved.

I understand this has been cleared with the minority. I, therefore, ask unanimous consent that the agreement be modified to allow any appropriate motions or points of order, even though the agreement provides for a vote to occur on the conference report at 11 a.m., April 10, 1978.

I further ask unanimous consent that no votes relative to the conference report occur before the hour of 11 a.m. on Monday, April 10, 1978.

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

(Conclusion of later proceeding.)

The text of the agreement is as follows:

Ordered, That on Monday, April 10, 1978, at the hour of 9 a.m., the Senate proceed to the consideration of the conference report on H.R. 6782, the so-called Farm Amendments of 1978, and the time for debate on the conference report be limited to 2 hours, to be equally divided and controlled, respectively, by the Senator from Georgia (Mr. TALMADGE) and the Senator from Maine (Mr. MUSKIE).

Ordered further. That the vote on the adoption of the conference report shall occur at 11 a.m., April 10, 1978: Provided, however, That no appropriate motions or points of order be precluded by this order and that no votes relative to the conference report occur before the hour of 11 a.m., Monday, April 10, 1978.

ORDER OF BUSINESS

Mr. GARN. I thank the distinguished minority leader and I thank the Senator for yielding.

Mr. BAKER. Will the Senator withhold for just a moment?

I am told now that on calendar items the Senator inquired about just a moment ago, we are prepared to proceed with the request for unanimous consent for a time limitation on these items.

Mr. ROBERT C. BYRD. Very well.

TIME-LIMITATION AGREEMENT—
S. 1476

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that at such time as Calendar Order No. 638, S. 1476, a bill for the relief of the estate of Harry Eugene Walker, deceased, formerly of Anniston, Ala., is called up and made the pending business, there be a 2-hour time limit thereon, to be equally divided between Mr. SPARKMAN and Mr. WALLOP, and that any motions, amendments, and so forth, in respect thereto, come out of the 2 hours.

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

The text of the agreement is as follows:

Ordered, That when the Senate proceeds to the consideration of S. 1476 (Order No. 638), a bill for the relief of the estate of

Harry Eugene Walker, deceased, formerly of Anniston, Alabama, time for debate on this bill shall be limited to 2 hours, to be equally divided and controlled, respectively, by the Senator from Alabama (Mr. SPARKMAN) and the Senator from Wyoming (Mr. WALLOP): *Provided*, That time on any amendment, debatable motion, appeal, or point of order which might be submitted or on which the Chair entertains debate shall come out of the 2 hours on the bill: *Provided further*, That in the event the manager of the bill is in favor of any such amendment or motion, the time in opposition thereto shall be controlled by the minority leader or his designee: *Provided further*, That no amendment that is not germane to the provisions of the said bill shall be received.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the agreement be in the usual form.

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

**TIME-LIMITATION AGREEMENT—
S. 1566**

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that at such time as Calendar Order No. 643, S. 1566, a bill to authorize applications for a court order approving the use of electronic surveillance to obtain foreign intelligence information is called up and made the pending business before the Senate, there be a time limitation of 2 hours thereon, to be equally divided between Mr. KENNEDY and Mr. THURMOND; that there be 1 hour on any amendment, 30 minutes on any debatable motion or appeal, 20 minutes on any point of order, if submitted to the Senate, and that the agreement be in the usual form.

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

The text of the agreement is as follows:

Ordered, That when the Senate proceeds to the consideration of S. 1566 (Order No. 643), a bill to amend title 18, United States Code, to authorize applications for a court order approving the use of electronic surveillance to obtain foreign intelligence information, time for debate on amendments shall be limited to 1 hour, to be equally divided and controlled by the mover of such and the manager of the bill; time for debate on any debatable motion or appeal shall be limited to 30 minutes, to be equally divided and controlled by the mover of such and the manager of the bill; and time for debate on any point of order which is submitted or on which the Chair entertains debate shall be limited to 20 minutes, to be equally divided and controlled by the mover of such and the manager of the bill: *Provided*, That in the event the manager of the bill is in favor of any such amendment or motion, the time in opposition thereto shall be controlled by the minority leader or his designee: *Provided further*, That no amendment that is not germane to the provisions of the said bill shall be received.

Ordered further, That on the question of final passage of the said bill, debate shall be limited to 2 hours, to be equally divided and controlled, respectively, by the Senator from Massachusetts (Mr. KENNEDY) and the Senator from South Carolina (Mr. THURMOND): *Provided*, That the said Senators, or either of them, may, from the time under

their control on the passage of the said bill, allot additional time to any Senator during the consideration of any amendment, debatable motion, appeal, or point of order.

Mr. BAKER. I thank the majority leader and I thank the Senator from Utah for forbearing.

DR. ERNEST L. WILKINSON

Mr. GARN. I thank the leadership for yielding their time so that my junior colleague from Utah and the distinguished junior Senator from Idaho will be able to take a few minutes to pay tribute to a great citizen of the State of Utah who passed away this morning at the age of 78, Dr. Ernest L. Wilkinson, formerly a very distinguished lawyer here in the city of Washington, who spent a great deal of his legal life working with the Indians, representing them in the courts of this country.

He left that distinguished law practice here in Washington to return to his State of Utah to become president of Brigham Young University, to build it from what was a relatively small college to a great educational institution, which is now the largest parochial university in the United States, within excess of 25,000 students.

His mark on education, as well as the legal profession, will be longfelt not only in the State of Utah, but throughout the United States.

In addition to the marks he has made in two different fields, both education and the law, he had a great impact on the State of Utah, its growth and development, was well respected throughout the entire State as a great leader.

Beyond those accomplishments, he was a very close personal friend of mine and had been for a long time.

He also entered into the world of politics as the Republican nominee for the U.S. Senate in 1964, was not successful, but in addition to his accomplishments in education and the law, he made a great impact on the politics in our State, and particularly, he was a great leader within the Republican Party in the State of Utah.

I will take no more time, other than to express my sympathies to his family, to express my deepest sympathy to all of his friends within the State, and thanks for a life that has contributed much, again, not only to my State, but to the entire country.

At this time I am happy to yield to my distinguished colleague from Utah (Mr. HATCH).

Mr. HATCH. I thank my distinguished friend and colleague, the senior Senator from Utah.

Mr. President, I rise at this time to pay additional tribute to this great man, Ernest L. Wilkinson.

I had the privilege just this past Sunday of visiting President Wilkinson in his condominium apartment out in Salt Lake City. He was chipper. He was exciting to be with. He was still working with every fervor that has been demonstrated in his lifetime, all his life long, and it was a

great privilege to have spent an hour or so with him out there last Sunday.

President Wilkinson, of course, was a senior partner in Wilkinson, Cragun & Barker, in Washington, D.C. He was a great lawyer. He received his doctor of laws, which is beyond the normal juris doctor degree. He taught law. He became president of Brigham Young University, after winning the largest Indian claims case ever filed against the Federal Government.

When he became president of Brigham Young University, he built that university into the largest private university in the world today, and he did so through force of intellect, will, might, and just plain, good, dogged hard work. That university is world renowned in many respects as a result of the great leadership of President Wilkinson.

He was a very religious man, very devoted to his faith, the Church of Jesus Christ of Latter Day Saints, commonly called the Mormon Church. He was an exemplar of that faith all over the world and was well respected as somebody who was above reproach, as somebody who lived the very best of lives.

His wife, Alice, has been a great companion to him all through their lives. The members of his family are all successful in their own right. Each has turned out to be outstanding, and they are great friends of both Senator GARN and me.

I think one of the saddest defeats of President Wilkinson's life was in not winning the Republican nomination for the U.S. Senate in 1964. Even so, he has always fought for good, sound fiscal politics and good, sound principles.

He had a delightful sense of humor and was one of the most humorous and knowledgeable people I have ever known. He was generous with his wealth, which was considerable and great, and he helped countless causes and countless people.

I should like to pay special tribute to him here today, because President Wilkinson was one of the first backers I had as I filed in 1976, on the last day for filing, in what was considered then an impossible campaign—impossible for me to win—for a seat in the U.S. Senate, representing the State of Utah. His faith in me had never wavered. He has supported me in every way he could.

I received countless letters from him. When he felt I made a mistake, he would write to me and explain why he thought I made a mistake. But, for the most part, he was very pleased that I tried to live up to the things about which we chatted a few years ago when we were considering this great Senate race.

I have deep sympathy for his wife and his family, all of whom are exceptional people. I know that in their hearts they have to be very comforted because they believe in the life hereafter. They believe that President Wilkinson has gone on to great rewards, as do I. They know that his life has been one of the most productive in the history of this country; that wherever he has been, whatever he has said, whatever he has done, it has

been performed earnestly, as only Ernest L. Wilkinson could do.

I might mention to all those who are liberals of the country today that they had better watch out, because the conservatives now have up there an advocate, one of the best advocates who has ever graced the world, fighting for us.

Mr. President, in late 1951 Ernest L. Wilkinson, a Harvard-trained lawyer of strict Mormon heritage, was thrust into the public limelight of national prominence with the acquisition of a \$32 million fee determination for the Ute Indian Tribe. It was believed to be the largest settlement of its kind in U.S. history.

That same year Wilkinson was appointed by the Board of Trustees of Brigham Young University as president of that school. His prominence continued to grow through the growth and development of that world-famous religious institution.

At 2:30 o'clock this morning (Mountain Standard Time), Ernest L. Wilkinson died of a cardiac arrest.

Dr. Wilkinson was noted nationwide for his dedication to constitutional principles. He championed the free-enterprise system, limited government, and abundance of personal freedom and individual responsibility. He served as president of Brigham Young University for 20 years from 1951 to 1971. He later resigned that position to assume a major role in the establishing of the J. Reuben Clark Law School at BYU which opened in 1973.

In January 1972 Dr. Wilkinson was appointed director of the BYU centennial history project and editor of the centennial history of that institution. The history of the school in four volumes was published in 1975.

Since his retirement as BYU president, Dr. Wilkinson has been active in Republican Party politics in Utah and was a Republican National Committeeman. In 1964 Dr. Wilkinson briefly interrupted his tenure as BYU president to oppose Democrat Frank Moss for his U.S. Senate seat, a seat, Mr. President, which I later won. After that unsuccessful attempt, Dr. Wilkinson was reappointed president of BYU which position he retained for 7 more years.

On November 12, 1976, Dr. Wilkinson was presented the Horatio Alger Award. He was a graduate of the Provo, Utah-based university of which he later became president. He graduated in 1921 and then attended George Washington University Law School in Washington, D.C., where he graduated summa cum laude in 1926. The following year he received a doctor of juridical science from Harvard University.

Dr. Wilkinson began his practice as an associate of the Honorable Charles Evans Hughes, who later became Chief Justice of the U.S. Supreme Court. He was admitted to the Washington, D.C., bar in 1926, the Utah bar in 1927, the New York bar in 1928, and held a professorship in law at the New Jersey Law School 1927 to 1933.

While in the East, he served as president of the Manhattan-Queen's Branch

of the Church of Jesus Christ of Latter-day Saints, bishop of the Queen's Ward, and then was a member of the Washington Stake Presidency.

The famous Ute Indian Tribe case with which I started this eulogy, Mr. President, could use further explanation. The suit lasted some 16 years against the U.S. Government and resulted in one of the largest single judgments ever rendered against the United States—\$24 million. Other judgments in the same case brought the total to the final figure of nearly \$32 million.

One of the highest tributes ever paid to Dr. Wilkinson was given by Seth Richardson, a former Assistant U.S. Attorney General in charge of defending the United States against the Indian tribal claims. He said he had practiced law for nearly 50 years and had never seen anything like the Wilkinson Indian Case. It almost "staggered our imagination. I never saw anything like it in my life. To me the amount of service rendered here would be almost impossible for the normal mind to grasp."

I was very close to Dr. Wilkinson. He was one of my most influential and strongest supporters in my candidacy for the U.S. Senate. I will miss him. Utah has lost a great citizen and so have these United States.

I conclude by paying my deep-felt respect to a great friend, a great patriot, a great religious man, a great father, a great president, and just an all-around great person.

I yield the remainder of my time to the distinguished Senator from Idaho (Mr. McCLURE).

Mr. McCLURE. I thank the Senator from Utah for yielding.

Mr. President, I am proud to join my colleagues from Utah this morning. It may be said that Ernest Wilkinson is dead—but he lives on in the lives of thousands of people he touched during a long and productive life. His life and example influenced tens of thousands of students during the years of his active leadership and countless thousands of others.

His devotion to his church and its teachings was unshakeable and was a constant example to those around him and those who saw from a distance. For Ernest Wilkinson was a symbol—an unassailable rock, a rock upon which the turbulent seas broke but could not move, a rock around which swirled the angry currents of social and political unrest, a rock that pounded and shaped the great university he headed and the students it served.

Ernest Wilkinson stirred the emotions and moved men, he brought confidence and hope to many, but no one ever accused him of being placid or complacent. He was a fighter for those things he knew to be right and an implacable foe of those trends which he felt were destroying our country and our people. He lived triumphantly, not quietly. Our land is better because he lived. We will miss him.

I join my colleagues in expressing sympathy to his family and to the many friends who will note his passing, but a passing that was a triumph in the same way that he lived.

SPECIAL ORDERS

The ACTING PRESIDENT pro tempore. Under the previous order, the Senator from Oklahoma (Mr. BELLMON) is recognized, as in legislative session, for not to exceed 15 minutes.

THE POLITICS OF REGIONALISM

Mr. BELLMON. Mr. President, I recently read an article in the February 6, 1978, issue of U.S. News & World Report entitled "Frostbelt vs. Sunbelt—War for Defense Funds." Its tone as well as its misleading analysis closely parallels that of earlier articles in the National Journal on June 26, 1976, and July 2, 1977, entitled "Federal Spending: The North's Loss Is the Sunbelt's Gain" and "A Year Later, the Frostbelt Strikes Back." Eagerly anticipating conflict, which is the stuff of news stories, the authors of these articles appear quite ready to deal with what is termed "The Second War Between the States." Unfortunately, the analysis is often faulty and the national policy implications of the internecine warfare which some appear to anticipate would be serious. I hope that all Members of Congress think carefully about the consequences of regionalism as the basis for public policy before being drawn into legislative alliances which may yield very little economic benefit at an enormous cost to federalism in the substantive areas where it most counts.

In October of 1977, the Library of Congress completed a large study entitled "Selected Essays on Patterns of Regional Change: The Changes, the Federal Role, and the Federal Response." It was requested by myself and Senators BENTSEN, BAKER, BUMPERS, HATFIELD, CHILES, HART, BARTLETT, DOMENICI, and NUNN. Copies have been distributed to all Senators and to many Members of the House of Representatives, and depository copies have been placed in libraries throughout the country. This excellent study was performed by 22 of the Library's specialists, and it examines in considerable depth some 20 different substantive areas affected by regional shifts in population and resources. Its findings repudiate the validity of trying to explain the ebb and flow of regional life on the basis of the distribution of Federal funds. Yet that simple assertion is the foundation of current political efforts to form coalitions which would redress supposed inequities in the formulas which distribute Federal funds.

Since the Library of Congress study is almost 700 pages in length and contains many detailed tables and charts, I will take this opportunity to summarize briefly some of its major findings for the convenience of Members of the Senate.

Considering population changes, all four of this country's major census regions experienced population growth from 1950 to 1975 but at declining rates, with the greatest growth occurring during the 1950-60 period. According to the CRS study, the Western region of the country made the most significant gain during the period with a population

increase of 44.2 percent, though it still had, in 1975, the smallest percent of the total population of the United States (17.8 percent). Population in the South increased by 44.2 percent, and the South continued to rank first with 31.9 percent of the total U.S. population in 1975, up from 31.2 percent in 1950. The North Central region ranked third with a population increase of 29.6 percent, and 27.1 percent of the total U.S. population in 1975, down from 29.4 percent in 1950. The Northeast region ranked fourth with a 25.3-percent population increase and 23.2 percent of the total U.S. population in 1975, down from 26.1 percent in 1950. During the period studied, the North Central region was the only region to experience net outmigration; its population would have been 1.7 million larger if net outmigration had not occurred. The CRS study concludes:

The changes in migration taking place are the cumulative result of a number of diverse factors. Economic incentives play a large role in the relocation decisions made by both people and business. The economies of the South and West offered new opportunities for business during the period covered. In the South, for example, such factors as wage levels, availability of labor, level of unionization, proximity to new and growing markets and availability of energy sources played a part in decisions by firms to relocate or start up there. Growth of economic opportunities coupled with lower costs of living and a feeling on the part of some that the area offered a "higher quality of life" encouraged migration into the area. Lack of these opportunities, real or perceived, helped account for net outmigration and the lower rates of growth in the Northeast and North Central regions.

An important point to remember from the study, contrary to the impression generated by the magazine articles previously mentioned, is that no region experienced a population decline between 1950 and 1975.

The study reveals that total nonagricultural employment from 1950 to 1975 grew at an annual average rate of 1 percent in the Northeast, 1.6 percent in the north-central region, 3 percent in the South, and 3.5 percent in the West. Once again, it is important to note that all regions grew in the absolute number of jobs available. The different rates of employment growth in the four census regions produced a gradual but steady shift of the center of employment opportunities from the northeast and north-central regions to the South and West. In 1950, 32 out of every 100 jobs were located in the northeast region; in 1975 25 out of 100 were located there. For the north-central region slightly more than 31 jobs out of every 100 in the United States were located in this region in 1950; in 1975 nearly 28 out of every 100 still remained. The South increased from 24 jobs out of every 100 jobs in 1950 to more than 30 out of every 100 in 1975. Similarly, the number of jobs in the West increased from more than 12 out of every 100 to more than 17. However, even with these employment shifts, the northeastern and north-central regions combined still accounted for more

than one-half of all employed individuals in 1975. The CRS study notes that it is impossible, using the BLS data, to differentiate location from relocation (migration) of firms, with the differing employment effects of both. The study points out that—

If location is the primary phenomenon, then job loss in any given region basically is due to the "death" of old firms which have become inefficient or which have suffered from declines in the demand for their product; job gains, on the other hand, are primarily due to the "birth" of new firms which may or may not be producing products similar to those of the firms which ceased production. If relocation is the primary phenomenon, then firms have been migrating from one region to another and job gain in one region is due to job loss in another.

The available evidence on this issue, according to the CRS study, is a November 1976 study by C. L. Jusenius and L. C. Ledebur, entitled "A Myth in the Making: The Southern Economic Challenge and the Northern Economic Decline," published by the Office of Economic Research of the Economic Development Administration, U.S. Department of Commerce. That report states:

Migration of firms has played a minor role in the changing employment situations of the Northern Industrial Tier and the Sunbelt-South. Over the past few years, the primary cause of declining employment in the North has been the "death" or closure of existing firms. In the South, the primary cause of increasing employment has been the expansion of existing firms.

The CRS analysis of differentials in wage rates between regions suggests that these differentials do not appear to be a satisfactorily complete explanation for regional employment shifts. Because of large variations between States in the same region, it appears necessary to determine the influence of wages on employment shifts—if any—at the State level.

On the matter of union organization, the CRS study reports no significant changes in the relative rates of unionization within major regions of the United States over the last 20 years. It concludes:

The South continues to be consistently below the national rate of unionization, as well as below the other three regions. For the total United States the proportion of unionized nonagricultural employees has declined from 33.7 percent in 1953 to 29.9 percent in 1974, even though total union membership has increased. Only in the Northeast has the unionized proportion of the work force increased, going from 34.2 percent in 1953 to 37.8 percent in 1974. All other regions experienced a decline in the proportion of the work force unionized. In the South the proportion of unionized workers declined from 18.7 percent in 1953 to 17.6 percent in 1974. In the North Central region it declined from 37.4 percent to 34.2 percent, and in the West from 36.3 percent to 31.4 percent.

The CRS study concludes that, while the South offers the most potential for expansion of union membership, negative social attitudes toward unions in the South have not changed, making the difficulty of organization greater.

State "right to work" laws are viewed by the CRS study as more symbolic of social attitudes than they are actual barriers to union organization.

The record of the past 25 years indicates that income differences between regions have been narrowing. The income of the northeastern, north-central and western regions have been growing, but the South has been gaining at a faster pace. Since 1950, per capita income in the South has grown from 74 percent of the national average to 88 percent of the national average. The Northeast still remains the highest per capita income region even though it experienced a relative decline. Its per capita income fell from 112 percent of the national average in 1950 to 106 percent of the national average in 1975. Per capita income in the West showed a relative decline, from 107 percent of the national average in 1950 to 102 percent of the national average in 1975. The north-central region only showed a small change during this period, from 103 percent of the national average in 1950 to 101 percent of the national average in 1975. As a single index of the economic vitality of the four census regions, per capital income indicates that the Northeast still leads all other regions, while the South remains the poorest region. The north-central and western regions presently are just slightly above the national average per capita income.

Considering the impact of transportation systems upon economic differences between the regions, the CRS study notes that—

The distribution of transportation facilities for all types of transportation except waterways is almost evenly distributed throughout the United States. The combination of Federal economic regulations, subsidies, and aid programs has enhanced mobility throughout the country. The highway, airport, and airway construction programs have brought the regions of the Nation together. It seems quite likely that because the Nations' transportation facilities are extensively developed, transportation factors presently have marginal or neutral effect on regional shifts in population and business activity.

On the matter of education attainment and achievement, the CRS study found that the few measures available in most instances indicate that the Northeast, Middle Atlantic, and Pacific subregions over the last 25 years have ranked consistently above the national average. The East North Central and West North Central subregions have usually, but not always, been above the national average, while the South Atlantic, East South Central and West South Central subregions have usually fallen below the national average in attainment and achievement. The study points out that, in recent years, the Federal Government has been providing only about 7 percent of the financial resources for elementary and secondary education and 15 percent of those for higher education. Its role, therefore, has been subordinate to that of State and local governments in determining the

level of resources devoted to education in the States. The study points out that—

Factors which do influence this level—other than the simply indefinable factor of "interest in education"—include the level of personal income; the size of the school-aged or college-aged population in relation to the total population; the overall level of State and local expenditures; and the relative success of teachers and other educational staff in achieving higher salary levels in recent years.

The analysis of metropolitan and nonmetropolitan trends provided by the CRS study points out that, during the past 25 years, the population concentrated in metropolitan areas has steadily increased, going from 56 percent of the total U.S. population in 1950 to 73 percent in 1974. However, the rate of population increase in recent years in metropolitan areas has slowed considerably. Between 1950 and 1960 the rate of increase was 34 percent, while between 1960 and 1970 it was 21 percent. Recent data for the 1970's show a reversal of older, longstanding trends in metropolitan and nonmetropolitan areas. The CRS study notes.

What has emerged is a pronounced reduction in the rate of growth of both large and small metropolitan areas, the beginning of absolute population decline in an increasing number of metropolitan areas, and revived population growth in nonmetropolitan areas.

Regional trend analysis shows that in the Northeastern States and in the North Central States the population residing in the largest metropolitan areas declined absolutely during the early 1970's, and the average annual percent change of the population residing in the smaller metropolitan areas dropped to less than half of its 1960-70 rate. In the Western region the average annual percent change of the population in large metropolitan areas during the early 1970's was about one-fifth of the rate during the 1960's while the average annual percent change of the population in smaller metropolitan areas increased slightly. In the South, the region with the most rapidly increasing population residing in large metropolitan areas, the growth was six-tenths of the 1960-70 rate; but this population was, nevertheless, growing more rapidly than that of the smaller metropolitan areas.

The nonmetropolitan population in every region of the country, according to the CRS study, grew at a faster rate during the 1970's than it had during the 1960's. It grew more rapidly than the population of large metropolitan areas in every region except the South, where the population of the large metropolitan areas was the most rapidly growing. In the Northeast nonmetropolitan growth proceeded at a rate six-tenths greater than that of the 1960's; in the Southern States the average annual percent change in the nonmetropolitan population during the 1970's was more than four times the rate during the 1960's; and in the North Central States and in the Western States it was more than double the earlier rate. The implications of these changes

for rural development may be significant.

On the matter of energy consumption, the CRS study reports that the total U.S. energy consumption during the period 1960 to 1972 grew at an average annual rate of 4.1 percent. The Southern region had the highest level of per capita consumption of energy both in 1960 and 1972, while the Northeast had the lowest. The North Central States ranked second and the West third. The higher consumption of energy in the South is related to energy use in the industrial sector; the concentration of refinery and petrochemical industries in the West South Central subregion gives rise to unusually high energy consumption, since the petrochemical industry is highly energy-intensive.

In terms of agriculture the study revealed that since the period of 1961-63 there had not been a major change in the regional distribution of the Nation's cash receipts from the marketing of crops and livestock. The only region which appeared to decline in a steady and significant manner was the Appalachian region. The percentage of the total land base in farms declined in all production regions between 1959 and 1974, with the Appalachian and Southeast regions experiencing the greatest percentage declines.

To ascertain trends in federal defense expenditures, three data series were investigated: military prime contracts in excess of \$10,000, military payrolls and the number and cost of defense installations located in each State. In the South and West, all three series show that by the mid-1970's, Federal defense spending was higher and a greater proportion of total U.S. expenditures for this purpose was spent in these two regions than in the early 1950's. The Northeast and North Central regions, on the other hand, showed a corresponding decline in the relative proportion of total defense expenditures for the nation as a whole. Only with respect to military prime contract awards is there evidence of a trend or a definite regional shift away from the Northern States toward the Southern and Western States. Furthermore, the data on prime contracts by state do not provide any direct indication as to the State in which the actual production work is done. These data do not reflect the distribution of a very substantial amount of material and component fabrication and other subcontract work that may be done outside the state where final assembly or delivery takes place.

The pattern of Federal grants to State and local governments has shifted considerably over the past 25 years. In 1950, the northeastern states were receiving the lowest per capita grants. By 1974, however, they had become the prime grant receivers, supplanting the Western States, the highest per capita grant receivers until then. Per capita grants in the West averaged \$20 while those in the Northeast averaged \$10. The South ranked second averaging \$16 per capita and the North Central ranked third aver-

aging \$14 per capita. By the late sixties, per capita grants in the Northeast were no longer the lowest; and, by 1974, per capita grants to this region were the highest, \$236. The West fell to second place, receiving \$241 per capita, the South ranked third, receiving \$218 per capita, and the North Central ranked fourth, a place that it has held since 1968, receiving \$197 per capita.

The CRS report concludes:

"Wide variation exists in per capita grant outlays among the States and regions for a number of reasons. Among these are the use of formula allocation factors not related to population, matching and maintenance of effort requirements, and application requirements. It is questionable as to whether regional biases exist in Federal programs. A bias can be said to exist in some Federal programs only to the extent that certain types of States—those, for example, that are low-income, sparsely populated or highly urbanized—are concentrated in one sector of the country.

The CRS study reports that income transfer payments as a whole appear to be fairly evenly distributed among the regions. Spending for retirement programs is likewise fairly evenly distributed among the regions and seems to follow the people, that is, where there are large numbers of retirees, there is a high amount of Federal spending for retirement programs. On the other hand, there is a wider variation for spending for welfare. The evidence suggests that it is not Federal policy which determines total welfare spending, but that spending is a function of the States' willingness and ability to spend their dollars on the poor. The evidence also suggests that welfare spending follows the poor. States with the highest amounts of poverty spend the most money on welfare.

Public works outlays, according to the study, varied in each region from 1965 through 1975, but there was no change in the ranking of the regions. The South ranked first in the distribution of funds at the beginning and end of the 10-year period. The North Central region ranked second, the West third, and the Northeast fourth. One reason for this ranking is that the criteria for public works projects include income level, and the South has the lowest per capita income while the Northeast remains the region with the highest per capita income.

The study indicates that there is general agreement that Federal regional development programs have not been outstandingly successful in reducing inter-regional disparities in per capita income and employment rates. In part, this is because regional development programs have funded countercyclical projects heavily while allocating only modest amounts of money to long-term structural economic programs.

Rural development activities by the Federal Government are largely oriented toward the South because rural development funds are allocated on the basis of rural population and rural income, with large, low-income rural populations receiving the most benefit. The approach to rural development embodied in the

Rural Development Act has never been fully implemented, according to the CRS study. It also asserts that implementation has been made difficult, because of the different positions taken over the years by Congress and the administration on policies affecting rural development.

The study points out that, in the case of outdoor recreation, two trends related to expanded environmental consciousness are developing. The first is the desire for more recreational areas which are relatively unaltered from their natural condition. The second trend is the effort to secure open space and recreational lands close to centers of population. Federal policy encouraging the development of recreational areas for citizens in the various regions of the country should take into account the available natural resources of the region and the demands for outdoor recreation which predominate in the region. The study indicates that any attempt to force a parity of Federal funding between regions will have to fly in the face of obvious and significant differences between regions. The West, for example, happens to have most of the lands administered by the Bureau of Land Management, the Forest Service, and the National Park Service. The demand for open spaces and recreational lands near urban centers means that we can expect increased recreational pressures on the national forests in the East and the Southeast between now and the year 2000.

According to the CRS, regional needs for water resource projects are substantially different. The West is the site of most of the country's arid and semiarid lands, so it has been the recipient of most funds for irrigation development. Reclamation programs in the West have been the consequence of national policy to open western lands to settlement. The large expenditures of the Corps of Engineers in the South are a result of the extensive flood control and waterways problems in that region. The Northeast has been more concerned with municipal and industrial water supply needs, and many associated projects are funded from non-Federal sources. In general, the north-central region is somewhat less flood-prone than the South and has less need for extensive irrigation works than the West. The CRS study makes it clear that water supply in much of the Sunbelt operates as a factor inhibiting growth. The West, in particular, is exhausting its nonrenewable groundwater at a rate which will cause significant reductions in total groundwater availability by the year 2000. By contrast, the entire eastern third of the Nation has a relatively good water supply outlook to the year 2000. The Nation's ability to cope with water resource problems is presently hampered by a number of problems, which are more social, political and legal than they are technological.

Tax incentives to firms which locate in economically depressed regions are sometimes suggested. The CRS study notes that these proposed incentives in-

clude special investment tax credits, rapid amortization, special employment tax credits, liberal averaging provisions for net operating losses, and expanded deductions for wages and salaries. The study concludes:

It is extremely questionable whether these incentives would be effective. Studies of similar tax incentives at the State and local levels uniformly conclude that tax differentials have an insignificant impact on where firms locate. Furthermore, according to statistics published by the Internal Revenue Service, a large proportion of businesses lack sufficient tax liability to avail themselves of any tax benefits which might be made available under the proposals.

Mr. President, another recent study entitled "Changing Patterns of Federal Aid to State and Local Governments, 1969-75" was released on December 20, 1977. This study was performed by the General Accounting Office, independently of the CRS effort. It, too, shatters the simplistic picture of "Snowbelt-Sunbelt" dynamics which have dominated the popular media. That study summarizes the factors influencing the flow of Federal aid as follows:

The formulas which determine the allocation of most aid and which usually consider—

1. population,
2. income levels, and
3. the number of people to benefit from a particular program.

The resources of State and local governments, which determine the funds available to match Federal contributions and are determined by—

1. income levels, and
2. State and local taxation rates.

State and local spending priorities and policies toward eligibility.

The discretion of Federal authorities in making project grants and categorical grants and in approving State plans.

The GAO report concludes:

Regional differences in aid distribution are decreasing, both on a per capita basis and in comparison to tax contributions. This convergence is occurring at the same time that population is shifting away from the denser northeastern States and toward the sparser southwestern States. Incomes also are growing slowly in the richer regions—New England, the Pacific, and the Middle Atlantic and East North Central States—and rising rapidly in the poorer States of the South and the West North Central and Mountain regions.

Those regions in a relative economic decline are gaining relatively in Federal aid. Thus, the complex formulas and other factors which determine the flow of aid do seem responsive to changing conditions. The recent recession had a more acute impact in the Northeast, and more public assistance flowed to that region. Whether these trends will continue, given the pressure of high and rising taxes and the growth of welfare spending in the Northwest, remains to be seen.

Mr. President, the CRS and GAO studies both provide solid evidence that there is no systematic bias in deliberate favor of some regions at the expense of others. What they show is that different Federal programs happen to favor somewhat different regions at a given point in time, and usually for quite good reasons. As the CRS study points out:

Federal programs are aimed at solving problems, not specifically helping particular regions. However, Federal efforts under some programs are concentrated in some regions. For example, any Federal efforts to alleviate urban problems are going to be focused in the Northeastern and North Central States since these regions have the highest concentration of older, larger metropolitan areas. Federal efforts to promote the irrigation of arid lands are going to be concentrated in the West, and efforts to alleviate rural poverty are going to favor the South.

The simplistic notion that Federal taxation and program funding policies favor the fastest growing parts of the Nation at the expense of those regions now declining is the fundamental yet faulty observation of the popular reports referred to previously. As the GAO report indicates:

... much of the data included in the magazine reports is misleading. Procurement dollars were assigned to the prime contractors' States, but since subcontracts are frequently awarded in other States, this money is difficult to trace. Likewise hard to pin down are corporate taxes, which are paid by corporation headquarters—frequently in the Northeast—but which may stem from income earned by subsidiaries in other regions and are ultimately paid by consumers and shareholders across the country.

Aware that these important data limitations should not be allowed to mislead the casual reader, the CRS study, in striking contrast to popular accounts, notes:

No sweeping generalizations about the status of one region versus another have been made. The data contained in the essays is neither extensive enough nor comparable enough to serve as the basis for a scorecard which totals regional "gains" or "losses". It is even questionable if such an approach is valid or appropriate.

Furthermore, Mr. President, the goal of much Federal assistance policy is not to return funds to the States equally or in proportion to tax contributions. The Federal role is to insure that taxation policies affect individuals equitably and that Federal expenditures are made in response to the need for these expenditures. Were we to pursue singlemindedly the goal of balancing, on a State-by-State basis, Federal tax receipts with Federal expenditures, the net effect would be to repudiate Federalism. While there are those of us who would welcome a stronger State role in the determination of social and economic policy and programs, I doubt if we wish to decentralize national defense and a host of other Federal efforts which safeguard and unify the Nation.

The outcry of some about the negative effects of the shift of resources from the "Frostbelt" to the "Sunbelt," based as it has been upon fundamentally misleading evidence, has been shrill and belligerent. It presumes that present trends will continue to some point of absolute diminution of the "Frostbelt." If that were to happen, Mr. President, it would truly be the occasion of a rare event in human affairs; seldom do trends continue for long without some abatement or even change in direction. In fact, as the GAO report points out, there is al-

ready some evidence that the distribution formulas which have been blamed for the trends are now beginning to work in favor of the Northeast. It needs to be stressed that many in the South and West are not in favor of totally indiscriminate growth, since that would appear to be linked to many of the most difficult problems faced by our older, and more populous, regions. It also should be pointed out that there are some natural limitations to population growth, among them water supply.

The States are not passive agents in the business of Federal grants. There is much evidence that States do exercise their role in a widely varying manner, thus creating deliberately disparities between States in the levels of Federal aid received. As the GAO report indicates:

State and local governments must be not only able but also willing to spend funds in areas designated for Federal matching, if they are to receive these grants. The States must formulate the programs, determine eligibility for benefits, and set the level of payments. These vary widely among the States. For example, the families of unemployed fathers are eligible for AFDC in some States, ineligible in others. Maximum monthly payments for a family of four under this program in 1974 ranged from \$60 in Mississippi to \$403 in Wisconsin. Thus, the discretion of State officials influences the flow of grants, and in turn, the availability of matching funds affects State and local spending priorities.

Those who would rest their hopes for regional economic salvation in redirected Federal spending should heed the warning of the CRS study:

... there is no clear agreement on what economic effects Federal spending has on a region beyond the initial outlay. In addition, because of data inadequacies, it is not always clear if the outlays supposedly spent on an area actually did go to that area.

Quite apart from the actions of the Federal Government, decisions by individuals and institutions to shift from one region to another are influenced by such factors as prevailing community attitudes toward business, perceived "quality of life" advantages and disadvantages, climatic preferences, the simple desire for change and mobility, proximity to friends and relatives, and the like. In fact, it is difficult to imagine Americans tolerating a government which would not allow maximum freedom of mobility to individuals. The dynamics of regional change may go far beyond the Federal influence.

It also needs to be stated that regional analyses are necessarily based upon arbitrary definitions or regions. The CRS study uses, for the most part, census regions. Other analyses follow other schemes. Whatever definition of a region is employed, it is important to note that the States which form that region differ from one another in important ways, and may not, therefore be served by a type of political organization which places regional interests first.

Now there are those who would have the Nation locate its military installations only in certain regions, so as to

support the regional economy. Surely most Americans would agree that considerations of cost effectiveness, mission effectiveness, and strategic wisdom should rank far above any region's demand for parity. We must not let the frantic efforts of a few force us in the direction of dangerous concentrations of military installations.

It is difficult to predict just how far the essentially parochial interests which underlie regionalism in the political arena will carry us. It is easy to imagine a barrage of preferential formula changes which would fundamentally alter, and perhaps destroy, the intent of many Federal programs. It is easy to imagine attack and counterattack in a war of regions, with each seeking its own selfish interests at the expense of national unity. That is the vision of the future which the popular press has given us. It is not necessary to wait to discover what effects such regional conflict can produce; they are available for our inspection today in such countries as Ireland and Canada. Regionalism could contribute a great deal to a potential future state of neofeudalism.

I prefer to hope that Members of the Senate will choose to move with some caution and restraint in the matter of changes in Federal formulas. If we wish to accentuate the amount of public cynicism with Government today, we could do no better than to twist Federal programs away from their original problem-solving purposes into concealed regional aid programs, without ever publicly making that choice. The design of Federal programs is too important a matter to be left to the political expediency of the moment.

The ACTING PRESIDENT pro tempore. Under the previous order, the Senator from New Mexico (Mr. SCHMITT) is recognized, as in legislative session, for not to exceed 15 minutes.

STATE OF THE STATE AND THE UNION REPORT ON NEW MEXICO

Mr. SCHMITT. Mr. President, activities by this Senator during the two major recesses of the 95th Congress during the first quarter of 1978 have further clarified New Mexican opinion on most current issues. Unfortunately, these opinions are largely negative. A sample of four:

First. Inflation and taxes are too high and are eating the life out of the productive potential of New Mexicans.

Second. Inflation is rapidly compounding the inadequacy and unfairness of retirement and income security systems for those who truly cannot provide for themselves.

Third. Unnecessary bureaucratic regulation, a discriminatory minimum wage law, excessive business taxes, and excessive welfare are stifling opportunity for the young and for small and minority business.

Fourth. The Panama Canal treaties are not in the best interest of this hemi-

sphere, and in his zeal to have them ratified, the President has compromised his integrity.

The great dominance of negative opinions is in itself a serious psychological factor of concern to otherwise optimistic New Mexicans. The potential for economic growth in New Mexico is very high. Energy production, housing construction, ranching, retail sales, relocation, and job inquiries all give justification to this potential. However, no one can deny the depressing effect of the growing regulatory and financial interference of the Federal Government, and the feeling of impotence to protect against that interference.

Nowhere is the desire to "keep the Federal Government off our backs" stronger than among the young, environmentally conscious developers of solar energy systems. This new generation of believers in individual initiative is getting their first good look at the negative effect of excessive Government.

THE PRINCIPAL NEW MEXICO ISSUES

Beyond the inhibiting effect of the Federal Government on economic development, one of the big issues among many New Mexicans is that of nuclear waste.

Generally, New Mexicans want to determine for themselves whether or not such waste is disposed of permanently in their State. The chances are good that a majority will agree to dispose of it provided it is understood to be safe. On the other hand, they also question both the Government's competence in the handling of this issue and its major emphasis on disposal of waste in salt beds rather than looking at other alternatives, especially the consideration of this "waste" as a "resource" for present and future generations.

The environmental and resource conscious New Mexican feels that almost all "waste" is merely an undiscovered "resource." The separation of nuclear waste into useful elements and isotopes is not only more philosophically pleasing than disposal, but is consistent with a growing awareness of the long-term limitations on the provisions and environmental systems of this spaceship Earth.

AMONG NATIONAL ISSUES

The weakness of our agricultural and energy economies ranks near the top of the list of national issues of great concern to New Mexicans.

Agriculture is one of the mainstays of the New Mexico economy. The spirit of independence, initiative, and willingness to take risk that characterizes the New Mexican personality is deeply rooted in the farming and ranching community. Like most other sections of the country, many cultures, including Indian, Hispanic, European, and American, have contributed to this personality.

Most farmers and ranchers in New Mexico are still keeping their heads above water by dint of hard work and financial commonsense. Others, as elsewhere in the Nation, have overextended themselves and are in serious trouble. In all cases,

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because of Federal interference, regulation, and marketing incompetence there is no margin for error left in the agricultural economy for individual farmers and ranchers.

Superimposed on everything is the inescapable fact that only about 25 percent of the retail cost of agricultural commodities is the price the farmer and rancher get for their product. That 25 percent, in most cases, is not sufficient to make up the cost of production, much less provide the farmers or ranchers with a reasonable reward for their labor, their investment, and their contribution to our society.

Even though to a large degree the agricultural industry created its own problems by allowing Government to destroy its free market economy, the problem is critical enough to require some temporary emergency assistance. However, unless the Government also moves to re-create a free market economy and to encourage the development of new foreign and domestic markets, the agricultural situation will only get worse.

If things do get worse, the risks we run are many. They include the destruction of the small- and medium-sized farmers and ranchers and the jobs and businesses dependent upon them; the loss of control over our own agricultural destiny as foreign interests buy up American farms and ranches; the loss of our surplus production capacity which is now our major export resource in the battle to balance our international finances; a rapid increase in consumer prices which, added to inflation, will further weaken our domestic economy; the loss of agribusiness activity combined with the new round of inflation could well precipitate another major recession.

The energy and agricultural economies are closely tied together in three major ways. First, agricultural exports are the only immediate means we have of rapidly reducing the economic impact of large and costly imports of foreign oil.

Second, the rising cost of energy, largely because of foreign control of most production, is the major reason the farmer and rancher cannot make up production costs through sales.

Third, energy crops and the use of marginal agricultural land to collect solar energy are the major new markets for the agricultural industry.

The complete lack of a reasonable short- and mid-term national energy policy based on production and efficiency rather than regulation and taxes is continually aggravating the adverse effects of these ties between agriculture and energy.

WITH RESPECT TO INTERNATIONAL ISSUES

New Mexicans' present major concerns on the international scene are twofold: First, there is a strong feeling that we can no longer assume superior military strength in our relations with the Soviet Union.

Second, there is an even stronger feeling that the President's leadership in foreign affairs lacks coherency, perspective and commonsense.

The net effect of these two concerns

is to create the fear that the United States, and with it, free institutions, will cease to be a relevant factor in world affairs, particularly the affairs of the developing world. New Mexico's historical and cultural ties with Latin America make its citizens acutely aware that the events in Africa must be assumed to be a likely prelude to events in Latin America. Our current African policies of indecision, encouragement of Soviet and Cuban ambitions, and ignorance of the importance of natural resources are not lost on New Mexico's Latin American friends as they look to future world relationships.

SOLAR ENERGY

Mr. SCHMITT. Mr. President, much attention is being given today to funding solar energy projects, using solar heating as an energy conservation measure and encouraging more use of solar energy in day-to-day use. My own State of New Mexico is blessed with a high percentage of sunlight days each year which makes it an ideal location for solar heating installations. Indeed many homes and businesses have either added solar heating or are building new buildings which provide for solar heating. Recently I visited the United Southwest National Bank of Santa Fe, N. Mex., and saw their impressive solar heating system. Their cost savings in heating gas bills was an excellent example of energy savings and reduced operating expenses.

The letter to the shareholders of the bank delineates the heating costs for the last quarter of 1977. I ask unanimous consent to print that letter in the RECORD at this point, as an example of the contribution that solar heating can make.

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

UNITED SOUTHWEST,
NATIONAL BANK OF SANTA FE,
Santa Fe, N. Mex., January 20, 1978.
DEAR SHAREOWNER: As we begin our fifth year in business we have the advantage of looking at the past four years as well as the future with some historical perspective.

At this time it is apparent that our decision to build a solar energy plant was a correct one. Our gas costs for the last three months of 1977 were as follows: October \$7.16, November \$11.97 and December \$11.56. Our total financial assets as of December 31, 1977 stood at \$16,688,581.03, up 23% from the previous year. As you can readily see, we have never had greater financial resources. Our resources are increasing ahead of our long-range plans, although they always need prudent and dedicated management.

I must emphasize that we have never had a stronger and more dedicated staff. It is our aim to bring together all of our bank's assets, administrative, physical and financial, to better and more successfully meet all of the banking needs of our customers.

The Board of Directors has declared a 25¢ per share annual dividend payable on January 23, 1978. Your dividend check accompanies this letter. The Board has also elected to pay a 5% stock dividend and this must, of course, be voted on at our annual meeting January 29, 1978. Please make every effort to attend.

We always welcome suggestions or ideas from our shareholders and customers on ways in which we may better serve their needs. Please do not hesitate to call your suggestions to my attention.

Hasta la vista.
Sincerely yours,

DONALD J. ORTIZ,
President.

THE NEUTRON BOMB

Mr. SCHMITT. Mr. President, this past week while my distinguished colleagues and I were home for a working recess, an editorial in favor of neutron bomb production appeared in the New York Times.

Subsequently, other comments, editorial and otherwise, have been made in favor of that production, not in favor of ever using the neutron bomb but in favor of its production, as one of the mainstays of not only our Defense Establishment but also of our foreign policy.

The March 30 editorial emphasized that the neutron bomb would be used primarily as a defensive weapon and would be NATO's only effective defense against an initial, massive conventional attack by the Soviet Union and the Warsaw Pact nations upon our European NATO allies. In this context, the neutron bomb becomes a partial equalizer to the massive Soviet build-up in Eastern Europe, that has been proceeding under the guise of détente.

The announcement in the New York Times of April 4 and the Washington Post of April 5 that the President has decided to cancel production of the neutron bomb is startling. What is most surprising about this decision—if in fact it is a decision—is that it came at the same time that West Germany has endorsed this new weapon for obvious reasons related to their own defense. The present shells are neither effective against the modernized Soviet tank nor serve as an adequate deterrent to a Soviet invasion of Western Europe, or the threat of such an invasion which can be as important to our future as a full invasion.

The New York Times editorial emphasizes that the primary value of the neutron bomb is its deterrent value. As such, it would require major changes in Soviet military strategy, and hopefully, reduce the possibility of war.

According to the New York Times, the only argument against deployment of the neutron bomb would be if the Soviets agreed to cutbacks in their own offensive military buildup such as pulling back some of their tank divisions and other equipment or scrapping the new SS-20 missiles that are aimed right at the heart of Western Europe. It would be a mistake to include the neutron bomb in any other aspect of arms control negotiations.

At this point, Mr. President, I ask unanimous consent that the March 30, 1978 editorial from the New York Times, "The Virtues of the Neutron Bomb" be placed in the RECORD.

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

THE VIRTUES OF THE NEUTRON BOMB

Ever since the Carter Administration asked Congress last summer for funds to produce enhanced-radiation nuclear warheads, critics ranging from Soviet propagandists to Western cartoonists have had a field day attacking the so-called "neutron bomb." The archetypal capitalist weapon, Moscow has called it, a destroyer of people but not property. Grim forecasts of lingering radiation deaths have filled newspaper columns worldwide. Rarely have the relevant questions been asked: Is the neutron weapon really more terrible than other nuclear weapons? And, more important, would its deployment make nuclear war more likely?

The answer to both these questions is almost certainly "no." Hence, the NATO governments will probably decide within a few weeks to deploy this ground-launched tactical nuclear warhead whose modest blast and intense but circumscribed and short-lived radiation make it particularly effective against advancing tank armies. If the NATO partners reach that decision—and we think they should—the alliance could acquire a potent means to defend Western Europe against the contingency that its planners fear most: a breakthrough by massive Warsaw Pact tank forces that vastly outnumber NATO's. Neutron weapons in Western hands would significantly complicate Soviet tactical planning: If its tanks were to attack in mass, they would be highly vulnerable. If they were to disperse they would be easier targets for conventional precision-guided anti-tank weapons.

Faced with this prospect, Moscow has ceaselessly denounced the neutron warhead as a diabolical qualitative change in the arms race—and has threatened to deploy its own version unless NATO desists. The charge is hollow. Neutron warheads are pre-eminently defensive weapons, not useful offensively. NATO's strategy is—and would remain—defensive. Regrettably, nuclear weapons will play a considerable deterrent role in that strategy for the foreseeable future, since there is no likelihood that NATO will match the Warsaw Pact's conventional forces.

The evident effectiveness of neutron warheads is what bothers many West Europeans. Dutch parliamentarians recently resolved that NATO should not deploy them. They reason that because most of the tactical nuclear weapons now in NATO hands would be more destructive to surrounding territory than neutron warheads, NATO governments would be more reluctant to order their use. They fear a lowering of the nuclear threshold that would make the use of nuclear weapons more likely and raise the specter of retaliation, escalation and devastation.

Yet it is precisely because NATO's existing tactical nuclear weapons are less usable than neutron weapons that they are a less credible deterrent against the outbreak of conventional war. And since Soviet military doctrine calls for the early battlefield use of nuclear weapons in any case, the only certain barrier against nuclear escalation is preventing any war at all.

Nor is there reason to think that neutron warheads would be more inhumane than others. All nuclear weapons yield deadly radiation. Their effects vary, depending upon their size and their targets. But given the likely uses of neutron warheads, the number of persons who would be left to die slowly would be no greater than similar casualties from other nuclear weapons.

Neutron weapons will not reach NATO field forces until some two years after the allies decide on deployment. Given their defensive character, it is difficult to know why Moscow should be so worried. But if its expressed fears are genuine and not mere propaganda, it should offer something of value for NATO's agreement to suspend deployment. Pulling

back some of its tank divisions, or scrapping the new SS-20 nuclear missiles that are targeted on Western Europe, would be good places to start.

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

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

Mr. MARK O. HATFIELD. Mr. President, what is the order of business at this time?

The ACTING PRESIDENT pro tempore. Under the previous order, the Senator from Oregon (Mr. MARK O. HATFIELD) is recognized, as in legislative session, for not to exceed 15 minutes.

ATROCITIES IN UGANDA

Mr. MARK O. HATFIELD. I thank the Chair.

Mr. President, in my continuing desire to speak to the atrocities in Uganda, and in response to President Amin's invitation to Senator WEICKER and me to visit his troubled nation, today I seek to persuade others of our colleagues to join us in an indictment of the world's most brutal regime.

It is not my intent to further sensationalize the ugly reality of life and death in Uganda. But it is precisely the existing degree of terror that necessitates our taking steps toward disassociating American Government and business with Idi Amin's ability to maintain his hold on power. It is difficult for those of us who have known nothing other than freedom and justice to fathom the institutionalized nightmare of Uganda.

Today as businessmen are testifying before the House International Relations African Subcommittee on why we should continue trade with Uganda, it is of paramount importance that we raise the consciousness of Americans with a brief overview of the Amin atrocities. We must not deny ourselves the truth no matter what the pressures to continue the awful silence.

The people of Uganda live in fear. Reports come forth daily of alleged disappearances, arrests, torture, and brutal killings carried out by members of Amin's killer squads. And yet, much of the international community continues to view this professed admirer of Adolf Hitler in a comical light. Whether madman or comic, the fact is that the world community has chosen not to take his reign of terror seriously. Of the many authoritarian regimes scattered throughout the world, nowhere is there such blatant disregard for the sanctity of human life. Nowhere is demagoguery and genocide enjoying such elevated status. Adi Amin's government is in a class by itself and our silence implicates everyone of us.

At the time Idi Amin overthrew the Government of Uganda he was widely received as a popular hero of modest ambition. But at his first press conference, President Amin gave the world its initial

exposure to his curious brand of deception by boasting that the coup that had thrust him into power had been bloodless. And it was a relatively bloodless entrance for a few days. Thereafter the slaughter began in earnest. During the second year, Uganda's Chief Justice was hauled out of court and decapitated, a former interior minister was abducted and dismembered and the rector of the university was murdered. The army was the first institution to fall victim to Amin's wrath.

When Amin successfully took hold of power the army was dominated by soldiers from the Acholi and Lango tribes. Former President Milton Obote had been a Lango as had many other Ugandan officials. "In the year that followed, approximately two-thirds of the soldiers from these tribes were slaughtered."¹

The people of Uganda have been denied the services of its most able and dedicated citizens. They are forced to live with an economy which has deteriorated to the point where the most fundamental goods are available only to Amin's military personnel. It is said that "more of Uganda's professional talent live out of the country than in it." Literally thousands of lawyers, doctors, teachers, students, priests, and bishops have either been forced into exile or slaughtered mercilessly at the hands of Amin and his henchmen. A brain drain of unprecedented proportion plagues this struggling nation.

Amin and his soldiers are constantly reminding the population that it does not pay to be educated. He cites himself and his illiterate vice president as examples of success without having gone to school. Makerere University, once the pride of east Africa, has become a perversion of higher education. Students have been shot and removed in trucks. The murder of the university's vice chancellor and members of the teaching staff has prompted most of the university's former faculty and administration to flee the country.

Amin has been particularly severe with Christians in Uganda. As recently as last November reports cited a new purge of Christians, with as many as 20 killed and 400 arrested in a single month. He has banned 27 religious organizations, including the Baptist and Seventh Day Adventist Churches, and the Salvation Army. Archbishop Janani Luwum, of the Anglican Church, died in custody the day following his arrest after writing a letter also signed by the bishops in Uganda, asking only that the brain drain and the killing of innocent individuals stop. Typically, the government issued a statement reporting that he had died in an automobile accident; but it is well known that he was murdered. The then minister of health, Henry Kyemba, told me earlier this week that he viewed the bullet-riddled body.

It has been said that it is more accurate to attribute the violence which reigns in Uganda to anarchy than to Amin's planning. In Makindye Prison, a death camp outside of Kampala, there are two rooms that strike fear in the

¹ Melady, Thomas, Personal Conversation, April 6, 1978.

hearts of Ugandans at their mention. The Singapore room is symbolic of the fact that former Ugandan President Obote was in Singapore at the time Amin led the coup that hoisted him to power. The Dar-es-Salaam room is named for the capital of Tanzania where President Obote now lives in exile. Untold thousands of Ugandans have been savagely murdered in these and other rooms and cells throughout the country by Idi Amin's mercenaries.

In his book, "Idi Amin Dada: Hitler in Africa," Dr. Thomas Melady, the last American Ambassador to Uganda, gives a description of the violent methods used to punish those who are perceived as threatening Idi Amin's reign:

While the numbers have not reached the proportions of the pogrom against the Jewish people in Nazi Germany, tales of atrocities and mass killings in Uganda are no less cruel. In 1975 and 1976, some of the most harrowing testimonies were given to the International Commission of Jurists about the . . . atrocities. A businessman who had been detained in Naguru prison told how one or two prisoners were called out after a shooting had occurred. The prisoners were given a car axle and told to beat the dead man's head to a pulp. Then the prisoners were ordered to lie down in the blood and gore of the dead person. One prisoner told how he was put in charge of the jobs of other prisoners. "I had to give little jobs to the prisoners as well as smashing heads and loading bodies: things like cleaning the blood from the vehicles, supervising picking up eyes, teeth, and broken parts of heads, and making sure the blood was covered with dirt. We used to make a small hole for the eyes, teeth and broken skulls and cover it up." This same man had been told by guards at the prison that things used to be worse.

"They used to slash the prisoners' bellies open with machetes and put their hands in and pull out the intestines."

Another prisoner described how one hundred girls were arrested for wearing mini-skirts. The girls' heads were shaven and one was singled out and gang raped.

In December 1974, a Ugandan schoolmaster fled the country with a harrowing tale to tell. He was arrested and imprisoned at Makindge (Mack-kin-dee) in Kampala. During the night he and seven other men were given hammers and led to a cell with twenty-seven people. Some of them had broken limbs, others were bleeding from wounds. The soldiers then ordered the prisoners to kill the men in the cell. "We started hitting them on the heads with the hammers and all of them were killed."

No doubt some of the atrocities committed in Uganda have been the result of lack of discipline in Uganda's army and police, but there is ample evidence directly implicating Amin to the murder of thousands. The State Research Bureau, which has been held responsible for a large proportion of the Government's genocidal practices—including many in which mutilation and cannibalism have been alleged—is directly under Amin's command. A robbery suspect's decree in 1972, providing the pretext for as many as 10,000 executions, was issued by Amin himself. Moreover, there are countless allegations that Amin ordered several particular killings himself. He is well known for his skillful manipulation of these events to his advantage, a favorite ploy is to stage investigative reports that inevitably conclude his inno-

cence. Indeed, within the last week he offered to appoint an investigative commission to report on alleged violations of human rights. This and Amin's recent declarations of 1978 being a year of love and peace are a characteristically theatrical reaction to the stark truth that he is critically vulnerable to the income he derives from coffee exports to the industrialized world. The threat of a boycott is clearly a frightening prospect for Idi Amin. Even in the cases where it cannot be shown that Amin is directly linked to certain atrocities, there is no denying his responsibility for the monster he has created.

Every time I meet with Ugandan citizens in exile, especially religious leaders and former Government officials, I have been struck by the sharp contrast between the gentle nature of these people and the ferocious nature of Amin. It stands as the clearest example of the division between good and evil. These men and women are anxious to return to their country and rebuild what was once a prosperous and thriving nation. In concluding my remarks, I would like to once again quote Thomas Melady:

It was only a short time ago that a man from Munich was carrying out atrocities in Germany. The world in 1936, 1937 and 1938 watched and hoped that the brutal tyrant, Hitler, would change. Some Americans went there in 1938 and returned praising his government. Even though their expenses were paid for by Hitler, not many then questioned their praise. Hitler engaged a public relations firm to "tell the story."

Now we have a new Hitler—and his name is Idi Amin. He, too, has invited Americans to tour Uganda and, of course, he pays the bills. Some have returned to praise him.²

The most conservative estimate of the number of Ugandans which have been murdered is 100,000. Those who have fled Uganda will live with images of horror for the rest of their lives. They tell of bodies floating in the Nile River, of bones scattered in the forests and hanging from the trees. The once magnificent beauty of the country has been defiled by the bloody rule of Idi Amin. The tyranny continues, and with each death and torture the regime slips further into the depths of hell. The evil practiced by Amin and those associated with him in these endless crimes breeds more and more evil. The cancer continues to grow at obscene proportions.³

Mr. President, public support for a boycott of Ugandan coffee has been strong. My office has already received many letters and calls expressing support for this initiative and requesting information on what brand names contain Ugandan coffee. There can be only one appropriate course for this powerful Nation committed to the furthering of human rights around the world. We must act for those who are unable to act; the Ugandan people await our decision. I received word on Tuesday that our interest has been conveyed to the Ugandan people over Voice of America and BBC. In fact, this is the reason Amin has responded with his invitation to us. Let us not plunge them into further despair by inaction.

² Melady, Thomas. Testimony before the House International Relations Committee, February 22, 1978.

³ Melady, *op. cit.*

The ACTING PRESIDENT pro tempore. Under the previous order, the Senator from Virginia (Mr. HARRY F. BYRD, Jr.) is recognized, as in legislative session, for not to exceed 15 minutes.

THE WASTE OF TAX FUNDS AT HEW

Mr. HARRY F. BYRD, JR. Mr. President, the Department of Health, Education, and Welfare has become so large, so unwieldy, and so out of control that billions of dollars of tax funds are being wasted.

Just this week, the Inspector General of HEW reported that last year approximately \$7 billion was misspent by HEW through waste, mismanagement, and fraud. That figure is \$7 billion, not \$7 million.

Most of us find it difficult to comprehend billions of dollars. Most certainly the Senator from Virginia finds it difficult to comprehend. I notice the present Presiding Officer is the able and distinguished Senator from Ohio (Mr. GLENN). The amount of money which the Inspector General of HEW says was misspent by that one Department last year, \$7 billion, is almost exactly the total amount all of the people of Ohio paid in Federal income taxes to our Government.

To the Senator from Virginia, it is not only astonishing and startling but appalling that a department of Government misspent, through waste, mismanagement, and fraud, \$7 billion.

All the taxpayers of Virginia—and Virginia is a State of 5 million persons, the 12th most populous in the Union—pay in Federal income taxes approximately \$3.5 billion a year. The Department of HEW misspent, through waste, mismanagement and fraud, almost exactly twice all of the Federal income taxes paid into the Treasury by the people of Virginia.

Mr. President, the Congress of the United States certainly must take firm action in regard to this misuse of American tax funds. The Department of HEW is seeking, in the new budget, an increase in appropriated funds to that Department of \$7 billion for the upcoming year. That represents an increase of 13 percent. The amount of funds appropriated in the current budget is \$55 billion. HEW is seeking, in the new budget, the sum of \$62 billion.

I think it would be irresponsible for Congress to permit an increase in funds to that agency when \$7 billion was misspent through waste, mismanagement, and fraud.

Secretary Califano has spent a great deal of time attempting to tell each State how it should handle its educational matters and what it should do about its schools and colleges. He has been attempting to tell the individuals of this country what they should do in regard to their personal habits.

It seems to me that Mr. Califano would be rendering a more important service to the people of our Nation if he would devote his time to eliminating from HEW the waste, the mismanagement, and the fraud which the Inspec-

tor General of that Department has formally stated occurred last year, to the amount of \$7 billion.

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

Mr. ROBERT C. BYRD. Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

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

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

THE PANAMA CANAL TREATY

The PRESIDING OFFICER. Under the previous order, the Senate will now resume consideration of Executive N, 95th Congress, 1st session, Calendar No. 2, which will be stated by title.

The second assistant legislative clerk read as follows:

Executive N, 95th Congress, 1st session, the Panama Canal Treaty.

Mr. HELMS. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. HELMS. Is the Senator from North Carolina correct in his understanding that we are now on article I?

The PRESIDING OFFICER. The Senator is correct.

UP AMENDMENT NO. 17

Mr. HELMS. I thank the Chair.

Mr. President, I send an amendment to the desk.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk read as follows:

The Senator from North Carolina (Mr. HELMS) proposes an unprinted amendment numbered 17.

In paragraph 1(b) of article I, immediately after "March 2, 1936," insert "except for the first sentence of Article X thereof."

Mr. HELMS. Mr. President, the amendment I have just sent to the desk simply lets stand, without termination, one sentence from article X of the 1936 Treaty of Friendship and Cooperation with Panama:

In case of an international conflagration or the existence of any threat of aggressions which would endanger the security of the Republic of Panama or the neutrality or security of the Panama Canal, the Governments of the United States of America and the Republic of Panama will take such measures of prevention and defense as they may consider necessary for the protection of their common interests.

This provision, standing alone, allows independent action by each party.

Article X in its entirety consists of only two sentences.

The second one, which I have not incorporated into my amendment because it refers to territory over which we will no longer have jurisdiction, reads as follows:

Any measures, in safeguarding such interests, which it shall appear essential to

one Government to take, and which may affect the territory under the jurisdiction of the other Government, will be the subject of consultation between the two Governments.

This second sentence likewise shows the right of United States to act in defense of the Canal Zone. It also indicates there will be consultation between both governments when action by one government would affect the territory under the other government's control.

However, letters of understanding between the two governments made it clear that in an emergency, the United States could act independently without consulting with the Government of Panama. My amendment retains this power.

Mr. President, I ask unanimous consent to have these letters printed in the RECORD at this point in my remarks.

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

(The Secretary of State to the Panamanian Minister)

DEPARTMENT OF STATE,
Washington, February 1, 1939.

The Hon. Señor Dr. DON AUGUSTO S. BOYD,
Minister of Panama.

SIR: I have the honor to refer to the General Treaty signed between the United States of America and the Republic of Panama on March 2, 1936 and to the record of the proceedings of the negotiations leading to this accord. As you may recall, on several occasions during the course of the negotiations, it was found necessary to discuss and to reach a mutual understanding as to the interpretation to be placed upon certain draft provisions eventually incorporated in the signed treaty. These discussions and understandings were, after each meeting, embodied in the duly attested typewritten record of the proceedings of the treaty negotiations.

It seems possible that, following the favorable report at the close of the last session of Congress by the Committee on Foreign Relations of the United States Senate on the General Treaty and accompanying Conventions, the individual members of the Senate in their consideration during the current session of Congress of the Treaty and Conventions, may ask for clarification as to the precise meaning of certain important provisions of the General Treaty which affect the security and neutrality of the Panama Canal. With a view to anticipating these inquiries, and in the hope of avoiding further delay on this account in the consideration of the General Treaty of March 2, 1936, it has seemed to my Government advisable to set forth in an exchange of notes between our two Governments the substance of some of these above-mentioned understandings as mutually reached. I should be grateful, accordingly, if you would inform me whether your Government shares the understanding of my Government upon the points which follow in subsequent paragraphs.

1. In connection with the declared willingness of both the Government of the United States of America and the Government of the Republic of Panama to cooperate for the purpose of insuring the full and perpetual enjoyment of the benefits of all kinds which the Canal should afford them (Article I of the General Treaty of March 2, 1936) the word "maintenance" as applied to the Canal shall be construed as permitting expansion and new construction when these are undertaken by the Government of the United States of America in accordance with the said Treaty.

2. The holding of maneuvers or exercises

by the armed forces of the United States of America in territory adjacent to the Canal Zone is an essential measure of preparedness for the protection of the neutrality of the Panama Canal, and when said maneuvers or exercises should take place, the parties shall follow the procedures set forth in the records of the proceedings of the negotiations of the General Treaty of March 2, 1936, which proceedings were held on March 2, 1936.

3. As set forth in the records of the proceedings of the negotiations of the General Treaty of March 2, 1936, which proceedings were held on March 16, 1935, in the event of an emergency so sudden as to make action of a preventive character imperative to safeguard the neutrality or security of the Panama Canal, and if by reason of such emergency it would be impossible to consult with the Government of Panama as provided in Article X of said Treaty, the Government of the United States of America need not delay action to meet this emergency pending consultation, although it will make every effort in the event that such consultation has not been effected prior to taking action to consult as soon as it may be possible with the Panamanian Government.

Accept, Sir, the renewed assurances of my highest consideration.

CORDELL HULL.

The Panamanian Minister to the Secretary of State

[Translation]

LEGATION OF PANAMA,
Washington, D.C., February 1, 1939.

His Excellency CORDELL HULL,
Secretary of State of the United States,
Washington, D.C.

MR. SECRETARY: I have the honor to refer to Your Excellency's valued communication of today's date with respect to the General Treaty signed between the Governments of the Republic of Panama and of the United States of America March 2, 1936 and to the proceedings of the meetings held by the Commissioners of Panama and of the United States of America during the negotiations which preceded the signature of the said Treaty. Your Excellency invites my attention to the fact that during the course of the negotiations and after discussion a mutual agreement was reached with regard to the interpretation to be given to certain provisions which eventually were incorporated in the Treaty. Your Excellency states that these discussions and understandings were, after each meeting, embodied in the typewritten records of the proceedings.

You then give as your opinion that in view of the favorable report presented at the close of the last session of Congress by the Committee on Foreign Relations of the Senate of the United States of America on the General Treaty and the various accompanying Conventions, some members of the Senate, during the debates with respect to the General Treaty and the Conventions in the present session of Congress may ask for clarification as to the meaning of certain provisions of the General Treaty affecting the security and neutrality of the Panama Canal. With a view to anticipating such a eventuality, and of avoiding new delays in the consideration of the General Treaty of March 2, 1936, Your Excellency states that it seems advisable to your Government to effect an exchange of notes with my Government for the purpose of reiterating the interpretation given to certain points in the proceedings.

I take pleasure in informing Your Excellency that I have been authorized by my Government to effect this exchange of notes and to clarify the points propounded by Your Excellency, and which, for greater clarity, are set forth in the English language as follows:

[For text, see numbered paragraphs.]

I avail myself of this occasion to renew to Your Excellency the assurances of my most distinguished consideration.

AUGUSTO S. BOYD,
Minister.

The Secretary of State to the Panamanian Ambassador

DEPARTMENT OF STATE,
Washington, July 25, 1939.

His Excellency Señor Dr. DON AUGUSTO S. BOYD,
Ambassador of Panama.

EXCELLENCY: I understand from the debate in the Senate of the United States yesterday on the treaties signed with Panama, March 2, 1936, that the question was raised as to whether the Assembly of Panama had the notes and minutes of the treaty negotiations before it at the time the treaties were considered and ratified by that body.

I shall thank you to advise me definitely as to whether the notes and minutes of the negotiations were before the Assembly of Panama and were thoroughly understood and considered by the Assembly in connection with its ratification of the aforesaid treaties.

Accept, Excellency, the renewed assurances of my highest consideration.

CORDELL HULL.

The Panamanian Ambassador to the Secretary of State

EMBAJADA DE PANAMA,
Washington, July 25, 1939.

His Excellency CORDELL HULL,
Secretary of State.

EXCELLENCY: I am in receipt of Your Excellency's note of this date in which you state that you understand from the debate in the Senate of the United States yesterday on the Treaties with Panama signed March 2, 1936, that the question was raised whether the Assembly of Panama had the notes and minutes of the treaty negotiations before it at the time the treaties were considered and ratified by that body.

I think that the best answer I may give to Your Excellency is to transcribe textually, in translation, law No. 37 of 1936 which was passed by our Assembly on the twenty-fourth of December, 1936, and which reads as follows:

THE NATIONAL ASSEMBLY OF PANAMA
Decrees

Only article: there are hereby approved and ratified in all their parts the General Treaty, the Radio Communications Convention, the Convention on the Transfer of the stations of La Palma and Puerto Obaldia and the Convention on the Trans-Isthmian Highway, signed in the city of Washington, March 2, 1936, by plenipotentiaries of the Governments of the Republic of Panama and of the United States of America, which is done taking into account the Minutes and the Exchanges of Notes signed on the same date and which contain interpretations and explanations of certain important aspects of the General Treaty and of the Conventions aforementioned.

From the law quoted above Your Excellency will observe that the minutes and the notes were before the Assembly and were considered and understood by it at the same time that the Assembly ratified the Treaty and Conventions above mentioned.

Accept, Excellency, the sentiments of my highest consideration.

AUGUSTO S. BOYD.

Mr. HELMS. Mr. President, this is the concept I believe we must perpetuate in the new treaties if we truly are to be able to defend the Panama Canal. To date it is not so incorporated. To do so is the purpose of my amendment.

Mr. President, proponents of the new treaty will probably say that this is already taken care of by article IV of the Neutrality Treaty, or if not by that article, certainly by the leadership amendment which incorporated the Carter-Torrijos statement, or, if not by that amendment, then most certainly by the so-called DeConcini reservation.

I must respond in the negative to that.

Many Senators feel article IV is vague. That, indeed, was the leadership's rationale for adding the Carter-Torrijos statement. Indeed, it was the very rationale for that statement in the first place because of congressional objections. But many Senators consider the Carter-Torrijos language equally vague.

The pending amendment would eliminate any such vagueness. As an amendment, there would also be no doubt as to its acceptance by Panama if that country ratifies this treaty. It has been shown here by other Senators that Panama pays no heed to reservations. If Panama means what we are supposed to believe Panama means in the Carter-Torrijos statement, certainly Panama would need no new plebiscite to demonstrate acceptance by my amendment. My amendment only states clearly what I maintain is still not firmly established anywhere in either of the two new treaties.

On the other hand, there actually may be some detrimental effect as a result of the DeConcini reservation, now cited in the amended Neutrality Treaty's resolution of ratification as a "condition":

Notwithstanding the provisions of Article V or any other provision of the Treaty, if the Canal is closed, or its operations are interfered with, the United States of America and the Republic of Panama shall each independently have the right to take such steps as it deems necessary, in accordance with its constitutional processes, including the use of military force in Panama, to reopen the Canal or restore the operations of the Canal, as the case may be.

That condition has a number of shortcomings when compared with what my amendment would achieve.

Mr. President, let me repeat the pertinent language of the DeConcini condition:

... If the Canal is closed, or its operations interfered with, the United States of America ... shall ... independently have the right ... to reopen the Canal or restore the operations of the Canal, as the case may be.

Mr. President, not "will take," as in the 1936 language I wish to retain, but "shall have the right to * * * take."

Not to take "measures of prevention and defense," as in the 1936 language I wish to retain, but only to take steps of restoration—"to reopen the Canal or restore the operations of the Canal."

Not "in case of an international conflagration or the existence of any threat of aggression," as in the 1936 language I wish to retain, but only in either of the two specific cases where the Canal has actually been closed or its operations have actually been interfered with.

Not "measures of prevention" against "any threat * * * which would endanger the * * * security of the Panama Canal," as in the 1936 language I wish to retain, but only measures after that security had already been violated.

Not "measures of prevention and defense" against "any threat * * * which would endanger the security of the Republic of Panama," as in the 1936 language I wish to retain, but only measures regarding the canal—and, indeed, those enabled only after the damage has been already done.

Mr. President, these are the shortcomings of the DeConcini conditions when compared with the sentence from article X of the 1936 Treaty which I believe for the best interests of both the United States of America and the Republic of Panama, should be permanently retained in force.

Mr. President, while article IV of the Neutrality Treaty and the Carter-Torrijos statement now adopted as an amendment are only vague, the DeConcini reservation or condition may actually be taken as a limiting stipulation restricting United States right to action only to that which may be needed after the canal is actually closed, or its operations actually interfered with.

Mr. President, let me state unequivocally, the Panama Canal might readily be kept open, efficient, neutral, secure, and accessible—to quote the oft-repeated phraseology of the State Department—by Fidel Castro or Leonid Brezhnev.

But I do not think the American people or this Senate would take much consolation in that fact.

We certainly put an entirely different connotation on the word "security" in regards to the Panama Canal than on the word "secure." Security denotes our best interests.

The 1936 language which I wish to retain is unequivocal about the security, both of the Republic of Panama and the Panama Canal, and any threat to their security. Therefore, the language I wish to retain encompasses any action necessary in advance of actual damage to, interference with, or closing of, the Panama Canal.

Any vagueness or possible restrictions on U.S. action are immediately and totally removed by the retention of this single sentence from the 1936 treaty with Panama. This language is certainly not inconsistent with what we have been led to believe by the President of the United States, Mr. Carter, the Department of State, and the leadership in this body, that these are the purposes of article IV of the Neutrality Treaty and the Carter-Torrijos statement now adopted as the leadership amendment to that treaty.

This amendment would simply make those purposes crystal clear and beyond any peradventure, absolute, understandable, believable.

Mr. President, let me address in somewhat more detail the concept of independent, unilateral action by the United States.

Other than that right being expressed in the limited and, I fear, that the word is used correctly, limiting, DeConcini condition, in no place in either treaty is the United States clearly given the right to act independently regarding the canal in the matter of its defense and security.

Article IV of the basic Panama Canal Treaty which is now under consideration

does not unmistakably give the United States any such right. Further, that article specifies the establishment of a so-called Combined Board whose members:

Shall be charged by their respective governments with consulting and cooperating on all matters pertaining to the protection and defense of the Canal, and with planning for actions to be taken in concert for that purpose.

I emphasize the word "all" as I read that article because I want to emphasize that it refers to all matters of protection and defense.

Article IV of the treaty we are now considering speaks still further of "cooperative efforts" and "combined military exercises."

A major purpose in maintaining in force the provision from article X of the 1936 treaty, which this amendment proposes to retain, is to unmistakably give the United States the power to act independently. And unlike the independence achieved by the DeConcini condition to act too late, the power to act independently in advance of any actual damage to or interference with the canal and its operations.

Mr. President, it is noteworthy that the language I wish to retain permanently in force beyond the year 2000 would clearly proclaim our right, indeed, our obligation to defend the Republic of Panama.

This language demonstrates the kind of alliance we currently maintain with other nations, as in NATO, with our support pledged to our allies.

The 1936 treaty terminated the provisions of article I of the 1903 treaty which had obligated us to guarantee Panama's independence, because Panama felt it could insure its own independence from its neighbor Colombia from which she had seceded. That same 1936 treaty, however, enunciated the language of article X I wish to retain.

No one on earth today could claim with a straight face that Panama could defend herself adequately against the overwhelming might of the Soviet Union or even against the forces of Communist Cuba, now battle tested in Africa.

It is the understanding of the Senator from North Carolina from testimony before Senate committees that only some 2,000 of Panama's 8,000 man Guardia Nacional are actually trained as soldiers. The majority of that force are policemen.

Those 2,000, or the entire 8,000, would be no match for Castro's battle-hardened expeditionary forces.

Mr. President, an ounce of prevention is worth a pound of cure.

I am not asking for anything new in my amendment.

I am not offering new language drafted to achieve my purpose.

Unlike any amendment or reservation offered to date, mine seeks only to continue in force but a single sentence from the three treaties of 1903, 1936, and 1955 now in effect with the Republic of Panama, regarding the Panama Canal.

That single sentence confirms what Panama's Maximum Leader, Omar Torrijos has already proclaimed.

He stated in a speech to his people on

October 20, 1977, before the plebiscite that the treaties placed Panama under the protective umbrella of the United States.

Let me quote him:

We will maintain the force necessary to insure peaceful coexistence, but if we are attacked by superior forces, the United States is obligated to come to our defense. And when I said that we remain under protective umbrella, I say it without shame.

No plebiscite would be needed by Panama because of retention of this sentence as part of the Panama Canal Treaty.

Again, I must refer to the DeConcini condition or reservation.

What have we accomplished by it?

What have we gained by it?

We have only gained the right—assuming Panama will agree to this condition—to move unilaterally after a hostile force has already closed the canal or has actually interfered with its operations.

I submit, this is not must of a right.

It certainly is not sufficient for us to be only able to close the barn door after the horse is stolen.

The American people certainly demand much more.

At the very least, we should demand the right to prevent the canal's closing or any interference with its operations.

That is just what the continuation in force of one sentence from the existing treaties will do. One sentence assures us the right to act unilaterally in advance, to forestall any actual damage to or interference with the canal.

The pending amendment proclaims that we have determined to defend Panama—to keep her free and independent, safe from Soviet domination by Moscow or from Communist domination by Havana, or from any other threat of aggression.

The American people know that as custodian of the canal after the year 2000 Panama must remain free and independent. Her liberty and independence will be as vital to the United States as the thrust we will confer upon her if these treaties are ratified.

Panama could be conquered by a hostile force overnight in this day of sudden Communist takeovers. Czechoslovakia, we must remember, woke up to Communist rule one day without a shot having been fired. Its leader simply went out a window to his death and the Communists were in control.

It could happen in Panama, unless we signify our determination to prevent it happening.

Pilots of the Soviet Union's Air Force fly their MIG's daily over Caribbean waters. Castro would like nothing better than to use his African Expeditionary Forces to take Panama for his masters in the Kremlin.

Mr. President, I urge the adoption of the amendment.

I yield the floor.

Mr. SARBANES addressed the Chair. The PRESIDING OFFICER. The Senator from Maryland (Mr. SARBANES).

Mr. SARBANES. Mr. President, the first observation I want to make is that it is an interesting exercise in treaty-making or, for that matter any sort of contract making when you come along

when a new agreement is being negotiated and you go back to a previous agreement and pick out a sentence that you want out of the previous agreement and then say, "Well, now let us put this into the new agreement."

I would like to negotiate contracts being able to do them that way. I think I would be able to write some pretty good contracts, but I am afraid I would not have any parties willing to agree to the contracts so you would not have two people to strike a bargain and to make an agreement.

As to the 1936 treaty in article X—and that was agreed to between the parties—the agreement that they made was a total agreement contained in full in article X. The agreement thus was not an agreement to the first sentence of article X and ignoring the second sentence of article X. The agreement was to article X in its entirety; article X was a total provision and in fact the second sentence to it, which the distinguished Senator from North Carolina would leave out of his proposal or out of his arrangement, specifically by its own terms refers to measures that might be taken pursuant to the first sentence. So, in effect, you had two sentences intertwined and that constituted the agreement that the parties had made.

So you cannot really come along and take but one of the two sentences and say, "Well, that has been previously agreed to by the parties and there has been no change in the language; we are simply quoting it directly and, therefore, it ought to be agreed to now." What about the other sentence which was an integral part of the agreement and which required consultation between the parties before we were free to take action.

That is the first point.

The second point is, of course, when you negotiate a new agreement its purpose is to replace the previous agreements. That is what you are seeking to accomplish. You are not seeking to carry forward the previous agreements. If you were doing that you would not have needed to negotiate a new agreement.

So, you have to look at the provisions of the new agreement and make your judgment on the basis of the new agreement.

Beyond those two reasons: first that, you cannot, once you have negotiated a new agreement, then come along and try to go back and pull out of a past agreement certain provisions and say, "Well, that language had been previously agreed to by the parties, and therefore it ought still to be acceptable to everyone; hence we are going to insert it into the new agreement." You cannot write agreements that way. The new agreement replaces the old agreement, that is why you make a new agreement.

Second, even if one were going to reach back for prior provisions, you certainly could not reach back and take but one sentence out of an article composed of two sentences when both of those sentences were interrelated one with the other and affected one another, and take one of them and leave the other one and then say, "Well, is there any chance of

acceptability or agreement to it by the other party?" You obviously cannot make contracts or reach agreements in that fashion.

Third, the agreement that was before us, a few weeks ago and that has now been approved by the Senate, by a vote of 68 to 32, the Treaty on the Permanent Neutrality and Operation of the Panama Canal, dealt with this matter in article IV thereof. That article was amended on the floor of the Senate pursuant to an amendment sponsored by the majority leader, Senator ROBERT C. BYRD, and the minority leader, Senator BAKER, and co-sponsored by 78 or 79 Members of this body. Article IV of the Neutrality Treaty as originally submitted provided:

The United States of America and the Republic of Panama agree to maintain the regime of neutrality established in this Treaty, which shall be maintained in order that the Canal shall remain permanently neutral, notwithstanding the termination of any other treaties entered into by the two Contracting Parties.

Of course, that basic provision recognized the termination of other treaties entered into by the parties because the two treaties that are before us are creating a new legal arrangement and a new legal framework for the relationship between the United States and Panama.

Now, the amendment that was added was designed to provide some additional clarity to article IV, partly in response to some questions that had arisen over differences of interpretation which had been brought out in the course of the hearings of the Senate Committee on Foreign Relations. That amendment with respect to article IV was inserted at the end of article IV, which I have just read and provides:

A correct and authoritative statement of certain rights and duties of the Parties under the foregoing is contained in the Statement of Understanding issued by the Government of the United States of America on October 14, 1977, and by the Government of the Republic of Panama on October 18, 1977, which is hereby incorporated as an integral part of this Treaty, as follows:

"Under the Treaty Concerning the Permanent Neutrality and Operation of the Panama Canal (the Neutrality Treaty), Panama and the United States have the responsibility to assure that the Panama Canal will remain open and secure to ships of all nations. The correct interpretation of this principle is that each of the two countries shall, in accordance with their respective constitutional processes, defend the Canal against any threat to the regime of neutrality, and consequently shall have the right to act against any aggression or threat directed against the Canal or against the peaceful transit of vessels through the Canal.

"This does not mean, nor shall it be interpreted as, a right of intervention of the United States in the internal affairs of Panama. Any United States action will be directed at insuring that the Canal will remain open, secure, and accessible, and it shall never be directed against the territorial integrity or political independence of Panama."

Mr. President, let me just repeat from that amendment some of its very important provisions. This amendment deals with article IV of the Neutrality Treaty in which the United States and

the Republic of Panama agree to maintain the regime of neutrality established in the Neutrality Treaty, so that the canal shall remain permanently neutral notwithstanding the termination of any other treaties. The leadership amendment states that the correct interpretation of this principle is that each of the two countries shall, in accordance with their respective constitutional processes, defend the canal against any threat to the regime of neutrality and, consequently, shall have the right to act against any aggression or threat directed against the canal or against the peaceful transit of vessels through the canal.

That provision makes it very clear that it is each—I emphasize each—of the two countries which, in accordance with their respective constitutional processes, shall defend the canal against any threat—I emphasize any threat—to the regime of neutrality, and shall have the right to act against any aggression or threat directed against the canal or against the peaceful transit of vessels through the canal.

Of course, the second part of the amendment went on to make it quite clear that this does not mean, nor shall it be interpreted as, a right of intervention of the United States in the internal affairs of Panama. Any U.S. action will be directed at insuring that the canal will remain open, secure, and accessible and it shall never be directed against the territorial integrity or political independence of Panama.

Now, Mr. President, the provision in the Neutrality Treaty provides to the United States the right to take action against any aggression or threat directed against the canal or against the peaceful transit of vessels through the canal, and gives to us, I submit, all of the authority that we need in order to protect our interests with respect to a secure, accessible and neutral canal.

To go back to the 1936 treaty and seek to pull out of it one sentence of an article, leaving the other sentence behind, when the two parties 42 years ago reached an agreement that encompassed both sentences is, in my opinion, not the way to go about treaty-making or arriving at agreements or contracts.

I also think it is important to underscore that the Neutrality Treaty, which was approved by the Senate on the 16th of March by a vote of 68 to 32, and in which the language I have been quoting is contained, that the Neutrality Treaty takes effect simultaneously with the Panama Canal Treaty which we are now considering.

The Panama Canal Treaty, if approved by this body, and the Neutrality Treaty would enter into force simultaneously six calendar months from the date of the exchange of the instruments of ratification. So the provisions that are contained in the Neutrality Treaty concerning the authority of the two countries, each separately, to act against any aggression or threat directed against the canal or against the peaceful transit of vessels through the canal take effect simultaneously with the Panama Canal Treaty. There have been some suggestion and some reports that seemed to

imply that the permanent neutrality treaty takes effect only after the end of the century, and that the Panama Canal Treaty, which we are now considering, governs the entire situation between now and the end of the century. That is not correct. The Panama Canal Treaty which we are now considering is more relevant to many aspects of the relationship over the rest of the century. At the end of the century Panama will assume the full responsibility of operating and maintaining the canal, but both treaties take effect simultaneously, and the provisions of the Neutrality Treaty which I have quoted, which provide this right to take action to maintain the neutrality of the canal, the right to act against any aggression or threat directed against the canal or against the peaceful transit of vessels through the canal, come into effect simultaneously with the Panama Canal Treaty.

Both treaties, except as their provisions may specifically otherwise provide—there are some provisions in the Neutrality Treaty that take effect at the end of the century, a few limited ones, but the balance of the provisions of the Neutrality Treaty, most of its provisions, as well as the provisions of the Panama Canal Treaty, would take effect simultaneously, and that would be 6 calendar months from the date of the exchange of the instruments of ratification. So the authority which we would have, as I have quoted it, would be effective as of that date.

I submit to the Members of the Senate that in fact the provisions of the Neutrality Treaty, as amended with the leadership amendment that was adopted by an overwhelming margin in this body—there were only a handful of dissenting votes—better protects our ability to act to maintain the neutrality of the Panama Canal than the full provisions of article X of the 1936 treaty. I realize the Senator from North Carolina is taking one sentence and not the other sentence out of article X of the 1936 treaty, but, as I indicated at the outset, that is an incredible way to go about negotiating a contract or trying to reach an agreement. The fact of the matter is that the provisions of the Neutrality Treaty with respect to our right to take action are better than the entire group of provisions that were contained in article X of the 1936 treaty.

The amendment that I referred to, that was made to article IV of the Neutrality Treaty, was adopted in this body by a vote of 84 to 5. That, I think, represented clearly the judgment of the overwhelming preponderance of the Members of the Senate that that amendment was desirable, and that it strengthened the treaty. I submit that our interests are fully protected under those provisions, and therefore that the amendment offered by the distinguished Senator from North Carolina should be rejected.

Mr. HELMS. Mr. President, I have listened with great interest to my friend from Maryland, who is most persuasive but not sufficiently so. As a matter of fact, he has just used precisely the same

arguments that I predicted he would in my preliminary remarks.

Some times during the debate on these treaties on this floor, Mr. President, I have thought about a fine old gentleman in my hometown of Monroe, N.C., named Mose Hawkins, who when I was a boy, was the handyman at one of the local businesses. Mose was hard of hearing, and on Christmas some of us who worked there took up enough money to buy Mose a hearing aid, the first one I'd ever seen.

We presented it with some ceremony. He put it on, and we showed him how to turn up the gain.

He listened and his eyes rolled, but he said nothing. We were accustomed to Mose having a classic comment about almost everything that occurred; but in this instance he said nothing. Finally someone asked, "Well, Mose, doesn't it help your hearing?"

He said, "Yes, sir, it helps my hearing, but it don't help my understanding none."

I have heard the Senator from Maryland, but I must say in all friendliness that he has not helped my understanding all that much.

The Senator mentioned at the outset that this amendment is novel approach to contract writing or treaty writing. I do not think it is all that novel, because, as I said to the distinguished Senator from Virginia (Mr. HARRY F. BYRD, JR.) a moment ago, if he were preparing to give away his newspaper or his apple orchards down in Virginia, and was paying someone to take them, I doubt that he would expect to have a great deal of difficulty persuading the beneficiary of his generosity accepting a contract satisfactory to Senator BYRD. What bewilders the Senator from North Carolina is that almost every action taken on this floor since the debate first began has been designed to satisfy the dictator Torrijos; and I find myself wondering constantly why that should be. Is there no concern for the American people?

Proponents of these treaties are not proposing to give the Panama Canal to the Panamanian people; they are proposing to turn it over to a Marxist dictatorship. Not only that, they are proposing to commit an enormous amount of American taxpayers' dollars to operating the canal and various other extraordinarily expensive items that we do not even know about yet.

I was very much impressed, late yesterday evening, that the distinguished Senator from Massachusetts (Mr. BROOKE) spoke at some length about his concerns that, even now, Congress does not know how much of the taxpayers' money the Carter administration proposes to give away. Certainly the American people do not know; and I rather doubt that very many Americans truly understand that the cost of giving away the Panama Canal could run as high as or perhaps higher than \$3 billion between now and the year 2000, not counting the replacement value of the canal and its facilities.

Now, the distinguished Senator from Maryland fell back on article IV of the Neutrality Treaty, just as I had predicted that he would in my opening

comments. In doing so, I think he failed to make clear that that article IV of the Neutrality Treaty is so vague that along came the leadership with an amendment to try to straighten it up a little bit. Then came the DeConcini condition, which sounds very good, but which, in the judgment of many of us, failed to do the job, well intended as it was.

(Mr. MELCHER assumed the chair.)

Mr. HELMS. All the Senator from North Carolina is saying, and all he is proposing in this amendment, Mr. President, is that we nail down our right to defend and protect this canal prior to its being shut down, prior to its being destroyed, prior to the occurrence of violence. Frankly, I do not see anything wrong with that. I think that is the minimum of what we ought to expect in terms of our rights under this treaty if we are going to charge the American taxpayer with the responsibility of financing the operation and expense of the canal. I do not see anything unusual about picking up one of two sentences out of an article in the 1936 treaty.

I respect my colleague from Maryland. Of course, we differ on this. I anticipate the amendment will not be approved, but I do feel that a record should be made as to whether Senators even care about the rights of the American people. I believe that is a vital question in the closing days of this debate as we give away the Panama Canal—whether Senators really care about U.S. rights in this matter. I look around this Chamber and I see six Senators, including the distinguished occupant of the chair,

Mr. HARRY F. BYRD, JR. Will the Senator yield?

Mr. HELMS. I am delighted to yield to my able friend from Virginia.

Mr. HARRY F. BYRD, JR. I want to say to the distinguished Senator from North Carolina that I hope this amendment will be approved. I concur in the view of the Senator from North Carolina that it is not likely to be acted upon favorably by the Senate. The Senate has voted down virtually every substantive amendment which has been offered.

That was not my real purpose in asking the Senator to yield.

The Senator from North Carolina mentioned that the cost to the American taxpayer, if these treaties are approved, will probably exceed \$3 billion.

That is an interesting figure. I just looked up the tax records and the records show that all of the Federal income taxpayers in the State of North Carolina pay slightly less than that amount into the Federal Treasury.

Another way of putting it is that the cost to the American taxpayer will be equal to all of the Federal income taxes paid by all of the people of North Carolina, a State of more than 5 million population and about the 10th or 11th most populous State in our Union.

It seems to me that dramatizes just how large a figure \$3 billion is.

Mr. HELMS. I thank the distinguished Senator. Of course, he has pinpointed an aspect of these treaties which ought to be more clearly understood by the people of this country. The Opinion Research Corporation of Princeton, N.J., about 2 or 3

weeks ago reported that about 72 percent of the people in this country were opposed to these treaties. Of course, there are the Gallup poll and other polls saying it is much closer than that, and some even saying that a majority of the people favor the treaties.

I do not believe those polls were taken in the State of Virginia or the State of North Carolina. Be that as it may, I wonder what any poll would show if the American people truly understood how much it is going to cost them in dollars and cents. The able Senator from Virginia has made that point graphically clear, and I appreciate it.

Mr. HARRY F. BYRD, JR. In addition to the costs mentioned by the Senator from North Carolina, the amount of property now owned by the American people in Panama, according to the Panama Canal Company, has a replacement value of almost \$10 billion. That property is owned collectively by all of the American people. Yet we propose, by enactment of these treaties, to give away all of our military bases, all of our port facilities, and all of the many pieces of property which the American people own in Panama.

Another thing we are doing, if the Senate approves both of these new Panama Canal treaties, is we are assuming the obligation and the responsibility to defend the canal, but we are giving away the tools with which to accomplish that purpose.

Mr. HELMS. The able Senator is exactly right.

Mr. HARRY F. BYRD, JR. The ramifications of these new treaties are far greater than appear on the surface. The proponents say, "There is nothing to worry about because we reserve the right to ourselves to defend the canal." But in reserving to ourselves that right, and assuming that obligation, we deny ourselves the use of the military bases which are necessary if we are going to properly and adequately defend that great international waterway.

Mr. HELMS. I thank the Senator for his helpful comments. He will recall that he and I met with Governor Parfitt, the present Governor of the Canal Zone, who appeared before the Armed Services Committee. We went into some detail at that time as to the projected costs of this proposed giveaway of our Panama Canal. There were expressions of amazement around the committee table as his testimony proceeded.

I remember Senator CANNON asking a number of relevant questions about it. Although Senator CANNON voted for the Neutrality Treaty, I was nonetheless grateful that he raised many relevant questions about this aspect of the treaties.

Mr. President, I would like to ask for the yeas and nays on the amendment, but I suspect we will need more Senators than are present to achieve a sufficient second.

Nonetheless, let me go through the parliamentary exercise and ask for the yeas and nays on the amendment.

The PRESIDING OFFICER. Is there a sufficient second? There is not a sufficient second.

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

Mr. SARBANES. Will the Senator defer his request for a quorum?

Mr. HELMS. Certainly.

Mr. SARBANES. If I may speak briefly to his amendment, we might then be able to obtain the yeas and nays. I will make a motion with respect to his amendment at that time.

Mr. President, I want to mention again the amendment which was added by a vote of 84 to 5, the amendment offered by the majority leader (Mr. ROBERT C. BYRD) and the minority leader (Mr. BAKER), which provides to us and to Panama, to each country, the right to defend the canal against any threat to the regime of neutrality, and the right to act against any aggression or threat directed against the canal.

So it provides the right to anticipate a danger, not merely to respond to an event that has occurred, because it gives us the right to act against any threat directed against the canal. Therefore, the point which the Senator from North Carolina was raising is fully addressed in the amendment which this body has adopted and which is now part of the Neutrality Treaty.

Second, in the course of the statement, there was reference to the fact that, under the Panama Canal Treaty which we are now considering, concerning protection and defense of the canal, the United States and Panama, through a combined board, will consult and cooperate on all matters pertaining to the protection and defense of the canal. Emphasis was placed on the word "all" matters pertaining to the protection and defense of the canal. A greater emphasis should have been placed on the words "consult and cooperate," because, as the Panama Canal Treaty makes very clear, the United States of America shall have primary responsibility to protect and defend the canal, and the combined board, which is a consultation device between the two countries, is an effort to coordinate policies.

It does not undercut or weaken our prime responsibility. In fact, in the very same paragraph in which the provision is made to facilitate the participation and cooperation of both parties, both the United States and Panama, in protecting and defending the canal, by this combined board through consultation it is provided:

Such combined protection and defense arrangements shall not inhibit the identity or lines of authority of the Armed Forces of the United States or the Republic of Panama.

So the identity or lines of authority of our Armed Forces are maintained and our position as the one with the prime responsibility to protect and defend the canal is maintained. This means that we have the right to station, train, and move military forces as described in the agreement implementing this article in order to carry out that responsibility.

So the real emphasis here should not be on the word, "all," but on the word, "consult," coupled with the fact that our right to act and the identity of our lines

of authority are maintained. That is the position in which the U.S. Armed Forces will be during the period of time in which they will be present pursuant to the Panama Canal Treaty.

Mr. ROBERT C. BYRD. Will the Senator yield so the Senator from North Carolina may ask for the yeas and nays at this time?

Mr. SARBANES. I yield.

Mr. HELMS. Mr. President, I ask for the yeas and nays on my amendment.

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

The yeas and nays were ordered.

Mr. SARBANES. Mr. President, I am prepared to move if the Senator from North Carolina is.

Mr. HELMS. I wonder if we could have an agreement to accommodate the Senators who are downtown at a meeting? It would be satisfactory for me to vote now, but I would like to accommodate them.

Mr. SARBANES. Yes.

Mr. ROBERT C. BYRD. May we suggest voting at 1:50? Then, in the meantime, we could possibly set this aside and go to another matter.

Mr. HELMS. Yes, that is entirely satisfactory to me. Whatever will accommodate our colleagues.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that a vote occur in relation to the amendment at 1:50 p.m. today.

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

The Chair will note that the yeas and nays were ordered on the amendment.

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

Mr. SARBANES. Mr. President, if it is in order, I move now to lay the amendment on the table and ask for the yeas and nays.

Mr. ROBERT C. BYRD. Mr. President, may I make this suggestion, that the Senator from Maryland be recognized at 1:50 to make a motion to table?

The PRESIDING OFFICER. Is there objection? The Chair hears none.

It is so ordered.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that it be in order at this time to order the yeas and nays on the motion to table, which will be made at 1:50 p.m. today.

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

Mr. HELMS. I ask for the yeas and nays.

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

The yeas and nays were ordered.

Mr. HELMS. Mr. President, I yield the floor.

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. HELMS. 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. HELMS addressed the Senate in connection with the introduction of a bill at this point. His remarks appear in today's RECORD under Statements on Bills Introduced.)

Mr. HARRY F. BYRD, JR. Mr. President, as the Senate continues debate on the proposed new Panama Canal Treaties—this being the 32d day—I thought I would review the major arguments for and against the treaties and see if any have been disproven.

One of the major objections to relinquishing U.S. control over the Panama Canal is that the canal is an important defense and economic asset of the United States.

This was one of the first and most persistent objections of those who oppose surrendering control of the canal to Panama.

The White House and the State Department sought to offset this argument by denigrating the economic and military importance of the canal.

In a factsheet put out by the White House last July it was asserted that the Panama Canal no longer has an important strategic role because the United States has a two-ocean Navy and because our aircraft carriers are unable to transit the canal.

In recent months, however, the White House and the State Department have stopped using this argument because it has been disproven. The canal is extremely important to the national security interests of the United States.

In testimony before the Senate, members of the Joint Chiefs stated categorically that the canal was extremely important militarily.

With our Navy down to half its size of 10 years ago, with less than 500 ships, the canal has gained renewed military importance. In any military crisis there will be a need to transfer significant naval assets from one ocean to the other. On the words of Gen. V. H. Krulak, USMC (Retired):

It is only because of the . . . [Panama Canal] . . . that we are able to risk having what amounts to a bare-bones, one-ocean Navy.

The canal has also been shown to be economically important and the State Department itself now predicts an increase in canal traffic in the years between now and 2000.

When the argument of the declining importance of the canal ran into trouble the Carter administration changed its tack.

Admitting that the canal was important, the new argument was that use is more important than ownership and that we will have greater assurance of free access to the canal if we turn the canal over to Panama.

Opponents of the treaties have no quarrel with the statement that use is more important than ownership. However, opponents of the treaties do take issue with the assertion that the canal would be more secure in the hands of Panama with the U.S. military presence removed.

Even if eliminating a U.S. presence would reduce somewhat the threat of

sabotage to the canal, at the same time it would significantly increase the vulnerability of the canal.

Without U.S. military bases, and without the protective buffer of the Canal Zone, the canal will be much more vulnerable to sabotage or attack.

In the words of Adm. Thomas H. Moorer, former Chairman of the Joint Chiefs and, as such, our senior military officer, we would be divesting ourselves of all the tools necessary to adequately defend the canal.

Another matter which has been of great concern to opponents of the treaties has been their expected cost.

Secretary of State Vance and other administration officials have stated that the proposed canal treaties would not be costly and would not require any congressional appropriations.

Secretary Vance in testimony before the Senate Foreign Relations Committee on September 26, 1977 stated flatly that "the treaties require no new appropriations, nor do they add to the burdens of the American taxpayers."

President Carter echoed this statement on December 28, 1977 when he said: "We wanted a treaty that did not put a financial burden on the American taxpayer, and we got it."

These statements, however, were clearly inaccurate.

The canal treaties will require appropriated funds for the relocation of U.S. military forces (an estimated \$42.9 million) and for the payment of early options retirement for U.S. employees who will be displaced from their jobs (estimated by Governor Parfitt of the Panama Canal Company to be at least \$165 million).

In addition, the canal treaties may require substantial appropriations to meet other obligations depending on future economic trends and depending on how one interprets certain provisions of the treaties.

Under article XIII of the Panama Canal Treaty the United States is obligated to turn over the canal to Panama in the year 2000 "free of liens or debts."

One logical interpretation of this provision of the treaty is that the United States would be required to make up any deficits incurred by the proposed Panama Canal Commission which had not been settled by the year 2000.

Gov. Harold R. Parfitt, Governor of the Canal Zone and President of the Panama Canal Company, agreed with this interpretation in recent testimony before the Senate Armed Services Committee stating that it was "possible or even probable" that such a payment would be required.

This interpretation has been disputed by the State Department, but the issue remains clouded.

Should Governor Parfitt's interpretation—and that of many others—prevail, then there is no way of telling how much this could cost the American taxpayer.

Nor is this the end of the potential costs of the treaties.

There may be an additional U.S. liability of up to \$220 million, which also hinges on how one interprets a part of the Panama Canal Treaty.

Article XIII of that treaty provides for a \$10 million annual payment to Panama from the effective date of the treaty until the year 2000. This amount is supposed to come out of surplus revenues.

The question becomes: What happens if there is no surplus, or if the surplus is less than \$10 million?

If this happens in one year, then the obligation to Panama carries forward to a subsequent year. But what if we come right up to the year 2000, and there remain sums unpaid to Panama under the \$10 million a year provision, because of insufficient surpluses?

Elmer Staats, the Comptroller General of the United States, answered that question during testimony before the Senate Armed Services Committee. He said:

Under our interpretation, if no payments were made during the lifetime of the treaty, a lump sum payment to Panama of over \$200 million could be required at termination of the treaty.

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

Mr. HARRY F. BYRD, JR. Yes, I am glad to.

Mr. SARBANES. I had an exchange much earlier in the debate with another Senator concerning the quotation of Comptroller General Staats which the Senator from Virginia just made and which is taken, I believe, from the summary of the Armed Services Committee.

There is a problem here with respect to the use of the word "our" rather than the use of the word "one."

In the testimony that Comptroller General Staats gave, as it appears in the hearings, the word is "one," not "our." In other words, Comptroller General Staats does not put it forward as his view but as a view. At the time he states that it was "one view," and subsequently there has been that misprint to "our view" and that has created some confusion on this issue.

I concede that Comptroller General Staats said that there was an interpretation—one interpretation—but he did not make it his interpretation.

Mr. HARRY F. BYRD, JR. I think the committee, in listening to the Comptroller General, clearly got the impression that it was his own view.

If there is an error in the transcript, in saying "our interpretation," and it should have been "one interpretation," I do not think that is a significant error; because I believe the Comptroller General was conveying the impression to the committee that this would be an appropriate interpretation of the treaties.

Nevertheless, it is a point that is of considerable importance, it seems to the Senator from Virginia. Vast sums of American tax dollars are involved.

The State Department, of course, disagrees with the above interpretation. Nevertheless, it is a wide difference of opinion.

Mr. SARBANES. I do think it is a point that should be addressed. The only point I wanted to make is this: On page 379 of the hearings of the Committee on Armed Services, of which the very able Senator is a distinguished member, Comptroller General Staats says "under

one interpretation," and in the summary report of the committee, that has been written as "under our interpretation."

I do not think he took it as his interpretation. He said there were some ambiguities. He said that under one interpretation there could possibly be this cost. He then noted that the State Department said they hold a different interpretation.

Further on, he said:

One approach to that would be to make certain that State's interpretation is clearly understood. We believe that it should be spelled out in implementing legislation.

This is Comptroller General Staats talking.

I just wanted to address that one point, because it has come up before.

Mr. HARRY F. BYRD, JR. I thank the Senator from Maryland. I believe it is appropriate that the Senator from Maryland make clear the view he places on it.

Mr. President, I will repeat the answer of Comptroller General Staats:

Under our interpretation, if no payments were made during the lifetime of the treaty, a lump sum payment to Panama of over \$200 million could be required at termination of the treaty.

The State Department, however, disagrees with this interpretation and maintains that under those conditions nothing would be owed to Panama.

This is not an insignificant difference of opinion and it is all the more disturbing since the Senate has heard testimony that the Panamanians interpret this provision of the treaty to mean that the money would be owed to them. To quote Senator MCINTYRE:

The Panamanians have let it be known to Senators that should they not receive any surplus payments by the year 2000, the U.S. Government would be obligated to a 220 million dollar lumpsum payment.

Still another cost to the American taxpayer may result if these treaties are ratified.

There is no provision in the Neutrality Treaty that Panama will adequately maintain the canal and related facilities.

The State Department apparently assumes that enlightened self-interest will force Panama to maintain the canal but there is no way to be sure that future Panamanian Governments will not defer needed maintenance in order to spend additional funds on more visible and politically popular social programs.

Should that occur, the United States would be forced into the awkward choice between allowing a needed facility to deteriorate or offering to assist Panama economically in order to free Panamanian resources for needed canal maintenance.

One can envision the Panamanians using such leverage to their economic advantage. The reasonably natural thing for them to do, as a matter of fact.

Yet another treaty-related cost to the taxpayer, which also would require appropriation of funds, would be foreign aid payments to Panama.

The Carter administration, outside the terms of the treaties, has pledged its best effort to secure from the Congress approval for additional U.S. assistance in the amount of \$345 million to build

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up Panamanian military forces and strengthen that nation's faltering economy.

This aid promise would be in addition to existing U.S. aid programs to Panama, a country which already has received more foreign aid per capita from the American taxpayers than any other nation.

Mr. President, I think that is worth emphasizing. The Republic of Panama already has received, through the years, more foreign aid per capita from the American taxpayers than any other nation.

In fact, as a result of the U.S. presence in Panama, Panama has the highest per capita income of any country in Central America and has the fourth highest in all of Latin America, in which there are 18 countries. So Panama has fared quite well by American presence in Panama.

Looking at all these firm and contingent costs of the treaties which I have enumerated, I believe the conclusion is inescapable that these agreements represent a burden upon the taxpayers of the United States—and very likely a substantial burden.

To these already substantial costs must be added the value of the canal assets themselves.

These facilities, now owned by the United States, which would be transferred to Panama, include military bases, airfields, port facilities, marine fuel storage facilities, ship repair facilities, and public service improvements such as roads and services.

According to figures submitted by the Panama Canal Company these facilities now have a book value of nearly \$1 billion and a replacement value of \$9.8 billion.

Clearly, these treaties are expensive and will continue to be a burden in the years ahead.

One final objection which treaty opponents have put forward is that the proposed treaties were hastily drafted and are ambiguous and imprecise.

We have seen clear evidence that Panamanian officials have taken a different interpretation from that of the Carter administration on several important parts of the two treaties.

The differences were so glaring, in fact, Omar Torrijos returned to Washington where he and President Carter issued an unsigned clarifying statement intended to put to rest any misunderstanding.

This unsigned statement has now been made a part of the Neutrality Treaty by Senate action but still confusion remains.

There is documented evidence that Panamanian leaders continue to interpret the treaties and the subsequent Carter-Torrijos understanding differently than their American counterparts.

In a speech before the Senate on March 6, the distinguished Senator from Michigan (Mr. GRIFFIN) demonstrated clearly the continuing differences in interpretation between Panamanian officials and the Carter administration on important defense matters.

The Carter administration is telling

the American people that the United States will have the unfettered right to defend the canal against any threat even after the year 2000.

However, as Senator GRIFFIN has amply demonstrated, Panamanian spokesmen continue to assert that the United States can defend the canal after the year 2000 only if requested to do so by Panama or when such action is agreed to by Panama.

Clearly, conflicting interpretations still exist on this and other important parts of the treaties.

I believe it would be ill-advised for the United States to agree to treaties which are so ambiguous.

One purpose of the new treaties is to create more friendly relations between the United States and Panama but with the ambiguity of the treaties it seems to this Senator that the treaties could very well have a reverse effect, that with the ambiguities which exist there could be continuing conflict as to just what various sections of the various treaties actually mean.

If the Republic of Panama is not now friendly to the United States, it certainly should be. As I mentioned earlier, that fine little country of 1.7 million persons has received more foreign aid per capita than any other nation in the world. The United States has supplied foreign aid over a long period of years to more than 100 different countries, but Panama has received from the American taxpayers in foreign aid more dollars on a per capita basis than any other country in the world.

So I say that the United States has been fair and has been tremendously helpful to Panama through the years. The Panama Canal has been good for the United States, it has been good for the world, and it has been good for Panama. And because of American presence in Panama and because of the way that the United States has handled the Panama Canal operations over a long period of time, through two World Wars, through the Korean war, and through the Vietnam war, kept the canal operating during all of that time, Panama has benefited tremendously from all of that, and as a result Panama has the highest per capita income of any Central American nation and the fourth highest of all of the 18 Latin American countries.

In summary, I believe that the major objections of treaty opponents have well stood the test of extended Senate debate.

The canal has been proven to be militarily and economically important to the United States.

Logic dictates that the canal is less vulnerable with U.S. military forces present than without them.

The treaties will require the appropriation of tax moneys and could, in fact, require additional appropriations in future years if the canal operation were to run a deficit.

Lastly, the treaties continue to be interpreted differently in Panama than they are interpreted by the United States.

I believe that these objections are more than sufficient to warrant a vote against these treaties.

I do not oppose, Mr. President, any change in the existing treaty with Panama. I do not oppose any change in the treaty of 1903. I am willing to recognize that a major revision in that treaty relationship could serve the best interests of both countries.

But I am not convinced that the treaties now before the Senate for ratification meet that criteria. Panama is to receive great benefit from the treaties. The United States, on the other hand, is on the giving end of every aspect of these treaties. We are giving away property, we are giving away bases, we are giving away rights, that we have had through the years, and for that we get a promise that Panama will keep the canal open.

These treaties have serious flaws, and I believe that they are so serious as to make the treaties totally unacceptable.

The pending treaty should be defeated and then, if President Carter wishes, new treaties could be negotiated, taking into consideration the justified concerns of the American people.

Mr. President, I have a table citing cost estimates to the American taxpayer resulting from the proposed Panama Canal treaties.

I ask unanimous consent that this table be printed in the RECORD.

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

COSTS TO THE AMERICAN TAXPAYER AND CONSUMER RESULTING FROM PROPOSED PANAMA CANAL TREATIES

Certain costs:	
Replacement cost of facilities	\$9,800M
Military relocation costs	43M
Early retirement costs for canal employees	165M
Foregone interest payments to U.S. Treasury	440M
	10,448M

Potential costs:

Contingent surplus payments to Panama	220M
Additional foreign aid	345M
Canal operating deficit	1,160M
Consumer costs resulting from toll increases	1,400M
	2,925M

Total of certain and potential costs	13,373M
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¹Senate Armed Services Committee estimate of potential deficit based on a cumulative toll increase of 75 percent (estimated to produce maximum revenue).

²Senate Armed Services Committee estimate of potential increased cost of treaties to be borne by U.S. consumers.

Mr. SARBANES addressed the Chair. The PRESIDING OFFICER. The Senator from Maryland.

Mr. SARBANES. Mr. President, I say to the very able Senator from Virginia that I have listened to his very thoughtful statement. There is not sufficient time now before the scheduled vote to respond to each of his points so I shall simply make two comments.

One is to say to the very able Senator from Virginia that, while we are on different sides of the issue, I do very much respect the thoughtfulness with which he puts forward his position and his concerns. Secondly, he made the point that logic dictates that we are in a better posi-

tion to protect the canal with our troops being present than without them. Of course, our troops will be present until the end of the century under the treaties before us.

Furthermore, I think another important consideration in judging our position is whether we will be operating in a hostile environment or a friendly environment. We ought never to lose sight of the fact that the nature of our relationship with the Republic of Panama and with the people of Panama is very important to our ability to use the canal in a peaceful and constructive way. And if we can arrive at treaty arrangements which are satisfactory to both parties, protect our interests, and develop a relationship of mutual respect and friendship between the two countries, I submit that this will be the most constructive and the most positive way to insure our continued use of this canal, which is fundamentally what we want. The canal does not have much value if you cannot use it.

The value of the canal is in its use, and if we can insure and maximize our opportunity to use it under circumstances in which we have a friendly environment and a positive relationship, we should seize that opportunity. It is my strong view that this is what these treaties provide.

But I do want to say I respect the thoughtfulness with which the Senator advances the arguments on the other side.

The PRESIDING OFFICER. The hour of 1:50 having arrived, under the previous order, the Senator from Maryland is recognized to offer a motion to table the pending amendment.

Mr. SARBANES. Mr. President, I move to table the pending amendment offered by the Senator from North Carolina (Mr. HELMS).

The PRESIDING OFFICER. Under the previous order, the yeas and nays having been ordered, the question is on agreeing to the motion of the Senator from Maryland to lay on the table the amendment of the Senator from North Carolina. The clerk will call the roll.

The assistant legislative clerk called the roll.

(Mr. SASSER assumed the chair.)

Mr. CRANSTON. I announce that the Senator from South Dakota (Mr. ABORZEK), the Senator from Arkansas (Mr. BUMPERS), the Senator from Iowa (Mr. CLARK), the Senator from Alaska (Mr. GRAVEL), the Senator from Montana (Mr. PAUL G. HATFIELD), and the Senator from Washington (Mr. MAGNUSON) are necessarily absent.

I further announce that, if present and voting, the Senator from Iowa (Mr. CLARK) and the Senator from Washington (Mr. MAGNUSON) would each vote "yea."

Mr. STEVENS. I announce that the Senator from Tennessee (Mr. BAKER), the Senator from Massachusetts (Mr. BROOKE), the Senator from Kansas (Mr. DOLE), the Senator from Utah (Mr. HATCH), the Senator from California (Mr. HAYAKAWA), the Senator from Kansas (Mr. PEARSON), and the Senator from Connecticut (Mr. WEICKER) are necessarily absent.

I further announce that, if present and voting, the Senator from Utah (Mr. HATCH) would vote "nay."

The result was announced—yeas 54, nays 33, as follows:

[Rollcall Vote No. 81 Ex.]

YEAS—54

Anderson	Hatfield	Muskie
Bayh	Mark O.	Nelson
Bellmon	Hathaway	Nunn
Bentsen	Heinz	Pell
Biden	Hollings	Percy
Byrd, Robert C.	Huddleston	Proxmire
Case	Humphrey	Ribicoff
Chafee	Inouye	Riegle
Chiles	Jackson	Sarbanes
Church	Javits	Sasser
Cranston	Kennedy	Sparkman
Culver	Leahy	Stafford
Danforth	Long	Stevenson
Durkin	Mathias	Stone
Eagleton	Matsunaga	Talmadge
Ford	McGovern	Wallop
Glenn	McIntyre	Williams
Hart	Metzenbaum	
Haskell	Moynihan	

NAYS—33

Allen	Griffin	Roth
Bartlett	Hansen	Schmitt
Burdick	Helms	Schweiker
Byrd, Harry F., Jr.	Hodges	Scott
Cannon	Johnston	Stennis
Curtis	Laxalt	Stevens
DeConcini	Lugar	Thurmond
Domenici	McClure	Tower
Eastland	Melcher	Young
Garn	Morgan	Zorinsky
Goldwater	Packwood	
	Randolph	

NOT VOTING—13

Abourezk	Dole	Hayakawa
Baker	Gravel	Magnuson
Brooke	Hatch	Pearson
Bumpers	Hatfield	Weicker
Clark	Paul G.	

So the motion to lay on the table was agreed to.

Mr. CHURCH. Mr. President, I move to reconsider the vote by which the motion to lay on the table was agreed to.

Mr. LEAHY. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

THE NEUTRON BOMB

Mr. MELCHER. Mr. President, there are some public comments that the President's decision on the production of the enhanced radiation weapon—a nuclear weapon called the neutron bomb—will somehow become linked to the Panama Canal treaties. As one who opposes the ratification of the treaties, and as one who also opposes the production and distribution of this new nuclear weapon, I believe it is appropriate to respond to the column on the neutron bomb in last Friday's Washington Post written by the always astute political reporters Rowland Evans and Robert Novak.

Evans and Novak assert "President Carter may soon announce the start of production of the neutron ***"—an assertion that I hope is inaccurate.

The writers termed the discussion of this nuclear weapon "a debate of enormous ignorance" *** kept alive by Soviet propaganda." They may judge that my opposition to the neutron bomb is due to "enormous ignorance," but I shall repeat my declaration in the Senate of last July.

It is a nuclear weapon not now a part

of the nuclear armaments of ourselves, our allies, or anyone else. Producing it for ourselves and our allies sets the stage for other nations to match that nuclear armament with a like weapon.

Granted that the other nuclear powers of the world do not now possess the capability for production of this enhanced radiation weapon, if we produce it other nuclear powers will soon scramble to add it in their arsenals. Failing to do that, in time of war if we should use it against an enemy, it could only mean that the enemy would retaliate with whatever nuclear weapons they possess. That is not "Soviet propaganda" nor anyone else's propaganda. That is the fact of war. It is described as a defensive weapon, which is exactly how each nuclear power describes its nuclear arsenal—a deterrent possessed by each nuclear country to deter attack by any other nation.

In my judgment, if the United States or our NATO allies used the neutron it would be the start of nuclear warfare. The only prudent position for the United States is to use our knowledge of the neutron as a pawn in our SALT discussions with Russia to lead to a sane approach for reduction of nuclear weapons, with proper safeguards for inspection and enforcement.

Evans and Novak speculate that President Carter overruled military advisers by not ordering the immediate production of this nuclear weapon. If that is the case, I believe President Carter has rendered the proper judgment for the United States and the world, and I hope the President continues to overrule military advisers who recommend that it should be produced.

It is not for the military to make the decision on the production, distribution, or use of nuclear warheads. That decision should only be made by representatives of the people here and throughout the world.

Most humbly I, as one U.S. Senator, say "No." But in a broader sense, as one of the temporary inhabitants of this planet we call Earth, I say "No" to broadening the threat of nuclear devastation for all human, animal, and plant-life that would result if nuclear war were unleashed on our lives.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. LEAHY. Mr. President, I commend the distinguished Senator from Montana. I would also like to emphasize what he has already said, the fact that the neutron bomb cannot be and should not be considered by any political analyst as somehow being a quid pro quo or a factor in the Panama Canal debate.

It seems that everything from the weather to the condition of potholes in Washington, D.C., somehow gets wrapped into the Panama Canal debate.

The Senator from Montana and I are on opposite sides on the Panama Canal treaties. We are on exactly the same side on the question of the neutron bomb.

The thought of nuclear war—well, in many ways it is unthinkable and that is perhaps one of the reasons we have gotten so far down the path toward making nuclear war impossible. There was a time

when we all realized that only divine intervention could destroy the world, that only the divinity had the power to destroy the whole world. Unfortunately, Mr. President, we have reached the ability within ourselves, within our own lifetime, for mankind to destroy itself.

We know that between the United States and the Soviet Union we have the power to destroy the world many, many times over.

We also know that should we ever unleash that genie, should we ever unleash the dogs of nuclear war, then they will never be harnessed again. If we ever went to global nuclear war, none of us would be able to stand here afterward and decide who was right and who was wrong; neither our country, the Soviet Union, nor any other country would survive that. I share the concern of the Senator from Montana, that the neutron bomb itself is just one step which makes it easier and easier to lower the threshold of nuclear war. If that threshold is crossed, then neither my children nor anybody else's children will see their way into the next century, the century in which, under all other rights, they should spend the majority of their lives.

Mr. President, I yield back the floor.

THE PANAMA CANAL TREATY

The Senate continued with the consideration of the treaty.

The PRESIDING OFFICER. Are there further amendments to article I? If not, the clerk will read article II.

The legislative clerk read as follows:

ARTICLE II

RATIFICATION, ENTRY INTO FORCE, AND TERMINATION

1. This Treaty shall be subject to ratification in accordance with the constitutional procedures of the two Parties. The instruments of ratification of this Treaty shall be exchanged at Panama at the same time as the instruments of ratification of the Treaty Concerning the Permanent Neutrality and Operation of the Panama Canal, signed this date, are exchanged. This Treaty shall enter into force, simultaneously with the Treaty Concerning the Permanent Neutrality and Operation of the Panama Canal, six calendar months from the date of the exchange of the instruments of ratification.

2. This Treaty shall terminate at noon, Panama time, December 31, 1999.

THE ENHANCED RADIATION/REDUCED BLAST WARHEAD

Mr. DOLE. Mr. President, once again we read in recent press reports and other information available that President Carter continues to add to the growing sense of frustration of the American people. Reports that the President will announce soon his decision not to place the enhanced radiation/reduced blast warhead into production is an addition to the long list of administration unilateral concessions.

The present administration seems to maintain that this is a time for concession and retreat around the globe—concession in Cuba, Panama, China, and in the SALT negotiations; retreat in Africa, South Korea, and Western Europe, and the list goes on. Mr. President, I believe only the restraining hand of Congress has prevented a wholesale reversal in the

international image that brought this country respect and authority in the last three decades.

It seems to me, Mr. President, we are on a matter now that certainly is highly important to the American people. There is a difference of opinion among my colleagues on the treaty issue and I certainly have never questioned the motives, intent, or positions—maybe the positions, but not the reasons for those positions.

But it seems to me that perhaps as we debate the Panama Canal treaties we might also want to review and perhaps offer assistance, support, or whatever, to the President of the United States as he tries to come to grips with this very important decision on whether or not to place the enhanced radiation/reduced blast warhead into production.

THE NEUTRON BOMB

Mr. President, this matter has been the subject of debate many times. Proponents, and opponents have made their arguments to the point that confusion has been the only result.

One of the central issues facing us today is: who is going to be deterred—the United States or the Soviet Union?

The popular argument against the neutron warhead is that we should not develop nuclear weapons that we can use; rather, that we should keep these weapons at such a destruction level in blast and heat effects that there would be great reluctance in the actual use of these weapons.

Mr. President, the Senator from Kansas believes both the proponents and opponents of the neutron bomb can agree on the basic premise that we hope we will never have to use any nuclear weapons. However, where the opponents seem to seek a deterrence of the United States, I and many of my distinguished colleagues seek a deterrence of the Soviet Union and the Warsaw Pact Nations. Mr. President, I firmly believe that if we deter ourselves, we greatly encourage the very holocaust we seek to avoid, and the use of weapons which we hope never to use.

Very simply, Mr. President, if we do not have functional weapons—that is, weapons we can use—we do not have deterrence; and if we do not have deterrence, then we become extremely vulnerable without the use of functional weapons.

THE NEUTRON BOMB MYTH

Mr. President, as has been pointed out many times, the neutron bomb differs from the ones it would replace in Europe in that it would produce a smaller explosion, accomplishing exactly the same military mission with less collateral damage. It is unfortunate that Communist propaganda and misleading press reports have created a totally misleading picture of this important defense weapon.

Mr. President, I would like to briefly explain the importance and necessity of the weapon for our allies in Europe. Currently, the defense of Europe against the ever-increasing Soviet land armies has long been dependent on the use of tactical nuclear weapons. These are weapons that produce large blasts and thermal effects; the so-called neutron bomb would reduce these effects and

also reduce the massive destruction of property.

UNILATERAL ARMS LIMITATION

Mr. President, in an address before the General Assembly of the United Nations, on October 4, 1977, President Carter eloquently spoke of working toward further reductions and limitations of weapons for a world truly free of nuclear weapons. The President also said the United States was willing to go as far as possible, consistent with our security interest, in limiting and reducing our nuclear weapons.

Mr. President, I command and join the President in such hopes for world peace. However, I find it difficult to understand how world peace can be achieved if the United States continues to be the only one working toward this goal. I would readily subscribe to the notion of limiting and reducing nuclear weapons worldwide but until the Soviet Union begins to match our long list of defense concessions, I believe it is not in the best interest of this country and that of our allies to cancel yet another major weapon system.

ADVICE IGNORED

Mr. President, it appears that the President, on his own, has decided to ignore the overwhelming support and advice on continuing the neutron bomb project. He has apparently chosen to act contrary to the advice of his Secretary of State, Secretary of Defense, the National Security Adviser, the leadership in the Senate, and our allies in Europe. Mr. President, I would strongly suggest that President Carter has forgotten the pledge he made recently concerning working and consulting closely with Members of Congress and others on all issues, and in particular issues of major importance.

A MESSAGE TO THE PRESIDENT

Mr. President, if the President has made the decision to cancel the production of the enhanced radiation weapons, I join many of my distinguished colleagues in urging him to reconsider his decision.

It seems to me that in an effort to encourage the President to look at all sides of this very volatile argument—there is no question about that—we might also hear the voices of some who support the Panama Canal treaties but who have strong reservations about cancellation of the production of the enhanced radiation weapons. I believe that the most meaningful message the President could receive would be from some of my distinguished colleagues and the Senate leadership who recently voted for the first Panama Canal Treaty, under the intense lobbying and pressure from the administration, but who are now criticizing the President for his proposed action on the neutron bomb.

Mr. President, I submit that the will of the American people is unquestionably clear and that the President should act accordingly.

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.

THE PANAMA CANAL TREATY

The Senate continued with the consideration of the Panama Canal Treaty.

Mr. ROBERT C. BYRD. Mr. President, I hope that the respective cloakrooms will call Senators to tell them that if no amendments are called up in the relatively immediate future, the Chair will be asked to proceed on to article III.

How much time have we spent on this present quorum call?

The PRESIDING OFFICER. Fifteen minutes.

Mr. ROBERT C. BYRD. Fifteen minutes on a quorum call. I think we have been in a state of the absence of a quorum for longer, though, if I recall, so I hope that Senators will call up their amendments in view of the fact that we will vote on the treaty on the 18th and we will go out as the Committee of the Whole and go on to the Resolution of Ratification on the Friday preceding that Tuesday. Senators will want to have ample time to call up their amendments to all of the articles, and for the protection of Senators who might be caught at the last minute desiring to call up amendments and no time remaining for debate, I hope that Senators who do have amendments at this point can come to the floor and call them up so as to make it equitable, fair, and just on all Senators.

The PRESIDING OFFICER. The Chair is advised that there have been two 15-minute quorum calls.

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

Mr. President, I suggest the absence of a quorum hoping that the cloakrooms will help us to get a Senator on the floor with an amendment to article II if there be such an amendment and if not, the Chair, I presume in due time, will proceed to article III.

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.

ARTICLE III

CANAL OPERATION AND MANAGEMENT

Mr. ROBERT C. BYRD. Mr. President, may we proceed to article III and have the clerk state it?

The PRESIDING OFFICER. The clerk will state article III.

The assistant legislative clerk proceeded to read article III.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that further reading of the article be dispensed with so that Senators may proceed to call up amendments thereto.

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

Article III is as follows:

ARTICLE III

CANAL OPERATION AND MANAGEMENT

1. The Republic of Panama, as territorial sovereign, grants to the United States of America the rights to manage, operate, and maintain the Panama Canal, its complementary works, installations and equipment and to provide for the orderly transit of vessels through the Panama Canal. The United States accepts the grant of such rights and undertakes to exercise them in accordance with this Treaty and related agreements.

2. In carrying out the foregoing responsibilities, the United States of America may:

(a) Use for the aforementioned purposes, without cost except as provided in this Treaty, the various installations and areas (including the Panama Canal) and waters, described in the Agreement in Implementation of this Article, signed this date, as well as such other areas and installations as are made available to the United States of America under this Treaty and related agreements, and take the measures necessary to ensure sanitation of such areas;

(b) Make such improvements and alterations to the aforesaid installations and areas as it deems appropriate, consistent with the terms of this Treaty;

(c) Make and enforce all rules pertaining to the passage of vessels through the Canal and other rules with respect to navigation and maritime matters, in accordance with this Treaty and related agreements. The Republic of Panama will lend its cooperation, when necessary, in the enforcement of such rules;

(d) Establish, modify, collect and retain tolls for the use of the Panama Canal, and other charges, and establish and modify methods of their assessment;

(e) Regulate relations with employees of the United States Government;

(f) Provide supporting services to facilitate the performance of its responsibilities under this Article;

(g) Issue and enforce regulations for the effective exercise of the rights and responsibilities of the United States of America under this Treaty and related agreements. The Republic of Panama will lend its cooperation, when necessary, in the enforcement of such rules; and

(h) Exercise any other right granted under this Treaty, or otherwise agreed upon between the two Parties.

3. Pursuant to the foregoing grant of rights, the United States of America shall, in accordance with the terms of this Treaty and the provisions of United States law, carry out its responsibilities by means of a United States Government agency called the Panama Canal Commission, which shall be constituted by and in conformity with the laws of the United States of America.

(a) The Panama Canal Commission shall be supervised by a Board composed of nine members, five of whom shall be nationals of the United States of America, and four of whom shall be Panamanian nationals proposed by the Republic of Panama for appointment to such positions by the United States of America in a timely manner.

(b) Should the Republic of Panama request the United States of America to remove a Panamanian national from membership on the Board, the United States of America shall agree to such a request. In that event, the Republic of Panama shall propose another Panamanian national for appointment by the United States of America to such position in a timely manner. In case of removal of a Panamanian member of the Board at the initiative of the United States of America, both Parties will consult in advance in order to reach agreement concerning such removal, and the Republic of Pan-

ama shall propose another Panamanian national for appointment by the United States of America in his stead.

(c) The United States of America shall employ a national of the United States of America as Administrator of the Panama Canal Commission, and a Panamanian national as Deputy Administrator, through December 31, 1989. Beginning January 1, 1990, a Panamanian national shall be employed as the Administrator and a national of the United States of America shall occupy the position of Deputy Administrator. Such Panamanian nationals shall be proposed to the United States of America by the Republic of Panama for appointment to such positions by the United States of America.

(d) Should the United States of America remove the Panamanian national from his position as Deputy Administrator, or Administrator, the Republic of Panama shall propose another Panamanian national for appointment to such position by the United States of America.

4. An illustrative description of the activities the Panama Canal Commission will perform in carrying out the responsibilities and rights of the United States of America under this Article is set forth at the Annex. Also set forth in the Annex are procedures for the discontinuance or transfer of those activities performed prior to the entry into force of this Treaty by the Panama Canal Company or the Canal Zone Government which are not to be carried out by the Panama Canal Commission.

5. The Panama Canal Commission shall reimburse the Republic of Panama for the costs incurred by the Republic of Panama in providing the following public services in the Canal operating areas and in housing areas set forth in the Agreement in Implementation of Article III of this Treaty and occupied by both United States and Panamanian citizen employees of the Panama Canal Commission: police, fire protection, street maintenance, street lighting, street cleaning, traffic management and garbage collection. The Panama Canal Commission shall pay the Republic of Panama the sum of ten million United States dollars (\$10,000,000) per annum for the foregoing services. It is agreed that every three years from the date that this Treaty enters into force, the costs involved in furnishing said services shall be reexamined to determine whether adjustment of the annual payment should be made because of inflation and other relevant factors affecting the cost of such services.

6. The Republic of Panama shall be responsible for providing, in all areas comprising the former Canal Zone, services of a general jurisdictional nature such as customs and immigration, postal services, courts and licensing, in accordance with this Treaty and related agreements.

7. The United States of America and the Republic of Panama shall establish a Panama Canal Consultative Committee, composed of an equal number of high-level representatives of the United States of America and the Republic of Panama, and which may appoint such subcommittees as it may deem appropriate. This committee shall advise the United States of America and the Republic of Panama on matters of policy affecting the Canal's operation. In view of both Parties' special interest in the continuity and efficiency of the Canal operation in the future, the Committee shall advise on matters such as general tolls policy, employment and training policies to increase the participation of Panamanian nationals in the operation of the Canal, and international policies on matters concerning the Canal. The Committee's recommendations shall be transmitted to the two Governments, which shall give such recommendations full consideration in the formulation of such policy decisions.

8. In addition to the participation of Panamanian nationals at birth management levels

of the Panama Canal Commission, as provided for in paragraph 3 of this Article, there shall be growing participation of Panamanian nationals at all other levels and areas of employment in the aforesaid Commission, with the objective of preparing, in an orderly and efficient fashion, for the assumption by the Republic of Panama of full responsibility for the management, operation and maintenance of the Canal upon the termination of this Treaty.

9. The use of the areas, waters and installations with respect to which the United States is granted rights pursuant to this Article, and the rights and legal status of United States Government agencies and employees operating in the Republic of Panama pursuant to this Article, shall be governed by the Agreement in Implementation of this Article, signed this date.

10. Upon entry into force of this Treaty, the United States Government agencies known as the Panama Canal Company and the Canal Zone Government shall cease to operate within the territory of the Republic of Panama that formerly constituted the Canal Zone.

The PRESIDING OFFICER. The Senator from Alabama.

UP AMENDMENT NO. 18

Mr. ALLEN. I send an amendment to the desk and ask that it be stated.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Alabama (Mr. ALLEN) proposes an unprinted amendment numbered 18:

Amend article III, paragraph 3(a) by adding at the end thereof the following sentence: "All of such members shall be confirmed by the United States Senate before entering upon the performance of their duties as such member."

Mr. ALLEN. Mr. President, I have been absent from the Chamber for the last 45 or 50 minutes. I had been asked to address a large group of young people from all over the country. I might state that I found them somewhat more receptive to my views with respect to these treaties than have been the majority of the Members of the U.S. Senate. They looked with considerably more favor on the amendments that I have been offering than have the Members of the Senate who have, with great regularity, been voting against my amendments and amendments offered by other Senators, irrespective of their merits.

I would have thought that there being a number of amendments at the desk, other Senators would have availed themselves of that opportunity of calling up their amendments to be acted upon here in the Senate.

(Mr. HUDDLESTON assumed the chair.)

Mr. ALLEN. Be that as it may, the leadership has consistently insisted that these treaties be rubberstamped by the Senate. They have called upon the big majority of the Senators they have here in the Senate to vote down, without exception, the amendments offered by Senators who wished to strengthen these treaties or in the alternative to defeat them and, in doing so, Mr. President, I feel that the leadership and the majority of the Senate, who are following the leadership, are causing the Senate to ab-

dicate its great constitutional role of advising the President with respect to treaties that are submitted to the Senate for advice and consent or in the alternative advice and nonassent.

In that regard, Mr. President, I believe we are making a grave mistake in failing to shape these treaties to provide for the strongest and best possible defense by the United States of the canal and the Canal Zone; that we are refusing to give adequate protection to the American taxpayer, and we are content to leave the taxpayer in the unenviable position not only of giving the canal away but to pay hundreds of millions of dollars to the Panamanians for taking the canal off our hands.

These omissions or defects or shortcomings of the treaties could be—not just as to the treaty already approved—eliminated or greatly improved. But does the leadership advise the Members of the Senate to vote their convictions, to pay little or no heed to what they say are the views of the Panamanians with respects to amendments, and be interested only in making better treaties of these treaties providing for a more adequate defense of the canal after the year 2000, to protect the American taxpayer?

These treaties, it is said, have been under negotiations for almost 13 years. Very little headway was made until the last 6 months, I believe, of the treaty negotiations when Mr. Linowitz was added as a negotiator, and I believe, under some obscure or possible little-used provision, he did not have to have Senate confirmation. He could have a 6-month appointment and avoid the requirement of Senate confirmation.

Well, the report is, Mr. President, that things moved very rapidly in the last few days of that 6-month period of Mr. Linowitz's tenure in office, and they threw together a treaty that was so full of defects and omissions and lack of safeguards for the American people, so ambiguous, that both leaders, the majority leader and the minority leader, said as to the Neutrality Treaty or the defense treaty, starting in effect with the year 2000, that it could not be passed in the Senate because it did not provide adequate defense rights to the United States for the defense of the canal after the year 2000.

So they hit on the idea of taking this memorandum entered into between the President and the dictator that gave their construction of what the defense rights of the United States were.

They did not bother to sign the agreement, and when Mr. Torrijos went back to Panama he said that this did not give the United States any rights. It just gave the United States a duty to defend the canal when and if he called on us to do so. That was greatly different from the interpretation we placed on that. Notwithstanding that, the leadership amendment merely lifted this memorandum up, which is not a new provision, new words, it merely is a construction of the words that were already in the treaty.

The memorandum became the leadership amendment, and it fell far short of providing adequate defense of the canal.

When we offered amendments to strengthen our defense rights, they were turned down, and the highest vote that those who offered such amendments were able to receive was 42 votes, on an amendment which I offered that would have forbidden the Panamanian Government to call into Panama troops from foreign nations who might possibly confront our own troops there. That provision was especially needed for the next 22 years, since, under the Defense Treaty, Panama is not allowed to bring in any troops starting with the year 2000. Why would they need foreign troops now in Panama, other than U.S. troops, when the United States is there to defend the canal? Why would they need the right to bring in more troops from foreign countries into Panama, when they will not have that right at all when they will be defending the canal on their own, starting in the year 2000?

All these efforts to perfect these treaties have failed, and I am wondering when we are going to reach the point—I guess on the 18th, or the 13th, I guess, is the last day we can offer amendments to the treaty; the rest of the time will be on the resolution of ratification and possible reservations thereto—I am wondering when those of us who are going to continue to try to improve the treaties are going to get the message that they are not going to allow any amendments, no matter how good.

The distinguished senior manager of the bill (Mr. CHURCH) was very frank in his attitude that they are not going to accept any amendments. The distinguished majority leader (Mr. ROBERT C. BYRD) said on television a couple of weeks ago that he was going to keep an open mind on amendments; but thus far his mind has not opened up far enough to allow the admission of even one amendment, no matter how good it was or is. He even voted against—as did a number of Senators who, in 1975, co-sponsored a resolution saying we would not give up the canal and saying that if any such treaty was presented to the Senate before it could become effective, Congress would have to approve the disposition of our property. That was completely ignored in the vote; eight Senators who voted for the Neutrality Treaty had said, by joining in this resolution, that they would not support a Panama Canal Treaty, and then proceeded to do it; and then as to the provision for congressional action, those same eight Senators who voted for the treaty were on this resolution that provided for a congressional act before the treaty could go into effect. All that was disregarded.

I do not quarrel with a Senator who changes his mind on an issue; but to change your mind on what the Constitution says, and what the meaning of a constitutional provision is? There seems very little reason to change your view on a constitutional issue; but that is what we are facing.

Coming now, Mr. President, to this specific amendment: I must say it seems quite logical to me, and quite necessary in the proper operation of the canal during this 22-year interim period, to pro-

vide something about the approval of these members of the Panama Canal Commission by the U.S. Senate. Right now, the Panama Canal is being operated by what is called the Panama Canal Company, and I am going to give the names of the people who operate the the Panama Canal Company. Everything the Panama Canal Company has is going to be transferred over to the Panama Canal Commission, which will operate the canal for the next 22 years—operate it under the policy, however, of not hiring Americans to work on the canal, but under a policy requiring a rapid reduction of the number of Americans who are now working on the canal—operating it not for the benefit of the United States, but for the benefit of Panama, in that Panama is going to receive her approximately \$100 million and the United States a great big fat zero. Not even interest on the \$319 million that is still owed to the Treasury on the original construction cost of the canal; we are not even going to be getting any interest on that.

So even though, as I see it, they are mandated during the 22 years to put into effect an anti-American employment policy—think of that. Talk about how we humiliated Panama back in 1903. Talk about humiliation: This American-Panama Canal Commission is mandated to reduce the number of American employees of the canal—and there are about 3,000 of them—to show the gate to 20 percent of them, about 670, and they are mandated to employ no more from now on unless the ones that they employ have some special skill that is not available in Panama. That might be four or five or six jobs, because they say the Panamanians can operate it right now. I guess there might not be any that would lack special skills. So we cannot employ any Americans, and if this treaty is adopted, of those who are already employed, 20 percent have to go in 5 years.

So whom are we writing this treaty for? Where were our negotiators when this treaty was written? Were they in the next room? It does not look like they were at the negotiating table, to allow a provision like this to come into the treaty. Where were the labor unions that were supposed to represent the best interests of those employees down there? I understand all of them are organized; where are the labor unions, in sticking up for their members?

Where is the Senate leadership? They are rejecting these amendments; that is where they are. Where is the administration? Why, they are rejecting these amendments; that is where they are.

Suppose the reverse of this situation had been true. Suppose we had said, "Well, for the next 22 years, since we are not going to deliver the canal to you outright for 22 years, we are just going to operate it for your benefit, we won't even siphon anything off, everything goes to you, and we guarantee you against there being any debt against the canal when you take over"—if we had said to the Panamanian negotiators, "OK, you are going to get the canal in 22 years if the Senate approves this treaty, and they do not require the House

to act on the issue; you are going to get it in 22 years, but in the meantime the United States is going to operate the canal, and these 80 percent of the employees that are Panamanian are going to have to go, because America is going to operate the canal for the next 22 years. The Panamanians are going to have to be phased out."

That would not have sounded too unreasonable to me, if it said that we have the operation, control, and ownership of the canal for the next 22 years. Why would they not want to put U.S. citizens into the jobs? But we do not do that; we do just the opposite of that.

We say:

Yes, we are going to turn the canal over to you in 22 years, but in the meantime we are going to turn it over to you during this 22 years, because you already have 80 percent of the employees. We are going to fix it where, in pretty rapid fashion, you are going to get it all. And it will not take 22 years to do it. In the first place, we are going to freeze employment against United States citizens. There will be no more of them. Put up a sign that Americans need not to apply, that there are no jobs for Americans during this 22 years, and, thereafter also, of course.

So we freeze American citizens out of their jobs. We bar their sons from obtaining employment. As there is attrition among employees, they will be replaced by Panamanians. That is during these 22 years that we are supposed to control, operate, and own the canal. They are strange doings. Mr. President, strange negotiations.

So we are going to turn the canal over to an American commission. We are going to tell the Panama Canal Company, "All right, transfer all the assets to the Panama Canal Commission."

Who are we going to name to the Commission? It is an American Commission, so who will they name to the Commission?

In the first place, they have an administrator of the canal and a deputy or assistant administrator. Until the year 1990 the administrator will be an American and the deputy administrator will be a Panamanian. But in 1990 the roles reverse and Panama will get the administrator and we will get the deputy administrator. It will all be controlled by this Commission.

Let us look at it. Who is on the Commission? Well, it does not say. It does not provide any qualifications for the members. It does not say they have to be qualified electors, men or women of good character, ability, or loyalty. They are just named. Nine of them are named. Five must be nationals of the United States; four must be nationals of Panama.

How do we go about choosing the Panamanian four? Well, they are chosen from a list of four submitted by Panama. There is no requirement for lack of criminal record. There is no requirement for honesty. There is no requirement for integrity. There is no requirement for ability. Just name them. Is there any control over whether they are qualified to serve in this important capacity? Not a bit. Not a bit.

It appears they could get people from Panama under indictment for drug

trafficking, and, I guess, if they are inmates of prisons. There is nothing said. They just have to be Panamanian nationals, that is all. The United States has absolutely no voice in who is chosen or the manner of people who are chosen.

There will be five Americans and four Panamanians on a U.S. commission.

Mr. President, the Senate of the United States has to approve every commission that is issued to an officer in the armed services of the United States. If a man is promoted from second lieutenant to first lieutenant, he has to be approved by the Senate of the United States.

Not one word is said about the Senate of the United States approving these nine commissioners.

What could be wrong with requiring just a little bit of check on these nine commissioners, whether they be Americans or whether they be Panamanians? Why should the leadership, why should the administration, why should the managers of this treaty, object to Senate confirmation of these nine commissioners? That is all this amendment provides. But I predict that the leadership is going to turn thumbs down on it and say, "No, we cannot take this amendment. It is too good an amendment. We cannot take it. It will improve this treaty. We want to guard against that by all means."

Mr. President, in the past I have seen the Senate turn down constructive amendments.

We do see an interesting situation here where constructive amendments by any standard you might choose to use, Mr. President, are rejected by the leadership. So what is the system now? What is the system now on approving those who go to make up the Panama Canal Company, which will be succeeded by the Panama Canal Commission?

They have an unusual arrangement. I think it might be interesting to Members of the Senate, who I am sure have not bothered to check into this, or very few have, if any. Who makes up the Board of the Panama Canal Company? This might be interesting for the record. Are they approved by the U.S. Senate?

Mr. President, I ask unanimous consent that when I have completed reading from this list of the members of the Board it be printed in full in the RECORD.

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

(See exhibit 1.)

Mr. ALLEN. The members of the Panama Canal Company do not happen to be people who are outside the public service. They already hold jobs with the Government and this is an added duty that is placed on them. Nothing is said about the qualifications of these members of the to-be-formed commission. Nothing is said about that at all. I assume that they could make sure that the interests of the large financial institutions that have a heavy stake in this treaty because of the \$100 million a year coming from Panama, which would just about service the external debt of Panama—it is about \$1.5 billion, and \$100 million a year would just about service that debt. I think if this amendment

fails, I shall offer an amendment saying that no employee or former employee of any of the big international banks can be members of this commission. I think that would be a constructive amendment.

Let us see who is on there now:

Clifford L. Alexander, Chairman, Secretary of the Army. He has to be confirmed by the U.S. Senate;

Lucy Wilson Benson, Under Secretary of State for Security Assistance. She has to be confirmed by the U.S. Senate;

Richard N. Cooper, Undersecretary of State for Economic Affairs. He has to be confirmed by the U.S. Senate;

Charles R. Ford, Deputy Assistant Secretary of the Army for Civil Works. He is acting. He has not yet been confirmed, but his position, when he becomes actual Secretary, does require confirmation. As of today, he has not been confirmed, but his position, that gives him possible ex-officio rights—I am not sure—does require confirmation by the Senate;

David E. McGiffert, Assistant Secretary of Defense for International Security Affairs. He has to be approved by the U.S. Senate;

Ersa H. Poston, Commissioner of the Civil Service Commission, has to be approved by the U.S. Senate;

Admiral Owen W. Siler, Commandant, U.S. Coast Guard, has to be approved by the U.S. Senate;

Anthony M. Solomon, Undersecretary of the Treasury for Monetary Affairs. He has to be approved by the U.S. Senate;

Terence Todman, Assistant Secretary of State for Inter-American Affairs. He has to be approved by the U.S. Senate;

Harold R. Parfitt, Governor of the Canal Zone, (ex-officio). He has to be approved by the U.S. Senate.

So, Mr. President, this treaty radically changes the method of choice of these members of the Commission: four Panamanians without any security check, without any character check, without any loyalty check. They are just named from a list of four furnished by the Government of Panama. I trust the dictator's brother will not be on that list. I hope we could have assurance from the leadership that that would not take place.

What does the amendment do? The amendment merely provides that these members of the Commission shall be approved by the U.S. Senate. If every second lieutenant moving up to first lieutenant has to be approved by the Senate, why should not these important positions have to be approved by the Senate? It is a great big omission.

Generally, Mr. President, when you have a statutory position created, you have in that statute some qualification for the person who is to qualify for that job. Even a Senator has to have a certain age requirement and have been a citizen of the United States for a certain length of time, and be a resident of the State from which he is elected. There is not one single requirement of these commissioners; not one.

Oh, they say, we are going to provide legislation covering that; just give us a few weeks and that will be straightened out. The time to straighten it out is when you have the treaty under consid-

eration, because you cannot, by legislative act, vary the provisions of a treaty. A treaty is something that is entered into between two or more entities or persons. One party to a treaty cannot amend it after it has been entered into. Our only chance to amend it is right now, before the resolution of ratification is passed in the Senate.

If we want to beef up this commission, we ought to provide some sort of qualification for these people. Would you put on the Commission people who are not qualified to serve, know nothing about the canal, come down from the outer parts of Panama, maybe never having seen the Panama Canal? That does not seem to me to be the right way to handle this.

Mr. President, that is all this amendment would do, put into motion a similar system to what exists at the present time. Every one of the members of the Panama Canal Company Board of Directors occupies a position that requires confirmation by the Senate, so why should this successor company be any less qualified or any less checked upon?

Mr. SARBANES. Will the Senator yield on that?

Mr. ALLEN. I am about to finish my remarks. Then I shall be glad to yield the floor.

We know, Mr. President, that confirmation by the Senate is not any guarantee that unqualified people will not be named. We know that. That is not peculiar to this administration or the last administration. I dare say every administration in our history has appointed unqualified people to positions, even though Senate confirmation is required. Lots of times, Senate confirmation is a pro forma affair, I note to my chagrin, and doubtless, due to my own participation on occasion.

But that does not provide a sure guarantee that we are going to get qualified people on this commission. But it would allow us to weed out people without character, people with criminal records, people with no patriotism, people who may have led riots.

We have no control whatsoever. Panama nominates them. The United States names them. That is the procedure. There is no check on them, no security check. They could be some of the very ones they say are hovering around down there ready to blow up the canal. We do not know.

Let us be sensible about this and put in some little check, not much, but a little bit of check. It would allow the Senate to run a security check on a nominee. I say that with respect to American appointees as well as Panamanian designees.

Mr. President, I do not feel this is an unreasonable amendment. I am hoping the leadership will accept the amendment.

I might say, Mr. President, as to this innocuous amendment, an amendment that though innocuous has a constructive end and a constructive goal, how could it be objected to by the administration? Do they want to leave this big gap in the treaty? Do they want to fill that commission with unqualified people?

This does not say who the American members are going to be appointed by.

This so-called American committee is going to have four Panamanians on it, five Americans, none of them confirmed, mandated to an anti-American employment policy.

Some American Commission, I say, Mr. President. And this is the Commission to which the treaty entrusts the operation, management, and control of the vital and important Panama Canal.

We would not turn the management of a Main Street grocery store over to nine people without checking on them a little bit and here we turn a \$10 billion operation—I use that figure because it has been stated that that is the replacement cost of the Panama Canal and its facilities—we turn a \$10 billion operation over to people who may have no qualifications whatsoever for their job.

Especially is that true of the four Panamanians that we know nothing about. Those names will be furnished us by dictator Torrijos, I assume.

I believe this amendment is going to be a test of whether the administration is going to stonewall against all amendments to this treaty, just as they have stonewalled against all amendments to the other treaty.

I might say, Mr. President, that on the other treaty they exhibited such arguments as, "Oh, well, we have got to respect Panama's sovereignty. We can't do anything to interfere with their dignity. We can't insult these people down there."

But this, Mr. President, is where this treaty provides for giving property of a valuation of \$10 billion to Panama and then providing some few measures, some few conditions, some limitations upon the liability of the American taxpayer, upon the Panamanians for accepting this gift.

So how could we possibly be said to be impugning their dignity or interfering and casting aspersions upon their sovereignty? How can that be said? How can that argument be made against this constructive amendment?

Mr. President, I am hopeful that the amendment will be agreed to. I would hope that the leadership, the managers of the treaty, would accept the amendment or give some valid reason why they would object to these people being approved by the U.S. Senate.

That is the issue, Mr. President. I yield the floor.

EXHIBIT 1

BOARD OF PANAMA CANAL COMPANY

Clifford L. Alexander (Chairman), Secretary of Army.

Lucy Wilson Benson, Undersecretary of State for Security Assistance, Science and Technology.

Richard N. Cooper, Undersecretary of State for Economic Affairs.

Charles R. Ford, Deputy Assistant Secretary of the Army for Civil Works (Acting)—not yet confirmed as of 4/6/78.

David E. McGiffert, Assistant Secretary of Defense for International Security Affairs.

Ersa H. Poston, Commissioner of Civil Service Commission.

Adm. Owen W. Siler, Commandant, U.S. Coast Guard.

Anthony M. Solomon, Undersecretary of the Treasury for Monetary Affairs.

Terence Todman, Assistant Secretary of State for Inter-American Affairs.
Harold R. Parfitt, Governor of Canal Zone (ex officio).

The PRESIDING OFFICER. The Senator from South Dakota.

Mr. McGOVERN. Mr. President, as I have listened to the Senator from Alabama here this afternoon, it has occurred to me that of all the amendments that have been offered to this treaty over the last nearly 2½ months of debate that we have been wrestling around with this subject, if there is any one of them that may be the most mischievous and frivolous, this ought to get the prize.

If the Senator from Alabama can convince the Senate that a nine-member board that was designed to permit each country to have some voice in the supervision of the Panama Canal Commission should be modified in such a way that the U.S. Senate can reject the appointments that are submitted to that board by Panama, I think we would probably be successful the next time Alabama plays Notre Dame in convincing Notre Dame that they ought to let the Alabama coach decide which Notre Dame players are permitted on the field. It makes almost as much sense.

The whole purpose of what our negotiators have arranged, in terms of this 5-to-4 board, which gives the United States a clear majority automatically. We can outvote the four Panamanians on any issue. I assume we would have enough intelligence to pick five members of that Board who would not be cajoled into something against the interests of this country by the kind of people the Senator from Alabama is talking about.

He is going on the presumption that the Government of Panama may have some vested interest in putting a criminal on that Board to represent their country or someone who wants to sabotage the canal.

Why that would be the case is completely beyond my comprehension since Panama, from here on out, if we ratify these treaties, will have an even greater interest than they have in the past in the successful operation of that canal.

But why anyone supposes that the five American members on that Board, who have, clearly, a majority, would permit themselves to be bamboozled, intimidated, and overruled by the four Panamanians, should this unlikely occurrence take place and we get unqualified people named in Panama, is beyond my comprehension.

Of course, the whole purpose in giving Panama the opportunity to recommend four members to the board is so that we will have some input as to their thinking on issues that affect the canal.

The whole purpose of this treaty, I assume, is to try to bring about a better atmosphere in Panama among the people of that country as to the operation of this canal, which cuts across the center of their country, some 10 miles in width.

As a matter of fact, under the present supervision of the canal—and it is supervised by the Canal Company—we also have a board named by the President of the United States, presumably the same

as the board that is going to be created under the treaty. The appointment of none of those people is confirmed by the Senate. So far as I know, there never has been any consideration that those members have to be approved by the Senate of the United States.

So one has to ask why we are changing an arrangement that has worked pretty well with regard to the handling of the board; why it is now suddenly necessary to pass judgment in the Senate on these nine people who are going to serve on the board.

I say this to my colleagues in the Senate: I do not see how this amendment can be construed as anything other than an insult to the national independence and the sovereignty of the people of Panama. Why do we think that it enhances the stature of the United States to treat other people in the condescending way that this amendment has in mind?

Panama is not a very big country, but it is a proud country. It is proud of its sovereignty and its independence. I do not see how any reasonable person could seriously suggest that before they can be represented on this joint board, in which they already have given us the majority vote on a 5-to-4 basis, they should surrender their own right to decide which of their citizens should occupy their four designated places on this board.

Mr. President, there is another real danger that I see in this amendment. It is one that has concerned me a great deal from the beginning of this debate on February 8. It is this: If we were to adopt this amendment offered by the distinguished Senator from Alabama, we would create the opportunity here for at least four more filibusters on this Panama Canal issue, which already has been almost beaten to death. Here we are, having started the debate in the Senate on February 8, still debating it on into April, with the final vote not slated before the 18th of April. We have spent almost 2½ months on this one issue.

I am sure the impression must go out to the people of this country, as they listen to this debate day after day, week after week, month after month, that this is the most important issue before the United States in the year 1978. So far as I am concerned, if I were asked to compile a list of the 10 most important problems facing the American people today, I certainly would not put the Panama Canal on that list.

Nothing we do here in terms of the transfer of this canal is going to take place before the year 2000, in any event. Even in the year 1978, this canal is too small to handle our big ships. We cannot send our big oil tankers through there. We cannot send our major military vessels through the canal. As a matter of fact, only about 4 percent or 5 percent of all American shipping ever will go through the Panama Canal; and doubtless by the year 2000, it will be even more obsolete for a major part of our shipping.

Beyond all that, there is nothing in this treaty that denies us access to that canal for whatever time we want to use it. Quite to the contrary, we have guar-

anteed access by treaty—not only to the use of that canal from here on out, but also, by the actions of the U.S. Senate, we now have made clear that we have the right to use our military forces, if necessary, to see that the canal remains open permanently.

So I think that during the last 2½ months we have blown this issue up out of all proportion to its real significance to the American people. One of the costs of this prolonged debate, and the reason why I am going into this, is that I think the Senator is setting the stage here for four more filibusters, when we have to pass judgment on the moral character of four Panamanians who will be suggested for service on this board.

One of the reasons why I go into this is that I think we have paid an enormous cost in backing up all kinds of important problems on which we have taken no action in the Senate this year. We have taken no action to speak of on the problems of unemployment that face this country. Once in a while there is a passing reference to the fact that there are 7 million, 8 million, or 9 million Americans who cannot find a job. But we really do not do anything about it. We talk about it as a problem, but then we keep debating the Panama Canal.

We talk about the rising problem of inflation that worries every family in this country, and we wring our hands about the fact that the President has not done better in dealing with the problems of inflation, but we do not do anything. We go on talking about the Panama Canal, as though that is the most crucial problem facing the country.

The President told us months ago—more than a year ago—that we had an energy crisis in this country that was so serious that, in order to address it properly, it would take a commitment that is the moral equivalent of war; but we have not done anything about energy. We act as though the question of who is going to serve on the Panama Canal Board is a lot more important than the question of whether our energy supply is going to be dealt with.

I wonder what our fellow citizens out across the country think about our scale of values and about our judgment and our sense of priorities when, day after day, this debate drones on about the future of that ditch across the center of Panama, and meanwhile nothing is done on energy, nothing is done about jobs, nothing is done about inflation.

Fifteen years ago, we had a report presented to this country on the crisis in the cities, in which we were told that the major cities in this country were deteriorating to the point where they represented a threat to the security of our entire society. Very little progress has been made in addressing that problem. I hear very little discussion on the floor of the Senate about the crisis of the cities. There may be a certain amount of handwringing about it, but nothing is done to deal with the problem.

Over the last few months, the Capitol has been overrun by concerned farmers. The only reason they have gotten anywhere is that they have not been sidetracked by the Panama Canal debate.

They have stayed here and gone to our offices. Many of them have told me that they think the problems of the American farmer are just as important as the question about who is going to have the technical, legal control of the Panama Canal in the year 2000. Many of them will say they are going to be broke before the end of 1978 if we do not do something. They cannot wait until the year 2000.

These farm people have been successful in getting the ears of Members of Congress because they have been willing to stay here and talk with us, even at a time when we are absorbed with this discussion over the Panama Canal.

I could go on with a great many other issues we have not addressed, which are backed up behind this seemingly endless discussion on the Panama Canal. Nothing is done on the question of labor reform; nothing is done on the question of tax reform. There is no real attention to the problems of the reform of our tax structure.

Near the end of the last session we hastily—and, in my judgment, ill-advisedly—increased social security taxes. Now I read that we are considering undoing that and perhaps looking at the President's proposed tax reduction bill as an offset.

In any event, all these problems are backed up behind the deliberations on the Panama Canal. Now the Senator from Alabama wants the Senate to have four more filibusters, I presume, on the moral and ethical and intellectual qualifications of the four Panamanian members on this advisory board—the nine-member board. I suggest that by the time we got through that, we probably never would get to any of these problems— inflation, jobs, energy, the cities, the farm crisis. We are going to spend the remainder of the year just talking about which Panamanian is most qualified to serve on this board.

Mr. President, in my judgment, this amendment is a frivolous and mischievous proposal. I have a high enough regard for the intelligence of the Senator from Alabama to believe that he understands that the amendment cannot possibly be considered seriously by the Senate of the United States, and it is simply one more effort in a long series of efforts to keep us preoccupied with the problems of Panama, rather than getting on to the real issues of concern to the country.

So I have no doubt that the amendment will be rejected. I hope it will be rejected.

It can only be construed as one more insult to this little country of Panama that has been abused so much already on the floor of the U.S. Senate.

Let me just say before I yield the floor that I had assumed that the principal reason for this treaty that we are now debating is to improve relationships between the United States and Panama. Otherwise, I do not see any point in the treaty. We might just as well stay with the 1903 treaty, if it were not for the fact that we are sensitive to the fact that there is great and growing opposition in Panama to having a major part of their

territory legally controlled by a foreign power, and so recognizing that over the last 13 years we have laboriously and painfully negotiated a process under which by the year 2000 we can relinquish control of the canal and at long last turn it over to the country in whose territory it lies, almost 100 years after the first treaty was negotiated in 1903. I would hate to see us undo what little good will may be left in this exercise, and I am afraid we have already undone much of the good will that the treaty could have brought about in Panama by further encumbering this treaty with an insulting amendment of this kind.

Mr. President, I yield the floor.

Mr. ALLEN addressed the Chair.

The PRESIDING OFFICER. The Senator from Alabama (Mr. ALLEN).

Mr. ALLEN. Mr. President, I am somewhat intrigued by the remarks of the distinguished Senator from South Dakota when he said that you would think that this Panama Canal Treaty is the most important issue pending in the Senate at this time. Of course, it is the pending question. The pending question is the amendment of the Senator from Alabama. There is no other question pending at this time other than the amendment of the Senator from Alabama.

And the choice of bringing up the Panama Canal Treaty some 2 months ago, as the distinguished Senator pointed out, was not the choice of those 32 Senators who have been seeking to improve these treaties or in the alternative to defeat them. I daresay that not one single one of those 32 Senators who voted against the Neutrality Treaty, so-called, requested the leadership to bring up these treaties, not one.

The choice was made by the leadership, and I might say the joint leadership. The choice was made by the joint leadership, but when you speak of the joint leadership, the biggest portion of that leadership, of course, is the majority leadership, and the minority leadership, more or less, goes along for the ride because the decision is made by the majority leadership. But the joint leadership and the administration evidently thought the Panama Canal treaties were the most important issue. It is the administration and the leadership that placed top priority on these treaties, not these 32 who sought to strengthen the treaties or, as I say, in the alternative, to kill them. So the choice was not made by any of those 32. We had no power. We have no control over the flow of legislation. The leadership said they wanted to bring this measure up the first or second day. The Senator from Alabama said there would be no filibuster, and there has been no filibuster.

And as to the first treaty, a reasonable time was agreed upon to vote; and as to the second treaty, a reasonable time was agreed upon in which to vote.

The distinguished Senator said we are keeping important legislation from coming up, and he mentioned the energy bill. If the Senator had been here yesterday and heard the colloquy between the Senator from Alabama and the majority leader, it was agreed that

if any emergency legislation came into position to be acted upon by the Senate this matter could be laid aside to take up such matter, and the farm bill was mentioned. The distinguished Senator was talking about the farmer saying that the farmers' problems ought to be set ahead of the Panama Canal Treaty, and I agree with that. I am told an agreement has been reached, or is being reached, to bring the farm bill up tomorrow under a time limitation.

So, the consideration of this treaty at this time was not decided upon by anybody other than the leadership and the administration.

To charge those who are seeking to strengthen these treaties with improperly bringing up a matter that ought to have been brought up later, if ever, is certainly somewhat unfair, it seems to the Senator from Alabama, because the leadership brought it up and we merely acquiesced in the decision of the leadership. No effort was made to prevent it from coming up. I assume that the matter could have been delayed in being brought up.

If any emergency issue comes before the Senate this matter can be set aside and that matter can be considered. But the energy package is not ready for consideration by the Senate as the distinguished Senator well knows. They have been tied up for 6 months or more, and there is no great sign of progress. I am persuaded to believe even if they did come out with something it would not be worth a row of pins.

It has been whittled down so there is practically nothing in it and what is there, it seems to me, is not in the best interest of our country. About all we have remaining is the tax proposal on wellhead tax on oil. So do not worry too much about that. It is not going to solve our energy problem and nobody expects it to.

The distinguished Senator was talking about four more filibusters. In the first place, there has not been one filibuster and I was wondering how in the world the Senator was talking about four more filibusters with respect to the treaty. Lo and behold, he is talking about four alleged filibusters on these four Panamanian nominees.

The four Panamanian nominees under the amendment of the Senator from Alabama would have to be confirmed by the Senate, but the distinguished Senator did not say anything about the five Americans who are also going to have to be confirmed, and the Senator overlooks the fact that this is not a Panamanian commission. We are not requiring, or the amendment does not require, confirmation of Panamanians to a Panamanian commission. It requires Senate confirmation of appointments of Panamanians and Americans to an American commission.

Why, it is a great departure, Mr. President, from custom to allow foreigners to be on an American commission. Is it unreasonable to expect some little character check, some little ability check by the Senate? It would be a casual enough check, I daresay, if the past is any precedent for the present or the future. It

would not be much more than a casual check. So I do not see that the Panamanians could feel insulted. If they do not want to serve, if they do not want to stand some little scrutiny by the Senate, ask Mr. Torrijos not to put the name on the list. I daresay he can find 4 Panamanians or 400 Panamanians or 4,000 Panamanians who would stand the scrutiny of the U.S. Senate.

So we are not talking about confirming Panamanians to a Panamanian commission. I assume that would be unacceptable. But how could they object as a condition precedent to going on an American commission and have the U.S. Senate take a look at their qualifications, their character, and their ability?

As I pointed out, it is not more than is done at present with the Board of Directors of the Panama Canal Company. These people, apparently in an ex officio capacity, serve on this Panama Canal Company Board. But the positions they hold that entitle them to service on the Board are Senate confirmation positions. So what objection could they have to following precedent?

As I say, if a second lieutenant on promotion to first lieutenant has to get the approval of the U.S. Senate, why should not the managers of a \$10 billion business enterprise be confirmed by the U.S. Senate? The same rule for Americans as for Panamanians. Do not ask to serve if you do not want to. Do not ask to serve if you are not willing to have your record scrutinized by the Senate. How could that be an imposition on Panama? It could not be.

It just gets back to the original question: Is the leadership going to stonewall against all amendments as they have done for the last 2 months?

(Mr. KENNEDY assumed the chair.)

Mr. ALLEN. They have not allowed a single amendment. Talk about this time that is spent, if the leadership had been willing to accept four, five, or six amendments to this treaty—even, I dare say, three amendments—we could get an early vote on the treaty. But all they will agree to are reservations, feeling that they impose no barrier to acceptance by the Panamanians; that they do not have the weight and effect of amendments.

The DeConcini reservation was offered first as an amendment, and it was stonewalled against and defeated.

Mr. President, how do Senators who do not bother to stay on the floor, find out what amendment is pending, what the argument is? Why, they go to the managers of the treaty and they say, "What kind of vote is this? Is this an 'aye' vote or a 'no' vote?"

When they are advised as to what kind of a vote this is, they will proceed to vote.

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

Mr. ALLEN. Yes.

Mr. SARBANES. They also go to the Senator from Alabama, I have been privileged to observe, and are, therefore, able to obtain from both the managers of the bill and the Senator from Alabama or some of his colleagues on the opposing side their view or perspective

on the particular matter that is pending before the body.

Mr. ALLEN. That may well be. Just because that is true does not change the fact that Senators are not here to listen to the debate. I notice that some 57 apparently get advice from the managers of the treaty and only about 37 get advice from the Senator from Alabama, I will say.

Mr. SARBANES. Well, the Senator from Maryland obviously does not want to draw any conclusions as to why some Members seem willing to take the advice and counsel of the managers of the bill and other Members seem willing to take the advice and counsel of the Senator from Alabama with respect to various issues.

Mr. ALLEN. Yes.

Mr. SARBANES. Hopefully their willingness to take advice runs to the merits of the advice being proffered.

Mr. ALLEN. No, I rather think not. I think it runs to the fact that they are committed to the policy of the leadership to stonewall against all amendments, to seek to force the Senate to rubberstamp these treaties. That is what is involved. So the distinguished managers of the bill do have apparent control of anywhere from 57 on up to 68 Senators who vote at their behest. That does not have bearing on the value of the amendment no matter how good it is, because it is going to be stonewalled against, based on the past experience.

I am looking forward to the time when those in the leadership who said they have an open mind on amendments will allow their minds to open up wide enough to allow the entry of a constructive amendment, and I submit that the amendment pending is a constructive amendment that merely provides for U.S. Senate confirmation of the nine members of the Panama Canal Commission, whether they be Americans or they be Panamanians. The same thing is provided for all members no matter what their nationality.

Inasmuch as they are now required to be appointed, subject to Senate confirmation—

Mr. SARBANES. Mr. President, will the Senator yield on that point? That is not correct. Now the Senator has just made the assertion that the members of the Board of the Panama Canal Company are now required to be appointed subject to Senate confirmation.

Mr. ALLEN. I just read it off to the Senator.

Mr. SARBANES. I know the Senator read it off, and that is the point I seek to address. It so happens—

Mr. ALLEN. Wait until the Senator's turn to address that.

Mr. SARBANES. But the Senator ought not to make a bald assertion that is not supportable.

Mr. ALLEN. I will read the support, if the Senator will please allow me to continue holding the floor.

Mr. SARBANES. Mr. President, if the Senator will yield I would save him some time.

Mr. ALLEN. I am not going to yield, no, sir. I am going to answer the Senator's assertion that the members of the Pan-

ama Canal Company are not approved by the U.S. Senate.

Mr. SARBANES. Are not required to be approved. It so happens the present members all hold other offices for which they were confirmed.

Mr. ALLEN. I have stated as much and read them off.

Mr. SARBANES. For those other offices they are confirmed.

Mr. ALLEN. If the Senator will kindly allow me to finish with my statement, I will be glad to yield the floor to him. I hope he will not insist on speaking when he does not have the right to the floor.

Mr. SARBANES. I certainly would not do that, I say to the Senator.

Mr. ALLEN. Sir?

Mr. SARBANES. I certainly will not do that.

Mr. ALLEN. I am glad to hear that since the Senator does not have the floor

I certainly made that statement in giving this list. If the Senator did not hear me I feel constrained then to read off the list, and I have stated that these apparently are—they hold these positions ex officio as a result of their appointment to other positions. I have read them off, and I am going to read it again because apparently the Senator from Maryland did not hear or did not understand what the Senator from Alabama was reading.

This is a list of the Board of the Panama Canal Company, the present operator of the canal, which is to be succeeded by the Panama Canal Commission, at which time all of these American appointees lose their positions. Let us see how many of them there are. There are 10.

They get the gate, like the Americans employed down in the Canal Zone.

These are the members of the Board of the Panama Canal Company.

Clifford L. Alexander, chairman, Secretary of the Army. The Secretary of the Army has to be confirmed by the Senate.

Lucy Wilson Benson, Under Secretary of State for Security Assistance, Science and Technology—another Senate confirmation position.

Richard N. Cooper, Under Secretary of State for Economic Affairs, a position that requires Senate confirmation.

Charles R. Ford, Deputy Assistant Secretary of the Army for Civil Works, acting, not yet confirmed.

Here is one that has not yet been confirmed, not because his position does not require confirmation, but because he has just been named as acting; his nomination has not yet been sent up to the Senate, but he is acting in that capacity. He is also on the Board of the Panama Canal Company.

I read on:

David E. McGiffert, Assistant Secretary of Defense for International Security Affairs. That is a position which requires Senate confirmation.

Ersia H. Poston, Commissioner of the Civil Service Commission. That position requires Senate confirmation.

Admiral Owen W. Siler, Commandant, U.S. Coast Guard. The position requires Senate confirmation.

Anthony M. Solomon, Under Secretary

of the Treasury for Monetary Affairs, a position requiring Senate confirmation.

Terence Todman, Assistant Secretary of State for Inter-American Affairs, a position requiring Senate confirmation.

Harold R. Parfitt, Governor of the Canal Zone, ex officio, who has to be confirmed by the U.S. Senate.

So all the members of the Panama Canal Company except one, who is just in an acting capacity, hold positions that require confirmation by the U.S. Senate. But no such requirement is made for the nine Commissioners to be named on the approval of this treaty. The only requirement is that five be Americans and four be Panamanians: No standard of ability, no standard of character, no standard of experience, no standard of anything except to be an American in five cases and a Panamanian in four cases.

Since this is an American Commission and not a Panamanian Commission, and since we are supposed to operate the canal for another 22 years, why would there be any objection to a Panamanian or an American serving on an American Commission being confirmed by the U.S. Senate? That is all this amendment would provide.

Mr. President, I yield the floor.

Mr. SARBANES. Mr. President, I think it is probably one indication of the fact that we are getting into the closing days of the debate that the able Senator from Alabama, who ordinarily, I think, seeks to sharpen and clarify issues, is in this case beclouding and obfuscating the issue.

The distinguished Senator has read a list of the present members of the Panama Canal Commission.

Mr. ALLEN. Company.

Mr. SARBANES. Company, I stand corrected. The Board of Directors of the Panama Canal Company. And he has asserted, on the basis of that reading, that members of the Board are required to be confirmed by the Senate.

Now, that is not correct. It so happens that all of the current members of the Board are Government officials who have had to be confirmed by the Senate because of their other Government positions. But the members of the Board of Directors of the Panama Canal Company do not now have to be confirmed by the Senate. For example, at the end of fiscal year 1976, there were 12 members of the Board of Directors of the Panama Canal Company, 9 of them private citizens who passed through no Senate confirmation. Three of the members had been confirmed by the Senate, not because they were members of the Board of Directors of the Panama Canal Company, but because of other positions which they held in the Government. One was, for instance, the Assistant Secretary of State for Inter-American Affairs, just as the current Assistant Secretary of State for Inter-American Affairs is a member of this Board. To become the Assistant Secretary of State for Inter-American Affairs requires Senate confirmation; but to be a member of the Board of Directors of the Panama Canal Company does not require Senate confirmation.

So with respect to the list which the Senator read—and, of course, even he

concedes that one of the members of the Board of Directors of the Panama Canal Company has not yet had Senate confirmation for his other Government position—and the only reason he was able to say with respect to the others that they had Senate confirmation was because they had other positions in the Government that require it. Private citizens could just as easily have been appointed under the law and served as members of the Board of Directors of the Panama Canal Company without any Senate confirmation. So it is important to understand that there is no present requirement that members of the Board of Directors of the Panama Canal Company be confirmed by the U.S. Senate, and that only as recently as the 1976 fiscal year, 9 of the 12 members of the Board at that time were private citizens, with no Senate confirmation whatever.

Second, I think it is some indication that we are into the closing days of the debate, that perhaps some of the sensibilities that we ought to reflect are being overlooked. It has been charged, in the course of arguing this amendment, that Panama will appoint people to this body with criminal record, or under indictment. It was even asserted at one point that they could be in prison.

I suggest that we ought to accord to Panama and its people the same respect we would expect them to accord to us. In fact, I would suggest that the name of Great Britain or France or some large country's name should be substituted, if such an argument is to be made, to see whether one would make the same assertion in such case, or whether it is simply a case of picking on a small country.

What would we say if the assertion were being made, on the part of the Panamanians, with respect to the sort of people we would place on a commission of this sort, if they were to assert, "Well, you know, the Americans are going to pick people under indictment, people who could be in prison, or people without any moral character"? Just stop and think about that for a moment. I think the same respect that we would think they should accord to us we should accord to them.

Finally, Mr. President, this is a bad amendment because, on those matters of which we retain jurisdiction and can change by statute—and that would clearly apply to the five American members of the new Commission—we should not seek to place those matters into a treaty with another country, which would mean we could only change it through treaty change, when we can control the matter entirely by statute.

I will say to the Senator from Alabama it is my intention to take that approach toward amendments which may be offered, which seek to take a subject matter over which we can exercise control by statute and to place it in the treaty we are making with another country. Why should we do that, if we are really concerned about maintaining the maximum amount of control in our own hands? Why should we lose our control by statute where we can do it this way

next year and if, 3 or 4 years from now, we decide we want to do it some other way, we can do it in some other way; if we want to add a requirement, we can add a requirement; if we want to take away a requirement, we can take away a requirement. When we have that kind of control, why should we take that subject matter, put it into a treaty with another nation, and give them some control over a matter which is otherwise completely within our own discretion? It defies commonsense, it defies logic, and, most important of all, it runs counter to what is in our best interest.

For those reasons, amongst others, Mr. President, I oppose this amendment because I think it is a bad amendment. In other words, I do not oppose it to stonewall it. I do not oppose it, as the Senator earlier in the debate once asserted, either because it is frivolous or it goes to the heart of the matter. I think those were the two reasons he said were being brought forth. I responded then as I respond now, that, no, I oppose these amendments because they are harmful amendments. Contrary to the assertion that they are constructive amendments, they are, in fact, harmful amendments.

For that reason, this amendment ought to be rejected by the Senate.

Mr. ALLEN. Mr. President, I do not know why the distinguished Senator from Maryland, whom I admire and respect so much, who has done such a great job having managed the consideration of the treaties before the Senate, would have misconstrued what I said about who the Panamanians might appoint to this commission.

I stated there was no check on them. It might appear that they could appoint people who had criminal records, who were under indictment, who were not people of good character. It is to ward against that possibility, not that certainty. But if there be no possibility of that sort, then I do not see why the distinguished Senator would object to a provision that all of the members of the commission would need Senate confirmation. It imposes no additional burden on the Panamanians. There is nothing different from what is imposed upon the Americans.

The same statements could be made as to both, that they both would be confirmed by the Senate. Nothing is added. Nothing is placed on the Panamanians which is not also placed on the American members on the board.

On the matter of the confirmation of the present members of the board of the Panama Canal Company, I made that implicitly clear. I read the list of the members of the present commission, and I read the position that they had in the government service. I did not state, as the distinguished Senator seemed to imply, that it was necessary, because of their position on the Board of the Panama Canal Company, that they had to be confirmed. I did not read the list once but I read it twice, giving the exact positions of the present members of the Panama Canal Company Board. I did not state that their position on the Board required Senate confirmation, but I did state that the positions they hold, through which,

ex officio, apparently, they serve on the Board, did require Senate confirmation.

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

Mr. ALLEN. Yes. Although I did not bother the Senator, I will be glad to yield.

Mr. SARBANES. I do want to try to clarify this particular point. It is my understanding that the only person who serves on the Board of the Panama Canal Company ex officio is the Governor. The other members that the Senator has read are not there ex officio. They were simply placed there. They happen to hold other positions requiring confirmation. Generally over the history of the Panama Canal Company, most of the members of the board of directors have been private persons who have never received Senate confirmation.

Mr. ALLEN. I thank the Senator for that amount of clarification. All I am stating is that these people occupy these positions that require confirmation by the Senate. The fact that they also hold these other positions does not make incorrect my statement that they do hold positions that require confirmation by the Senate.

I will say the fact that we have not found any amendments that are constructive enough to be accepted by the leadership certainly would indicate that the best efforts of some 30 Senators to provide constructive amendments have been in vain. I guess there is always a difference of opinion as to what is a constructive amendment. I feel this is a constructive amendment. I feel that the members of a board which is running a \$10 billion business ought to be confirmed by the U.S. Senate. I have drawn as a parallel the fact that a second lieutenant in the army on his promotion to first lieutenant has to receive confirmation from the U.S. Senate. Why not a member of a board running a \$10 billion business? Should we not know that he knows something about canal operations? Should he know something about business operations? Should it not be known that he has no conflict of interest?

I am satisfied that some of the big international banks are going to want to be represented on this board.

Maybe Senators do not know but under the present arrangement for an annuity Panama receives some \$2.3 million from the United States. Do Senators think that goes to Panama? That goes to a New York bank. My authority for that is a representative of the U.S. Treasury testifying before the Committee on the Separation of Powers. So New York banks get the \$2.3 million that the United States pays to Panama now, and they hand it out where they think it will do the most good, I will say. Senators can imagine where that would be.

I would imagine that the same system is going to apply when Panama starts getting \$100 million a year, as Minister of Economics Barletta said Panama would be getting. That is my authority for that statement.

These people are going to be handling hundreds of millions of dollars a year in tolls. Should we know who they are; what they are; what they stand for, and what their background is?

I believe that is essential. I believe that makes good sense.

Mr. HELMS. Will the Senator yield?

Mr. ALLEN. I am glad to yield.

Mr. HELMS. I might add parenthetically that relevant to this is the fact that Ambassador Linowitz, who is a member of the executive committee of one of those New York banks the Senator is referring to, was given a sort of backdoor appointment to be our negotiator for these treaties. He never appeared before the Senate to be asked any questions. I regretted that. So I commend the Senator on his amendment.

Mr. ALLEN. I thank the Senator. It is quite obvious that the amendment has logic behind it.

Do you know the main reason this amendment is going to be defeated? It runs counter to the leadership policy of stonewalling against all amendments. That is why.

It runs contrary to the leadership's requirement that this treaty be rubber-stamped, I say to the distinguished Senator from Massachusetts (Mr. KENNEDY), who is so ably presiding over the Senate at this time.

The PRESIDING OFFICER. And unable to speak for himself.

Mr. SARBANES. Unfortunately.

The PRESIDING OFFICER. The Senator from Maryland, I am sure, will respond for me.

Mr. ALLEN. Members of the Senate are being asked to abdicate our position of shaping these treaties and come up with a treaty that makes the most sense, that protects the interests of the American people, that would assure the most efficient operation of the canal. I believe this would be a helpful and a constructive safeguard to assuring that we do have a competent commission to run this \$10 billion enterprise now owned by the United States, but soon to be owned by Panama.

I yield the floor.

Mr. JAVITS and Mr. CHURCH addressed the Chair.

The PRESIDING OFFICER. The Senator from Idaho.

Mr. CHURCH. Mr. President, the pros and cons of this amendment have been debated at length. There is no reason to protract the argument any further. For that reason, I move to lay the amendment on the table.

Mr. THURMOND and Mr. JAVITS addressed the Chair.

Mr. THURMOND. Mr. President, I should like about 3 minutes, if the Senator will withhold that motion.

Mr. CHURCH. I withhold the motion, but before yielding to the Senator from South Carolina, I yield first to the Senator from New York.

UNANIMOUS-CONSENT AGREEMENT

Mr. JAVITS. Mr. President, I ask unanimous consent that, immediately after the vote on Senator CHURCH's motion, Senator SPARKMAN may be recognized to call up a conference report, as in legislative session, on H.R. 9179, and that action on that may be completed.

I might say, in explaining it to the

Senate, that Senator SPARKMAN has been here twice today. The reason for my request is simply to facilitate things for him. We are ready to accept a 20-minute time limitation on debate, 10 minutes to a side, which I request, together with the unanimous-consent request I just made.

The PRESIDING OFFICER. Is there objection? Hearing none, it is so ordered.

THE PANAMA CANAL TREATY

The Senate continued with the consideration of the treaty.

Mr. THURMOND addressed the Chair.

The PRESIDING OFFICER. Does the Senator from Idaho yield further, or is he yielding the floor?

Mr. CHURCH. The Senator from South Carolina, I understand, has a short statement he wishes to make in support of the pending amendment, after which I shall move to lay the amendment on the table.

The PRESIDING OFFICER. The Senator from South Carolina is recognized.

Mr. THURMOND. Mr. President, I rise in support of the unprinted Allen amendment.

Paragraph 3 of the treaty sets up the Panama Canal Commission as the U.S. Government agency that will run and operate the canal. It calls for the appointment of nine members to the Board to supervise the Commission, five of whom shall be American nationals and four of whom shall be Panamanian nationals.

Senator ALLEN's amendment requires that these nine members shall be confirmed by the Senate prior to assuming their duties.

I am sure the administration will be opposed to this amendment. They even found a way to keep the Senate from confirming one of the chief negotiators who negotiated this giveaway treaty. I am sure the administration has no intention of allowing the Senate to have any choice in determining whether or not the members of this Board are qualified to run the canal.

This is a good amendment. We are talking here about the Board which will operate, maintain, and set tolls for the canal. Four of these individuals will be Panamanian. I cannot see how any U.S. Senator would be opposed to requiring these people to face Senate confirmation.

Decisions made by this Board will determine whether or not the canal will remain self-sustaining. Nothing in this treaty requires these people to meet any standard of competence, honesty, or integrity. I think it is only right that we here in the Senate should be able to say yes or no to any individual nominated to be a member of this Board. However, I am sure the leadership will do as they have done on all previous meritorious amendments and stonewall it. It is too bad that well-meaning people cannot improve a treaty which is so poorly negotiated, so poorly written, and so heavily favorable to Panama.

I urge my colleagues to at least allow the Senate to have some say in who will run this canal, if these treaties are ratified, before we give it completely to Panama in the year 2000.

April 6, 1978

I thank the distinguished Senator, Mr. CHURCH. Mr. President, I move to lay on the table the amendment.

Mr. SARBANES. I ask for the yeas and nays.

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

The yeas and nays were ordered.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk called the roll.

Mr. CRANSTON. I announce that the Senator from South Dakota (Mr. ABOUREZK), the Senator from Indiana (Mr. BAYH), the Senator from Delaware (Mr. BIDEN), the Senator from Arkansas (Mr. BUMPERS), the Senator from Nevada (Mr. CANNON), the Senator from Iowa (Mr. CLARK), the Senator from Missouri (Mr. EAGLETON), the Senator from Alaska (Mr. GRAVEL), the Senator from Montana (Mr. PAUL G. HATFIELD), the Senator from Washington (Mr. MAGNUSON), and the Senator from Georgia (Mr. TALMADGE) are necessarily absent.

I further announce that, if present and voting, the Senator from Washington (Mr. MAGNUSON), and the Senator from Iowa (Mr. CLARK) would each vote "yea."

Mr. STEVENS. I announce that the Senator from Tennessee (Mr. BAKER), the Senator from Massachusetts (Mr. BROOKE), the Senator from Rhode Island (Mr. CHAFEE), the Senator from Kansas (Mr. DOLE), the Senator from Arizona (Mr. GOLDWATER), the Senator from Michigan (Mr. GRIFFIN), the Senator from Utah (Mr. HATCH), the Senator from California (Mr. HAYAKAWA), the Senator from Kansas (Mr. PEARSON), the Senator from Texas (Mr. TOWER), and the Senator from Connecticut (Mr. WEICKER) are necessarily absent.

I further announce that, if present and voting, the Senator from Utah (Mr. HATCH) would vote "nay."

The result was announced—yeas 53, nays 25, as follows:

[Rollcall Vote No. 82 Ex.]

YEAS—53

Anderson	Hathaway	Muskie
Bellmon	Heinz	Nelson
Bentsen	Hodges	Nunn
Burdick	Hollings	Packwood
Byrd, Robert C.	Huddleston	Pell
Case	Humphrey	Percy
Chiles	Inouye	Proxmire
Church	Jackson	Ribicoff
Cranston	Javits	Riegle
Culver	Kennedy	Sarbanes
Danforth	Leahy	Sasser
DeConcini	Long	Sparkman
Domenici	Mathias	Stafford
Durkin	Matsunaga	Stevenson
Glenn	McGovern	Wallop
Hart	McIntyre	Williams
Haskell	Metzenbaum	
Hatfield	Morgan	
Mark O.	Moynihan	

NAYS—25

Allen	Helms	Schweiker
Bartlett	Johnston	Scott
Byrd,	Laxalt	Stennis
Harry F., Jr.	Lugar	Stevens
Curtis	McClure	Stone
Eastland	Melcher	Thurmond
Ford	Randolph	Young
Garn	Roth	Zorinsky
Hansen	Schmitt	

NOT VOTING—22

Abourezk	Biden	Cannon
Baker	Brooke	Chafee
Bayh	Bumpers	Clark

Dole	Hatch	Pearson
Eagleton	Hatfield	Talmadge
Goldwater	Paul G.	Tower
Gravel	Hayakawa	Weicker
Griswold	Magnuson	

So the motion to lay on the table was agreed to.

Mr. SARBANES. Mr. President, I move to reconsider the vote by which the motion to table was agreed to.

Mr. CHURCH. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

ORDER OF BUSINESS

Mr. ROBERT C. BYRD. Mr. President, I inquire at this time as to whether or not it is anticipated that a rollcall vote will be requested on the conference report.

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

Mr. ROBERT C. BYRD. I yield.

Mr. JAVITS. I am satisfied to have a voice vote.

Mr. ROBERT C. BYRD. Is there any Senator who feels constrained to ask for the yeas and nays on the OPIC conference report?

I see no such indication, and I suppose I can assure Senators that there will be no rollcall vote on this conference report. The time limitation is 20 minutes.

Mr. JAVITS. That is correct.

The PRESIDING OFFICER (Mr. MOYNIHAN). Pursuant to the previous order, the Senator from Alabama (Mr. SPARKMAN) is recognized, as in legislative session, to call up a conference report.

OVERSEAS PRIVATE INVESTMENT CORPORATION AMENDMENTS ACT OF 1978—CONFERENCE REPORT

Mr. SPARKMAN. Mr. President, I submit a report of the committee of conference on H.R. 9179 and, as in legislative session, ask for its immediate consideration.

The PRESIDING OFFICER (Mr. MOYNIHAN). The report will be stated.

The assistant legislative clerk read as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 9179), to amend certain provisions of the Foreign Assistance Act of 1961 with respect to the activities of the Overseas Private Investment Corporation, having met, after full and free conference, have agreed to recommend, and do recommend to their respective Houses this report, signed by a majority of the conferees.

The PRESIDING OFFICER. Without objection, the Senate will proceed to the consideration of the conference report.

The conference report is printed in the House proceedings of the Record of April 5, 1978.

The PRESIDING OFFICER. The time on the conference report is limited to 20 minutes, equally divided.

Who yields time?

Mr. SPARKMAN. Mr. President, the Senate conferees are satisfied with the outcome of the conference on Overseas Private Investment Corporation Amendments Act of 1978. The conference re-

port on H.R. 9179 provides a detailed explanation of the recommendations of the committee of conference. I shall highlight briefly the major differences that were agreed on in conference.

The conferees agreed to:

A set of criteria that should guide OPIC in determining the development impact of its projects. OPIC would inform Congress annually of the overall development impact of its programs;

Require OPIC to use its loan funds only for small business and to undertake to increase the small businesses proportion of its total insurance portfolio;

Prohibit OPIC from supporting projects which would result in significant reduction in U.S. employment;

Limit OPIC's annual direct financing of oil or nonfuel mineral projects to \$4 million and \$200,000 for surveys;

Terminate the privatization mandate of previous legislation;

Extend OPIC's authority through September 30, 1981;

A provision for the denial of claims for expropriation losses where bribery is a "preponderant" cause of the loss;

Restrict OPIC from supporting any new or significantly expanded copper projects until 1981, and after 1981 if such projects will cause injury to the primary U.S. copper industry;

Prohibit OPIC from supporting projects relating to the production of palm oil, sugar, or citrus for export; and

A human rights provision to make U.S. policy consistent throughout our foreign assistance programs.

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

Mr. SPARKMAN. I yield to the Senator from New York.

Mr. JAVITS. Mr. President, I join the distinguished chairman of the Committee on Foreign Relations in support of the conference report. As the original author of the legislation authorizing OPIC, it is especially gratifying that OPIC has successfully withstood the test of time.

The measure, as it came out of conference, deals effectively with many of the concerns raised in the course of the hearings and passage of the Senate and the House bills.

From my point of view, the important element in this legislation is that small business in the United States is given a much bigger role in the OPIC program. OPIC has agreed to allocate up to 50 percent of its annual net income, after making suitable provision for transfers and reserves, to assert and facilitate the development of projects by small business, cooperatives, and other small U.S. investors. OPIC has basically undertaken to set up an Outreach program to bring small business into the export and foreign investment business, where it would be eligible for benefits under the OPIC program. The applications by small business have in the past been relatively slim, which has limited the participation of small business in OPIC programs—not through any desire of OPIC, but simply because no applications were made on behalf of small business.

We have also insured that the possibility of harm to the U.S. economy in terms of lost employment is, in my opinion, practically eliminated, and that OPIC will benefit U.S. exports to the maximum.

Mr. President, a wonderful fight was waged by Congressman SOLARZ in the other body on the question of bribery, and we very satisfactorily worked out our differences so that the penalty which is contained in this conference report will only be levied when the act of bribery actually represents the preponderant cause of the claim. Under the bribery language passed by the House of Representatives, the penalty usually has been imposed whether or not the bribery was a cause in any way of the loss precipitating the claim.

Finally, there was a deep concern about a House amendment dealing with the financing or insuring of copper ventures, and again we compromised our differences so that mining ventures for minerals of importance to the United States, where there might be some copper even in insignificant amounts would not be deprived eligibility for the OPIC program. We also said that we will not support through OPIC any new or significantly expanded projects involving the exploration for copper, we also provided that after 1981, which is the operative period of this legislation, we will not support such a project if it would "cause injury to the primary U.S. copper industry." That seemed too agreeable to both the copper producers and labor in the copper fields.

So I think we have done everything which anyone could expect in this matter.

Finally, our dear and beloved and late departed comrade, and I call him that because that is what he was, Hubert Humphrey, had prepared a letter in support of OPIC's continuation which he wished to send to the House Members when the matter was to have come up. And Senator MURIEL HUMPHREY has very graciously allowed me to insert that letter into the RECORD in memorium to Senator Hubert Humphrey as he very much sustained this point of view, and I ask unanimous consent to print that letter in the RECORD.

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

U.S. SENATE,
Washington, D.C., January 9, 1978.

DEAR MEMBER: I want to share with you my concern over the position of the AFL-CIO in opposition to extending the authorization for the Overseas Private Investment Corporation. It is understandable that many Members of the House are evidently troubled by Labor's contention that OPIC's insurance and limited financing for U.S. investment in developing countries cost American jobs.

As you know, I have devoted much of my life to assuring and expanding job opportunities for all Americans, from service on the Labor Committee, beginning in 1949, to the current Humphrey-Hawkins bill. You may be sure I would not support a program that causes the loss of American jobs.

It is a rare occasion that I differ with my friends in the AFL-CIO. However, in this case I believe their concerns are mistaken. On balance, OPIC's operations are in our

national interest: they produce additional jobs and result in few, if any, job losses; they help provide new sources of needed raw materials; and they are helpful to the developing countries—all at no cost to the taxpayer. Long experience with development and employment problems, as well as the detailed review of OPIC conducted this year by the Carter Administration and by both the Senate Foreign Relations Committee and the House International Relations Committee, led me to this conclusion.

True, the U.S. steel, electronic, textile and other industries have problems from foreign competition—problems that require public and private solution. But OPIC is not the source of those problems. Terminating OPIC will not, in my judgment, save or restore a single American job. On the contrary, economic development in the less developed countries is essential to the long-term health of U.S. agriculture and industry. Their growing markets mean jobs for Americans. We export more goods and services to these countries than to all of Western Europe, Eastern Europe, the Soviet Union and the People's Republic of China combined. Moreover, the access to critical materials that OPIC facilities helps preserve and create American jobs, and this will be increasingly true in the future.

So, as a friend of labor, I ask you to support the continuation of OPIC, as the Senate did by a better than six to one margin.

Sincerely,

HUBERT H. HUMPHREY.

Mr. JAVITS. Finally, Mr. President, I wish to pay, if I may—and it may sound a little strange but it is true—a tribute to Senator CHURCH for his conduct in this matter, which is very characteristic of him and which I think really brings out the best in a legislator. He had very deep and sincere objections to this bill. He fought very hard against it when the matter was up before the Senate and in committee. Having felt that the majority really wanted this and having seen that we really stood by all the things we had promised during our conference with the House, he did not, as he easily could have, tangle this thing up in a web which would have deferred it for a very long time. He has not asked me to do this. Perhaps he is a little surprised I am saying this. But I think his conduct is the finest display of not only the talent but the spirit of this body and of the legislators in it, and I pay my tribute to him.

Mr. CHURCH. Mr. President, I thank the distinguished Senator from New York and my good friend, Senator JAVITS, for his generous remarks.

By now, my colleagues are familiar with my views on the Overseas Private Investment Corporation. Therefore I will be brief in reiterating my reasons for opposing the extension of OPIC's authorization and for declining to sign the conference report on S. 1771.

Thorough investigations by the Senate Foreign Relations Committee have shown that OPIC simply does not fulfill the purposes for which it was created. Its contribution to economic development in the Third World is, at best, marginal. Endless attempts to modify OPIC and to find a new justification for its existence each time the program is up for reauthorization are ample testimony to the fact that it has not lived up to its original mandate.

More importantly, I simply cannot any longer support a program which induces

American corporations to invest their capital abroad rather than at home, thereby depriving American workers of jobs that are so badly needed. Our long hoped for domestic economic recovery is faltering. Millions of Americans are still out of work and our balance of trade is showing the largest deficit in our history. The Congress should be legislating measures that stimulate the export of American products, not programs like OPIC, which lead to the export of American capital and American jobs.

I therefore strongly oppose the re-authorization of OPIC, and want to make it a matter of record that I shall cast my vote against this bill.

The PRESIDING OFFICER. Who yields time?

Mr. PERCY. Mr. President, will the Senator yield 1 minute?

Mr. SPARKMAN. I yield to the Senator from Illinois.

The PRESIDING OFFICER. The Senator from Illinois.

Mr. PERCY. Mr. President, I should also like to join with my colleague in commending Senator CHURCH. I knew the depth of his feeling but he conducted himself, as Senator JAVITS has indicated, in the highest traditions of the Senate. He forcefully expressed his views. I think as a result of his expressing those views over a period of time, we have given much more careful consideration to this matter.

I have served in the past as ranking member of the subcommittee of which Senator CHURCH was chairman and benefited from his views and was cautioned by his observations to probe much deeper into this matter.

I do agree with Senator JAVITS that emphasis on small business and getting small business into export is essential, and small businesses are the ones who are less able to afford to take the extraordinary risk of expropriation or war, or whatever it might be.

So to the extent that OPIC is designed to further our national interests and strengthen the participation of small businesses as well as all major businesses in doing business overseas, all of which activity strengthens our dollar, creates jobs here at home and enhances America's role in world trade, I certainly wish to do everything I can to encourage it and I believe this piece of legislation as drafted now does that.

I thank my distinguished colleague.

Mr. SPARKMAN. Mr. President, I have no further requests for time. I am willing to yield back my time.

Mr. JAVITS. I yield back my time.

Mr. SPARKMAN. Mr. President, I move the adoption of the conference report.

The PRESIDING OFFICER. All time having been yielded back, the question is on the adoption of the conference report.

The conference report was agreed to.

Mr. JAVITS. I move to reconsider the vote by which the conference report was agreed to.

Mr. SARBANES. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

APPOINTMENT BY THE VICE PRESIDENT

The PRESIDING OFFICER (Mr. MOYNIHAN). The Chair, on behalf of the Vice President, appoints the Senator from Louisiana (Mr. JOHNSTON) as a Congressional Adviser to the Seventh Session of the Third United Nations Conference on the Law of the Sea, to be held in Geneva, Switzerland, March 28-May 12, 1978.

THE PANAMA CANAL TREATY

The Senate continued with the consideration of the treaty.

Mr. ROBERT C. BYRD. Mr. President, would the Chair, for the convenience of the Senate, state the agreement with respect to the Bartlett amendment that will be offered on tomorrow?

The PRESIDING OFFICER. The Executive Calendar states that at 12 noon on Friday, April 7, 1978, the Senator from Oklahoma (Mr. BARTLETT) be recognized to call up an amendment to article XIII of the Panama Canal Treaty, and that debate on the amendment be limited to 3 hours, to be equally divided and controlled, respectively, by the Senator from Oklahoma (Mr. BARTLETT) and the Senator from Idaho (Mr. CHURCH).

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

Then, Mr. President, it is correct, is it not, to state that even though there are 3 hours available to both sides for debate on the amendment by Mr. BARTLETT, the vote on the Bartlett amendment may very well occur prior to the expiration of those 3 hours if part of the time is yielded back by either or both sides; am I correct?

The PRESIDING OFFICER. The Senator is correct.

Mr. ROBERT C. BYRD. So Senators are on notice then that a vote could occur in relation to the amendment at some point between 12 o'clock noon and 3 p.m. tomorrow.

The PRESIDING OFFICER. The Senator is correct.

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

Mr. President, on February 8 of this year the Senate went into executive session to consider the first of the two Panama Canal treaties. This has been a new and historic experience for many of us. We have been able to consider these treaties in great detail, with every Senator being given the opportunity to question and to explore every facet of the documents before us. In the truest sense of the word, I think that has been and continues to be, even though I must say that many things that have been said, have been said, have been said, have been said and have been said, but even though there has been much repetition and redundancy, I believe it has been a great debate. I believe that each of my distinguished colleagues, no matter what his position may be or may have been on the matter before us, can take great pride in the fairness and, as a general rule, I think the reasonableness of the debate and the manner in which the debate has been conducted.

The procedures that have enabled the Senate to work its will have been well

demonstrated by the Senate in the weeks since February 8.

I hope that I speak for every Member of the Senate when I express the gratitude of myself and the Senate to National Public Radio's Linda Wertheimer, who has made a historic achievement in helping many of our fellow citizens to follow this debate and to understand what is happening here on the floor of the Senate. For the first time in the history of the Senate, since 1789—and during the first 5 years of the Senate's history, the Senate met behind closed doors; of course, there was no radio, because they did not have radio back in those days, but even the doors were closed. But now, for the first time in history, live broadcasts have been made from the Senate floor.

National Public Radio has been able to provide coverage of Senate debates and action with sensitivity, with professionalism, with accuracy, and with great understanding. When I have listened from time to time in the evenings, as I know my friend from Hawaii has—my lovable, gentle friend, my friend who is always so cooperative and helpful, SPARK MATSUNAGA—to the condensation of the debates that had occurred during the day, I know my friend from Alabama (Mr. ALLEN) would agree, although we have been on opposite sides of the debate, that that condensation at 9:30, which runs for an hour, which selects the highlights of the day and gives an accurate description of the development of that day, the rollcall votes—it goes behind the rollcall votes and analyzes them, and Linda has done a great job in this respect—has, I think, enlarged the understanding on the part of the American people not only as to the contents of the treaties, as to the history of the 1903 treaty, and as to the implications of either rejection or ratification of the treaties, but also I believe that it has enhanced, or I want to think it has enhanced, the Senate in the opinions of the American people as they have listened to the debate and as they have listened to this excellent analysis of what has transpired.

I have a feeling that the Senate has enhanced its understanding with the American people by virtue of this audio transmission of the debates, and I think this is in no small degree due to the intelligence and the devotion to duty of a fine journalist and commentator, Linda Wertheimer. The people of the United States, who have been given such an excellent opportunity to hear their Government at work—to hear it at work; when they visit the gallery they see it at work, but through national Public Radio they have heard the Senate at work, and they owe Linda Wertheimer a debt of gratitude. Quietly and modestly, she has given them a guided tour of the U.S. Senate in historic action.

Mr. MATSUNAGA. Will the distinguished majority leader yield?

Mr. ROBERT C. BYRD. In just a moment.

On Tuesday, April 4, the Washington Post published a brief article about Mrs. Wertheimer and the extraordinary job she has done. I am sure that Senators have read the article, but I believe that

it ought to be preserved in that great document, the CONGRESSIONAL RECORD, and I would hope that Senators who have not read it will read it. I think it is worthy of being placed in the RECORD, and I ask unanimous consent that the article be printed in the RECORD at this point.

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

LIVE FROM THE SENATE GALLERY, IT'S

LINDA WERTHEIMER

(By William Gildea)

Sen. Orrin Hatch (R-Utah) is delivering a 90-page speech on the Senate floor against the Panama Canal treaty.

Gallery visitors come and go. Reporters come and go. Senators come and go. Even Sen. Paul Sarbanes (D-Md.), who is minding the store for the pro-treaty forces, is relieved by Sen. Donald Riegle (D-Mich.).

Practically the only person to endure is ... Linda Wertheimer. And she doesn't simply endure, she seems to thrive as the debate reaches its 28th day.

"I've heard more of the debate than the senators have. I'm sure of that," she says.

Seated in the front row of the gallery, Wertheimer yesterday welcomed National Public Radio listeners as the historic broadcasts from the Senate chamber resumed. This is the first time a Senate debate has been broadcast live.

She came on after a switch from the Rayburn building, where NPR's Nina Totenberg had been broadcasting the beginning of the Tongson Park public hearings. Wertheimer quickly caught her listeners up on what Hatch was saying.

People are listening to the debate by the millions; an estimated 14 to 15 million had heard part of it up through the vote on the first treaty last month. And the number of Wertheimer fans continues to swell.

She tells this story. One day, while her sister was visiting the dean's office at New Mexico State, where she is studying, the dean had his radio turned on.

"That sounds like my sister," said Wertheimer's sister.

"That's Linda Wertheimer," said the dean, a Wertheimer fan.

"Then it is my sister."

Wertheimer smiles. "I guess the dean was a little astounded," she says.

Other listeners with a special significance for her have offered congratulations on her coverage. Janet Murrow, Edward R. Murrow's widow and a member of the NPR board, sent her a complimentary letter. The same day Pauline Frederick came into the NPR offices on M street and congratulated her. Ed Murrow on radio and later Pauline Frederick reporting on television from the United Nations were Wertheimer's heroes when she was growing up in Carlsbad, N.M.

She listened to radio as a youth because there was no television signal in Carlsbad. She says when she was about 15—she's 35 now—a TV tower was finally put up. But one cold day it iced over and toppled to the ground, leaving Carlsbad without television a while longer.

She went east to college, to Wellesley, and through an exchange program involving the school, got a job after graduation in 1965 with the BBC in London, as a production assistant. From there, she moved to WCBS radio in New York, as a producer. Nine years ago, she married Fred Wertheimer, a vice president of Common Cause, and moved to Washington.

In 1971, finally, she got on the air—with NPR.

Looking back, she says it's probably just as well it took a while. "Age makes your voice richer," she says, "so when you turn 30 you're in better shape than when you're 23."

Her reporting from inside the Senate chamber not only has been a broadcasting first but also her most taxing assignment by far. She's been on the air almost 200 hours, some days from 10 a.m. to 7:30 p.m.

At the end of the live broadcast, she jumps into a car driven by her engineer and is taken to the M Street studio, where she hurriedly prepares an hour-long wrapup which she co-anchors with Robert Siegel starting at 9:30. One cluttered office has a piece of paper stuck to the door inscribed "Canal Zone Room."

To survive this ordeal, she's gone into a kind of training. "It takes not just endurance but concentration," she says. "I eat high-protein breakfasts. Steaks, chicken. During the day I take breaks for five or 10 minutes every once in a while. I live off slices of pound cake and Coca-Cola. I bake angel food cakes with lots of eggs."

But because political reporting is what she's always wanted to do, she hasn't tired of the routine. "It's a fortuity for me," she says. "I suppose there are those who would find it a torment."

There is repetition—"When some senators take up certain themes you feel you could deliver the speech yourself." And the broadcasts have lengthened the debates because senators have wanted to explain things for the listening audience. "Once, a 'secret session' was proposed," she says, "and Birch Bayh went into a long discussion of what that meant, so people wouldn't think it was a coverup."

But she thinks the broadcasts have made the issues clearer to a wide audience.

The broadcasts also apparently have made an impression on at least two television networks. Wertheimer says she's had "a couple feelers. I wouldn't like not to take a step were it there to be taken," she says, but she's happy where she is.

Yesterday, when she passed back to Totenberg at the Park hearings, Hatch was still talking. Last night she would have the pleasure of boiling him down to one hour for the wrapup show.

Mr. ROBERT C. BYRD. Now I yield to my friend from Hawaii.

Mr. MATSUNAGA. I thank the distinguished majority leader for yielding, and I most wholeheartedly agree with our distinguished leader that National Public Radio has done a great service for the American people and for this country, in that it has brought to the people of America the proceedings in the Senate, something which had never been done before.

I can state from my own experience in going to Chicago to speak to a group, for example, a business executives group, that nearly every one of them, out of the 160 who were present at that meeting, told me that they have their radios tuned in all day, and many of them commented that—

You should do this with all other bills as well, so that we would know what goes on in that great body of yours.

I think, really, that respect for this body has been elevated by the fact that National Public Radio has taken the proceedings of the Senate to the people, and I will say this, too: I agree wholeheartedly, again, with the distinguished majority leader that the commentators over that public radio have done an excellent job. When not on the floor, I have my own little radio tuned in to National Public Radio in my office; on my way to work and whenever I have an errand in town or am traveling in my car I have my radio in my car tuned in to

National Public Radio, and I must say they have done an excellent job.

Of course, that speaks highly for them to continue to do so, and I think we ought to consider favorably any request to broadcast any proceedings in this body.

I might say also, as a freshman Member, that never did I really fully appreciate the term applied to this body as "the greatest deliberative body in the world" until I came here and until I participated in the debate, especially on the Panama Canal treaties.

Over in the House of Representatives, in which I served for 14 years, they have what is known as a "5-minute rule," and I could never really satisfy myself that I had said all I wanted to say in the 5 minutes. Of course, we could put into the RECORD what we had not enough time to say. But here, in the greatest deliberative body in the world, we have the great Senator from Alabama, for example, saying one thing, saying another thing, and saying the first thing again, and saying the second thing again—

Mr. ROBERT C. BYRD. And saying it well.

Mr. MATSUNAGA. And saying it extremely well, and doing it to the point that he convinces perhaps 32 other Members of the Senate, and this is certainly a great body, wherein I now fully appreciate why they refer to the Senate of the United States as the greatest deliberative body in the world, and I rise to concur again with the distinguished majority leader on the great service that National Public Radio has performed in not only letting the people of this great country of ours know the facts of the issues involved in the Panama Canal treaties, but also in elevating the status of the Senate in the eyes of the people it represents.

I thank the distinguished majority leader for yielding.

Mr. ALLEN. Will the distinguished majority leader yield?

Mr. ROBERT C. BYRD. I yield.

Mr. ALLEN. I commend the distinguished majority leader for his statements. Throughout this entire debate I have sought on many occasions, not privately with the Senator but here on the floor, to get him to agree with positions I have taken with respect to the treaties. I have had very little success in that area. But now I find myself in complete agreement with the distinguished majority leader with respect to the role played by National Public Radio. I commend him for his fine complimentary references to Miss Linda Wertheimer and the fine job that this medium has done in carrying these debates for the very first time to the American people.

I have read in the press that the audience of the National Public Radio has been increased by some 500 percent as a result of the radio carrying these debates. So the people are interested in what is going on in this branch of their Government. They feel that a great public service is being rendered to the people by these debates being carried on the radio.

I recall quite well, and the distinguished Senator and I both serve on the

Rules Committee which must make the decision about carrying debates on radio or television, that I expressed the opinion, as the distinguished Senator recalls, that I would not have favored the commercial media being given the opportunity to carry these debates. I felt that they would carry what they wanted to carry. They would do the editing and present whatever picture they wanted to present to the American people. But public radio has pretty well carried this debate from gavel to gavel. In this way, the American people have been given an opportunity to determine which position they approve with respect to the treaties.

I believe public radio has given the opposition to the treaties, those who have sought to improve and strengthen the treaties or, in the alternative, to defeat them, a valuable opportunity to carry our case to the American people. Very definitely it has not been carried by the standard media of print or electronics. There has been an almost complete blackout of news coverage, which is the way of the national media—to take its position, its view on an issue, and flood the American people with information supporting their view but to give practically no coverage to those who have a position different from the media.

I hope the distinguished majority leader will take the initiative in providing coverage of other outstanding issues, important issues. I know it would get somewhat monotonous to the American people if all debates were carried.

I believe the Senate has put its best foot forward, figuratively speaking, in the conduct of these debates. There have been very few periods of quorum calls and delay. As a general rule, Senators have been ready, willing, and anxious to go forward with the debate.

I believe a great contribution has been made to the public debate on these issues, whichever way they go. I feel a great service has been rendered. I thank the Senator.

Mr. ROBERT C. BYRD. I thank the distinguished Senator from Alabama. I yield to the Senator from Louisiana.

AMENDMENT NO. 99

Mr. LONG. Mr. President, I have prepared a condition which I believe this treaty should contain, which would assure to the United States that in negotiating for a new canal it would have the right to negotiate with any nation, starting with Mexico, and including Colombia. I have discussed this with the managers of the treaty and they have indicated that they would be willing to agree to this condition.

I discussed it with various legal authorities to see whether it was necessary that this provision be an amendment, whether it had to be a reservation, or whether it had to be a condition. I am told that in view of the fact that the treaty says that unless the parties agree, neither of them can negotiate with another country about constructing another canal, that all it requires is a condition, whereby the parties, in the exchange of documents, agree to waive this provision. So the treaty contemplates it.

That being the case, this condition is

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all that is necessary for the parties to agree at the time of the exchange of documents to waive that provision of paragraph 2, article XII. I send the amendment to the desk, Mr. President, and ask that it be printed on behalf of myself and Senators NUNN, DeCONCINI, TALMADGE, and CANNON.

The PRESIDING OFFICER. The amendment to the Resolution of Ratification will be received and printed, and will lie on the desk.

Mr. ROBERT C. BYRD. Will the Senator yield?

Mr. LONG. Yes.

Mr. ROBERT C. BYRD. So that Senators, the listening public, and the press will understand, the Senator has sent to the desk an amendment to the resolution of ratification which he intends to call up at such time as the Senate reaches the resolution of ratification. That amendment constitutes a condition to the resolution of ratification. Is that correct?

Mr. LONG. Yes.

Mr. THURMOND. If the distinguished Senator will yield, personally I strongly favor the provision the Senator is offering. I am just wondering if it should be made a part of the treaty as an amendment to the treaty.

Mr. LONG. As I understand, the United States and Panama can agree any time to waive this provision. That is all that is necessary. It would be just like saying there is no real need of passing a constitutional amendment if we can achieve the same thing with an act of Congress. All we really need is what I have introduced. Therefore, I see no point in requiring Panama to vote on it, though they can. The Government of Panama can agree to waive that provision. It says in the treaty they can waive it.

Mr. THURMOND. Yes, if both countries agree. Suppose Panama does not agree and we would take the notion that we would want to build one elsewhere?

Mr. LONG. Then we do not exchange the documents and do not consummate the treaty.

Mr. ROBERT C. BYRD. I compliment the Senator from Louisiana on the approach he has taken. It is effective. I dare say this will probably get a lot of support. I realize the goal the Senator seeks to achieve in this legislative way. I think it is a much better approach than to attempt to amend the treaty. It will achieve the same goal. For the reasons the Senator has so eloquently stated, I feel inclined at this point to support him.

Mr. LONG. As far as this is concerned, all I seek is to simply get the results. I want the United States to have the privilege of negotiating with any country in Latin America about a new treaty. I think we need that leverage.

Mr. ROBERT C. BYRD. Exactly.

Mr. LONG. I know the representatives of the United States wanted the provision in the treaty that would say the United States and Panama would not negotiate with anyone else. They think that is a good provision. I do not think so. I have tried to make that clear in my views. My impression is that the managers of the treaty would be willing to ac-

cept this condition which I have sent to the desk. If they do, I am advised that will solve the problem, and I believe it does. It is a simple proposition. It says that unless the parties agree otherwise that you cannot negotiate with other countries, it is simply agreed that you can.

Mr. MATSUNAGA. Will the Senator from Louisiana yield?

Mr. LONG. I yield.

Mr. MATSUNAGA. I commend the Senator from Louisiana for offering his condition to the resolution of ratification. This is the proper approach, as the distinguished majority leader has stated.

Article XII, paragraph 2 of the treaty itself, as the Senator from Louisiana knows, already provides for the waiver. But the condition which the Senator from Louisiana offers will make crystal clear that article XII, paragraph 2, means what it says. I shall join the Senator from Louisiana in voting for approval of his amendment.

Mr. LONG. I thank the Senator.

I yield to the Senator from Alabama.

Mr. ALLEN. I thank the Senator. I believe my question would constitute a comment and I shall wait until the Senator yields the floor, then I shall ask for the floor.

Mr. ROBERT C. BYRD. Mr. President, will the Senator get the floor and yield it to me?

Mr. LONG. I yield the floor.

Mr. ALLEN. Mr. President, I yield to the distinguished Senator from West Virginia.

ORDER FOR PERIOD FOR TRANSACTION OF ROUTINE MORNING BUSINESS

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that, at such time as Mr. ALLEN yields the floor, if no other Senator present wishes to seek the floor in his own right, I ask unanimous consent that there be a period for the transaction of routine morning business, not to exceed beyond 30 minutes, with statements therein limited to 10 minutes, as in legislative session.

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

THE PANAMA CANAL TREATY

The Senate continued with the consideration of the treaty.

Mr. ALLEN. Mr. President, I am, of course, interested in the reservation offered by the distinguished Senator from Louisiana. Looking at the cosponsorship of the reservation, I see the distinguished Senator from Louisiana, the distinguished Senator from Georgia (Mr. NUNN), the distinguished Senator from Arizona (Mr. DeCONCINI), the distinguished Senator from Georgia (Mr. TALMADGE), and the distinguished Senator from Nevada (Mr. CANNON)—all great Senators, all my close personal friends. All of them, I think, possibly with the exception of Mr. TALMADGE, might be called the great reservationists, because I believe I have seen most of these names, except maybe that of the Senator from Louisiana and the Senator from Georgia, on other reservations.

I would have hoped that an effort would be made to agree to an amendment carrying out these same provisions. But there seems to be a great fear among some Senators of amendments to the treaty. Yet the distinguished Senator from Louisiana said that this takes an agreement between two parties, and, really, that is all that an amendment would take. But it looks like the agreement has been made that the distinguished majority leader is going to support this reservation. It is pretty easy to get a reservation adopted, but it is awfully hard to get an amendment adopted. I assure the distinguished Senators that an amendment carrying out this same provision will be offered. I hope that the reservationists, who are on this reservation, would seek a little higher level of amendment; that is, an amendment to the treaty. If they want this provision, in the best possible language and best possible effect, then they would vote for it as an amendment to the treaty.

I do hope that the distinguished Senator from Louisiana, inasmuch as he has advocated this principle, and I commend him for it—I think it is certainly right to knock out this provision that prevents us—as a matter of fact, I have heretofore offered an amendment on the floor striking this provision out. But I did not get much support, because it was an amendment to the treaty.

Of course, when we get down to reservations, they are a dime a dozen, Mr. President. They can be obtained quite easily. But the test is going to come when those who say they stand for this principle are going to have an opportunity to vote for an amendment that will really mean something. Such an amendment will be offered between now and the 13th, or certainly on the 13th. It will be debated and the Senate will be given an opportunity to do something that will really amount to a real amendment of the agreement.

I thank the distinguished majority leader.

Mr. ROBERT C. BYRD. Mr. President, will the Senator yield?

Mr. ALLEN. Yes.

Mr. ROBERT C. BYRD. Mr. President, let nobody be under any illusions. The condition that the distinguished Senator from Louisiana wishes to add to the resolution of ratification will result in precisely what the Senator seeks to achieve. It will be just as effective, just as effective as would an amendment to the treaty. I must say to those in the Senate who are bound and determined to get an amendment into the treaty, some kind of an amendment. I do not care; you could take 10 of their amendments and they still would not vote for the treaty. They still would not vote for the treaty. I respect them. They are against the treaties and they will kill them one way or the other if they can do it.

So let us not be fooled by all of the preaching about amendments, amendments, the leadership is stonewalling, the leadership is stonewalling. May I say to my friend from Alabama, I heard him today in his eloquent manner as I listened to public radio.

Mr. ALLEN. I have not had the privilege of listening to public radio.

Mr. ROBERT C. BYRD. In my office I have had the privilege of listening to national public radio. He wondered why Senators came to the floor and voted against amendments when they have not been here to listen to the arguments. Well, with national public radio, we can be in our offices off the floor and we can hear every word and hear it clearly. We can get the inflection on each word more precisely than we can if we sit here on this floor. With all the noise of other Senators around us talking and whispering and the noise of pages running here and there, noises from the gallery, noises from the rear corners of the room, we cannot always hear precisely what is being said by the distinguished Senator from Alabama in his eloquent, forceful, persuasive way. But to sit in our offices, we can hear every word, and we can turn up the radio louder, or we can turn it down.

We can call the attention of our constituents who are listening, who are visiting in our offices, we can say, "That is Senator ALLEN speaking on the amendment." And we can sit there with our constituents and listen together. Then, when the rollcall comes, we can march into the Chamber, and we do not have to come to the managers of the bill. We do not have to go to Senator ALLEN and find out what it is all about, because we come with full knowledge of what it is all about.

So, may I assure my friend from Alabama that his cogent arguments have been heard, they have been weighed. And just because, on occasion, we are not sitting here watching the Senator, enraptured by his eloquence, we are still in our offices listening to that imitable medium of National Public Radio conveying the voice, the stentorian voice of the Senator from Alabama, all over the country. And it is even being translated into Spanish to the people in Panama.

Mr. ALLEN. Just as are the Senator's remarks now.

Mr. MATHIAS. Will the Senator yield?

Mr. ALLEN. I believe I have the floor. I do not want to interrupt the distinguished majority leader. He is making quite an oration here.

Mr. MATHIAS. I just wanted to embroider on his theme for 1 second.

Mr. ALLEN. When he has ceased interrogating me, then I shall yield to the distinguished Senator.

Mr. ROBERT C. BYRD. Mr. President, I have never imposed on the distinguished Senator from Alabama. His courtesy and charitableness to the leadership are so well known as not to be necessary to mention.

I enjoy hearing his flailing of the leadership. He lays the heavy wood on the leadership. He takes the leadership out behind the woodshed. It reminds me of when I was a boy.

I was speaking to someone on my staff today about getting a paddling. The only paddling I ever got was for throwing a spitball—and I got a paddling. I should have had it. It did me good.

So the distinguished Senator from Alabama, in all good humor, gives the

leadership a little paddling every day. Every day, and it does us good.

Mr. ALLEN. I might say to the distinguished Senator from West Virginia, if he will excuse me, I have the floor and I wish to respond.

Mr. ROBERT C. BYRD. Yes.

Mr. ALLEN. Piecemeal.

I would say that just as the Lord loves those whom He chasteneth, so the Senator from Alabama loves the leadership, whom he sometimes, as the Senator says, chasteneth.

So it is no indication that the Senator from Alabama does not love the distinguished majority leader and the distinguished minority leader when he does talk about the leadership stonewalling these amendments and demanding that the Senate rubberstamp these treaties, because he thinks the facts bear out that contention of the Senator from Alabama.

Mr. ROBERT C. BYRD. I am sure the Senator would not attempt to misrepresent what the facts are and he does believe that. But Preston County, W. Va., is a great buckwheat-growing country and I have never seen a buckwheat cake so thin it did not have two sides.

So, there are two sides to this business about the leadership stonewalling and the leadership rubberstamping.

But sometimes I even listen to the Senator and I head for the door. The public radio is on. I am getting a blow-by-blow account from the floor. Sometimes when the distinguished Senator from Alabama starts laying the hickory to the leadership, I put my coat on and I head for the door. I think that I will just go in and sit and listen to the Senator as he takes me out behind the woodshed. Then I think, well, it is all in a day's work and I take my coat off and I go back and sit down.

Mr. ALLEN. I thank the Senator for his charitable nature. But I think the Senator would concede the Senator from Alabama has discussed the leadership as much in his presence here on the floor as he has while the distinguished majority leader was listening to the debate on public radio. He has not refrained from expressing his opinion about the leadership's position even though the leaders were here.

Mr. ROBERT C. BYRD. No. But when the leaders are here, the Senator from Alabama says it with a smile.

Mr. ALLEN. Well, says it with the same smile when the Senator has gone.

Mr. MATSUNAGA. Will the Senator yield?

Mr. ALLEN. Yes.

Mr. MATSUNAGA. I thank the distinguished Senator for yielding.

Mr. ALLEN. I thank the distinguished majority leader for the very friendly exchange.

Mr. MATSUNAGA. Mr. President, I was not at all surprised to hear the Senator from Alabama say that he has not heard public radio, because he has been on the giving end of it right throughout.

I, for one, and I am sure even the distinguished majority leader, will volunteer to take his place for a while, while he goes into an office and turns on public radio.

I have already stated to the Senator from Alabama that when I spoke to a

distinguished group of business executives in Chicago, I came back, and inasmuch as the Senator from Alabama sits at a desk adjoining mine, I said to him, "You know, I spoke before a business executive group and one of them told me that he listened to the radio all day long and his hero is JIM ALLEN."

I said, "Oh, are you opposed to the treaties?"

He said, "No, I am for the treaties."

I could not figure that one out, until today I cannot figure it out, why the hero is one who opposes the treaties and this fellow told me he was for the treaties.

I thought I might throw that out on the floor and maybe the Senator from Alabama can give an answer tomorrow.

Mr. ALLEN. Maybe if we keep on talking we can convince him. That is what we are hoping to do, just like we hope we can convince the distinguished Senator from Hawaii (Mr. MATSUNAGA).

I might say, I am privileged to sit at the distinguished Senator's right hand.

Mr. MATSUNAGA. That is correct.

Mr. ALLEN. I am at his right hand and I enjoy that seat with my distinguished friend.

Mr. MATSUNAGA. And I sit at his left. I suppose I am further to the left than he is to the right, so that makes some sense.

I thank the distinguished Senator for yielding.

Mr. ALLEN. I thank the distinguished Senator from Hawaii.

Mr. President, I yield the floor.

ROUTINE MORNING BUSINESS

The PRESIDING OFFICER. Under the previous order, there will now be a period for the transaction of routine morning business.

Mr. HASKELL addressed the Chair.

The PRESIDING OFFICER. The Senator from Colorado (Mr. HASKELL).

Mr. HASKELL. I thank the Chair.

I understand we are now in morning business, am I correct?

The PRESIDING OFFICER. The Senator is correct.

Mr. STEVENS. If the Senator will yield, is there a time limit on statements in morning hour?

Mr. HASKELL. What is the Senator's request?

Mr. STEVENS. I asked if there was a time limit.

The PRESIDING OFFICER. The period shall not exceed 30 minutes, and statements therein shall not exceed 10 minutes.

Mr. STEVENS. I thank the Chair and I thank the Senator from Colorado.

MESSAGES FROM THE PRESIDENT

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

EXECUTIVE MESSAGES REFERRED

As in executive session, the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which

were referred to the appropriate committees.

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

MESSAGES FROM THE HOUSE

ENROLLED BILLS AND JOINT RESOLUTION SIGNED

At 11:03 a.m., a message from the House of Representatives delivered by Mr. Hackney, one of its reading clerks, announced that the Speaker has signed the following enrolled bills and joint resolution:

H.R. 2540. An act pertaining to the inheritance of trust or restricted lands on the Umatilla Indian Reservation;

H.R. 2960. An act to authorize the Secretary of the Interior to memorialize the fifty-six signers of the Declaration of Independence in Constitution Gardens in the District of Columbia;

H.R. 5981. An act to amend the American Folklife Preservation Act to extend the authorization of appropriations contained in such Act;

H.R. 8358. An act to amend title 44, United States Code, to provide for the designation of libraries of accredited law schools as depository libraries of Government publications; and

S.J. Res. 124. A joint resolution to authorize the President to issue a proclamation designating the week beginning on April 16 through April 22, 1978, as "National Oceans Week."

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

ENROLLED JOINT RESOLUTION PRESENTED

The Secretary of the Senate reported that on today, April 6, 1978, he presented to the President of the United States the following enrolled joint resolution:

S.J. Res. 124. A joint resolution to authorize the President to issue a proclamation designating the week beginning on April 16 through April 22, 1978, as "National Oceans Week."

COMMUNICATIONS

The PRESIDING OFFICER laid before the Senate the following communications, together with accompanying reports, documents, and papers, which were referred as indicated:

EC-3294. A communication from the Deputy Secretary of Defense, transmitting, pursuant to law, a report of approvals of the annual compensation of any officer or employee of a Federal contract Research Center (FCRC) in excess of \$45,000 from federal funds; to the Committee on Armed Services.

EC-3295. A communication from the General Counsel of the Department of Defense, transmitting a draft of proposed legislation to amend title 10, United States Code, to provide for a Department of Defense Military Retirement and Disability Fund, and for other purposes; to the Committee on Armed Services.

EC-3296. A communication from the Director, Defense Security Assistance Agency, reporting, pursuant to law, concerning the Department of the Air Force's proposed Letter of Offer to Sudan for Defense Articles estimated to cost in excess of \$25 million; to the Committee on Armed Services.

EC-3297. A communication from the Deputy Assistant Secretary of Defense (Instal-

lations and Housing), reporting, pursuant to law, six construction projects to be undertaken by the U.S. Army Reserve; to the Committee on Armed Services.

EC-3298. A communication from the Secretary of the Treasury, transmitting a draft of proposed legislation to authorize the Secretary of the Treasury to provide loan guarantees for the assistance of the City of New York; to the Committee on Banking, Housing, and Urban Affairs.

EC-3299. A communication from the Comptroller General of the United States, transmitting, pursuant to law, a report entitled "Should Amtrak Develop High-Speed Corridor Service Outside the Northeast?", April 5, 1978; to the Committee on Commerce, Science, and Transportation.

EC-3300. A communication from the Assistant Secretary of the Interior, transmitting, pursuant to law, proposed drafts of three temporary water service contracts between the United States and the Westlands Water District for the second half of 1978; to the Committee on Energy and Natural Resources.

EC-3301. A communication from the Acting Administrator, Energy Information Administration, Department of Energy, transmitting, pursuant to law, a quarterly report for the period of October through December 1977 concerning imports of crude oil, residual fuel oil, refined petroleum products, natural gas, and coal; reserves and production of crude oil, natural gas, and coal; refinery activities; and inventories; to the Committee on Energy and Natural Resources.

EC-3302. A communication from the Secretary of Transportation, transmitting, pursuant to law, the Seventh Annual Report on the Special Bridge Replacement Program; to the Committee on Environment and Public Works.

EC-3303. A communication from the Assistant Secretary for Congressional Relations, Department of State, transmitting a draft of proposed legislation to regulate the compensation and paid leave of certain officers and employees of the Foreign Service, and for other purposes; to the Committee on Foreign Relations.

EC-3304. A communication from the Comptroller General of the United States, transmitting, pursuant to law, a report entitled "Should Emergency Assistance for Needy Families be Continued? If So, Program Improvements Are Needed," April 5, 1978; to the Committee on Governmental Affairs.

EC-3305. A communication from the Comptroller General of the United States, transmitting, pursuant to law, a report entitled "Third Party Funding Agreements: No Longer Appropriate for Serving the Handicapped Through the Vocational Rehabilitation Program," April 4, 1978; to the Committee on Governmental Affairs.

EC-3306. A communication from the Comptroller General of the United States, transmitting, pursuant to law, a report entitled "Sporadic Workplace Inspections for Lethal and Other Serious Health Hazards," April 5, 1978; to the Committee on Governmental Affairs.

EC-3307. A communication from the Comptroller General of the United States, transmitting, pursuant to law, a report entitled "Reducing Population Growth Through Social and Economic Change in Developing Countries—A New Direction for U.S. Assistance," April 5, 1978; to the Committee on Governmental Affairs.

EC-3308. A communication from the Comptroller General of the United States, transmitting, pursuant to law, a report entitled "Potential For Deepwater Port Development in the United States," April 5, 1978; to the Committee on Governmental Affairs.

EC-3309. A communication from the Associate Director, General Accounting Office, reporting, pursuant to law, a revision of de-

classification and classification information which was incorrectly printed on the covers of three classified reports sent to the Congress by GAO; to the Committee on Governmental Affairs.

EC-3310. A communication from the Secretary of Health, Education, and Welfare, transmitting a draft of proposed legislation to provide for the development and implementation of State programs for youth camp safety and health; to the Committee on Human Resources.

EC-3311. A communication from the Assistant Secretary, Indian Affairs, Department of the Interior, transmitting, pursuant to law, a proposed plan for the use and distribution of Seminole judgment funds in Dockets 73 and 151 before the Indian Claims Commission; to the Select Committee on Indian Affairs.

EC-3312. A communication from the Deputy Assistant Secretary, Indian Affairs, Department of the Interior, transmitting, pursuant to law, a proposed plan for the use and distribution of Creek judgment funds awarded in Docket 275 before the Indian Claims Commission; to the Select Committee on Indian Affairs.

EC-3313. A communication from the Counsel to the Pacific Tropical Botanical Garden, transmitting, pursuant to law, a report of audit for the period from January 1, 1977 through December 31, 1977; to the Committee on the Judiciary.

EC-3314. A communication from the Executive Director, National Capital Planning Commission, transmitting, pursuant to law, a report pursuant to the Freedom of Information Act for calendar year 1977; to the Committee on the Judiciary.

EC-3315. A communication from the Executive Director, Headquarters Civil Air Patrol, Department of the Air Force, transmitting, pursuant to law, the Civil Air Patrol Report for calendar year 1977; to the Committee on the Judiciary.

PETITIONS PRESENTED

• Mr. PELL. Mr. President, I present three resolutions recently adopted by the house of representatives of the General Assembly of Rhode Island. I ask unanimous consent that they be printed in the RECORD and appropriately referred.

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

POM-580. A resolution adopted by the Legislature of the State of Rhode Island; to the Committee on Finance:

"RESOLUTION"

"Resolved, That the Members of the Congress of the United States from Rhode Island be and they hereby are respectfully requested to support senate bill no. 142, known as the tuition tax credit act of 1977; and be it further

"Resolved, That the secretary of state be and he hereby is authorized and directed to transmit duly certified copies of this resolution to the members of congress from Rhode Island."

POM-581. A resolution adopted by the Legislature of the State of Rhode Island; to the Committee on Foreign Relations:

"RESOLUTION"

"Whereas, The Republic of China and its people have constituted one of the most trusted friends and allies of the government and people of the United States since the Republic of China was founded in 1912; and

"Whereas, The existence and continued freedom and prosperity of the free Republic of China are rights to which the inde-

pendent and brave people of that republic are entitled; and

"Whereas, The Republic of China stands as a substantial factor in the free world's constant effort to maintain world peace through moral suasion and appropriate readiness; now, therefore, be it

"Resolved, That the house of representatives of the State of Rhode Island and Providence Plantations commends the United States Government for maintaining its continuous and historic policy of support for the freedom and security of the Republic of China and its courageous, industrious people; and be it further

"Resolved, That the house of representatives of the State of Rhode Island and Providence Plantations conveys to President Jimmy Carter and the Congress of the United States the commendation of Rhode Island to our national government for the support accorded the Republic of China; and be it further

"Resolved, That the secretary of state be and he is hereby respectfully requested to transmit duly certified copies of this resolution to the members of congress from Rhode Island."

POM-582. A resolution adopted by the Legislature of the State of Rhode Island; to the Committee on Governmental Affairs:

"RESOLUTION"

"Resolved, That the house of representatives of the state of Rhode Island and Providence Plantations hereby memorializes the congress of the United States to provide for the monthly mailing of the consumer price index, at no charge, to senior citizens and any other social security beneficiaries; and be it further

"Resolved, That the secretary of state be and he hereby is authorized and directed to transmit duly certified copies of this resolution to the members of the congress of the United States from Rhode Island." ●

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. EASTLAND, from the Committee on the Judiciary, without amendment:

S. 2424. A bill to amend the Act incorporating the American Legion so as to redefine eligibility for membership therein (Rept. No. 95-726).

H.J. Res. 578. A joint resolution authorizing the President to proclaim the third week of May of 1978 and 1979 as "National Architectural Barrier Awareness Week" (Rept. No. 95-727).

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. HATCH (for himself, Mr. WILLIAMS, Mr. HAYAKAWA, and Mr. GARN):

S. 2840. A bill to provide for an evaluation of Federal Motor Vehicle Safety Standard 121 and to provide for a suspension for a period not to exceed fifteen months of any part of the standard which relates to any antilock braking requirement; to the Committee on Commerce, Science, and Transportation.

By Mr. ANDERSON:

S. 2841. A bill for the relief of Yang Soo Ko; to the Committee on the Judiciary.

By Mr. BENTSEN:

S. 2842. A bill to name the Veterans' Administration Hospital located at 1901 S. First Street, Temple, Texas, the "Olin E. Teague Veterans' Hospital"; to the Committee on Veterans' Affairs.

By Mr. HELMS:

S. 2843. A bill to provide for the issuance

of gold medallions, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. MATHIAS (for himself and Mr. STEVENS):

S. 2844. A bill to temporarily extend certain special pay provisions pertaining to physicians and dentists of the Veterans' Administration; to the Committee on Veterans' Affairs.

S. 2845. A bill to temporarily extend certain special pay provisions pertaining to medical officers of the uniformed services, and for other purposes; to the Committee on Armed Services.

By Mr. SPARKMAN (by request):

S. 2846. A bill to amend the Foreign Assistance Act of 1961 and the Arms Export Control Act, and for other purposes; to the Committee on Foreign Relations.

By Mr. JOHNSTON:

S. 2847. A bill to modify the tariff schedules with regard to certain articles used in carnivals and parades; to the Committee on Finance.

S. 2848. A bill to authorize the Secretary of the Interior to render assistance to the State of Louisiana to restore Fort St. Jean Baptiste de Natchitoches, and for other purposes; to the Committee on Energy and Natural Resources.

S. 2849. A bill to amend the Merchant Marine Act, 1920, in order to provide that the coastwise laws shall extend to the Virgin Islands with respect to the transportation of crude oil, residual fuel oil, and refined petroleum products; to the Committee on Commerce, Science, and Transportation.

By Mr. EAGLETON:

S. 2850. A bill to amend the Older Americans Act to provide for improved programs for the elderly, and for other purposes; to the Committee on Human Resources.

By Mr. MATHIAS (for himself, Mr. RANDOLPH, Mr. PELL, Mr. STAFFORD, Mr. CRANSTON, Mr. JAVITS, Mr. MOYNIHAN, Mr. HEINZ, Mr. CASE, Mr. MORGAN, Mr. CHAFEE, Mr. McCLEURE):

S. 2851. A bill to amend the Public Buildings Act of 1959 in order to restore the Pension Building in Washington, D.C., to house the Museum of Building Arts, and for other purposes; to the Committee on Environment and Public Works.

By Mr. MATSUNAGA:

S. 2852. A bill for the relief of Wen Hwei Hsu; to the Committee on the Judiciary.

By Mr. WILLIAMS (for himself and Mr. CASE):

S. 2853. A bill to amend section 307 of the Communications Act of 1934 to provide that each State shall have at least one very high frequency commercial television station located within the State; to the Committee on Commerce, Science, and Transportation.

By Mr. DeCONCINI:

S. 2854. A bill to amend certain provisions of titles 18 and 28 of the United States Code relating to jurisdiction over certain Indian country; to the Committee on the Judiciary.

By Mr. PROXMIRE:

S. 2855. A bill to reaffirm and restate the national housing goal; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. PELL (for himself, Mr. KENNEDY, and Mr. WILLIAMS):

S.J. Res. 125. A joint resolution to authorize and request the President to issue a proclamation designating April 18, 1978, as "Education Day, U.S.A.;" to the Committee on the Judiciary.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. HATCH (for himself, Mr. WILLIAMS, Mr. HAYAKAWA, and Mr. GARN):

S. 2840. A bill to provide for an evaluation of Federal Motor Vehicle Safety Standard 121 and to provide for a sus-

pension for a period not to exceed 15 months of any part of the standard which relates to any antilock braking requirement; to the Committee on Commerce, Science, and Transportation.

MOTOR VEHICLE SAFETY STANDARD 121

● Mr. HATCH. Mr. President, I am pleased to introduce a bill to provide for an evaluation of Federal Motor Vehicle Safety Standard 121 and to provide for a suspension of that standard which relates to antilock braking requirements. This measure which is essentially the same as H.R. 10562 introduced by Mr. MARRIOTT would require the Secretary of Transportation to conduct an evaluation of this standard placing particular emphasis on the practicality and safety of motor vehicles equipped with this antilock braking device.

Mr. President, I am pleased to see that the National Highway Transportation Safety Administration has placed a moratorium on the 121 system as it affects schoolbuses. It is indeed a comforting thought to know that our schoolchildren, for the time being, will not have to be subjected to the kinds of risks that this system has shown in the past. Just how long this system will be kept off of schoolbuses is not predictable. However, if this legislation is passed, we may rest assured that the standard will be suspended until such time as we are sure through competent evaluations, case studies and scientific tests of the reliability of this braking system. Why, Mr. President, should we allow anyone who operates a truck to be compelled to use a system that has been responsible for so many deaths. While we cannot place the total blame at the present time solely on the 121 braking systems, we do know for a fact that there are presently lawsuits pending in which this system was implicated. The 121 system has been implicated in at least 20 deaths and dozens of accidents around the country, 14 of those deaths in my own State of Utah.

A tragic accident occurred last August in Salt Lake City where four teenagers were killed and another injured due to the inability of a semitruck equipped with the 121 system to stop. The jury acquitted the truckdriver involved in the accident and its findings along with testimony given at the hearing, put at least part of the blame for the accident on the rig's antilock system, and implicated NHTSA, which put the law into effect. This is just one example of the kinds of accidents that have occurred all over our country involving this braking system. Paccar, Inc. has filed a lawsuit claiming that the Government perpetuated the system on the industry and is responsible for any failures. Why must these accidents and lawsuits persist? Why can we not find the true worth of this braking system, if there is any, before more lives are needlessly wasted?

And what, Mr. President, has NHTSA done about all of this? The culmination of their actions has been the moratorium of the standard on schoolbuses for which I personally am very grateful. However, if the standard is conceivably unsafe for use on schoolbuses, is it any more safe on trucks using the same roads? Are not the schoolbuses subjected to a risk while there are trucks

on the highway with potentially unsafe methods for retardation and stability. Their antithetic ways must stop while people's lives hang in the balance.

NHTSA administrator, Joan Claybrook, contends that the majority of truck drivers want antilock. This statement is unfounded and simply not true. Let us look at some of the facts. NHTSA should be the first to admit that Paccar, Inc., the huge manufacturer of tractor-trailer rigs, Peterbilt and Kenworth, is opposed to antilock because of the suit which enjoins NHTSA in five antilock brake accidents. In mid-December organized groups of over 200 people marched through Salt Lake City protesting antilock. In addition, Congressmen were presented with a petition, signed by 1,500 truck drivers, calling for an end to antilock.

Listen to what the truck manufacturers themselves have said. Farrell Kral, staff engineer of Safety Research at NHTSA said,

International Harvester is the world's largest manufacturer of air brake vehicles and it is the official position of International Harvester Corporation that the computerized brake systems should be suspended.

Mr. John Riccardo, chairman of the board, Chrysler Corp., stated,

Many of us fought for reason and common sense in the establishment of heavy duty truck braking standards. Did the industry get common sense or nonsense in Standard 121 for heavy-duty trucks, a standard that adds hundreds of dollars to the price of a truck, with no offsetting benefits in lives saved on the highway.

Mr. President, I believe that even if the majority of truckers and truck manufacturers were in favor of this standard, which they are not, that we should not allow highway deaths to continue at this very moment because of the failure of the 121 antilock computer. It has been said that computers are only as good as the people that program them. Maybe this is one case where we should take a long hard look at finding a new program.

In conclusion, Mr. President, if we cannot get the DOT and NHTSA to respond to the pleas of truck drivers, truck manufacturers, families of bereaved loved ones and citizens alike, then we must take action in Congress to curtail the use of this problem-riddled system until it can be further analyzed. The 121 system is not failsafe. We have seen this through the myriad of accidents implicating this braking mechanism. It is time for us to act now before further tragedies occur. Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD and urge that the Senate act as efficaciously as possible to pass this measure.

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

S. 2840

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) the Secretary of Transportation shall conduct an evaluation of the adequacy and appropriateness of Federal Motor Vehicle Safety Standard 121 (49 C.F.R. 571.121) with particular attention to whether the antilock braking requirement is practicable, meets the needs of motor vehicle safety, is stated in

objective terms, and is a performance standard. Such an evaluation shall specifically include a determination of appropriateness, including: (1) any provision relating to the lock-up of wheels, (2) antilock systems available for use to meet any braking requirement, and (3) tests and test procedures. In addition, the evaluation shall determine the reliability of the components of any system being used, or capable of being used, in motor vehicles equipped with air brake systems to meet such requirement. The evaluation shall also consider other methods which could be used by any motor vehicle to obtain vehicle retardation and stability. In carrying out such evaluation, the Secretary of Transportation shall take into consideration the expertise and advice of other Federal agencies, State agencies, manufacturers of air brake systems, operators of vehicles equipped with air brake systems, and other interested parties. Not later than the last day of the twelfth month which begins after the date of enactment of this Act, the Secretary of Transportation shall submit a report to Congress which sets forth the findings of the evaluation together with any recommendations, including but not limited to recommendations for the need to continue, to further suspend, or to repeal such standard or any part thereof.

(b) During the period beginning on the date of enactment of this Act and ending on the last day of the third month which begins after the date of the submission by the Secretary of the report pursuant to subsection (a) (both dates inclusive), any antilock braking requirement set forth in Federal Motor Vehicle Safety Standard 121 shall be suspended. ■

By Mr. BENTSEN:

S. 2842. A bill to name the Veterans' Administration Hospital located at 1901 South First Street, Temple, Tex., the "OLIN E. TEAGUE Veterans' Hospital"; to the Committee on Veterans' Affairs.

OLIN E. TEAGUE VETERANS' HOSPITAL

Mr. BENTSEN. Mr. President, today I introduce a bill to name the Veterans' Administration Hospital in Temple, Tex., the "OLIN E. TEAGUE Veterans' Hospital." As we all know, "TIGER" TEAGUE has announced he will be leaving the House at the completion of his current term. I do not need to remind anyone in this Chamber of the outstanding record this man has compiled in and out of Congress.

His list of achievements are too numerous to outline here. Perhaps the clearest way to characterize TIGER TEAGUE's career is to say that he always rises to the occasion.

He has always been willing to serve in whatever capacity.

When we were at war he was a hero. When our veterans were returning to civilian life—he drafted the programs to help them. When we sought to conquer space—he showed us how it could be done.

His work is the real monument to OLIN TEAGUE; anything we do will be insignificant in comparison. But I think it is important that we try nevertheless.

I believe the renaming of this hospital will be a good beginning, especially in light of Chairman TEAGUE's close association with the Temple VA Hospital. It was there that he began the personal struggle, which has brought about his retirement. For the young OLIN TEAGUE spent 2 years at this hospital recovering from his severe World War II combat

injuries. There again the strength and courage, which he has shown throughout his life, allowed him to overcome his injuries and enter the U.S. House of Representatives.

I know many of my colleagues join me in thanking OLIN TEAGUE for his service to his country. His counsel and leadership will be sorely missed. ■

By Mr. HELMS:

S. 2843. A bill to provide for the issuance of gold medallions, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

GOLD MEDALLION ACT OF 1978

Mr. HELMS. Mr. President, as in legislative session, I am introducing a bill today to authorize the production of 1-ounces of gold in bullion coins such as to require their production and sale if the United States decides to sell some of its gold reserves.

The Department of Commerce reports that in 1977, approximately 1.5 million ounces of gold in bullion coins such as Krugerrands, Austrian 100 kronen, and Mexican 50 peso coins were imported into the United States last year. That is the equivalent of about a quarter of a billion dollars in imports.

At the same time, we hear increased discussion of the sale of U.S. gold stocks for one purpose or another. I personally oppose such sales, because I believe that these gold stocks have great strategic and economic importance.

Most recently Arthur Burns, former head of the Federal Reserve System has advocated mobilizing U.S. gold reserves to aid the dollar. It would be far more helpful to the dollar, of course, if the President would work on balancing the Federal budget. It would be more helpful to the dollar if the Federal Reserve System would slow down the growth of the money supply.

A sale of gold in today's world would soak up dollars the same way that a sale of federally owned mineral rights, or federally owned stockpiles of any other commodity would. It would not solve the monetary problems. Basically, monetary policy changes are needed to solve monetary problems.

I believe, however, that even those who favor the sales of some of our gold stocks would favor sales in a manner that will do more than just dispose of the gold. I think that potential revenues should be maximized; that reliance on foreign sources of bullion coin imports should be reduced; that the American public's demand for U.S. gold medallions be met; that the American public be given an opportunity to buy small quantities of "their" American gold stocks, instead of allowing foreign and international banks and gold dealers to buy it up.

DETAILS OF ACT

Before discussing the "pros" and "cons" of this legislation let us first discuss the specifics of the bill.

The bill is entitled the "Gold Medallion Act of 1978" and would require that, if gold is sold from U.S. stocks, the first 1.5 million ounces be sold in the form of 1-ounce and $\frac{1}{2}$ ounce gold medallions. In other words, a sale in the first year after enactment of this legislation that totaled

1.5 million ounces or more would result in the production and sale of at least 1.5 million ounces of gold in the form of medallions. A sale of gold less than 1.5 million ounces in the first year in which gold was sold after enactment of this bill, would require that the entire amount be sold in the form of gold medallions. The bill is permissive in that it would allow the Treasury to sell more than 1.5 million ounces as medallions. In subsequent years in which there were gold sales, the volume of medallions would be adjusted up or down to reflect demand.

The 1-ounce medallion would have a representation of the head of the Statue of Freedom atop the Capitol dome, and it would have the word "Freedom" inscribed on it. The medallions would also carry the words "United States of America," "One ounce fine gold," and be marked with the year in which they were manufactured.

The $\frac{1}{2}$ -ounce medallion would have a commemorative representation symbolizing the rights of individuals and carry the words "Human Rights," "United States of America," "One-half ounce fine gold," and be marked with the year in which it was manufactured.

The reverse of both medallions would carry likenesses of the Great Seal of the United States.

The medallions would be manufactured out of the most prevalent form of gold possessed by the Federal Government, an alloy of 90 percent gold and 10 percent copper. This means that, in terms of weight, the medallions would weigh a little over the marked weight, because they will contain the stated amount of pure gold, plus other metal to increase durability.

Former Secretary of the Treasury, William E. Simon, stated on one occasion that much of the U.S. gold stocks is not "of deliverable quality." In other words, most of the ingots in our reserves are not pure gold or "0.999 fine" gold. As a result, if the Treasury wanted to sell gold, it could call on the bulk of its stocks for the 0.900 fine gold for the production of medallions.

In international and traditional sales of gold on the bullion markets, the "deliverable" gold is 0.966 fine to 0.999 fine. It contains only one to four parts per thousands of impurities at most. Officials of the Bureau of the Mint who control 266,000,000 ounces of our gold reserves report that 73 percent or 195.7 million ounces is "coin gold," in the range of 0.900 fine.

WHY NOT A U.S. GOLD COIN?

Some persons with whom I have discussed this bill have asked why I would not propose the production of a \$100 gold piece, or something with a monetary value. The reason, of course, is that the gold price fluctuates from day to day, and that the gold coin itself would probably increase in value as the dollar depreciates. For example, the silver coins produced before 1966 in this Nation are now worth several times their face value. But, if someone attempted to pay taxes to the Internal Revenue Service in those old coins, they would be accepted as legal tender at their face value and not their market prices.

This kind of confusion should not be encouraged. In other words, if the United States put out a coin with a marked face value, it would be construed by some that the United States was again relating its monetary system to gold. That, as most of us know, is far from the case. In fact, under present policies of heavy deficit spending, and rapid money creation, a stable relationship of dollars to gold would be impossible.

What I propose is a nonmonetary medallion, one that would not have any government imprimatur implying that it is a form of money. It would be a souvenir to some. It would be a form of investment to some. It would be a piece of jewelry to some. When sold abroad, it would be a source of foreign exchange.

COMPETITION WITH FOREIGN COINS

Experts in this area tell me that the production of such a medallion would compete directly with such "bullion coins" as the South African Krugerrand, the Mexican gold peso, the Austrian gold Krona, and the Russian gold "Chervonetz." Bullion coins of this nature are sold in the world market in the amount of \$750 million per year. I am told that production and sale of a U.S. gold medallion would be able to make great inroads into that market.

Last October, the Congress passed and the President signed a bill which makes enforceable in the courts contracts denominated in gold, or in dollars related to gold. My office has received numerous requests for information on this new freedom and I understand that some gold clause contracts have been executed calling for payment in Krugerrands. I think that people in this country would prefer to utilize something like a 1-ounce or perhaps a $\frac{1}{2}$ -ounce U.S. medallion for such transactions. In this regard, U.S. gold medallion production would meet a commercial need.

THE MESSAGE OF THE MEDALS

Production of the Freedom Medallion and the Human Rights Medallion would reinforce the great message our Nation should give to the world. More and more people recognize the importance of human rights and the struggle for individual freedoms. In this period of world tensions, an attractive, substantive representation of these important principles would do much to reaffirm faith in America, both domestically and internationally.

There is also the matter of added Federal revenues generated by the sale of these medallions. Some have estimated that there would be a minimum of \$10 million over the bullion price generated by the sale of 1.5 million ounces of gold in the form of medallions rather than in bullion bars. I think that there is reason to believe that the profit realized would be considerably higher.

My bill also provides that the Secretary of the Treasury sell some of the medallions produced in high-quality sets for collectors. The bill authorizes him to reserve an appropriate amount of the gold to be sold to be made into special sets and it is to be expected that these sets would be sold at a premium. This would result, of course, in added profits

to the Federal Government because of the desirability of such quality sets to collectors and others.

Of interest is the fact that the Bureau of the Mint sells medallions, and proof sets of coins to millions of Americans each year and has the expertise to market a premium item. They have a mailing list of 2.5 million Americans who desire to be notified when items like proof sets of new coins are offered.

The bill does not specify how many collector medallions will be offered or how they would be priced, although it does stress that the production and sales be related to the market for such an item.

The price mechanism for the bulk of the medallions was a topic to which I gave considerable thought. I came to the conclusion that the bill should carry no specific marketing instructions.

Because of the mushrooming market in the United States for gold and gold "bullion coins," there are many American experts that have skills which rival those of dealers in the old London and Zurich markets.

I checked with many of these people and went over a number of proposed sales methods which will be considered and should be discussed. First, there was a proposal to sell medallion in a way similar to that used to sell the bicentennial coins. As many in Congress recall, the "Proof," and "Uncirculated" bicentennial coins were sold at sky-high prices and the profits were to go to finance bicentennial operations. The pricing techniques totally ignored the real world, and as a result, the Treasury Department still has rooms full of them.

Ideally, these new medallions would be sold at market-related prices. If however, the Government arbitrarily set a price, it would most likely be either above the market price—in which case, all the medallions would not be sold—or it would be below the market price—in which case more would be demanded than were available. In addition, a price above the market price would result in a "surplus" which would give critics of the medallion reason to say that the program was a failure because people didn't buy the medallions. Similarly, an artificially low price would indicate that the Government did not derive the revenues it should from the medallions.

Finally, a set price over a period of time would appear to link the dollar and gold. The Treasury Department would certainly cringe at that thought.

As many Americans know, Krugerrands, containing 1 ounce of gold, are available at many places at a price which is set daily, a few percentage points above the free market bullion price of gold. This pricing alternative may be available, and I hope the Treasury Department and the General Services Administration explores it. It could provide a good way of maximizing the revenues from the medallion sales, although the sophisticated system required for daily price changes might pose some problems to this form of sale.

A better alternative might be an auction system. Officials of the General Services Administration have sold materials at public auction for many years, including gold bullion in 1975. An auction

system was held successfully during the disposal of the "Carson City" silver dollars. At that time, bids were solicited and the coins sold. Because of technical requirements in the legislation authorizing that sale, the auctions of the silver dollars may not have provided maximum revenues to the Federal Government or been conducted at least cost to the Government.

In part, it is because of this historical experience that I have not included any specific details in my proposed legislation. I hope that the Treasury officials, officials of the Bureau of the Mint, officials of General Services Administration, and the public will offer their suggestions on other possible methods. I hope, too, that subsequent to passage of this bill, consultation will be made with Congress on specific methods of sale.

The important aspect of such sales is that the medallions be made available to the largest number of people and that they be sold at a market-related price. One specific suggestion which would seem to meet these goals would be a program of several auctions, at each of which a large number of medallions would be offered for sale. Bids would be solicited well in advance of the auction, opened in secrecy, and would require a check for the amount bid. On the day of the auction, it would be announced that a price had been determined at or above which enough bids sufficient to sell all the medallions made available were received on that day. This method is called a Dutch auction or common price auction, and has the virtue of encouraging high bids, thus potentially increasing the average bid plus total revenues. In addition it provides that everyone pays the same price. If bids are to be solicited from the public at large, this system seems to have certain advantages because it allows those who bid high, to be assured of purchasing a medallion. It does not result in the charging of an artificially high price to some few successful bidders.

The sales of the medallions should be left to the experts in this area. They must be trusted with the technical details of this matter and they must be trusted with the techniques used in producing the medallions. I hope that the Treasury's Bureau of the Mint would minimize unnecessary costs and produce medallions as inexpensively as possible.

I understand that the Eisenhower \$1 coin cost somewhere around 5 cents to manufacture. The cupro-nickel "sandwich" metal of that coin is far harder to utilize than the gold we have in Fort Knox. That seems very cheap, but, on the other hand, the Bureau of the Mint can also provide processing entailing extremely delicate care, expensive packaging, and time-consuming polishing for special medals. It is conceivable that costs per item of this kind of treatment could run up to \$25 each. Such overhead when considering great numbers of coins would be prohibitive and I hope the production costs would be kept closer to the 5 cents, plus perhaps the requisite added security costs.

An important consideration in drafting this legislation was my desire to limit

unnecessary details that would add to the difficulty in passage.

The designs chosen for the two medallions are, I believe, two that everyone can support without hesitation. The symbolic representations of "Freedom" and "Human Rights" convey a message all Americans would wish to see on a medallion produced by the Federal Government.

I am aware, of course, of the controversy concerning the legislation which would provide for a new, small, \$1 coin. I would hope that such controversy would not delay passage of this bill and subsequent possible production of the medallions.

Some added aspects of the bill and its merits should be considered now in an effort to move the debate ahead.

Of great interest whenever the topic of gold is brought up is the ongoing campaign of the past several administrations to "demonetize gold." Last year, the Treasury Department endorsed my bill to legalize gold clause contracts pointing out that the bill deserved support because, "substantial steps have been taken toward a further reduction of the international monetary role of gold, and * * * gold should be treated like any other commodity."

Along these lines of argument, we should regard any gold medallion just as we would a silver medallion, or a copper one. It can no more threaten the campaign to "demonetize gold" than the new law legalizing gold clause contracts and treating gold like any other commodity for purposes of denominating or indexing financial obligations.

The medallion would carry no fixed dollar value and would not be legal tender. And in order to have an impact on the effort to "demonetize gold," one would have to assume that the medallion be used in transactions instead of U.S. dollars.

But there is little likelihood that the medallion would be so used. If two parties to a transaction used medallions, it would mean that they came to the conclusion that U.S. dollars were somehow less desirable than medallions. It would mean that the parties to the transactions perceived the medallions to be better for their purposes than dollars. Of course they would have their choice of many other substitutes, such as foreign currencies, but no one would even consider gold medallions or any other substitute unless he felt that the U.S. dollar is not a good medium of exchange. It would mean that the parties involved thought that the "costs" of doing business in U.S. dollars were greater than the "costs" of doing business in another medium of exchange.

There is no reason to believe that this would be the case. The President has reassured us as recently as March 2. He said:

I have spent a lot of time studying about the American dollar, its value in international monetary markets, the causes for recent deterioration as it relates to other major currencies. Over a long period of time . . . the dollar will remain in good shape.

The "demonetization" of any alternative medium of exchange is of course de-

pendent on the relative attractiveness of the other media.

America has traditionally had a money system that was not threatened by competition from any other medium of exchange and I favor a monetary system that has that strength.

NO COMPETITION WITH PRIVATE SECTOR

In offering this legislation, my intent is the production of a U.S. gold medallion that would provide competition with foreign produced "bullion coins." On the other hand, I am confident that the Freedom Medallion and The Human Rights Medallion will not compete with gold pieces privately produced in the United States. Gold producers and dealers I have consulted inform me that they have little concern about any potentially adverse effect the medallion might have on their industries. U.S. gold production goes primarily into jewelry and industrial uses. In addition, most of the collectible gold items produced in the United States are sold without a direct link to the price of bullion. The chief attraction of these items is their rarity, a consideration that would be far more difficult to make when very large numbers of medallions are involved.

BEST TO KEEP U.S. GOLD

Finally, there are those who would say that the production of gold medallions makes it "easier" to sell our vital gold stocks. That, of course, is not my intention. I favor maintaining our gold stores; my bill provides only that if U.S. gold stocks are sold, they should be sold in a form and in such manner as to allow the average American to purchase some of the stocks, to maximize the revenues the Federal Government might derive, and reduce the drain on foreign exchange.

Finally, I hope that the Federal Reserve Board, the Department of the Treasury, and other Federal agencies that might be concerned with this bill will provide me with their counsel and will work with me to expedite passage.

Mr. President, I will soon ask my colleagues in the Senate to join me in sponsoring this bill. I understand my good friend, Representative STEVE SYMMS of Idaho, has introduced a similar bill in the House of Representative and he, too, will seek cosponsors in that body.

Mr. President, I ask unanimous consent that the bill, entitled the "Gold Medallion Act of 1978," be printed in the RECORD at this point.

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

S. 2843

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Gold Medallion Act of 1978".

SEC. 2. (a) (1) Upon a determination by the Secretary of the Treasury (hereinafter referred to as the "Secretary") that it is in the national interest to sell gold, the Secretary shall offer all or part of such gold for sale to the public in accordance with this Act in the form of gold medallions, of two sizes, one of which shall contain one ounce of 0.999 fine gold but shall be manufactured from 0.999 fine gold, and one such medallion shall contain one-half ounce of 0.999 fine

gold but shall be manufactured from 0.900 fine gold.

(2) the one-ounce medallion shall have on its face the likeness of the Statue of Freedom atop the dome of the Capitol Building, surrounded by laurel leaves. The word "freedom" shall be inscribed above the likeness, and the words "one ounce fine gold" shall be inscribed in the remaining area inside the edge of the medallion. The obverse of the one-ounce medallion shall have a representation of the Great Seal of the United States, and be inscribed with the words "United States of America" and the numerals of the year the medallion is produced inside the edge of the medallion.

(3) The one-half-ounce medallion shall have on its face, an appropriate design symbolizing the rights of individuals, the words "human rights" and the words "one-half ounce fine gold". The obverse shall have a representation of the Great Seal of the United States and be inscribed with the words "United States of America" and the numerals of the year in which the medallion is produced.

(b) If the Secretary determines that less than 1.5 million ounces of gold is to be sold in any fiscal year after the date of enactment of this Act, all such gold shall be sold in the form of the medallions described in subsection (a).

(c) If the Secretary determines that more than 1.5 million ounces of gold are to be sold in any such year, that part of the excess gold which is not struck into medallions shall be sold in such a manner as the Secretary deems appropriate.

Sec. 3. (a) The medallions shall be produced in the first year of production in the ratio of 2 one-half ounce medallions for each one ounce medallion to be struck. In subsequent years, that ratio shall be adjusted to meet anticipated demand.

(b) Notwithstanding any other provisions of this Act the number of medallions to be produced and sold in succeeding years in which sales of gold are held, shall be adjusted to meet anticipated demand.

Sec. 4. (a) Upon the determination referred to in Section 2, the Secretary shall announce such determination, together with the total quantity medallions to be sold, and the date or dates on which the sale or sales will be held. For the purpose of carrying out any such sale, the Secretary shall enter into such arrangements with the Administrator of General Services as may be appropriate.

(b) Such arrangements for the sale of medallions shall be made so as to encourage broad public participation.

(c) Such rules and regulations as may be appropriate in carrying out functions under this section are hereby authorized.

Sec. 5. The Secretary shall direct the Bureau of the Mint to reserve out of the gold to be struck into the medallions under this Act a quantity determined, on the basis of orders or surveys, by such Bureau to be sufficient to meet the need for premium quality medallions at a fair, market-related price.

Sec. 6. Notwithstanding any other provisions of this Act, the authority contained herein shall expire five years after the date of enactment of this Act.

By Mr. MATHIAS (for himself and Mr. STEVENS):

S. 2844. A bill to temporarily extend certain special pay provisions pertaining to physicians and dentists of the Veterans' Administration; to the Committee on Veterans Affairs.

S. 2845. A bill to temporarily extend certain special pay provisions pertaining to medical officers of the uniformed services, and for other purposes; to the Committee on Armed Services.

● Mr. MATHIAS. Mr. President, today I am introducing on behalf of the Senator from Alaska, Mr. STEVENS, and myself, two bills which will provide for the extension of comparability pay authority for medical and dental personnel within the uniformed services and the Veterans' Administration.

Due to a medical and dental personnel recruitment and retention problem, based on pay discrepancies between the public and private sectors, Congress originally approved temporary comparability pay authority for the uniformed services in 1974—Public Law 93-274—and for the Veterans' Administration in 1975—Public Law 94-123. There is good evidence that these bonus pay systems have effectively alleviated the recruitment and retention problem within these branches of the Federal Government. The Federal Personnel Management Project Option Paper No. 6 of October 14, 1977, in discussing the Federal medical and dental personnel pay problem, notes that:

With reports of recruitment and retention up in the Uniformed Service and the Veterans' Administration, there is little doubt that the bonuses (Variable Incentive Pay) have been successful. They have enabled the agencies to accomplish their missions during these years of physician shortages, before the Federal scholarship programs begin producing large numbers of service-obligated physicians for Government positions.

OMB and GAO reports indicate that the supply problem may be temporary—with surpluses possible in the 1980's. Thus an extension of temporary bonus authorities may be appropriate. To continue them indefinitely, however, would perpetuate a stop-gap remedy with its inequities among pay systems and its adverse effects on morale, career plans, and long-term programs. Also, such action would ignore the mood of the Congress for a permanent solution.

It has been generally accepted that a long-term comprehensive solution to the recruitment/retention problem for all Federal physicians and dentists is in order. However, until such a solution can be devised, we must insure that temporary pay authority is available. It is a matter of simple equity.●

By Mr. SPARKMAN (by request):

S. 2846. A bill to amend the Foreign Assistance Act of 1961 and the Arms Export Control Act, and for other purposes; to the Committee on Foreign Relations.

INTERNATIONAL SECURITY ASSISTANCE ACT OF 1978

● Mr. SPARKMAN. Mr. President, by request, I introduce for appropriate reference a bill to amend the Foreign Assistance Act of 1961 to authorize security assistance programs for fiscal year 1979 and 1980.

The bill has been requested by the Department of State and I am introducing it in order that there may be a specific bill to which Members of the Senate and the public may direct their attention and comments.

I reserve my right to support or oppose this bill, as well as any suggested amendments to it, when the matter is considered by the Committee on Foreign Relations.

I ask unanimous consent that the bill be printed in the RECORD at this point together with a letter from the Secretary of State dated March 21, 1978, and a section-by-section analysis of the bill.

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

S. 2846

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "International Security Assistance Act of 1978".

CONTINGENCY FUND

Sec. 2. Section 451(a) of the Foreign Assistance Act of 1961 is amended by striking out "for the fiscal year 1978 not to exceed \$5,000,000" and inserting in lieu thereof "for the fiscal year 1979 not to exceed \$5,000,000".

INTERNATIONAL NARCOTICS CONTROL

Sec. 3. Section 482 of the Foreign Assistance Act of 1961 is amended by striking out "\$39,000,000 for the fiscal year 1978", and inserting in lieu thereof "\$40,000,000 for the fiscal year 1979".

MILITARY ASSISTANCE

Sec. 4. (a) Section 504(a)(1) of the Foreign Assistance Act of 1961, relating to authorization, is amended to read as follows:

"(a)(1) There are authorized to be appropriated to the President to carry out the purposes of this chapter not to exceed \$133,500,000 for the fiscal year 1979. Not more than the following amounts of funds available to carry out this chapter may be allocated and made available for assistance to each of the following countries for the fiscal year 1979:

Country	Amount
Portugal	\$27,900,000
Spain	41,000,000
Jordan	45,000,000
Philippines	18,100,000

The amount specified in this paragraph for military assistance to any such country for the fiscal year 1979 may be increased by not more than 10 per centum of such amount if the President deems such increase necessary for the purposes of this chapter."

(b) Section 516(a) of the Foreign Assistance Act of 1961, relating to termination of authority, is amended by inserting immediately before the period at the end thereof a comma and "and until September 30, 1981, to the extent necessary to carry out obligations incurred under this chapter with respect to Greece, Indonesia and Thailand between October 1, 1977 and September 30, 1978".

STOCKPILING OF DEFENSE ARTICLES FOR FOREIGN COUNTRIES

Sec. 5. Section 514(b)(2) of the Foreign Assistance Act of 1961 is amended by striking out "\$270,000,000 for the fiscal year 1978" and inserting in lieu thereof "\$90,000,000 for the fiscal year 1979".

INTERNATIONAL MILITARY ASSISTANCE AND SALES PROGRAM MANAGEMENT

Sec. 6. Section 515 of the Foreign Assistance Act of 1961 is amended as follows:

(1) in subsection (b)(1)—

(A) by striking out "the fiscal year 1978" and inserting in lieu thereof "the fiscal year 1979"; and

(B) by striking out "Brazil" and inserting in lieu thereof "Greece, Turkey, Indonesia, Thailand"; and

(2) in subsection (f), by striking out "1976" and inserting in lieu thereof "1977, except that the President may assign an aggregate total of not to exceed eight additional defense attaches to such countries in order to perform security assistance management functions under this subsection".

SECURITY SUPPORTING ASSISTANCE

SEC. 7. Section 532 of the Foreign Assistance Act of 1961 is amended to read as follows:

"SEC. 532. AUTHORIZATION.—There are authorized to be appropriated to the President to carry out the purposes of this chapter for the fiscal year 1979 not to exceed \$1,854,400,000. Amounts appropriated under this section are authorized to remain available until expended."

INTERNATIONAL MILITARY EDUCATION AND TRAINING

SEC. 8. Section 542 of the Foreign Assistance Act of 1961 is amended by striking out "\$31,000,000 for the fiscal year 1978" and inserting in lieu thereof "\$32,100,000 for the fiscal year 1979".

RENEGOTIATION ACT OF 1951

SEC. 9. Section 22 of the Arms Export Control Act is amended by adding at the end thereof the following new subsection:

"(c) Contracts for the procurement of defense articles and defense services heretofore or hereafter entered into pursuant to this section or predecessor provisions of law shall be exempt from the provisions of the Renegotiation Act of 1951, as amended."

FOREIGN MILITARY SALES AUTHORIZATION AND AGGREGATE CEILING

SEC. 10. Section 31 of the Arms Export Control Act is amended—

(1) in subsection (a), by striking out "\$677,000,000 for the fiscal year 1978" and inserting in lieu thereof "\$672,500,000 for the fiscal year 1979";

(2) in subsection (b), by striking out "\$2,102,350,000 for the fiscal year 1978" and inserting in lieu thereof "\$2,067,500,000 for the fiscal year 1979";

(3) in subsection (c), by striking out "the fiscal year 1978" and inserting in lieu thereof "the fiscal year 1979"; and

(4) in subsection (d), by striking out "\$100,000,000" and inserting in lieu thereof "\$150,000,000".

ASSISTANCE AND SALES TO GREECE AND TURKEY

SEC. 11. (a) In addition to any amounts authorized to be appropriated by any amendment made by this Act which may be available for such purpose, there are authorized to be appropriated such sums as may be necessary for the fiscal year 1979 to carry out international agreements relating to defense cooperation with Greece and Turkey.

(b) No funds appropriated under this section may be obligated or expended to carry out any agreement described in subsection (a) until legislation has been enacted approving such agreement.

(c) Section 620(x) of the Foreign Assistance Act of 1961 is amended by striking out "for the fiscal year 1978" each place it appears and inserting in lieu thereof "for the fiscal year 1979".

MISCELLANEOUS PROVISIONS

SEC. 12. Authorizations of appropriations and limitations of authority applicable to the fiscal year 1978 as contained in provisions of law amended by this Act (other than section 31(d) of the Arms Export Control Act) shall not be affected by enactment of this Act.

SEC. 13. There are authorized to be appropriated for the fiscal year 1980 such sums as may be necessary to carry out programs and activities for which appropriations for the fiscal year 1979 are authorized by this Act.

THE SECRETARY OF STATE,
Washington, D.C., March 22, 1978.

HON. WALTER F. MONDALE,
President of the Senate.

DEAR MR. PRESIDENT: On behalf of the Executive Branch, I hereby transmit a bill to authorize security assistance programs for fiscal years 1979 and 1980. Through these programs, the United States assists friendly and

allied nations to cope with political and economic crises and to acquire and maintain the capability to defend themselves. This is essential to the attainment of our own foreign policy goals in an increasingly interdependent world.

The bill will authorize both military and economic forms of security assistance, with nearly seventy percent of the funds requested intended for supporting assistance, the economic portion of our security assistance program. Of this economic component, a preponderance of the funds will be directed toward support of the Middle East peace process. A sizable portion of the funds requested for military programs will enable us to continue security cooperation with those countries where the United States maintains overseas bases or important military facilities. Additionally, the bill authorizes funds needed for programs in the field of international narcotics control.

The military programs proposed in this legislation have been formulated in a manner consistent with President Carter's commitment to restrain conventional arms transfers. At the same time, however, these programs make clear that the United States will continue to utilize conventional arms transfers to promote our own security and the security of our close friends. The security assistance programs proposed in this legislation represent a reduction from our requests of previous years.

In formulating these programs, we have taken into account the human rights practices in each of the proposed recipient countries. We are committed to a continuing effort to promote the advancement of and respect for internationally-recognized human rights.

Through the security assistance program for FY 1979 we are demonstrating the continuity of the U.S. commitment to help provide Israel with its essential security needs. This longstanding American commitment has been a major factor in ensuring that Israel has the means to defend itself and the confidence to engage in meaningful negotiations with its Arab neighbors aimed at a lasting peace. At the same time, the proposed programs for Israel's Arab neighbors make it clear that the United States supports the economic well-being and development of these countries and a peaceful settlement of the problems that plague the troubled Middle East.

The enclosed bill was drafted prior to the foreign assistance legislation proposed by Senator Humphrey which has been recently introduced (S. 2420). The Executive Branch is currently reviewing this legislation. Transmittal of this authorization request is not intended to indicate a position on any aspect of S. 2420.

I know that the Congress shares our concerns that conventional arms transfers be restrained and that our friends and allies receive the support necessary for them to meet their legitimate defensive needs. We are firmly committed to close and continuing consultation with the Congress in the implementation of our security assistance program and of arms transfer policies and practices.

The Office of Management and Budget advises that there is no objection to the presentation of this proposed legislation to the Congress and that its enactment would be in accord with the program of the President. I urge early passage of the enclosed legislation.

Sincerely,

CYRUS VANCE.

SECTION-BY-SECTION ANALYSIS OF THE PROPOSED INTERNATIONAL SECURITY ASSISTANCE ACT OF 1978

I. INTRODUCTION

The proposed International Security Assistance Act of 1978 (hereinafter referred to

as "the Bill") amends the Foreign Assistance Act of 1961 (hereinafter referred to as "the FAA"), and the Arms Export Control Act (hereinafter referred to as "the AECA") in order to authorize appropriations to carry out international security assistance programs for the fiscal year 1979. The Bill also contains authorizations for certain economic assistance programs and, in accordance with the Congressional Budget Act of 1974, requests authorizations for the fiscal year 1980.

II. PROVISIONS OF THE BILL

Section 1. Short Title.

This section provides that the Bill may be cited as the "International Security Assistance Act of 1978."

Section 2. Contingency Fund.

This section amends section 451(a) of the FAA to authorize appropriations of not to exceed \$5,000,000 for the fiscal year 1979 for contingency fund purposes.

Section 3. International Narcotics Control.

This section amends section 482 of the FAA to authorize appropriations of not to exceed \$40,000,000 for the fiscal year 1979 for the international narcotics control program.

Section 4. Military Assistance.

This section consists of two subsections, as follows:

(a) This subsection amends section 504 (a)(1) of the FAA to authorize appropriations of not to exceed \$133,500,000 for carrying out military assistance programs in the fiscal year 1979. The amount of assistance which may be provided is specified with respect to each of the four countries designated. (Military assistance for Greece and Turkey in the fiscal year 1979 is authorized by section 11 of the Bill, subject to approval of the defense cooperation agreements with those countries.) These allocations may be increased by not more than 10 percent if deemed necessary for the purposes of the chapter. With respect to the four designated countries, the amended section 504(a)(1) constitutes the specific authorization required by section 516(a) of the FAA. It is estimated that approximately \$48,500,000 of the appropriated funds will be used to pay administrative and related expenses. The military assistance program is made up of new budget authority plus reimbursements. In addition, reappropriations and recoupments are traditionally made available to the military assistance account in appropriations legislation. The total fiscal year 1979 military assistance program of \$180,500,000 will require the appropriation of \$133,500,000. The amount requested includes funds to reimburse the Department of Defense for the cost of overseas management of security assistance programs as required by section 515 of the FAA.

(b) This subsection amends section 516(a) of the FAA to provide that the military assistance authorities of the FAA shall remain available until September 30, 1981 in order to carry out obligations incurred under the military assistance chapter of the FAA with respect to Greece, Indonesia and Thailand between October 1, 1977 and September 30, 1978.

Section 5. Stockpiling of Defense Articles for Foreign Countries.

This section amends section 514(b)(2) of the FAA to establish a ceiling of \$90,000,000 on the aggregate value of additions made in fiscal year 1979 to overseas stockpiles of defense articles (other than in NATO countries) which are to be designated as war reserve stocks for allied or other foreign forces. The United States retains title to stocks so designated. Section 514(a) prohibits their transfer to a foreign country except under authority of the FAA or the AECA, and within the limitations and funds available under those Acts.

Section 6. International Military Assistance and Sales Program Management.

This section amends section 515 of the

FAA and consists of four paragraphs, as follows:

(1) This paragraph amends section 515(b) (1) to authorize assignment of more than six military personnel to perform security assistance management functions in Portugal, Spain, Jordan, the Philippines (i.e. those countries for which military assistance in the fiscal year 1979 is authorized by section 504(a)(1) of the FAA, as amended by section 4 of the Bill), Greece, Turkey, Indonesia, and Thailand. (Such groups in Korea, Panama, Morocco, Iran, Kuwait, and Saudi Arabia will continue to be authorized by section 515(b)(1).) Indonesia and Thailand are countries for which undelivered MAP remains from previous fiscal years. Greece, as well as Turkey, would receive security assistance under the defense cooperation agreements with those countries, once those agreements enter into force. Six military personnel will be assigned to Brazil under the authority of section 515(c) in fiscal year 1979, and for that reason that country has been dropped from section 515(b)(1).

(2) This paragraph amends section 515(f) to provide that the number of defense attaches performing securities assistance management functions in a country under that subsection may not exceed the number of defense attaches authorized for assignment to that country on December 31, 1977. The amended section 515(f) would further permit the President to assign up to eight additional defense attaches worldwide to perform security assistance management functions under section 515(f).

Section 7. Security Supporting Assistance.

This section amends section 532 of the FAA to authorize appropriations of not to exceed \$1,854,400,000 for the fiscal year 1979 for assistance to friendly countries and international organizations to support or promote economic or political stability.

Section 8. International Military Education and Training.

This section amends section 542 of the FAA to authorize appropriations of not to exceed \$32,100,000 for the fiscal year 1979 for the purpose of furnishing military education and training to military and related civilian personnel of foreign countries.

Section 9. Renegotiation Act of 1961.

This section adds a new subsection (c) to section 22 of the Arms Export Control Act, relating to procurement for sales under that Act, in order to make clear that contracts entered into under that section or its predecessor provisions for procurement of defense articles and defense services for sale to foreign countries and international organizations under the Act are exempt from the provisions of the Renegotiation Act of 1951, as amended. This amendment would overrule a recent decision by the Renegotiation Board that the scope of its authority extends to FMS contracts.

Section 10. Foreign Military Sales Authorization and Aggregate Ceiling.

This section contains four paragraphs, each amending section 31 of the AECA, as follows:

(1) This paragraph amends section 31(a) to authorize appropriations of not to exceed \$672,500,000 for fiscal year 1979 for the purpose of carrying out foreign military sales credit and guaranty programs under the AECA.

(2) This paragraph amends section 31(b) to establish a ceiling of \$2,067,500,000 for fiscal year 1979 on the aggregate total of credits extended, and the principal amount of loans guaranteed, pursuant to the AECA, and to allocate not less than \$1,000,000,000 of that aggregate total to Israel.

(3) This paragraph amends section 31(c), relating to terms and conditions governing repayment by Israel of financing extended pursuant to the AECA, to make that subsection applicable to such financing extended in fiscal year 1979.

(4) This paragraph amends section 31(d) relating to the ceiling on the aggregate acquisition cost of excess defense articles sold under the Act or granted under the Foreign Assistance Act of 1961, as amended, to increase that ceiling from \$100,000,000 to \$150,000,000.

Section 11. Assistance and Sales to Greece and Turkey.

This section consists of three subsections, as follows:

(a) This subsection authorizes the appropriation of such sums as may be necessary in order to carry out defense cooperation agreements with Greece and Turkey in the fiscal year 1979. Military assistance for Greece and Turkey in the fiscal year 1979 is authorized under this section rather than under section 504(a) of the FAA, as amended by section 4(a) of the Bill. Amounts appropriated pursuant to this subsection would be in addition to such amounts as might otherwise be made available under the FAA or AECA for these purposes in the fiscal year 1979.

(b) This subsection conditions the obligation or expenditure of funds appropriated under this section upon the enactment of legislation approving the defense cooperation agreement in question.

(c) This subsection amends section 620(x) of the FAA to authorize FMS sales and financing to Turkey of up to \$175,000,000 in defense articles and services which the President determines are necessary to enable Turkey to fulfill her defense responsibilities as a member of NATO.

MISCELLANEOUS PROVISIONS

Section 12. This section provides that authorizations and limitations applicable to the fiscal year 1978 by provisions of law amended by the Bill will not be affected by enactment of the Bill. This is to take into account the possibility that the Bill will become law prior to the end of the fiscal year 1978.

Section 13. This section authorizes appropriations for the fiscal year 1980 of such sums as may be necessary to carry out programs and activities for which fiscal year 1979 appropriations are authorized by the Bill. This section is necessary in order to comply with the Congressional Budget Act of 1974. ●

By Mr. JOHNSTON:

S. 2848. A bill to authorize the Secretary of the Interior to render assistance to the State of Louisiana to restore Fort St. Jean Baptiste de Natchitoches, and for other purposes; to the Committee on Energy and Natural Resources.

FORT ST. JEAN BAPTISTE DE NATCHITOCHES

● Mr. JOHNSTON. Mr. President, today I am introducing a bill to reconstruct Fort St. Jean Baptiste de Natchitoches, on the banks of the Cane River in Natchitoches, La.

Fort St. Jean Baptiste was one of the earliest strategic outposts of French Louisiana. Founded in 1716 by Sieur Charles Claude Dusnay, this Fort prevented the Spaniards in Mexico from advancing into French territory. When the territory was ceded to Spain following France's defeat by England in the French and Indian War in 1762, Fort St. Jean Baptiste served as a vital communications link in the vast Spanish colonial empire. The fort remained in service until shortly after the Louisiana Purchase in 1803 when it was abandoned by the United States after completion of nearby Fort Claiborne.

My bill will provide Federal technical and financial assistance for land acqui-

sition and reconstruction of the fort. A proposal has already been developed by the Louisiana State Parks and Recreation Commission to rebuild Fort St. Jean Baptiste using plans drawn in 1733 by the French architect-engineer Ignace Francois Broutin. Careful research in the archives of France and Spain was undertaken on Colonial construction methods in Louisiana and I believe an authentic reconstruction can be accomplished which will recapture the setting and spirit of this important part of our past. Unfortunately, Louisiana's limited State parks budget has prevented the State from financing this project. But, with initial Federal help, I believe the project can be completed and then turned over to the State for operation and maintenance.

Similar projects have been undertaken in various parts of the United States and Canada and each of these reconstructed forts has proved to be a major tourist attraction. A few examples include Fort Caroline at Jacksonville, Fla.; James Fort at the Jamestown Festival Park in Virginia; Fort Michilimackinac in Michigan and Fort Harrod at Harrodsburg, Ky. Fort St. Jean Baptiste de Natchitoches can be rebuilt using the same methods and this reconstruction will bring alive an important area in Louisiana's colonial history, serving as an example of Louisiana frontier settlements as well as being an important demonstration of log fort construction techniques. ●

By Mr. EAGLETON:

S. 2850. A bill to amend the Older Americans Act to provide for improved programs for the elderly, and for other purposes; to the Committee on Human Resources.

OLDER AMERICANS ACT OF 1978

● Mr. EAGLETON. Mr. President, at the beginning of this decade, the Older Americans Act consisted largely of a program of grants to the States, under which about \$15 million was distributed among the States, four territories, Puerto Rico, and the District of Columbia. Although the funding level was hardly adequate, the act established for the first time a Federal social service program exclusively for the elderly. Perhaps the most significant accomplishment of the 1965 act was to set forth the goals that all older Americans are entitled to: First, an adequate income in retirement; second, the best possible physical and mental health; third, suitable housing; fourth, full restorative services; fifth, pursuit of meaningful activity; sixth, efficient community services; and seventh, freedom, independence, and the free exercise of individual initiative in planning and managing their own lives. These lofty goals remain a part of the act today.

In addition to establishing the above objectives, three grant programs were established: Community social service projects, research and demonstration projects, and training in the field of aging.

In 1969, the community service program was expanded and a program of areawide model projects for testing new

and varied approaches for providing social services was established. A new program for senior volunteers was initiated.

1972 brought a major new element to the Older Americans Act with the authorization of the nutrition program for the elderly. This program now receives the largest share of funding of any of the Older Americans Act programs.

1973 also marked significant changes in the act. The community services program was significantly restructured to place emphasis on planning, advocacy, pooling of existing resources, and the initiation of new services in behalf of the elderly rather than on direct service delivery. In fact, area agencies on aging were specifically prohibited from providing direct services except as a provider of last resort.

In addition, the 1973 amendments authorized grants, mortgage insurance and interest subsidy grants for the acquisition, alteration or renovation of facilities to serve as multipurpose senior centers.

This briefly summarizes the evolution of the act. No significant legislative changes have been made in the programs authorized under the Older Americans Act since 1973.

In addition to looking at the authorizing legislation, let us also briefly review the funding history of the act. In 1966, the total appropriation under the Older Americans Act was \$7.5 million. That has now grown to almost \$500 million in the present fiscal year.

Despite greatly expanded authorizations and a 60-fold increase in funding, we must ask ourselves how well has all of this met the lofty goals established in 1965?

I submit, not very well. That is not to say that no progress has been made. Quite the contrary.

The nutrition program currently provides about 630,000 daily meals in 1,200 projects.

The older workers employment program provides part-time jobs for some 47,500 elderly.

An estimated 11 million individual services are provided annually through the community services program.

A network of over 600 State and local area agencies have been established.

The Administration on Aging and the programs it administers have served as a focal point for Federal support for the elderly. But its impact on the lives of the elderly population has been limited.

Never before has there been so great a need to focus on the overall picture of Federal support for the elderly, and to look to see how the Older Americans Act and its programs can best serve as a catalyst for a concerted Federal effort to improve the health and well-being of the elderly. In the past 10 years, Federal spending for the elderly has risen from about one-fifth of the Federal budget to approximately one-third. This is largely attributable to the vast population increase of those aged 65 and older. In 1950, the aged 65 and older population comprised roughly 8 percent of our total population. According to demographic projections, this percentage will increase to about 13 in the year 2000.

Let us look briefly at other major Federal programs significantly impacting on the lives of the elderly. Obviously, the largest of these would be medicare, now funded at \$8 billion. It is interesting to note that medicare and medicaid were enacted at the same time as the original Older Americans Act. Yet medicare far outstrips—about 12 to 1—the total appropriations for the Older Americans Act.

In addition to the major medicare program, there are six other health care programs for the elderly in 2 executive departments and 1 independent agency; 9 employment programs in 1 executive department and 2 independent agencies; 10 housing programs in 2 executive departments; 4 transportation programs; 11 social services programs—including those authorized under the Older Americans Act—in 2 executive departments and 2 independent agencies; and 6 training and research programs. This list does not entirely exhaust the special emphasis programs for the elderly and clearly does not take into account the many general purpose programs which impact on the lives of our senior citizens.

If we are to make a meaningful contribution to realizing the goals stated in title I of the Older Americans Act, I believe it is necessary, as a first step, to provide meaningful coordination of the programs now authorized under the Older Americans Act. The legislation which I am proposing today seeks to consolidate the service programs under the Older Americans Act into a single authority, and mandates coordination with other programs within the Federal Government which serve the elderly population. In my view, the creation of such a coordinated network of services is the only way in which we can establish a meaningful alternative care program assisting the elderly to remain in their own homes. Further, unless we can insure joint planning and coordination at all levels of government—Federal, State, and local—we can never maximize the use of the funds under the Older Americans Act.

Mr. President, I would like to summarize some of the major provisions contained in the proposed legislation:

Title I of the bill I am proposing today amends the existing Older Americans Act in the following ways:

Establishes a Counselor to the President on Aging.

Early in his administration, President Carter created the position of Counselor to the President on Aging. This important White House staff position necessarily involves the counselor—who ably represents the interests of the aged in daily meetings and discussions within the highest levels of our Government. I firmly believe that this kind of access to those in policymaking positions will provide elderly citizens valuable dividends in years to come. I commend the President for his initiative in creating such a position on the White House staff and it is my belief that this staff position should be made a permanent position within every administration.

In light of this new statutorily mandated position of Counselor to the President, I recommend that the authority for the Federal Council on Aging be deleted. In 1973, Congress established the 15-member Federal Council on Aging and mandated a number of specific studies—all of which have been successfully completed. Without question, the Federal Council has performed its functions in a commendable manner, but in my opinion the Council's main function—reviewing and commenting on the efforts of the administration and Congress to effectively provide services to the elderly—can best be served by other existing agencies or committees. Beginning in 1973, a nationwide network of aging organizations has developed, extending from the Administration on Aging, to the State offices on aging, the area agencies on aging, local aging commissions, and the community-based senior centers. The various national organizations such as AARP/NRTA, NCOA, NCSC, Farmer's Union, and so forth have become effective advocates of the interests of senior citizens. The decennial White House Conferences on Aging have focused national attention on the evolving concerns and problems of our older population. In addition, the National Institute on Aging and the several congressional committees that have oversight responsibilities on aging programs provide valuable insight on the needs of the aged. In my opinion, all of these above-named resources provide an adequate "watch dog" and sounding board for those of us in Congress and in the administration.

Another change in this title provides a guarantee that no participant in the programs covered under this act will have their Federal public assistance programs adversely affected because of benefits received from this act. This will prevent, for example, a title V participant from being dropped from the medicaid or food stamps programs because of the salary received under this title.

Consolidation of service programs under the act.

Amendments to title III consolidate the existing titles III, V, and VII into one title with a single authorization of \$750 million and \$850 million respectively for fiscal years 1979 and 1980. The purpose of this consolidation is to insure that coordination and cooperation among the various programs contained under the umbrella of the Older Americans Act is achieved. The 1973 Older Americans Act amendments created an extensive network of State and area agencies on aging throughout the country. The legislation I am proposing will give them the responsibility to coordinate all aging programs on the local level. It is my belief that all Older American Act programs should be implemented through this central network so that a focal point for services to the elderly can be established in each community in order to insure a proper coordination of services.

In an effort to reduce the burdens of paperwork, the bill establishes a 2-year planning under this title. This will elim-

inate the unending planning which results from annual planning requirements.

In addition, the bill proposes to increase the minimum amount of money a State may receive from the Federal Government to administer their State plan from the present \$200,000 to \$250,000. The State administration match is increased from 25 percent to 33 1/3 percent. I believe it is desirable to increase State responsibility for these programs.

A major new provision of the bill requires that at least 50 percent of an area agency on aging's allotment be spent in one of the following ways: First, in the delivery of one specific social service; second, on nutrition services; or third, on a particular segment of the elderly population. The remaining allotment can be used in any proportion on as many or as few programs as necessary to meet the additional needs of the elderly living in a particular community. I am proposing this change because I believe we need to target more of the social service money in order to insure that the funds under this act make a major contribution in one area rather than to continue the existing "nickel and dime" approach we use for a wide variety of programs. Although I am not wedded to this targeting concept, I do believe it has some merit, and is worth exploring. Let me emphasize that the priorities within a given community would be made within that community to best suit the particular needs of the elderly living in the area.

TITLE IV, TRAINING, RESEARCH, AND SECRETARIAL PROGRAMS

The only major change in this title is that model projects is now included under this title. I consider title III a purely service title and in my opinion, since model projects is a demonstration program, it is more appropriately contained in title IV of this act.

Redesignates existing title IX as title V, Community Service Employment for Older Americans.

This has proved to be a very valuable and successful jobs program for unemployed low-income persons 55 years of age or older. The record shows that the national contractors have done a commendable job in implementing this program on the local level. Only recently have the State agencies been given title V jobs slots to fill and it is my expectation that they will be as successful in program management as the national contractors.

The bill I am proposing makes two major changes in the present law. It raises the local match from the present 10 percent to 20 percent.

Second, it clearly mandates coordination and cooperation between national contractors and State agencies on aging within the State. In addition, it establishes a review process whereby the Secretary of Labor, on his own initiative, or upon receipt of a complaint from the State and/or National contractors on how title V jobs have been distributed within the State, shall hold review hearings in an attempt to insure equitable job placement across a given State. I propose this change because both State agencies and national contractors have

been concerned that coordination between the two groups is inadequate in some cases.

Title II of the bill authorizes the President to call a White House Conference on Aging in 1981, in order to develop recommendations for further research and action in the field of aging.

Title III of the bill requires the U.S. Civil Rights Commission to undertake a study of discrimination based on race and ethnic background in any federally assisted program which affects older people. This study shall be submitted to Congress and to the President no later than 18 months after the enactment of this act.●

By Mr. MATHIAS (for himself,

Mr. RANDOLPH, Mr. PELL, Mr. STAFFORD, Mr. CRANSTON, Mr. JAVITS, Mr. MOYNIHAN, Mr. HEINZ, Mr. CASE, Mr. MORGAN, Mr. CHAFFEE, and Mr. McCLOURE):

S. 2851. A bill to amend the Public Buildings Act of 1959 in order to restore the Pension Building in Washington, D.C., to house the Museum of Building Arts, and for other purposes; to the Committee on Environment and Public Works.

A MUSEUM OF THE BUILDING ARTS

● Mr. MATHIAS. Mr. President, the buildings, parks, and monuments of America tell us a great deal about the history of our civilization. They mirror the mood, ideals, and technology of the times in which they were created, and they stand in tribute to the genius and industry of the American worker.

Many foreign countries have recognized the contributions of their native building arts and sciences by establishing national museums to display and trace the history of their man-made environment. Yet our Nation, which has been extraordinarily creative in this area, lacks a proper showcase for the magnificent achievements Americans have made in such fields as civil engineering, architecture, building trades and crafts, landscape architecture, city planning, and urban design.

The bill I am introducing today on behalf of several of my colleagues would create such a Museum of the Building Arts and locate it in an appropriately striking architectural landmark here in Washington, the Pension Building.

This handsome red brick building on Judiciary Square, was constructed between 1882 and 1887 to house the U.S. Pension Office and to serve as a memorial to the Civil War. Designed by an Army engineer, Gen. Montgomery C. Meigs, the building features an interior court four-stories high, enclosed by four tiers of galleries for office space, with natural lighting from clerestory windows. This magnificent court has been the scene of nine inaugural balls, including one of those for President Carter. This interior court and the surrounding ground level gallery would provide an excellent space for the exhibit of the tools, products, and completed works of the building arts, trades, and professions.

The building encompasses approximately 150,000 square feet of usable

space. This is more than sufficient for the proposed exhibitions, library, archives, and forum activities. In fact, about 25,000 square feet of office space on the fourth floor may be available for rental to organizations concerned with the building arts.

The Museum of the Building Arts would have three major purposes:

To hold exhibitions;

To sponsor forums; and

To maintain library and archives.

Exhibitions would be both permanent and temporary. The interior courtyard would serve as the primary display space for the tools of the trade and its products. These might include working demonstrations of brick laying, carpentry, electrical wiring, plumbing, and mechanical engineering. Cranes, jackhammers, trowels, and specialized tools for such arts as woodworking, plastering, stone carving, and the like could also be displayed there.

The early building crafts and techniques which are rapidly being lost, such as those used in the birch bark "long house" or the Iroquois, might also be displayed. The lawn surrounding the Pension Building would also be available for display purposes which would attract visitors to the museum.

Although some artifacts, tools, buildings, and structures might be acquired by the museum, we foresee the museum organizing temporary exhibitions with loaned materials wherever possible. Not only would the museum be a testament to the past achievements of American planning and building, it would also present examples of new technology in such important areas as energy conservation. In fact, it has been suggested that it would sponsor periodic expositions on the state of the building arts and sciences to show the best that the American building industry is capable of producing. Such exhibits could be expected to attract international attention and promote technology exchange.

The museum would sponsor forums intended to expand public awareness of both the nature and contribution of planning and building to American civilization. The planning and building forum would be an information clearinghouse that would direct visitors and scholars to original source material. Again, the museum would not necessarily house such materials, nor would it conduct further research in those areas. There are several existing public and private organizations better equipped to do that job. Rather, it would direct inquiries to the proper repository in such subject areas as architecture, urban design, city and regional planning, engineering, and landscape architecture. The clearinghouse would also provide information on legislation and regulations pertaining to these fields, and on research and new technology.

The education and extension programs of the museum would reach out to the Nation's schools, universities, and citizenry. Sample curricula, readers, building games, and the like would be developed for a range of age groups. The purpose would be to inform our citizens,

particularly our youth, of the nature of the various disciplines involved in building arts and sciences and the contributions they made and continue to make. This might serve as an adjunct to career counseling in schools so that students could be better informed of the careers in the building arts they might pursue.

Lastly, the library and archives would be the repository of specialized books, catalogs, pamphlets, plans, drawings, and the like which are not now available in any central location. In addition, it would serve as a referral center to the buildings of other libraries and museums. Such an arrangement is eminently sensible in that it avoids costly duplication of services and library resources. Such a comprehensive referral service is not now available.

The museum would assist people holding important architectural, engineering and design plans, drawings, and photographs to find a proper repository for them. The museum itself would be a collector of last resort.

It would prepare recommended standards for the preservation and cataloging of such documents as well as an inventory of existing documents and their location. This is one of the most basic needs of the many professions associated with the building arts and sciences.

Mr. President, the concept for a Museum of the Building Arts has been germinating for some time now. A committee of eminent citizens has worked long and hard to bring this museum into being and has been instrumental in securing official endorsement for this proposal from a number of important organizations involved in the building arts. I ask unanimous consent that a listing of those official endorsements as well as the names of the board of directors and Committee for a National Museum of the Building Arts, Inc., appear at this point in the RECORD.

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

THE COMMITTEE FOR A NATIONAL MUSEUM OF THE BUILDING ARTS, INC.

BOARD OF DIRECTORS

Cynthia R. Field, President.
Chloethiel Woodard Smith, Vice President.
Herbert M. Franklin, Secretary/Counsel.
Beverly Willis.
James W. Rouse.
Wolf Von Eckardt, Program Director.

THE COMMITTEE

James Biddle, Albert Bush-Brown, Carl W. Condit, James Marston Fitch, Arthur J. Fox, Jr., R. Buckminster Fuller, Robert A. George, Frederick Gutheim, Philip Hammer, Blake Hughes, Bates Lowry, William Marlin.

Mrs. Eric Mendelsohn, Martin Meyerson, Dan E. Morgenroth, Howard E. Paine, Flaxie M. Pinkett, Adolf K. Placzek, Kevin Roche, William L. Slayton, Marietta Tree, David A. Wallace, Bernard Weissbord, William L. C. Wheaton.

OFFICIAL ENDORSEMENTS

AFL-CIO, Building and Construction Trades Department.
American Institute of Architects.
American Institute of Planners.
Associated General Contractors of America.
Association for Preservation Technology.
National Association of Housing and Development Officials.

Society for Industrial Archeology.
Society of Architectural Historians.
The Victorian Society in America.
Washington Building Congress.

Mr. MATHIAS. Mr. President, this Museum presents us with numerous opportunities. It could be a catalyst for innovative cooperation in the entire building industry. It will certainly serve as an educational body to inform students and the general public about the history and current state of the art of planning and building. And it will bring together in a forum both American and international visitors and scholars. All of these activities will make it a working museum in the best sense of the word. It will stand as an inspiring tribute to American genius and industry. •

• Mr. MORGAN. Mr. President, today I am very pleased to join with the distinguished Senator from Maryland, Mr. MATHIAS, and a number of other Senators, including the distinguished chairman of the Committee on Environment and Public Works, on which I previously served, in support of legislation to create a National Museum of the Building Arts.

The Museum of the Building Arts would provide a showcase for some of the creative areas in which Americans have long excelled—architecture, engineering and construction.

It is envisioned as a living museum—one which not only memorializes and documents our architectural past, but which also provides a forum for continuing public education and exchange in such areas as environmental problem-solving, and planning and design for energy-efficient, healthful and enjoyable urban living. This museum can become an exciting focal point for a widespread effort which helps us appreciate and preserve our past, while building for a better future.

The museum would utilize the existing Pension Building, an imposing structure of considerable architectural and historical interest. A Federal building constructed between 1882 and 1887, the Pension Building originally provided work-space for 1,500 employees of the U.S. Pension Office. Inspired by the Renaissance Palazzo Farnese in Rome, the design of the building probably represented a real step forward in terms of creating a pleasant and comfortable work-environment, which also inspired the pride of public employees.

The inner court, with four tiers of galleries and 76-feet high marble Corinthian columns is nothing short of magnificent. It is ideally suited to gallery display space.

I urge my colleagues to visit the Pension Building and to examine our proposal for its use as a museum of the building arts. I am confident that additional support will then be forthcoming to make this proposal a reality. •

By Mr. WILLIAMS (for himself and Mr. CASE):

S. 2853. A bill to amend section 307 of the Communications Act of 1934 to provide that each State shall have at least one very high frequency commercial television station located within the

State; to the Committee on Commerce, Science, and Transportation.

A TELEVISION STATION FOR NEW JERSEY

• Mr. WILLIAMS. Mr. President, today I am introducing a bill to require that each State be assigned at least one commercial VHF television station.

The Communications Act of 1934 requires the Federal Communications Commission to distribute broadcast licenses among the several States and communities in a fair, efficient, and equitable manner. Despite this requirement, New Jersey, the most densely populated, the most industrialized, and the eighth most populous State in the Nation does not have a major television station. The only other State in this situation is Delaware. While New York City has seven VHF stations, and Philadelphia has four, Newark has none at all.

This inequity has had a substantial impact on New Jersey businesses and consumers alike. It has affected the political awareness of New Jerseyites, who, despite their high national ranking in terms of level of education and income, rank last in the Nation in their knowledge of local public affairs. This is directly attributable to the lack of local television news coverage.

In an effort to improve this situation, the New Jersey Coalition for Fair Broadcasting was formed in 1972. I am pleased to have served as one of the coalition's cochairmen since its founding. We have pursued several courses of action—before the FCC, in the courts, and in Congress—to secure adequate television coverage for our State.

In 1974, the coalition petitioned the FCC to look into the need for better local television service. In 1976, the Commission finally recognized that New Jersey was not receiving its share of local news coverage. It said, in part:

New Jersey's television needs and its overall circumstances constitute a special case warranting unique and responsive action by the Commission. It appears that New Jersey's 7.4 million people receive less than the daily, detailed local television news and public affairs coverage enjoyed by viewers in other parts of the country. The Commission believes the time has come for more substantive, positive long-term steps.

The steps that the Commission decided to take several months later, however, were timid indeed. It refused to reassign a VHF station to New Jersey. It would not change the license of an existing station to dual community status. It would not even require New York and Philadelphia stations to establish studios in New Jersey.

Instead, the Commission merely accepted the minimal voluntary commitments by New York and Philadelphia stations to increase their New Jersey coverage. With that, the proceeding was closed.

The coalition has monitored the effects of the stations' commitments, and preliminary results are now available. We have found no significant change in coverage of our State. Indeed, some stations have actually reduced their coverage. Despite the fact that New Jerseyans make up fully one-third of the stations' audience, only 9 to 18 percent of their

local news coverage is devoted to New Jersey.

These findings make it clear that the FCC's decision has been ineffective. We, in the coalition, will remind the Commission of this fact when the licenses for these stations come up for renewal. In addition, we will pursue all the other remedies available to us in the Commission and in the courts.

Today, I join Senator CASE and most of the New Jersey House delegation in bringing our case to Congress. The bill we are introducing today would require that each State have at least one commercial VHF television station.

Mr. President, I ask unanimous consent that the bill be printed in the RECORD at the conclusion of Senator CASE's remarks.

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

(See exhibit 1.)

• Mr. CASE. Mr. President, Senator HARRISON A. WILLIAMS and I are introducing legislation today to amend the Communications Act of 1934 to provide each State with at least one VHF television station. New Jersey and Delaware are the only two States in the country without a VHF television station. This bill is designed to end the unfair and discriminatory situation that New Jerseyites have been saddled with by the Federal Communications Commission and the television broadcast media since 1961.

We have petitioned the FCC time and time again to come up with an effective remedy for the lack of New Jersey news coverage as well as other New Jersey programing. The FCC has agreed that New Jersey's news coverage is inadequate by the only "remedy" it has offered is to encourage the stations in New York and Philadelphia to come up with their own voluntary plans for improving New Jersey coverage. This has been tried before and it simply does not work. Voluntary commitments on the part of many television stations in New York City and Philadelphia are not carried out.

This situation in which New Jersey finds itself becomes less and less tolerable. An informed citizenry is essential to the solution of the many social, economic, and political problems New Jersey faces.

New Jersey is the eighth most populated State in the country, the most densely populated, the most industrialized, and the third highest State in per capita income. Newark, New Jersey's largest city, is the largest city in the country without a VHF station. New Jersey viewers constitute over 30 percent of the audience for the New York and Philadelphia VHF stations. Reallocation of a VHF license to New Jersey is the sole prerogative of the Federal Communications Commission. Our bill would require the FCC to license a VHF station in every State.

The bill is being introduced in the House by Congressman MAGUIRE and Congresswoman MILLICENT FENWICK and 11 other Members of the House delegation.

EXHIBIT 1
S. 2853

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 307 of the Communications Act of 1934 is amended by adding after subsection (b) the following new subsection:

"(c) (1) The Commission shall distribute licenses for very high frequency commercial television stations in such manner that there shall be located within each of the several States at least one such station for which a license has been granted by the Commission.

"(2) With respect to each State in which no very high frequency commercial television station was located before the date of enactment of this subsection, the Commission shall designate, within six months after such date, those frequencies which would be suitable for reassignment to a station to be located in such State. For purposes of the preceding sentence, a frequency shall be deemed suitable for reassignment if the broadcasts on such frequency by any station for which a license might be granted as a result of the enactment of this subsection would not interfere with the broadcasts of any other station (except for any station broadcasting on the frequency designated for reassignment).

"(3) The Commission shall determine the fair market value of any station broadcasting on a frequency which is designated under paragraph (2) as suitable for reassignment after providing the owner of such station with an opportunity for a hearing.

"(4) Any license granted during the five-year period beginning on the date of the enactment of this subsection for any very high frequency commercial television station located within any State in which no such station was located before the date of the enactment of this subsection shall be subject to the following conditions:

"(A) The primary broadcasting facilities of such station shall be located as near to the geographic or population center of the State as the Commission deems practicable.

"(B) The licensee shall pay to any person owning a station which broadcasted on the frequency reassigned to such licensee the fair market value of such station (as determined under paragraph (3) of this subsection).

"(5) After the end of the five-year period beginning on the date of the enactment of this subsection, the Commission may not reassign any frequency solely for the purpose of enabling the Commission to carry out paragraph (1) of this subsection.

"(6) For purposes of this subsection—

"(A) a station shall be considered to be located within a State if its primary broadcasting facilities and its community of license are located within such State; and

"(B) the term 'very high frequency commercial television station' means a television station which operates as a commercial station on a broadcast band between 30 and 300 megahertz." •

By Mr. DeCONCINI:

S. 2854. A bill to amend certain provisions of titles 18 and 28 of the United States Code relating to jurisdiction over certain Indian country; to the Committee on the Judiciary.

• Mr. DeCONCINI. Mr. President, today I am introducing legislation to grant the State of Arizona criminal and civil jurisdiction within the town of Parker, Ariz., on the Colorado River Indian Reservation. Parker is a town of 2,000 residents, the majority of whom are non-

Indian, located on 1 square mile in the northern portion of the reservation. The reservation was established by Congress in 1865. (13 Stat. 559). The town was established by the Secretary of the Interior pursuant to the act of April 30, 1908. The townsite was surveyed and most lots sold by 1910. In 1939 the Congress enacted a statute to allow the Secretary of the Interior to auction off the remaining lots. Today, one-third of the town lots remain under tribal control, while two-thirds are owned by non-Indian residents of the town. Parker was incorporated as a township in Yuma County, Ariz. in 1948.

None of the enabling legislation establishing Parker expressed an intention that the lands sold be withdrawn from the reservation, nor did the State of Arizona assume jurisdiction over Indian reservations within its boundaries pursuant to Public Law 280. As a consequence, Parker remains subject to the complicated patchwork of Federal, State, and tribal jurisdiction that exists under the current statutes and caselaw regarding Indian country.

This situation is exacerbated by the reluctance of the U.S. attorney to devote the already overburdened resources of his office to functions essentially those of a county prosecutor for the reservations. A recent GAO report details the extent to which the U.S. attorneys' offices across the United States are overworked and understaffed. Cases arising in Parker coming under Federal jurisdiction rarely are able to be processed as expeditiously as those falling within the jurisdiction of Yuma County. This naturally engenders increased friction and misunderstanding between non-Indian residents and members of the tribes.

Under existing law (as recently modified by Oliphant against the Suquamish Indian Tribe, et al.), the following situations result in either the State, Federal, or tribal courts assuming jurisdiction for a violation occurring in Parker:

A crime committed by an Indian against another Indian or against a non-Indian is tried by the tribal court if a misdemeanor or by the Federal court if a crime under the Major Crimes or Administrative Crimes Acts, and tribal or Federal law applies;

A crime committed by a non-Indian against an Indian is tried by a Federal court and Federal law applies;

A crime committed by a non-Indian against a non-Indian is tried by the State court and State law applies.

Until the recent decision in Oliphant there was an additional factor aggravating the relationship between the town residents and tribal members—the confusion as to who would have jurisdiction over criminal cases arising in the town. Had the tribes assumed jurisdiction over the town, the non-Indian residents of Parker would have been subject to a legal system in which they could have participated neither as jurors nor as electors or members of the legislative body. However, the Supreme Court ruled in Oliphant that the quasi-sovereign na-

ture of tribal governments did not encompass criminal jurisdiction over non-Indians in Indian country.

While this decision resolved some of the difficulties of the residents of Parker, others remain. Police protection is inadequate because of the procedural and jurisdictional confusion I have described, and because of friction between tribal and city law enforcement officers. Inequities result from the application of different law depending on the race of the victim and offender. Parker has no method of enforcing town ordinances against residents who are Indians, or members of the tribe while they are in town.

Mr. President, while it would be inaccurate to state that this unfortunate situation has been the sole cause of degenerating relations between the tribes and residents of Parker, it has been the major cause of injustice to both residents and tribal members. It is, however, an inveterate situation that will only be cured by an act of Congress such as I am introducing today.

This bill would allow the State of Arizona to assume criminal and civil jurisdiction within the town boundaries by amending Public Law 280. [18 U.S.C. 1162; 28 U.S.C. 1360]

Under the provisions of Public Law 280, other incidents of tribal sovereignty will not be affected by State assumption of jurisdiction. 18 U.S.C. 1162(b) and 28 U.S.C. 1360(b) state:

(a) Nothing in this section shall authorize the alienation, encumbrance, or taxation of any real or personal property, including water rights, belonging to any Indian or any Indian tribe, bank, or community that is held in trust by the United States or is subject to restriction against alienation imposed by the United States; or shall authorize regulation of the use of such property in a manner inconsistent with any Federal treaty, agreement, or statute or with any regulation made pursuant thereto; or shall deprive any Indian or any Indian tribe, band, or community of any right, privilege, or immunity afforded under Federal treaty, agreement, or statute with respect to hunting, trapping, or fishing or the control, licensing, or regulation thereof.

Further, the grant of jurisdiction to the State under this bill will apply only within the incorporated townsite of Parker, Ariz., and not to any tribal lands outside the town limits. The bill would not affect tribal ownership of the town lots still held by the tribe, or the status of land within the town as reservation land. The legislation would allow all persons accused of an offense within the town to be tried by a court or jury composed of county residents, both Indian and non-Indian. The bill would settle the question of jurisdiction and insure that Indian and non-Indian residents of the town will be guaranteed effective police protection. Finally, the bill would standardize the law applicable to all residents of Parker.

Mr. President, the situation in Parker, Ariz., is highly unusual. The Congress, by the act of April 30, 1908, and Public Law 276, 76th Congress, established the town of Parker for open settlement by all citizens.

The legislation I am introducing today more accurately reflects the intentions of

those acts of Congress by giving the town of Parker a jurisdictional status undifferentiated from that of other towns in the State. I ask that this bill be referred to the proper committee and expeditiously acted upon by my colleagues. ●

By Mr. PROXMIRE:

S. 2855. A bill to reaffirm and restate the national housing goal; to the Committee on Banking, Housing, and Urban Affairs.

(The remarks of Mr. PROXMIRE when he introduced the bill appear elsewhere in today's proceedings.)

ADDITIONAL COSPONSORS

S. 310

At the request of Mr. MATSUNAGA, the Senator from New Mexico (Mr. DOMENICI) was added as a cosponsor of S. 310, a bill for the reimbursement of licensed practical nursing services under the medicare and medicaid programs.

S. 835

At the request of Mr. CHURCH, the Senator from Minnesota (Mrs. HUMPHREY) was added as a cosponsor of S. 835, a bill to provide a program of income tax counseling for elderly individuals.

S. 2287

At the request of Mr. BURDICK, the Senator from Minnesota (Mrs. HUMPHREY) was added as a cosponsor of S. 2287, a bill to authorize grants for programs of geriatric medicine in U.S. medical schools.

S. 2405

At the request of Mr. LUGAR, the Senator from Oregon (Mr. HATFIELD) was added as a cosponsor of S. 2405, a bill to authorize an intermediate term Commodity Credit Corporation credit program for the purpose of financing the sale and export of agricultural commodities produced in the United States.

S. 2600

At the request of Mr. RANDOLPH, the Senator from Delaware (Mr. BIDEN) and the Senator from South Carolina (Mr. THURMOND) were added as cosponsors of S. 2600, the Rehabilitation Amendments of 1978.

S. 2691

At the request of Mr. WILLIAMS, the Senator from Indiana (Mr. LUGAR) and the Senator from New Jersey (Mr. CASE) were added as cosponsors of S. 2691, a bill to provide for the furnishing of congregate housing services under the U.S. Housing Act of 1937.

S. 2721

At the request of Mr. McCCLURE, the Senator from Oregon (Mr. HATFIELD) and the Senator from Indiana (Mr. LUGAR) were added as cosponsors of S. 2721, a bill to amend section 803 of Public Law 90-284 to allow educational institutions to determine housing policies.

S. 2731

At the request of Mr. PERCY, the Senator from Michigan (Mr. RIEGLE) was added as a cosponsor of S. 2731, the Solar Global Market Survey Act.

Senate Joint Resolution 29

At the request of Mr. BURDICK, the Senator from Michigan (Mr. RIEGLE) was

added as a cosponsor of Senate Joint Resolution 29, to authorize the President to issue annually a proclamation designating that week in November which includes Thanksgiving Day as National Family Week.

SENATE JOINT RESOLUTION 70

At the request of Mr. RANDOLPH, the Senator from Indiana (Mr. BAYH) was added as a cosponsor of Senate Joint Resolution 70, authorizing the President to proclaim the third week of July 1977, 1978, and 1979, as "National Architectural Barrier Awareness Week."

SENATE CONCURRENT RESOLUTION 73

At the request of Mr. DOLE, the Senator from Michigan (Mr. RIEGLE), the Senator from New York (Mr. JAVITS), and the Senator from Vermont (Mr. STAFFORD) were added as cosponsors of Senate Concurrent Resolution 73, a resolution regarding the imposition of import fees on crude oil.

SENATE CONCURRENT RESOLUTION 75—SUBMISSION OF A CONCURRENT RESOLUTION PRAISING THE U.S. DELEGATION TO THE BELGRADE CONFERENCE

Mr. PELL (for himself and Mr. CASE) submitted the following concurrent resolution, which was referred to the Committee on Foreign Relations:

S. CON. RES. 75

Whereas the Belgrade meeting of the Conference on Security and Cooperation in Europe has now concluded;

Whereas H. Con. Res. 249, adopted June 15, 1977, urged that the Belgrade meeting include the presentation and thorough discussion of all violations of the Helsinki Accords;

Whereas the United States delegation to the Belgrade meeting displayed great determination and resourcefulness in forthrightly expressing the concern of the Congress and people of the United States over specific violations of the human rights provisions of the Helsinki Accords by some of the signatory states, including the Soviet Union and some Eastern European countries; and

Whereas violations of the human rights guaranteed under the Helsinki Accords continue in some signatory states:

Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That the United States delegation to the Belgrade meeting of the Conference on Security and Cooperation in Europe is accorded the gratitude of the Congress for its determination and vigor in demanding a thorough review of compliance with the human rights provisions of the Helsinki Accords by the signatory states and for its success in obtaining such a review which brought into the spotlight of world opinion those abuses which were of greatest concern to the Congress and people of the United States.

SEC. 2. The Congress urges the President and other appropriate executive branch officials to continue to express at every suitable opportunity and in the strongest terms the opposition of the United States to repressive actions and to violations of basic human rights which are contrary to the Helsinki Accords.

SEC. 3. The Congress urges the President and other appropriate executive branch officials to use every feasible bilateral contact to emphasize to the Soviet Union and other Eastern European countries that the solemn

commitments given by such countries call for their observance of human rights.

• Mr. PELL. Mr. President, the conference to review compliance with the final act of the 1975 Helsinki Conference on Security and Cooperation in Europe recently concluded in Belgrade, Yugoslavia. A major objective of the United States in that conference was to insure that a thorough review was conducted of compliance and noncompliance with the human rights provisions of the Helsinki accord.

As Cochairman of the Commission on Security and Cooperation in Europe, I visited Belgrade last November and participated in the Conference as vice chairman of the American delegation. In that capacity, I had an opportunity to observe firsthand the truly excellent work that the members of our delegation were doing to insure that the question of human rights was fully discussed. In particular, the head of our delegation, Justice Arthur Goldberg, deserves the highest praise for the leadership he exercised and for his diplomatic skill in insuring that the East's failure to live up to the Helsinki accord's provisions on human rights was forthrightly documented and discussed.

In this connection, I would like to comment briefly on the concern that has arisen about the nature of the concluding document that was approved at the Belgrade Conference. Some people have criticized the "blandness" of that document. In fact, however, it was a singular achievement that the document said as much as it did in view of the fact that it had to be adopted by "consensus," meaning that the Soviet Union and its allies had a veto power over any language with which they disagreed. It was largely through the efforts of the American delegation that the conference adopted a document that was free of platitudes and misleading statements about the degree of implementation of the Helsinki accord.

Despite initial Soviet objections, the concluding document clearly recognized that differences arose during the Conference about the degree of implementation of the Helsinki accord's provisions. The concluding document also affirmed that implementation of the provisions of the Helsinki accord is essential for the development of the process of détente.

These, I submit, are important points.

In summing up the results of the Belgrade Conference, the major accomplishment—for which our delegation was largely responsible—was to establish human rights on the East-West agenda once and for all. The fact that the Soviets and their main Eastern European allies found it necessary to respond on human rights questions is clear evidence that even they implicitly acknowledge that these questions can no longer be swept under the rug of quiet diplomacy.

Mr. President, in view of the fine performance of our delegation at the Belgrade Conference, I and the distinguished senior Senator from New Jersey, who is also a member of the Commission

on Security and Cooperation in Europe, are today submitting a concurrent resolution, House Concurrent Resolution delegation at Belgrade. An identical resolution, House Concurrent Resolution 549, was introduced yesterday in the House of Representatives. •

AMENDMENTS SUBMITTED FOR PRINTING

PUBLIC ASSISTANCE AMENDMENTS OF 1977—H.R. 7200

AMENDMENT NO. 1763

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

Mr. MORGAN (for himself, Mr. MARK O. HATFIELD, Mr. HOLLINGS, Mr. NUNN, Mr. DOMENICI, and Mr. LEAHY) submitted an amendment intended to be proposed by them, jointly, to the bill (H.R. 7200) to amend the Social Security Act to make needed improvements in the programs of supplemental security income benefits, aid to families with dependent children, child welfare services, and for other purposes.

LABOR LAW REFORM ACT OF 1978

AMENDMENT NO. 1764

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

Mr. HELMS submitted an amendment intended to be proposed by him to the bill (S. 2467) to amend the National Labor Relations Act to strengthen the remedies and expedite the procedures under such act.

PANAMA CANAL TREATIES, EX. N.

95-1

AMENDMENT NO. 99

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

Mr. LONG (for himself, Mr. NUNN, Mr. DECONCINI, Mr. TALMADGE, and Mr. CANNON) submitted an amendment intended to be proposed by them, jointly, to the resolution of ratification of the Panama Canal Treaty, Ex. N, 95-1.

(The remark of Mr. Long when he submitted the amendment appear elsewhere in today's proceedings.)

NOTICES OF HEARINGS

VISIT BY MEMBERS OF THE ASSEMBLY OF WESTERN EUROPEAN UNION

Mr. STEVENSON. Mr. President, during the week of April 9, about 25 members of the Committee on Scientific, Technological, and Aerospace Questions of the Assembly of Western European Union will be in the United States to meet with officials of the Government and of the private sector to discuss issues of mutual interest. These gentlemen are members of their national parliaments. On the afternoon of April 12, from 2:30 to 4, in room S-207 of the Capitol, the Subcommittee on Science, Technology, and Space of the Senate Committee on Commerce, Science, and Transportation will meet with that committee. All Senators are invited to attend this meeting and will be most welcome.

ADDITIONAL STATEMENTS

VIETNAM VETERANS

• Mr. HATHAWAY. Mr. President, the Maine Legislature recently passed a joint resolution which outlines the problems which many Vietnam veterans still face years after the Vietnam war has ended. These veterans are especially frustrated with the bureaucracy of the Veterans' Administration. Some of these veterans, many of them disabled and out of work, have waited, literally, years to receive the benefits they have been promised and rightfully deserve. The resolution passed by the Maine Legislature urges the President, Congress and the Veterans' Administration to accelerate and improve the services for Maine veterans.

During the last 2 weeks, the Washington Star has carried an excellent series of articles by Donia Mills about Vietnam veterans. It tells in detail and depth the tremendous difficulties that many Vietnam veterans have had in readjusting to civilian life. America must not forget the great sacrifices these veterans have made for their country simply because the Vietnam war turned out to be ill-advised and unpopular. These veterans deserve an effective and compassionate government.

At this time, I ask that the joint resolution and Washington Star articles be printed in the RECORD.

The material follows:

VIETNAM VETS: IS HELP COMING 10 YEARS TOO LATE

(By Donia Mills)

For half a million survivors of the Vietnam war, scattered today throughout the country, the return to a normal life has not come easily.

For some it will never come at all.

Ten years since the peak war action of the Tet offensive, and five years since the withdrawal of American ground troops, government officials still have not dealt with the social, moral and psychological damage suffered by the men who fought the most controversial foreign war in the nation's history.

There is shockingly little detailed data on the depth of the problem, but authorities estimate that one in five of the 2 1/2 million soldiers who fought in Vietnam still suffer some effects of postwar maladjustment.

Statistics also show that:

450,000 Vietnam-era veterans are jobless. 125,000 are incarcerated in state and federal prisons.

750,000 ex-soldiers are stigmatized by less-than-honorable discharges.

497,000 soldiers left the service with mental or physical disabilities, and 10,000 of them are still hospitalized in Veterans Administration facilities three years after the end of the war.

Fewer than one-fifth of those eligible for VA vocational rehabilitation had taken advantage of the program by the end of last year.

Now, five years after the last man came home, the Veterans Administration finally has commissioned a comprehensive study of this troubled minority.

"I guess you could say this is all happening 10 years too late," said Max Cleland, the severely disabled Vietnam veteran who became VA Administrator last year.

"On the other hand, maybe this is exactly the right time to act. Now, in 1978, we've been through several years of preliminary sifting and we're finally down to the veterans with the real hard-core problems. Now it may

be easier to identify them and tailor programs to fit their particular needs."

In addition, it appears that the House Veterans Affairs Committee this year may finally approve a readjustment counseling program that was so badly needed a decade ago. Similar proposals have been defeated three times over the last five years.

And last month the Carter administration, no doubt pressured by a recent burst of publicity surrounding the 10th anniversary of the Tet offensive, initiated its own mini-survey of the situation.

In a directive issued by the president's domestic affairs adviser, Stuart Eizenstat, officials at the VA and departments of Labor, Justice, Defense and Health, Education and Welfare were given two months to come up with their own appraisals of the problem.

Frank Raines, the member of Eizenstat's staff assigned specifically to veterans affairs, was quick to suggest in a recent interview that the review is designed as a fulfillment of Carter's campaign promises to veterans rather than as an expression of unusual concern.

"The White House feels no more concern over veterans right now than over other areas," Raines said. "We spend a lot of money on vets—about \$20 billion a year. Our main concern is that the money is being properly utilized. But there is no crisis in veterans programs at this time."

Veterans from older generations frequently gripe that the men who fought in Southeast Asia should not be singled out for special attention. War is hell, they say, whether the battleground is the fields of Shiloh, the beaches of Normandy or the rice paddies of Vietnam.

But most serious scholars of the Vietnam war and its political impact vehemently disagree.

In "The Forgotten Warrior Research Project," a three-year study funded by the Disabled American Veterans Association, John Wilson, a Cleveland State University psychologist, draws the following profile of the Vietnam soldier and the conflicts he encountered.

Typically, he was a high school graduate who entered the service believing that military duty was a proper and patriotic obligation.

After a period of basic training designed to equip him for killing and survival, Wilson maintains, the soldier was flown into enemy territory where he soon encountered a number of factors that raised serious questions in his mind.

The guerrilla nature of the war, a lack of confidence in his superiors, the difficulty of recognizing the enemy, the apparent lack of South Vietnamese military and civilian commitment to victory, coupled with widespread signs of political and economic corruption, the fixed limits on his own tour of duty, the seemingly meaningless deaths of his friends—all these factors combined to cast the young soldier into deep ethical and spiritual conflict.

The final conflict occurred when the men discovered they were up against still another divided front when they returned home.

In place of victory parades these soldiers were greeted by apathy from one faction, who suggested they somehow hadn't done their jobs well enough, and by angry anti-war demonstrators from the other, who told them they were dopes to have taken on the job in the first place.

"Psychologically, the veteran was in an untenable position," Cleland says. "The war ended with no answers. The validity of his sacrifice was not there. He was forced to provide the answers for himself. This challenge was unique in U.S. history—the malaise, the sense of being a sucker."

"We all faced it. Most guys handled it okay. We should keep emphasizing the fact that 80 percent readjusted fine."

Among the 20 percent who didn't, the VA's Cleland conceded, the psychological impact often continued on through the years "like a series of secondary explosions."

Too many still bear the compound and inextricably linked effects of depression, alienation, divorce and other family troubles, drug and alcohol dependency, unemployment and run-ins with the law.

The feelings of neglect and inequity and exploitation that stung then have continued to fester in the hearts and minds of veteran activists who refuse to let the issue die.

"The whole situation is atrocious," says Rusty Lindley, a former Green Beret captain who has become an outspoken advocate for down-and-out ex-GIs.

"The guys who went to college got degrees and good jobs. The guys who went to Canada got amnesty. But the guys who went to Vietnam—they've never yet gotten their share of the American dream they were told to go fight for."

In the seven years he has spent in Washington pestering political bureaucrats for legislative reforms, Lindley says, he has watched three different administrations pour billions of dollars into meaningless programs with no attempt to follow through.

"Society has succeeded in dehumanizing the veteran the way the military dehumanized the enemy in Vietnam," he goes on. "Now the government's attitude seems to be, 'Let's pity the poor vet as a new kind of social problem, let's appease the crazed dope fiend-psychopathic-sniper-rapist-mass murderer by throwing them multi-million-dollar programs scraped off the bottom of some welfare bill.'

"Well, these guys don't want deadend public service jobs where you sweep streets and then end up out of work again after a year. And they don't want pity, and they don't want to stand in welfare lines or go whimpering to the VA. They want careers. They want a chance to prove themselves in good jobs at home the way they proved themselves under the gun in Vietnam."

Most authorities agree that a significant part of the problem for many veterans is their generalized disenchantment with Uncle Sam, their rejection of any more involvement with a government that sent them to Vietnam in the first place, whether it involves going to a VA hospital or registering with a state employment office.

Theoretically, the older veterans claim, the soldier returning from Vietnam was in good shape, dollarwise—better shape than any previous generation.

On separation from military service he received from the VA a 71-page booklet detailing the multitude of benefits for which he was eligible: 45 months of educational payments under the GI bill, free medical care, free vocational rehabilitation training, plus additional cash compensation if he was disabled, low-cost loans and life insurance, and numerous federal veterans-preference laws that required he be given priority in job counseling, referrals and hiring.

While the majority of all veterans have taken advantage of at least a portion of their benefits, for many others the system short-circuited somewhere along the line and let them down.

Men who needed personal guidance and encouragement received instead booklets and form letters written in gobbledegook, or instructions from VA counselors that seemed to lead them through mazes of redtape only to terminate in *Catch-22* barriers.

Those least able to maneuver through the minefields of application procedure were unfortunately the very men who needed support the most—the poor, undereducated and minority GIs who bore a disproportionate share of actual battle in Vietnam because they could neither afford nor qualify for the middle-class haven of college deferments.

One of the more persistent critics of the

VA over the years has been Bobby Muller, a former Marine lieutenant who was transformed from a track star into a paraplegic in 1969, when he caught an enemy bullet in his spine on a hilltop near Con Thien.

He spent the next year in the notorious Bronx VA hospital that was described as a "medical slum" in a 1970 *Life Magazine* exposé, and his sense of outrage has not dimmed much over the years.

Muller paused one day recently during an all-day siege of congressmen's offices, pulling his wheelchair over to a quiet corner of the Longworth Building to explain his latest mission.

"Would you like to know our biggest problem?" Muller asked a reporter. "It's a lack of statistical proof that there's really a problem. Incredible as it seems, the VA has never bothered to evaluate the billions of dollars worth of programs they run, and so nobody has any idea how effective or ineffective they may be."

Details become muddled, but the basic outline is clear: the Vietnam veteran has not been deliberately neglected so much as simply set on a back burner with low priority, in budget after budget, year after year, all the way down the line.

Max Cleland, the man occupying the VA hot seat at present, is an accomplished politician in an arena where politics is the name of the game.

Cleland was also an athletic star and academic achiever in his home town of Lithonia, Ga., before an errant grenade blew off his right arm and both legs in a bizarre non-combat accident at Khe Sanh.

Being a triple amputee did not keep him out of commission for very long.

At 34 he had already served two terms in the Georgia Senate, run unsuccessfully for lieutenant governor, and worked a year for the Senate Veterans Affairs Committee before Carter appointed him last spring to head the federal government's second largest bureaucracy.

Ranking only behind the Department of Defense in number of employees, the VA annually administers a \$20 billion multi-benefit program for 30 million veterans and their dependents.

But only 8 million of these served during the May 1964–August 1975 period officially designated as the Vietnam Era, and only 2½ million experienced actual duty in Southeast Asia.

This means that while the Vietnam veteran's readjustment difficulties may be more immediate, he is in the minority, and lacks the lobbying influence of his older World War II counterparts.

"What the VA system does is pit the older veterans against the younger veterans for a limited pot," says lawyer Stuart Feldman, an indefatigable lobbyist for veterans affairs. "And any agency naturally has to go with its majority constituency."

This generation, Feldman adds, is united under the powerful brotherhood of such old-guard organizations as the American Legion and Veterans of Foreign Wars, and is naturally more concerned with maintaining hospital care and pensions than with supporting the needs of young veterans whom they tend to identify with the dissident, long-haired generation.

Cleland readily admits that the VA has fallen behind where Vietnam veterans are concerned, but he insists that he has put things on the right track with the research project just commissioned.

"This will not be just another study, but the first really thorough analysis ever done of the Vietnam veteran in all his dimensions," Cleland said in a recent interview.

"What we're really doing is picking up and continuing an independent study begun three years ago by the Center for Policy Research in New York. This means we'll be able to wind up the first phase in about a year and a half, and should be able to

give Congress the data they want. After another six months, we can begin to use the collected information to make our readjustment counseling program more effective."

Cleland's sharpest critics contend that his political ambitions have kept him from taking a hard and potentially unpopular stand for Vietnam veterans against the status quo.

But the entire issue is too complex and contentious for simple analyses.

The fact is that veterans affairs are under the domain of so many different political entities that any one can always legitimately pass the buck and the blame for inaction onto another.

The VA says it can't set up programs if they aren't funded by Congress, and Congress has to play ball with the Office of Management and Budget, which is guided by the administration.

When two congressmen recently attempted to put some teeth in the administration's ongoing interagency review of Vietnam veterans by requesting that a \$200 million contingency fund be set aside to cover whatever proposals might come out of the study, the request was voted down 14-4 by the House Budget Committee. In the same session, its members voted favorably on a \$931 million bill for VA pension reform.

The House Veterans Affairs committee is swayed by the powerful old-guard veterans organizations, accuses the VA of failing to come up with the studies needed to justify expenses and lays the blame for unemployment squarely with the Labor Department, which can always point to the Civil Service Commission's recent proposal to do away with veterans preference in hiring.

"You can't look at these issues in isolation," cautions one longtime Capitol Hill observer of veterans affairs. "It's hard for the politicians in Washington to put over programs if the sentiments aren't with them back home in their constituencies.

"And Vietnam was simply never a war that American civilians felt they had any stake in. There was never the question of choosing between guns and butter, the way people had to do in World War II. During Vietnam we had guns and butter too."

At the same time, the man continued, legislators have come under increasing pressure from rival segments of society, such as women and minorities, who have developed a level of organization and lobbying power far beyond that of the Vietnam veterans.

"Instead of scoring a big victory and coming home all in one body like the World War II soldiers, the Vietnam soldiers came home singly, each when his 13 months was up, in a mood of defeat. And that's where they still are today—isolated and alone."

JOB: A BLIND ALLEY FOR MANY VIETNAM VETERANS

(By Donia Mills)

By 9 o'clock most Monday mornings, the reception area of the local Veterans Assistance Center on North Capitol Street is already crowded with men whose search for jobs has led them mainly down blind alleys and one-way streets.

A photograph of President Carter seated by a fireplace smiles down at them from a handbill posted on the bulletin board, underscored by his "fireside chat" statement of Feb. 3, 1977:

"The top priority in our job training programs will go to young veterans of the Vietnam war."

In this context, it is a bitter reminder of the gap that exists between the rhetoric and the reality on the issue of veterans' unemployment.

Many veterans of all ages were angered, if hardly surprised, earlier this month when the President proposed a 10-year limit on the

long-standing policy of "veterans preference" as part of a general overhaul of the Civil Service Commission.

Because of the lengthy winding-down of the war, most of the men who actually saw combat in Southeast Asia will soon be past their 10-year limit and will no longer receive preference points on Civil Service tests as veterans have since the 1940s.

According to Labor Department statistics for the last quarter, about 450,000 Vietnam era veterans aged 20-34 are unemployed, and an additional 100,000 veterans over 34 are also out of work.

Roland Mora, appointed last year as deputy assistant secretary of Labor for veterans employment, thinks the actual figures are much higher. Based on personal observations, he estimates that for every veteran actively seeking work, two have given up in frustration.

Despite a 1972 federal law requiring state employment service personnel to give priority to veterans in job counseling and referral, Labor statistics show that fewer than one in five veteran applicants was placed in jobs, and only one in 20 received any counseling.

The Labor Department itself is far behind many other agencies. In 1976 only 0.8 percent of Labor's employees were Vietnam veterans, compared with 6 percent of the Treasury Department's, 5 percent of Justice's and 8.7 percent of the Civil Service Commission's.

Stan Williams, a counselor at the District's Veterans Assistance Center, ticks off a long list of obstacles facing jobseekers he sees, many of whom are undereducated, minority members who did much of the dirty work in the war and were hardest hit by the recession when they came home.

"Most of these guys graduated from high school and went right into the service, which means they come out and hit the job market with no experience to their credit," Williams explained.

Military experience, he added, usually counts for nothing with a civilian employer, which can mean a demoralizing step backward for a man who has mastered a specialty and enjoyed some job responsibility in the service.

"And to those looking for trades, the unions are extremely tough to get into," he said. "They have very few openings."

The jobs listed in the voluminous computerized job-bank books reveal more frustrations. Except for menial jobs such as porters' and dishwashers', most listings require at least 12 months of job experience.

Williams said the entries are updated daily, but men who have been through the process tell a different story.

"You start looking through the book and some of those jobs are three years old," one unsuccessful job hunter said bitterly.

The greatest foes of veterans preference would seem to be women and minorities, two groups that also claim that they deserve special consideration.

Most observers feel that the gains now being made by women and minority employees are losses for the veterans.

While the veterans community here was initially encouraged by the \$1.3 billion jobs-for-vets programs announced with great fanfare by the administration a year ago, spokesmen for most veterans organizations now charge that the plans were poorly conceived and have been inadequately administered.

Putting it simply, they feel the president was throwing the veterans a bone to appease the growling that arose over his controversial amnesty decision announced just a few days earlier.

The administration in an attempt to alleviate the veterans unemployment last spring proposed three programs funded through Labor's Comprehensive Employment and Training Act (CETA):

One provision expanded the already existing Public Service Employment program, designed to provide unemployment people with temporary jobs in public and non-profit agencies, using CETA funds to pay their salaries.

A projected 250,000, one-year jobs, 35 percent of the total new jobs created, were earmarked for disabled and Vietnam era veterans.

Mora has acknowledged that the current level of veteran hiring under the program is only 28 percent, however. "I think this is pretty much where we're going to end up," he said.

A second program, the Disabled Veteran Outreach Program, provided for the hiring of 2,000 men to be placed in local branches of state employment offices where they would help develop jobs for other disabled veterans. The program was to provide jobs for 40,000 by the end of 1978, according to Labor.

Mora said this program is his favorite and repeatedly described it as "successful," though no one at Labor has been able to document how many disabled veterans have actually been placed.

But Ron Drach, employment director of the Disabled American Veterans, which did some spot monitoring on its own, said the group found several instances in which disabled veterans were prevented from counseling other veterans because they had been assigned by their office managers to do routine clerical jobs or to fill in elsewhere.

In addition, Drach said, many veterans in the program have discovered large discrepancies between the salaries they were promised and what they actually were paid.

For example, in Virginia, which has 44 disabled veteran counseling positions funded at \$10,000 each, workers were paid between \$7,000 and \$8,000.

A spokesman for the Virginia State Employment Service explained that the remaining balance of the \$10,000 was held out by the central office for "benefits and expenses," which included travel money for workers going out into the community on projects.

But because of a "communication breakdown" in the early months of the program, the spokesman added, local managers were not informed that there was travel money available. As a result, the veterans' activities were curtailed for a while.

"To tell you the truth, we've experienced a lot of turnover in this program," the spokesman said. "Because of the low salary scale, a lot of the DVOP counselors leave when a better job comes along. Then of course, we have to start all over again training someone new."

The third and most ambitious of the job programs is Help Through Industry Retraining and Employment (HIRE), a cooperative venture of government and private industry. The program is funded by \$140 million in CETA funds used to reimburse companies for providing on-the-job training that would lead to permanent employment.

Disabled and Vietnam era veterans were to receive top priority in placement.

HIRE also has had a spotty record during its first year, largely because the program was originally aimed at large firms that represented only 1 percent of the nation's employers.

Last November when only two companies had signed up after four months, the guidelines were altered to encourage smaller companies to participate. The program is now picking up momentum, according to Charles Collins of the National Alliance of Businessmen (NAB), the marketing agent for the program.

But only \$20.7 million of the original \$140 million has been contracted out so far. The most recent Labor figures indicate that only 220 veterans have actually gone to work under HIRE.

A second, voluntary part of HIRE has fared somewhat better, according to NAB

officials, who report that 20,000 veterans have been hired in private industry under a non-reimbursable provision that spares employers the governmental red tape of the reimbursable plan.

But because the 20,000 veterans represent only one-fifth of the original goal set for September 1978, the figure hardly indicates extra effort above and beyond normal hiring patterns.

To date, three local firms have signed HIRE job-training contracts: Southern Railroad, Interstate Van Lines and Peoples Drug Stores.

A closer look confirms what most veterans advocates have been claiming: When good opportunities come along, they are snapped up immediately.

Interstate's president and founder, Arthur Morrissette, said the HIRE trainees will be paid the program's minimum of \$3.50 per hour, which is Interstate's normal starting salary anyway. The company will be reimbursed for half the training costs through CETA.

Morrissette acknowledged that he had learned about the HIRE program at a time that happened to coincide with his need for new employees. He said that his major concern was finding good workers, not hiring veterans.

FOR MANY VIETNAM VETS, EDUCATION AID CAN BE A CATCH-22

(By Donia Mills)

Like many young veterans who returned from the war in Vietnam in the late 1960s, Steve Anderson found himself in a Catch-22 bind shortly after he enrolled in college or the GI Bill.

It provides a flat cash supplement for 45 months following separation from active service. But the payments from the VA, which netted a full-time, single student \$175 a month in 1969, were not enough to cover Anderson's books, tuition, and living expenses, so he had to work part time.

This cut down on his course load and further reduced his payments.

"I had to make a choice," he says simply. "So I ended up quitting for a couple of years to work full time. I had to live."

He took courses intermittently after that. But at present, employed full-time by the VA as an education liaison officer and studying part-time at the University of Maryland, Anderson is still about two years away from a degree.

Cost-of-living increases passed by Congress over the years have raised the current benefit level to a record \$11 monthly for single veterans, with graduated payments for those supporting dependents. But at the same time, inflation has driven tuition, books and living expenses to record levels.

And now, because of the 10-year limiting date attached to VA benefits, Anderson's time will run out in December before he has a chance to use the entire 45 months he is entitled to.

"Congress," he said, "had many opportunities to make the bill effective so the veteran could go to school when and where he wanted, back during the years when there were huge numbers of guys who could have used a little extra help, but they dragged their feet and watered down every proposal that came along." He said these opinions are his own, and not the official VA position.

"The VA says that more Vietnam era vets have taken advantage of their benefits than vets of any other war—over 60 percent," he said. "But that only tells us how many enrolled initially. How many were actually able to hang in there long enough to get any good from it? There's no way of knowing."

Last year when a revision of the GI Bill was up for congressional consideration, veterans' advocates lobbied hard for admin-

istrative changes they thought would make the regulations more effective for certain groups of veterans.

For example, evidence was presented that indicated many were unable to use their benefits in the Midwestern and Eastern states because of high tuition costs.

Under the GI bill of World War II, the VA paid tuition directly to the schools, whatever the level might be, and an additional cash supplement to the veteran.

When that system led to such abuses as greatly inflated tuition fees at some institutions, Congress adopted the present procedure of paying a flat sum to the veteran.

Today, veterans living in Western and Southern states rich in low- or no-cost public colleges are at a distinct advantage. For instance, a Pennsylvania resident attending Temple University, which is public, finds that education expenses take 57 percent of his total yearly benefits, compared with 15 percent for a student attending a California State University campus.

The equitable-payment proposal was hotly debated before the House Veterans Affairs Committee but was ultimately defeated in favor of an across-the-board benefits increase of 6.6 percent, supplemented by a system of loans.

Congress also passed severely reduced versions of a measure that would have extended the limit for vets who still had a portion of their entitled benefits after the 10-year cutoff date.

Congress also passed another version that would have permitted accelerated payments for vets who wished to use up their benefits in half the time at twice the rate of payment. This would have been especially helpful, it was argued, for a man who simply wished to learn a marketable skill in a short expensive, vocational program.

"The problem is now, the prime time for most of these guys has passed," Anderson said. "The average vet is 30 years old and has a family to support."

"I'm beginning to think that the ones who haven't gotten a start by this time are pretty hard core, and it's going to take a hell of a lot more to bring them back into the mainstream than most people realize—I mean knocking on doors and holding their hands and practically carrying them through the education process."

In terms of education, the hardest of the hard core are the 20 percent of Vietnam era veterans who had not completed high school when they entered the service.

James Finley Jr. is a good example: His government didn't teach him to read or write very well, but they found that he was a whiz when it came to shooting a gun.

Finley came home from Vietnam with an honorable discharge that listed pistol expert, rifle expert and firearms instructor among his accomplishments. Unfortunately for him, civilian employers were more interested in the reading and writing.

Now he's enrolled in Veterans Upward Bound, a high school equivalency course administered by Prince Georges Community College and paid for by federal Comprehensive Educational Training Act funds. He and 44 classmates in the same boat attend classes five days a week in a training center in the basement of a motel.

They receive weekly stipends of about \$78 for full-time attendance in five subjects: reading, social studies, mathematics, English and science. If they can pass their tests by the end of 24 weeks, they receive a high-school equivalency certificate.

When they miss a day, they don't get paid.

"The people in this country, they act like we're so almighty lucky to be getting that check from the government every month," Finley says bitterly. "But do they ever think what we put on the line to be getting that money today?"

These are the men with disadvantaged backgrounds who bore a disproportionate share of Vietnam combat duties and casualties because of a draft law that allowed college deferments for those who could afford it.

Ten years later, to no one's great surprise, the same men are bearing a disproportionate share of the unemployment and social problems. They share a growing feeling of hostility toward an inscrutable system that seems to block them at every turn.

"One thing I know for sure, this country don't want to hear about no Vietnam veteran," spoke up a man from the back of the room. "We lost the war, and they're still holding it against us."

"Yeah," grumbled another man, a former Army rifleman who has had trouble working because of a nervous disability from the war. "Then you walk into a 7-Eleven, and there's some Vietnamese guy working behind the counter telling you, 'Hey, you can't put that newspaper under your arm like that, you got to put it here in the bag,' all that stuff. Man! Who is he to be telling me what to do? We go over there and fight to save those people. Now they come over here and get our jobs."

The men were enthusiastic about the high school equivalency program and the personal interest the director, "Doc" Alfred Simons, has taken in them. But several had horror stories about the red tape at the VA: Records lost, checks delayed, counselors who all left for the weekend by 2 p.m. on a Friday, or GS-2 clerks who "run you around in circles like a chicken with its head cut off" while sipping coffee and chatting among themselves.

"It's hard to concentrate on the lesson when you're sitting there worried about things like the man going to come around for the rent check the first of the month, and where am I going to get it this time?" the man with the nervous disability said.

"You know, President Carter, he says he wants to help the veteran. Well, one day I'd just like to sit down man to man and talk with him. Like, maybe go to Sunday School and just sit down next to him and ask him what's really happening. I'd like to see if he can really do anything for guys like me."

Veterans are faring somewhat better at the Rockville Campus of Montgomery College, where their class schedules, grade point average and VA status are neatly computerized and can be called up at the drop of a switch by student-veteran counselors trained to steer through red tape.

Rick Bannerman, Ruth Ralston and Sandra Detmer say their main function is to keep the paperwork moving.

"When a guy comes in saying that the VA lost his check," Bannerman said, "chances are about 95 percent that the mixup is because he's failed to re-register himself or some such technical oversight. Believe me, Rick Bannerman's checks never get lost! Working in this office, it has become very real to me that the VA does things their way and you have to conform to them, not the other way around."

"It really freaks some of these vets out who couldn't wait to get discharged and get away from all the military red tape. They figure, 'Ugh, now the VA is going to control my life for 10 more years!' I think some of them come in here for counseling expecting to find us all dressed out in our fatigues."

Some veterans, the counselors say, get caught in a bind because of the three months of processing between the time they enroll and the time their benefit checks start arriving. This new policy replaced pre-payment last year after the VA had \$1 billion in "overpayments" during 1976 to students who had dropped out of classes.

It is the financially strapped student of 1977-78 who is now suffering from that little fiasco, Bannerman says.

"Sometimes," he said, "by the time a guy is all certified and his checks start arriving, he's had to drop part of his course load and take on a job to support himself in the interim, which means the benefit figure changes and we've got to start the whole thing all over again."

Many of the 700-odd veterans enrolled at Montgomery College find they have to work full-time to "afford" their GI benefits, the counselors add.

"It would be no problem to get by on the GI bill alone if you had a Podunk cost of living," says Detmer, who has sole support of her 5-year-old son. "But in Montgomery County, it's just about impossible. I live in a subsidized housing apartment in Gaithersburg, where they just raised the rent to \$234 for us 'low-income' people. Two-thirds of my income goes for the rent."

But Sandra Detmer isn't complaining. In fact, hearing some of the stories about the readjustment struggles of the vets returning from Southeast Asia, she confesses that sometimes she feels a little guilty about drawing the same benefits as the combat veterans, even though her 18-month Vietnam era assignment was in a telecommunications office at the Pentagon.

"I know it's a good deal for me," she says. "Sometimes I wonder what I did to earn it."

DISABLED VIET VETS: AFTER COPING, THEN WHAT?

(By Donia Mills)

Larry Roffee insists there is nothing to it, the elaborate maneuvering to get from his wheelchair into his car, a Jaguar he bought a couple of years ago and had specially modified with hand controls.

Relying solely on his muscular arms, Roffee positions the chair next to the car and hoists himself into the driver's seat, manually dragging his dead-weight legs in after, one at a time.

Then he folds up the wheelchair, hoists himself over onto the passenger side, slides the driver's seat forward so he can reach over and drag the wheelchair into the back seat, slides back the driver's seat, hoists himself back into it again, and is ready to go.

"It's worse on my passengers than on me," Roffee says with a droll, Dennis-the-Menace grin. "They have to stand out in the rain or whatever till I finish going through the whole bit."

Currently working as executive director of the Paralyzed Veterans of America, based in Bethesda, Roffee was a 22-year-old Army artillery lieutenant when a bullet smashed into his spine during the invasion of Cambodia in 1970.

Paralyzed from the waist down, he spent the next two years in hospitals, first in Vietnam, then at a supported base in Japan, then more military and VA hospitals back in the States.

"It takes a while to accept it," he said. "The doctors never really tell you that you're never going to walk again. They don't say either yes or no, really. They just tell you that you're young and strong and you can overcome a lot of obstacles."

"I think it was five or six months after I was wounded, one day during a rehabilitation session, when it finally dawned on me—hey, this is it, for the rest of my life."

"After that, it's just a matter of adapting and coping. I decided long ago that being bitter gets you nowhere. The most important thing is to get involved in something so you can keep your mind off your disability and hang onto the notion of your own self-worth."

"When you come right down to it, the good old-fashioned American work ethic is usually the best therapy."

Like many other disabled Vietnam veterans who have come to Washington to work on behalf of their fellow veterans, Roffee makes a great effort to create an image of a handicapped person who is capable and industrious on the job.

At the same time, he stresses that much remains to be done to bring the half-million men who left the service with mental or physical disabilities back into the mainstream of American life.

The Veterans Administration has some basic statistics: They can tell, for example, that as of last September over 497,000 disabled veterans, rated on a severity scale from 10 to 100 percent, were receiving compensation payments averaging \$175 a month.

Thanks to improvements in medical technology, coupled with the fast and efficient rescue work of helicopter medivac teams in combat zones, severely wounded men in Vietnam stood twice as good a chance of survival as their World War II and Korean predecessors.

About 30,000 veterans are still considered 100 percent disabled five years after the end of the fighting. Because it was a booby-trap sort of war, more soldiers than might have been expected, 12,500, lost their lower limbs or use of them.

In terms of material compensation, the government has provided well for severely disabled veterans. Those with amputated limbs, paralysis, or loss of bodily functions that require them to have full-time custodial care receive nearly \$1,900 a month, tax free, from the VA.

"That sounds like a lot, doesn't it?" Larry Roffee smiles, and then adds in a briefly wistful tone: "You wanna trade?"

What the VA cannot tell with much certainty is what becomes of these men after they are taught to cope with the basic needs of daily life—wheelchair travel, showering and dressing techniques and bowel and bladder care for paraplegics—and released from VA hospitals to start their lives over again as best they can within their own families and communities.

Most disabled veterans qualify for the VA's free vocational rehabilitation program under which the government will pay all expenses for whatever educational curriculum the veteran may choose, with no reduction in the regular compensation payments.

But a disturbingly small number of eligible veterans, only about one in five, have ever entered a vocational rehabilitation program as of last year.

And since the VA has not done followup studies on the use of benefits, there is no way to tell how many men may have completed rehabilitation and been able to parlay it successfully into a job.

"The VA did wonders for me," said John Fales, a former Marine captain who came home from the war totally blind. "But there's always room for improvement."

"For a guy who's got a disability, sometimes the difference is made by the GS-1 who answers the phone and is rude or unhelpful. You can have all the fantastic programs and facilities in the world, but somebody has to help you find out about them."

Fales lost one eye in 1967 when a mortar exploded in his face at Con Thien. The other eye deteriorated from side effects of malaria pills.

Now working as employment director for the Blinded Veterans of America, he demonstrated his virtuosity one day not long ago by escorting a reporter to lunch, leading the way to his favorite midtown restaurant through a formidable obstacle course of construction debris, traffic and lunch hour crowds.

"The big thing is breaking down atti-

tudinal boundaries, the stereotypes of what a handicapped person can and can't do," he said.

Fales agreed with other veteran spokesmen that substantial discrimination against disabled people exists in the private sector and that the Labor Department should be doing more to enforce the affirmative action provisions already on the books.

Roffee and Fales both said that informal surveys indicated only 13 percent of their organizations' members were working. Estimates of unemployment among disabled veterans place the rate at 30-50 percent.

"You can give a person all the medical attention in the world," says Ron Drach, employment director of the Disabled American Veterans, "and all the training and education in the world, but unless you have a job, what good is it to get back on your feet? What has the VA really done for you?"

Bobby Muller, another paraplegic who has been a tireless veteran activist since his return from Vietnam, puts it more bluntly.

"The most neglected area of the VA is rehabilitation of the severely disabled," Muller says. "How the hell do you explain the fact that over 80 percent of these guys are shut-ins, even though they have absolutely nothing to lose by taking vocational rehabilitation?

"The VA may have the technical facilities to physically rehabilitate a man, but there is no follow-through, no attempt to motivate and give him confidence."

"The attitude is, 'Here, son—take your check and go home.' That's much easier, just give a guy a government check for \$1,900, a month. That kind of money makes it hard to get sympathy on your side. People look at you funny when you go around pitching a fit about being neglected."

VA administrator Max Cleland, himself a triple amputee, admitted in a recent interview that a year-long study of the vocational rehabilitation service showed the entire system was badly in need of upgrading.

"The way it works now, we rehabilitate a man but then we have to turn him over to the Labor Department to find him a job," Cleland said.

"What I want to do is ask Congress to give us the authority to do the whole thing—from picking the guy up out of the hospital bed to finding him a job and then doing a followup check six months later."

Cleland suggested, however, that the incentive to work might not be too great for a severely disabled man, considering the generosity of the VA payments.

"It's quite possible to live very well indeed without ever hitting a lick," he said.

But the key issue, Muller insists, is one of emotional and social adjustments rather than mere physical maintenance.

"These guys lives are human tragedies because they have no sense of accomplishment, without a meaningful occupation. Wouldn't you expect the goal of a rehabilitation program to put you back as close as possible to the place you were before, to restore your original sense of identity and worth?"

Drach said that the DAV had been discouraged by the Labor Department's failure to implement effectively a Disabled Veterans Outreach Program (DVOP) which the administration gave a rah-rah sendoff last spring.

Under this plan, 2,000 disabled veterans were hired and placed in state employment offices around the country and were supposed to develop job opportunities for 40,000 additional disabled veterans.

But DVOP workers report that they've been hindered by lack of support from both the private sector and Labor agencies that are supposed to enforce affirmative action programs for hiring the disabled.

AFTER ESCAPES IN VIETNAM, MENTAL DISABILITY: "TOO FLIPPED OUT OR TRANQUILIZED"

(By Donia Mills)

I died in the Ashau Valley
 Five years ago—a short timer.
 My life since has been in hell.
 Hell is here on earth. There is some
 Joy in hell, but only to make
 The pain seem harsher and more real...
 I am told that everyone has his disability,
 And that mine is a
 Loss of survival instinct as I lie
 Transported into a world of
 Distortions and poor decoding.
 There is no use in fighting. I am
 Doomed to exist and writhe in
 The scalding lie of life.

Five more years have passed now since the poet, a former Marine corporal from Bethesda, took control over his mutinous mind long enough to put down those lines.

Today, at 28, the former Marine remains one of the hidden casualties of the Vietnam conflict, a 100 percent mentally disabled veteran whose wounds are not visible to the casual observer.

VA statistics on the Vietnam era, which extended officially from August 1964 to May 1975, reveal that more than 92,000 men left the service with diagnosed psychiatric disabilities. The figures for physical disabilities ran to more than 400,000.

In 1976, three years after U.S. ground troops left Southeast Asia, 19,000 ex-soldiers like the Marine from Bethesda were 100 percent disabled.

More than 6,000 of them remained in VA hospitals that year, outnumbering by two to one the general medical and surgical patients hospitalized.

The former Marine—let's call him Pete Meyer—considers himself one of the lucky ones because he has been able to leave the hospital and live independently with encouragement from his family and friends.

Nevertheless, after \$20,000 worth of private psychiatric treatment, in addition to free VA care, his mental condition is still diagnosed as "chronic undifferentiated schizophrenia."

His psychotic symptoms are controllable only by heavy doses of two tranquilizers he must take morning and evening to maintain a facsimile of a "normal" life.

No doctor can tell him when or if he will ever be the way he was before the war.

Meyer joined the Marines in August 1967, fresh out of Walter Johnson High School and a comfortable middle-class home. Old friends describe him as alternately bookish and zany in those days, with a wide range of interests (from Future Teachers of America to folksinging and model rocket club) and a flair for the dramatic that won him a lead part in his senior class play, "You Can't Take It With You."

College would have seemed the obvious choice for Meyer, except he wasn't quite ready to plunge into school again, and his parents agreed that if he joined the service, he could always go to school afterward on the GI bill.

And so he went "gung-ho" into boot camp at Parris Island, followed by more training at Camp Lejeune and jungle training in California.

He reached Vietnam in the spring of 1968, sent over in a batch of replacements for a 3rd Marine Division platoon that had just been wiped out in the Tet offensive.

Meyer speaks coolly, in a tone of quizzical amusement, about the events of the following 13 months, as if he were telling someone else's story.

"Most of the time we went out on 28-day operations. At times, we were getting shot at every day. I ended up on what they called a 'permanent point squad.' That meant we were always the first guys through the bush.

"In the year I was there, out of 14 guys, only two of us in the original bunch lasted the whole time. The rest were either killed or wounded and sent home.

"But I kind of liked the point squad, because you got certain benefits. Like, you would get six hours' sleep instead of four. You just get so tired in war—eating one meal a day, going a month at a time without a shower or a change of clothes, staying awake all night on watch, or when you do sleep, just rolling up in your poncho and sleeping on the ground.

"I stayed so tired and hungry and worn down the whole time I was there I just did what I was told. I was too tired to question anything."

Meyer got the nickname "Crazy Pete" when he volunteered to be radio operator. Everybody knew the antenna sticking up behind his ear was an easy target for the enemy.

After a couple of months in the bush, his weight was down to 125 pounds and he was carrying nearly 100 pounds of gear: an M-16 automatic rifle, 18 extra 18-round magazines of ammunition, a .45-caliber pistol, a light anti-tank weapon, shotgun with 25 rounds, eight grenades and an incendiary grenade to destroy his radio if he were captured, plus the 30-pound radio and a few spare flares.

Soon he had another nickname—"The Next Man"—because in skirmish after skirmish, with his buddies going down all around him, Meyer somehow came through without a scratch.

"It got to be a real thing after a while. Everybody just knew I was going to take a hit next time around. I never did. I guess the worst time I can remember was in the Ashau Valley, when we went up Hill 1375—they were named after their altitude—and we had a new squad leader who couldn't read a map.

"We were all marching in single file and the first two guys went around a bend and got disintegrated from the waist up by land mines they had rigged in trees by the path.

"The third guy was shot in the side. The fourth guy was blinded by shrapnel. I was the fifth one in line and I wasn't touched.

"I helped wrap up the bodies of the guys that got blown to pieces, so the units that were following behind wouldn't have to see them. Then we called up some artillery support and napalmed the enemy position.

"The funny thing about fighting over there was I never saw a live enemy soldier—except one time. Just saw a lot of dead ones."

It was about three months before his time was up, Meyer recalls, during a really rough campaign when nobody in his unit was getting more than 45 minutes of sleep at a stretch, that he started to hear the voices of his dead friends.

"I'd be standing watch and I'd hear the voice of a guy who had been a close buddy in the squad calling my name out behind me. I'd turn around and say, 'What?' But of course there was nothing there.

"At that point, I'd been called Crazy Pete so long, I figured it had really happened. So after that, I just tried to stay real busy, to stay up near the front where things were happening. I didn't hear the voices unless things got slow."

Near the end of his tour, when Crazy Pete actually volunteered to spend another year in Vietnam, his superiors knew it was time to send him home.

Still revved up for combat, he reported to his new stateside assignment. They had made him a file clerk in the company office at Camp Lejeune, and for the first time the Marines had handed Meyer something he just could not swallow.

He had returned to a different country from the one he had left a year before. When he went home on weekend passes, his

friends were into the anti-war movement and the drug scene.

Within a few weeks, he had become just as gung-ho about wanting his country out of the war as he had been to get into it the year before.

Back at Lejeune, he says, he couldn't stand being stuck in an office with a bunch of know-nothing "boots" just out of basic training. He felt he had served his country honorably, and now they were playing around with him.

Meyer swears he had never before taken drugs, not even marijuana back in Vietnam where the weed grew so wild the troops sometimes used it for camouflage.

But after he got home, the way he figures it, he used drugs to "medicate" himself against the frustrations and conflicts he felt over the war.

"I started out sniffing typewriter correction fluid," he recalled. "Then I moved on to speed and began smoking pot. Then it was hashish, and finally acid. Also I started trying to put together a kind of underground newspaper at Lejeune, but counter-intelligence caught me and threatened to throw me in the brig if I didn't cut it out."

Eventually, the combination of drugs and anti-war involvement got Meyer an early discharge for medical reasons, an honorable discharge to go along with the Silver Star and Navy Cross he had won for his combat duty.

He spent the next couple of years flipped out on drugs, hallucinations, and aimlessly wandering around Europe and North America. A botched suicide attempt—he didn't take quite enough Valium to do the job—led to the first of several periods of hospitalization.

"But all the hospital does is prevent you from killing yourself and keep you on your medication," Meyer says. "The best way is to live in the real world and get good counseling."

Meyer has been off acid and heavy drugs since 1973, and now lives alone in a one-bedroom apartment near his parents' home, controlling his psychosis with a powerful 400-milligram dosage of Thorazine each day.

Rated at a 100-percent disability level by the VA, he gets a monthly compensation of \$754.

For six years he enrolled in courses at Montgomery College, trying at least to salvage the college education he had always planned to get on the GI bill.

"But after all that time, I only ended up with 50 credits. I'd go along fine and make straight A's during the semester, but the pressure of the finals would make me flip out again right before the exams and then I'd hole up and be a recluse for several months before I could get up the nerve to register again."

Weekly sessions with a private psychiatrist and a therapy group, paid for by his parents' insurance, help Meyer to overcome the occasional attacks of anxiety that still plague him.

"On my next disability review the VA will probably downgrade me to 70 percent because I'm working," he says. "They'll take away some of the compensation, even though my take-home is only about \$300 a month. But I don't care. I really enjoy working. For so many years, I was either too flipped out or too tranquilized to do much of anything."

Nine years ago, when Pete Meyer and thousands of other American youths were struggling alone with the demons of memory and conscience that have come to be known as "Post-Vietnam Syndrome," some of the more progressive Veterans Administration doctors here were trying to convince their recalcitrant colleagues of the need for a "transitional readjustment program" to provide counseling for returning veterans and their families.

But emotions about the controversial war itself were still so strong that the proposal became a victim of politics.

Despite a significant mental health pattern that was developing among Vietnam soldiers—they suffered the lowest rate of battlefield breakdowns of any war, but a high incidence after returning to civilian society—versions of the plan were defeated three times by congressional committees in the early and mid-'70s.

Now, says Dr. Charles Stenger of the VA's mental health division, the fourth revision, called the readjustment professional counseling bill, is pending before Congress.

The problem is, you look like idiots seven or eight years later, still trying to get something like this through," Stenger said. "At this point, of course, the effect will be more one of repair than of prevention, as we initially designed it. We took care not to tag the program as 'psychological,' in order to avoid that kind of stigma in the men's minds."

VETS EXPLAIN THE PATH FROM VIETNAM TO PRISON

(By Donia Mills)

The Monday night meeting of the Prison Organization for Veterans Affairs (POVA) was called to order, more or less, in an olive drab classroom at Lorton Reformatory where the day's lesson in prepositions and conjunctions was still scrawled across the blackboard.

A dozen men in jeans, Army fatigue jackets and knit skullcaps squeezed themselves into desk-top chairs, waiting for the discussion to begin.

Of 126 veterans at Lorton, 87 were in Vietnam. A visitor at the meeting asked a handful of Vietnam veterans if they thought there was a connection between the time they had served over there and their current confinement at Lorton.

So they were each thinking back, trying to come up with something that would make some kind of sense.

"When a brother comes back home after fighting for his country and he can't find a job, that turns a man around," said Sammy Paige.

"And when a brother gets messed up on drugs, that turns a man around. When they come back sometimes, they're not the same man they were when they left."

"The average guy came out of that war not caring about nothing," added Carl Strong a former infantryman drafted at 18: "I know me, I was just so young and wild, young and wild."

I think they should have planned some special training for the ground troops. I came home and I wasn't trained for anything."

Strong said he got an honorable discharge in 1970 although he did a lot of "bucking"—refusing to follow orders—in Vietnam.

"People was giving me orders that was going to get me killed. I could see that very clearly. Guys that followed orders was dead within a month. So when I was told to do something that looked wrong, I just didn't do it."

The pattern persisted after his return, Strong added.

"I guess you could say deep down inside I was still rebelling against the boss' orders," he said. "I tried a little of everything—messenger, porter, moving company. I even worked at the post office a while."

Sooner or later, his efforts failed. Strong just couldn't hold a job. In 1976 he held up a Safeway Store and was sentenced to 7 to 25 years for armed robbery.

"I served two tours in Vietnam," Henry Carter said. "I hear people say now, man, you was a fool to go over there. But while I was there, I never heard any of that. It's only since I been out on the street I learned any different."

"If you want to know what I think . . . I think the U.S. government used Vietnam as a testing ground to show the Communist world what they could do if they wanted to, which was kill a whole lot of people."

"Ha," Carter added as an after-thought. "Then I come back and they put me in the penitentiary."

He was a good soldier the six years he served, Carter insists proudly. He was a machine operator in the Corps of Engineers, building roads along landing zones where a soldier had to check for mines every step of the way.

"I was an E-5. That doesn't mean anything today. Nobody recognizes military training out in the civilian world."

"Yeah," Carl Clark spoke up. "I came back well trained as a steam distribution engineer, but no employer here would trust me on the job. I mean, I ran a 150-pound pressure boiler over there. That thing was so powerful no building in Washington would have one because if anything happened, it would blow the whole place sky high."

As with a great number of the men now serving time in prison, Carter's downfall was drugs.

"Now, during the first tour, that was 1968-69, I never saw anything but marijuana. But the second time, 1970, the heroin was everywhere. Just about everybody was into it. I started smoking it a lot."

The smokable "smack" that flooded Vietnam during the early '70s was very pure and dirt-cheap, compared with stateside prices.

Back home and stationed at Fort Story, Va., Carter soon realized he was in over his head. His drug habit was eating up all his military pay, and to supplement it, he turned to robbery.

"At first I didn't seek medical help in the military because they just looked down on you," he said. "Once you tried to get help for drugs you were a marked man. After that, they wouldn't leave you alone."

"Once, I did go into de-tox for 11 days. That just got the monkey off my back. I felt they should have put me in a good drug program. They talked about 'drug amnesty,' but it was no real amnesty. The attitude of the military was not to help addicts, just get rid of them."

On his first robbery arrest, Carter was put on probation. He violated the probation and was subsequently found guilty on a burglary charge and sentenced to 9 to 27 years.

Carter pleaded innocent at the time, and after two years at Lorton, still claims he is innocent. His case is being appealed.

"They sure didn't consider I'd paid any dues at all with those six years in the service, did they?" he said quietly. "In the sentence that judge didn't go light on me at all. I got a wife and two children. I also got nine years. I don't see much hope she's still going to be around by the time I get out of here."

The lawyers and veterans groups who volunteer legal aid to incarcerated veterans seem to think there are very strong connections between poverty, Vietnam, drugs and prison for men like these.

In one government-sponsored survey of men returning from Vietnam in 1971, a year when both heroin use and troop reductions were at their height, more than three-fourths of the respondents reported that drugs could be had for the asking right in their own units, any time of the day or night.

Nearly half the men admitted they had tried narcotics during their tour of duty, saying they sought out the euphoric effects of drugs for reasons including boredom, homesickness, depression, insomnia and fear.

About one in five was addicted to heroin while in Vietnam.

Half of them still had their habits at the time of their return, though follow-up studies indicated a high rate of remission within a few months supporting the notion that it was the nature of the war, and not the men, that was to blame.

"Over there, that stuff was as plentiful as cigarettes," explained Bobby Williams, a 37-year-old inmate who serves as a liaison between the prison office and the veterans group.

"A lot of guys over there used drugs to cope with the reality of what they were doing. Some of them were being ordered to shoot women and children, to fire into a building, and maybe they don't really know what's inside it."

"I mean, you look around here, these guys might have done some bad things in their lives, but everybody here has got some human standards."

The POVA program at Lorton, believed to be the first such organization in the country, was begun about four years ago to assist all veteran inmates with VA benefits and various legal matters, including appeals for upgrading of the less-than-honorable military discharges many are saddled with.

June Willenz, a director of the American Veterans Committee who has counseled several Lorton prisoners about their so-called "bad paper" discharges, sees a vicious circle of poverty, ignorance, substandard military behavior, less-than-honorable discharges, joblessness and crime at work in the men's lives.

"A lot of people," she said, "want to dismiss this group as society's losers, the guys who would have gotten in trouble anyway, war or no war. And yes, that may be the case with some of them. But those with the most disadvantaged backgrounds are the ones who most often ended up getting drafted and put in the front lines, and it's a mistake to assume that the uneducated can do all right in combat, if nothing else."

"With many of these men, their lives had simply not prepared them for the kind of discipline required in the Army. Believe it or not, having some degree of education does help an individual in adjustment to military life."

With the help of volunteer counsel, six inmates so far have succeeded in getting their discharges upgraded, and 12 more are currently awaiting a decision from military review boards.

POVA Secretary John Long explained that the organization also attempts to line up housing and job opportunities for veterans prior to their prison release date but admits that this effort is usually rough going.

"Most of the landlords are not receptive," he said ruefully. "Also, we help the men file job applications, starting with teaching them how to fill out the forms properly. But that's also kind of hit-and-miss. Jobs are hard enough for a free man out on the streets to find, let alone a prison inmate."

A number of the men take courses offered in Lorton's education center by Howard and the University of the District of Columbia and paid for by the GI bill.

Carl Strong recalled, with a little amusement, the hassles he went through trying to go to school on the GI bill in between his job troubles and his troubles with the law.

"I bought a car and started studying TV repair at Columbia Tech, but I went six months before the VA sent my first check. I was dependent on those checks. By the time it would arrive each month, I owed it all back."

"Then I decided to change to a different course of study. But that stopped the checks again till they got the paperwork all changed. So I had to sell the car. Now the school was in Arlington, and I lived in the District and didn't have my car to get there."

It was about that time he robbed the Safeway.

"I guess I was just frustrated. It wasn't so much needing the money, really. Everything was going wrong and I didn't know what to do."

Now Strong is enrolled in University of D.C. courses at Lorton, but he's perturbed again because he wants to go to Lincoln Technical Institute if he can get out of Lorton before his 10-year benefits limit is up. The VA has told him there is a regulation that says a veteran can't change schools or programs more than three times or else he loses his remaining benefits.

The veterans said that their tuition and book expenses are deducted by the prison office from their monthly benefit checks and that they are allowed to send the rest home to their families or keep it in the bank as a nest egg to help them get a start after their release.

ARE "BAD PAPER" VETERANS THE "ULTIMATE SCAPEGOATS OF WAR"?

(By Donia Mills)

In January 1977 when President Carter made amnesty for Vietnam draft evaders a top priority, it was a real blow to the 750,000 ex-soldiers who had left the service bearing the stigma of less than honorable discharges.

The number of these so-called "bad paper" discharges had escalated steadily over the decade of the war. By 1975 the pre-war norm of 5 percent had climbed to 11.2 percent.

Only about 1 in 10 of these men, however, were court-martialed for serious offenses and given bad conduct or fully dishonorable discharges.

The majority received simple administrative discharges labeled "general" or "undesirable," offered to errant GIs by the service as a quick alternative to the extended ordeal of a court-martial.

The offenses ranged from charges of AWOL and insubordination to such behavioral aberrations as homosexual tendencies, smoking marijuana and a catch-all category called "personality disorders."

All those with discharges below the "general" level became ineligible for VA benefits. In addition, any man with a less than honorable discharge stood a good chance of being discriminated against by employers who would view him as a bad risk.

Statistics show that while blacks accounted for only 12 percent of the military population, they received one-quarter of all less than honorable discharges.

And recent surveys of veterans in prison revealed that nearly half had left the service with bad paper.

As several veterans activists have suggested, Carter's amnesty decision made this group feel like "the ultimate scapegoats of the war"—getting punished by the military for exactly the same behavior they saw their collegiate and draft-dodging peers getting away with in civilian life.

But two months later, the president seemed to be giving the scapegoats their due when he announced a special discharge review program under which veterans could apply to have their discharges upgraded.

One of the first in line to apply for an upgrade a year ago was Mike Sarkin, a former Army electronics technician who went AWOL following his return from Vietnam and received an undesirable discharge in 1971.

Sarkin had joined the Army young and gung-ho in 1966. Two years later, at the age of 21, he had already attained the rank of staff sergeant and successfully completed a tour of duty as an instructor at Fort Monmouth, N.J.

He promptly re-enlisted and spent a year in Vietnam with a unit that was operating, repairing and defending a radio and TV facility on a hilltop near Pleiku, in the

central highlands, under frequent Viet Cong fire.

"I think I re-enlisted just to go over there," Sarkin said dryly the other day, describing the unhappy nine years that followed his four-year military career.

"It sounded at the time like a real John Wayne thing to do—and of course, I figured if my country was doing it, it had to be right."

Sarkin says he changed his mind about the war during the Tet offensive, watching innocent civilians get blown apart just walking down the street.

"The worst thing about it was the way we were conducting the war," he recalled. "It was more like a diplomatic war—the government was sending us over there to get shot at, but then making us ask permission before we could shoot back."

Like many soldiers who held up during their tour in Southeast Asia, Sarkin had a delayed psychological reaction after he returned home.

During his absence, his four-year marriage to his high school sweetheart had disintegrated, and the antiwar movement was in full swing all around him.

"My friends who were in college looked at me like, 'Oh there's Mike Sarkin, the killer.' I went around a couple of months trying to defend the war—but in 1969, that was about as dangerous as actually being in Nam."

Sent back to Fort Monmouth for the remainder of his tour, Sarkin balked at returning to the classroom.

"You know, when you get back from Nam you have a funny attitude," he reflected. "Like, all right goddammit, I went over and I did the job and I came back alive... now, the next time you tell me to do something, there better be a good reason for it."

Sarkin told his superiors he had no desire to teach any classes that were Vietnam-bound—an attitude his superiors refused to accept.

"I requested an early discharge, but they denied it," Sarkin continued. "So I took what you might call the chicken way out. I knew I would get an undesirable discharge if I accumulated 150 days of AWOL. I didn't really go anywhere—I just didn't report for duty."

"Eventually they transferred me to Fort Dix, where they had set up a special processing unit for guys who just wanted to check out, whatever it took. It was sort of an AWOL factory—we used to sit around the barracks at night counting off our days."

Sarkin said the men with undesirable discharges were told they could be eligible for VA educational benefits, but his application was denied by the VA the following year, and he began working in a series of menial electrician's jobs.

"After you've been a television engineer, installing light switches in apartment houses isn't too challenging," he said.

Last spring, he applied under Carter's special program, which looked like his last remaining hope to study electronic engineering under the GI bill.

Because he met several of the program's criteria—he had more than 24 months of honorable service previous to his behavior problem—the panel of review judges voted unanimously to upgrade his discharge to fully honorable.

By the end of the summer he had received his eligibility notice from VA and enrolled in Essex Community College near Baltimore.

Told to expect his first VA check on Oct. 1, Sarkin began attending classes and in the same burst of optimism, married on Oct. 7 a woman he had been dating for some time.

The very next day, he was crushed to learn that Carter had capitulated to Congressional hawks and signed Public Law 95-126, a Senate bill that held up payment of VA benefits to all 16,000 veterans with newly upgraded discharges.

Viewing the president's program as a "giveaway," Congress was demanding a second and complete review of each individual case, to determine whether it would have met traditional military standards for upgrading.

Despite a clause affording 180 days of provisional payments to anyone who was already enrolled in school and receiving benefits before the bill's passage, Sarkin says he has yet to receive a penny from the Baltimore VA office—only administrative errors, delays, misinformation, and outright neglect.

The VA has also failed to explain to him satisfactorily why he can't receive benefits based on his first, honorable tour of duty.

"My wife has been marvelous about supporting me so I can keep going to classes until the VA comes through," he said. "But I know my mother-in-law looks at me and thinks, when is this freeloader going to start paying his own way?"

Another blow struck earlier this month when Sarkin's wife underwent emergency surgery and suffered ensuing complications which will keep her convalescing for a while.

Now, added to the overriding strain of personal worry, is Sarkin's discouraging realization that he will have to quit school within a month if he doesn't get his VA benefits.

"The whole system has been quite arbitrary," says David Addlestone, director of a military discharge review project set up by the American Civil Liberties Union to study cases like Sarkin's.

"Our position is that there are serious legal processing problems involved in the way many of these discharges were handled. Every case we've taken to court, we've ultimately won upgrades for. But the military still hasn't published any fixed set of standards applicable to review procedures."

"An Army officer once admitted to me that the decisions of the review board members are about 5 percent logic, 15 percent emotion and 80 percent gut reaction."

In January 1977 the ACLU and 21 veterans organizations won an out of court settlement against the military discharge review boards, insisting that "statements of findings and reasons" be written and made publicly available on each case reviewed.

And in a case sponsored by the ACLU, settled in U.S. District Court here in February, the Army agreed to review and probably upgrade 50,000 personality-based general discharges that Army officials admitted might have been misprocessed between 1958 and 1975.

Civil libertarians are still badgering the Defense Department for "published uniform standards," but the kind of 1-2-3 list they're asking for is simply not practical, according to Col. William E. Weber, current president of the Army Discharge Review Board.

"The ACLU people want precedent and judicial procedure, and it's not possible," Weber said. "We deal with intangibles, just like a civil court of law."

"The way the review board operates, each of the five members is a judge, and collectively, they're a jury. And how do you weigh a factor like family problems—do you assign it a numerical factor of 5? Of 10?"

Weber said the review board's workload has increased 1,000 percent over the past four years, partly because of the president's special program and the subsequent Congressional order to review again all the cases upgraded under the program.

At the same time, he asserted, the "almost unbelievable amount of discussion" generated on the subject of discharge review over the past few years really concerns a tiny and "insignificant" number of Vietnam veterans—less than 1 percent.

"Any program being administered by humans is going to have mistakes made," he said. "And during a time of trauma, the incidence of mistakes might escalate slightly. But there is nothing at all that supports the

idea that because some discharges were unfair, all are automatically unfair."

He compared the difference between an honorable and "general" discharge to the distinction between a A and a C on a report card.

"What the general discharge says is, 'this individual served adequately, but held something back.' We don't have a *cum laude* discharge to distinguish the really superior soldier. So until we stop giving A's and B's and C's in civilian life, I imagine we will keep giving general discharges."

JOINT RESOLUTION MEMORIALIZING THE PRESIDENT, THE ADMINISTRATOR OF VETERANS AFFAIRS FOR THE UNITED STATES, THE MAINE CONGRESSIONAL DELEGATION, THE GOVERNOR, AND THE DIRECTOR OF THE MAINE BUREAU OF VETERANS SERVICES CONCERNING THE CURRENT HARDSHIPS FACED BY MAINE VETERANS

We, your Memorialists, the Senate and House of Representatives of the State of Maine in the One Hundred and Eighth Legislative Session assembled, most respectfully present and petition the President of the United States, the Administrator of Veterans Affairs for the United States, the Maine Congressional Delegation, the Governor of the State of Maine and the Director of the Maine Bureau of Veterans Services as follows:

Whereas, many veterans in Maine, especially disabled Vietnam-era veterans, face continuing hardships and discrimination in employment; and

Whereas, many veterans attempting to attend institutions of higher education, including the University of Maine or the vocational-technical institutes, face great hardships when financial aid promised by the United States Veterans Administration is delayed for weeks; and

Whereas, these delays severely affect their abilities to sustain basic necessities, such as food, housing, transportation and school supplies; and

Whereas, continuing public attitudes about the Vietnam War and the veterans of that war often result in employment discrimination; and

Whereas, there is a lack of communication between many Vietnam-era veterans and the United States Veterans Administration; and

Whereas, the foregoing and other factors produce severe demoralization and a sense of frustration on the part of many Maine citizens who are Vietnam-era veterans; now, therefore, be it

Resolved: That we, your Memorialists, respectfully urge that these difficulties and hardships should not be allowed to continue; and be it further

Resolved: That we respectfully urge and encourage the President of the United States and the Administrator of Veterans Affairs for the United States to make additional efforts to effectively serve Maine Vietnam veterans; and be it further

Resolved: That we respectfully request each member of the Maine Congressional Delegation to support these federal efforts; and be it further

Resolved: That we encourage the Governor and the Maine Bureau of Veterans Services to make every effort to alleviate any delay in administering the benefit programs for Vietnam-era veterans; and be it further

Resolved: That we further encourage the Governor and the Maine Bureau of Veterans Services to provide active assistance in discouraging discrimination in employment and educational opportunities for Vietnam-era veterans; and be it further

Resolved: That we further encourage the Governor and the Maine Bureau of Veterans Services to provide active assistance in discouraging discrimination in employment and

educational opportunities for Vietnam-era veterans; and be it further

Resolved: That we recognize that there is a need for a strong advocate for individual veterans; and be it further

Resolved: That suitable copies of this resolution be transmitted immediately to the Honorable Jimmy Carter, President of the United States, to Max Cleland, Administrator of Veterans Affairs for the United States, to each member of the Maine Congressional Delegation, to the Honorable James B. Longley, Governor of the State of Maine and to the Honorable Robert R. Washburn, Director of the Bureau of Veterans Service. ●

GOVERNOR WALLICH ON EXPORT PROMOTION

● Mr. JAVITS. Mr. President, last year the United States had a deficit in its balance of trade of \$27 billion. The \$45 billion in oil imports, although heavily contributing to the deficit, should not mask another contributing factor, the inability of the United States to increase the market share of its exports to cover adequately its large import bill.

Recently suggestions have been put forward that the United States should increase the subsidization of its exports in order to compete effectively in third markets with the exports of other countries which actively subsidize their exports through tax rebates, long-term cheap loans, and other forms of governmental assistance.

Competitive subsidization is not the answer; it provides that ineffective allocation of resources. Export promotion, which brings the Government into the picture as a facilitator of trade is, however, the answer.

Dr. Henry Wallich, who is a member of the Board of Governors of the Federal Reserve System with primary responsibilities in the international area, analyzes the issue in a recent article entitled "Say 'No' to Export Subsidization" that appeared in the *Journal of Commerce* of April 3, 1978. Drawing on his long experience in international economics, Governor Wallich differentiates between the subsidization and the promotion of exports and calls on the United States to adopt policies that support a strong export promotion program.

Governor Wallich's message should be heeded by not only those of us in the Congress but also by the administration. Without such an appreciation, which must extend into the areas of tax and investment policy as well as trade policy, the United States cannot mount a sufficiently vigorous effort to promote and facilitate exports. Unless we deliver a clear and unambiguous signal of our interest in promoting U.S. exports, the foreign exchange markets will continue to be skeptical about the seriousness of our concern about the trade deficit.

Mr. President, I commend this article to my colleagues and ask to have it printed in the RECORD.

The article follows:

[From the *Journal of Commerce*, Apr. 3, 1978]

SAY "No" TO EXPORT SUBSIDIZATION

(By Henry C. Wallich)

U.S. exports have been expanding with painful slowness. This has been one of the principal causes of our large trade deficit. The

domestic economy meanwhile has moved quite vigorously, and has pulled in imports at a growth rate of over 20 percent last year.

This situation has brought calls for action to stimulate exports. The United States could step up Export-Import Bank lending. It could continue, instead of dismantling as is now proposed, tax incentives to exports such as Domestic International Sales Corporations (DISCs). Various forms of export promotion are possible, such as intensified information programs at home and abroad to overcome the glacial disinterest of most American businesses in foreign markets.

SOME SEE NO NEED

On the other side, it has been argued that under a system of floating exchange rates, there is no need for export promotion. If U.S. exports are not sufficiently competitive, the dollar will go down and make them so. Indeed, successful stimulation of particular exports could be counterproductive: as more is exported of some products, the dollar will tend to go up and will choke off other exports. I shall examine some of these propositions.

To begin with, we need to obtain a fix on the present state of competitiveness of American exports in the world. Two tests usually are applied: the "real exchange rate" and export shares. The real exchange rate seeks to adjust exchange rates for inflation at home and abroad. This can be done by adjusting the effective, i.e., tradeweighted, exchange rate by the difference between inflation at home and the average inflation, similarly weighted, of a group of foreign countries. Alternatively, the same calculation can be made bilaterally, i.e., between pairs of countries. The results indicate to what extent the rise or fall of a currency has been offset by a fall or rise in prices.

WHICH INDEX TO USE?

The results of these calculations often depend on what index of prices is used—retail prices, wholesale prices, wholesale prices of manufactures, unit export prices, unit labor costs, total unit costs, etc. Some indexes suffer from the fact that the prices they measure are not very closely related to exports. Others may mislead for the opposite reason—they measure prices that are principally determined abroad and thus not representative of the prices that exporters would have to charge in order to earn an adequate profit. The choice of a base year from which price increases and decreases are measured also makes a difference. Nobody can tell in what year prices were "right" or "competitive." Nevertheless, the results, carefully interpreted, can be informative. A judicious examination of the real exchange rate of the dollar suggests that pricewise American goods have not lost competitiveness and may indeed have picked up some during the sharp break in the dollar since last fall.

A second test of competitiveness looks at market shares of exports. This test takes into account not only prices, but all other elements of competitiveness such as quality, delivery dates, service, credit and marketing. The U.S. share in world markets of manufactured products has been declining for many years. It was 25.3 percent in 1960, 21.3 percent in 1970, and reached a low of 19.1 percent in 1972. It recovered to 21.2 percent in 1975, but by the first two quarters of 1977 dropped again to 20.0 percent. Market share, however, is only a very partial test of competitiveness. For instance, the United States might be holding its own in every single country to which it exported, and might still be losing market share worldwide. That would happen if our principal customers grew more slowly than others. In fact, the United States has been selling principally to relatively slow growing countries and areas such as Canada and Latin America. Japan's share, on the other hand, has been

helped because Japan has been selling to relatively fast growing countries such as those of Southeast Asia and the United States itself.

Likewise, competitiveness as such would not help a great deal if a country happens to be selling goods the demand for which expands little as world income grows. This, however, does not seem to be the case of the United States. Capital goods are our principal export. While demand for them is cyclically sensitive, it tends to grow at a good rate as the world economy expands.

NEEDS CLOSER LOOK

Given these moderately positive conclusions about the competitiveness of U.S. exports, the case for export promotion needs to be examined further. Outright subsidization of exports, clearly, amounts to an inverse kind of protectionism. It causes a less than optimal use of resources, in that people no longer buy where things are truly cheapest and sell where they are truly cheap-expensive. Subsidies cause goods that are not truly cheap to outcompete goods that are. The difference between subsidies and tariffs simply is that tariffs make people buy expensive domestic goods instead of cheap foreign goods, while subsidies make them prefer expensive foreign goods to cheaper domestic. Subsidies would make international trade too large, just as tariffs make it too small. One instance where the fruits of overly aggressive export promotion are already in sight is the purchase by a U.S. airline of the European built and promoted Airbus, while U.S. made planes are sold to foreign airlines on terms easier than U.S. lines could get when they buy the same planes.

It is often argued that by skillfully subsidizing a few selected exports a substantial increase in foreign sales could be achieved. Downward pressure on the dollar from the trade deficit could thus be reduced at seemingly little cost. The exports to be selected would be those enjoying a high price elasticity abroad. But this is a game that more than one country can play. Countries would then be subsidizing each other's imports, by subsidizing their own exports. So long as only one country plays the game or plays it harder than the rest, more exports mean more jobs and a stronger currency. But the jobs gained by export subsidization in fact are not cheap, but costly. The subsidizing country gets the jobs, but the foreigner gets the goods. If the government wants to give something away, why not create jobs and give the goods produced away at home?

Yet, when all is said and done, the fact remains that the United States has a large trade deficit and that some other industrial countries are powerfully promoting, perhaps subsidizing, their exports. Under these circumstances, how far should the United States go in meeting this kind of "competition"?

A NATURAL HANDICAP

It must be remembered that, in the field of exports, the United States starts with a natural handicap. Our domestic market is large, individual foreign markets are small. It does not pay most American producers to adjust and adapt to foreign requirements when they have the biggest opportunity of all in front of their door. Exports, instead of being the fairhaired boy as they are for German industry, are the stepchild of American business. As a result, numerous market imperfections continue to prevail—opportunities not seen, financing arrangements not integrated, sales organizations not properly oriented, products not designed for export.

It is appropriate, and in no way conflicting with economic theory, for government to do what can be done to overcome these market imperfections. There is much that can be

done without outright subsidizing, including in the area of export financing. The objective should be to do what a well-functioning market would do. This argues for official export credit, for instance, to the extent that credit facilities that are available domestically are not available for export financing. It does not mean that our official facilities should "meet foreign competition" no matter what sort of a giveaway that competition offers to finance. But it does mean that when other countries are using their tax system to promote exports, for instance through rebates of the Value Added Tax, the United States should act with due deliberation in dismantling its own analogous devices such as "DISC." It does mean that we should enlist the internationally unmatched power of our capital market to generate long-term capital to support that kind of export financing. It means directing the attention of business, in every possible way, to the opportunities that the decline of the dollar has opened up abroad, and to help business exploit them. In short, export promotion yes, export subsidization no.

FEDERAL MINE INSPECTORS PRAISED

● Mr. WILLIAMS. Mr. President, on Tuesday, April 4, 1978, a disaster occurred at a coal mine near Dante, Va., which took the lives of five men. According to information currently available, miners were in the process of developing a mine entry into an abandoned area for the purpose of providing drainage, when they encountered bad air. One of the men working in the mine ran to the surface to seek assistance.

Coincidentally, at that time, Mine Safety and Health Administration (MSHA) district manager, Ray G. Ross, MSHA supervisory mining engineer, Frank C. Mann, and MSHA subdistrict manager, Willis D. Ison, arrived at the scene for a routine observation of the progress in developing the entry.

With bravery and dedication to duty which characterizes the members of our Federal mine inspection force, Ross, Mann, and Ison immediately entered the mine shaft to aid in the rescue of the miners. Some miners were rescued, and Ross and Mann were able to escape to safety. Tragically, Ison did not. He died during his rescue efforts.

Mr. President, this tragic incident reminds us once again that in addition to our miners, mine inspectors also face daily dangers in the course of performing their duties.

Willis Ison's actions were in the highest level of dedication to duty. His courage and heroism serves as a reminder to us all that every day, the officials of our Federal Government are called upon to sometimes put their lives on the line in protecting our citizens.

Willis Ison's bravery rose far above a mere dedication to duty. Fellow human beings were in peril, and Ison, demonstrating extraordinary humanity and concern for his fellow man, could not stand by.

Mr. President, in this day when our Federal employees are constantly being criticized for not adequately doing their jobs, the courage and bravery, the dedication of men and women like Willis

Ison deserves the praise of the Congress and the gratitude of our Nation.●

AN ASSESSMENT OF PRESIDENT CARTER

● Mr. GOLDWATER. Mr. President, Jimmy Carter is certainly not the first President who has ever misled or lied to the American people. However, he does have the distinction of being the first President in the history of the Republic to proclaim publicly that he would never tell a lie or mislead the American people. You may remember that during his campaign for the White House he urged his audiences to watch their television sets and listen to their radios to see if they could detect anything of a misleading nature in his performance as President.

In view of all this, Mr. President, it is interesting to find an article in a recent issue of Penthouse magazine entitled "The First Hundred Lies of Jimmy Carter." Because of its extensive documentation and its general interest, I submit the Penthouse article for the RECORD.

The article follows:

CARTERGATE V: THE FIRST HUNDRED LIES OF JIMMY CARTER

(By Craig S. Karpel)

Jimmy Carter is a liar. The president of the United States is a habitual, compulsive teller of untruths who, throughout his campaign and administration, has woven a tangled web of false and misleading statements.

On November 30, 1976, Carter aides presented the president-elect with a 120-page memorandum of his promises as a candidate—a compilation known in the White House as "Promises, Promises." It is divided into fifty-two categories, beginning with "Unemployment and Job Creation" and concluding with "Nuclear Proliferation." Each category contains from two to thirteen statements, many of which include several promises, ranging in scope from "supporting the repair of existing nine-foot-deep lock and Dam 26 on the Mississippi River but opposing replacement with a new larger twelve-foot lock" to "supporting efforts of the U.N. and other bodies to attract world attention to the denial of freedom."

The 100 lies that follow do not include campaign promises that are simply as yet unfulfilled. No president who has been in office for only a year could be expected to have made good on all his commitments. In compiling this list of lies, we have limited ourselves to instances in which Carter, as candidate or president, has misstated facts, made misleading statements, or violated specific commitments. (Entries whose first word ends with "-ing" are quoted from the memorandum entitled "Campaign Promises.")

Jimmy Carter isn't the first president in American history to tell a fish story. But he is the first president in American history to insist publicly that he will never tell a lie or make a misleading statement. Whenever he made these two commitments, he prevailed upon his audience to judge his performance strictly. "Watch the television," he told students at Bethune-Cookman College in Daytona Beach, Fla., on October 29, 1975, "listen to the radio; if you ever see me do any of those things, don't support me. Because I would not be worthy to be president of this country."

Is Jimmy Carter, by the standard that he himself set, worthy to be president of this country? Take a look at his first hundred lies, violations of promises, and misleading statements and decide.

1. "I am an engineer and a nuclear physicist" (Athens, Ga., 5-4-74).

A nuclear physicist is ordinarily considered to be someone who has earned a Ph.D. in the field. Carter doesn't even have a Master's.

2. "Increasing federal expenditures to local school systems whose wealth and tax bases are inadequate" (announcement speech, 12-12-74).

Carter threatened to veto a bill that would grant educational aid to communities with large numbers of federal employees.

3. "Scheduling public interrogation sessions to allow full bodies of the Congress to question cabinet members" (announcement speech, 12-12-74).

No such public-interrogation sessions have been scheduled or planned.

4. "When I left office (as governor of Georgia), our state surplus was almost \$200 million" (Carter's autobiography, *Why Not the Best?*)

The highest surplus Georgia has ever run was \$135.6 million in fiscal 1973. Between fiscal 1970, the year in which Carter became governor, and fiscal 1975, the year in which he left office, the state's surplus dropped from \$103.4 million to \$42.9 million.

5. "Having mandatory improvements in building insulation" (energy speech, 7-11-75).

The provisions for improving building insulation in Carter's energy plan are not mandatory.

6. "Developing standby (oil) rationing procedures" (energy speech, 7-11-75).

Carter's energy plan contains no provision for rationing, standby or otherwise, of any form of energy.

7. "I will never betray the confidence that any of you has in me" (Daytona Beach, Fla., 10-29-75).

Speaking before the National Urban League's conference in Washington on July 24, 1977, executive director Vernon E. Jordan said, "Why, then, are black people disenchanted with the administration they elected? And why do so many black people feel that their hopes and their needs have been betrayed? . . . The sad fact is that the administration is not living up to the first commandment of politics—to help those who helped you."

8. "Moslems should have access to all their holy places in Jerusalem" (campaign speech, November 1975).

Moslems from all countries already had complete access—indeed, they controlled access—to the two mosques that are on the site of the ancient Jewish temple and are holy to Islam.

9. "Yielding part of the governing of the Panama Canal Zone to Panama" (Louisville, Ky., 11-23-75).

Carter's treaty does not yield part of the governing of the Canal Zone to Panama, it yields all of it.

10. "Not favoring relinquishing actual control of the Panama Canal; retaining actual political control" (Louisville, Ky., 11-23-75).

Carter's Panama Canal Treaty relinquishes actual and political control of the Panama Canal.

11. "Never supporting nations which stand for principles with which their people violently disagree, and which are completely antithetical to our principles" (Louisville, Ky., 11-23-75).

The Carter administration's foreign-aid request included support for such nations as Argentina, whose dictatorship condones, and participates in, a campaign of murder and kidnapping against opponents of the regime, especially Jews; Nicaragua, which has been under martial law since 1974; Brazil, whose dictator expelled an opposition leader from parliament for criticizing the government's treatment of political prisoners;

Thailand, whose democratically elected government was overthrown by the military in 1976; Indonesia, whose military government admits to holding 31,000 political prisoners; the Philippines, which has been under martial law since 1972 and whose dictator admits to holding 50,000 political prisoners without trial; and South Korea, which has been under martial law since 1972 and whose dictator forced through a constitution that the International Commission of Jurists calls "one of the most authoritarian instruments presently known in the annals of national constitutions, including the constitutions of Communist nations."

12. "I achieved welfare reform by opening up 136 day-care centers for the retarded and using welfare mothers to staff them. Instead of being on welfare, those thousands of women now have jobs and self-respect. You should see them bathing and feeding the retarded children. They're the best workers we have in the state government" (New York Times magazine, 12-14-75).

Taking Carter's recommendation that we should see Georgia's welfare mothers bathing and feeding the retarded children is made difficult by the fact that there is no such program.

13. "I support the overwhelming position of the National Governors' Conference to limit deregulation of natural gas to that small portion (less than 5 percent) of production not under existing contracts" (campaign advertisement, Des Moines Register, 1-16-76).

The National Governors' Conference had adopted no such position. A few weeks after the advertisement, the proposal was put to the conference—and rejected.

14. "I support legal prohibitions against ownership of competing types of energy, oil and coal, for example" (campaign advertisement, Des Moines Register, 1-16-76).

Carter's energy plan contains no such prohibitions.

15. "If the CIA ever makes a mistake, I'll be the one, as president, to call a press conference . . ." (Manchester, N.H., 2-11-76).

In February 1977, Carter learned that the Washington Post was planning to publish a story revealing possibly illegal CIA payments to foreign heads of state. Far from calling a press conference or giving an explanation to the public, he summoned the publisher of the Post to inform him that he was "distressed" about the impact of the story and preferred that it be delayed or not published at all.

16. ". . . and I'll tell you and the American people who violated the law . . ." (Manchester, N.H., 2-11-76).

After the Post went ahead and printed the story and reporters asked the White House whether such payments were illegal, Jody Powell replied, "It is the administration's policy not to comment on—either to confirm or deny—any stories concerning alleged covert activities."

17. ". . . this is the punishment I recommend . . ." (Manchester, N.H., 2-11-76).

Carter recommended no punishment of CIA officials for the payments to heads of state.

18. ". . . this is the corrective action that needs to be taken . . ." (Manchester, N.H., 2-11-76).

At no time as president did Carter indicate that corrective action needed to be taken with regard to CIA payments to foreign heads of state.

19. ". . . and I promise it won't happen again" (Manchester, N.H., 2-11-76).

Not having admitted that the payments had been made, Carter did not promise that they wouldn't be made in the future.

20. "I have served on international bodies, such as The Trilateral Commission, which makes recommendations on some of these problems" (Chicago, Ill., 3-15-76).

The plural "bodies" makes this statement a lie; otherwise, it would be merely misleading. Carter belongs to only one organization that might be called an "international body"—The Trilateral Commission (see no. 68). But strictly speaking, being a member of an unofficial organization like The Trilateral Commission no more amounts to "serving on an international body" than being a member of, say, the International Society of Krishna Consciousness.

21. "Our [foreign] policies should be shaped with the participation of Congress, from the outset, on a bipartisan basis" (Chicago, Ill., 3-15-76).

Carter got around the law requiring that sales of military equipment to foreign countries be approved by Congress by arranging for Lockheed and G.E. to rebuild 200 of Egypt's Soviet-made MiG-21 fighter-bombers without even notifying legislators. Carter quadrupled the amount of U.S. aid to be channeled through international financial institutions, such as the World Bank, thereby evading congressional country-by-country review of funds for such human-rights violators as the Philippines, Chile, Uruguay, and Argentina.

22. "But we must not . . . recognize the existence of brutal terrorists who masquerade as [PLO] representatives in the world forum" (New York, N.Y., 4-1-76).

Last October, at a reception held by the Syrian delegation to the U.N., U.S. ambassador Andrew Young met with the Palestine Liberation Organization's representative to that world forum, Farouk Kaddoumi, who has said that "this Zionist ghetto of Israel must be destroyed."

23. "I will reduce the White House staff by 30 percent—and you can depend on it" (campaign speech).

Carter has reduced the presidential staff from 2,197 to 1,810, a cut of 17.6 percent. Of the total reductions, 150 were transferred to a new Central Administrative Unit within the White House establishment, and other employees were shifted to other executive branch agencies. Less than 150 represent dismissals of jobholders. The actual cut is thus less than 6.8 percent.

24. "I was put on the [local library] board because I checked out more books than anyone else in the county. My library card is number five in Sumter County. For I remember that I started reading books as an isolated country boy when I was very young" (Cleveland, Ohio, 4-8-76).

Carter indeed holds card number five at the Blackshear Lake Regional Library in Americus, Ga., Sumter County's seat, but it's not because he started reading books when he was very young. Nor was he, as he implied, the fifth person to borrow books from the library, which began lending them forty-four years before Jimmy Carter was born. Cards specially numbered one through twelve were issued to all the members of the library board in 1962, when Carter was an isolated country boy of thirty-seven.

25. "Never using unemployment as a tool to fight inflation" (economy position paper, 4-22-76).

In 1975 Carter was promising unemployment of 1 to 2 percent. Shortly after the inauguration, it was announced that the first-year goal would be 7 percent. At the moment, keeping one out of every fourteen working people out of a job is Carter's primary tool for fighting inflation.

26. "Proposing a plan to assist Lebanese who are in danger to emigrate to this country" (Philadelphia, Pa. 4-23-76).

As president, Carter has proposed no such plan, despite a PLO massacre of Christian villagers in southern Lebanon.

27. "Making no change to decrease the mortgage deduction; any change would increase the deduction" (Wall Street Journal, 4-26-76).

Carter's income tax revision proposals decrease the home mortgage interest income tax deduction.

28. "Never trying to force Israel to give up the Golan Heights" (telegram to American Jewish Press Association, 5-26-76).

Carter's Mideastern policy has been directed toward forcing Israel to give up the Golan, from which the Syrians bombarded Israeli settlements in the Galilee from 1948 until 1967.

29. "I will always keep a watchful eye on your industry to insure that it is not unreasonably prejudiced by unrestrained competition" (letter to Howard D. Samuel, then vice-president of Amalgamated Clothing and Textile Workers Union, spring 1976).

Carter supported a provision allowing apparel imports to rise by 6 percent a year. Some 500,000 members of the Amalgamated Clothing and Textile Workers and the International Ladies Garment Workers conducted a one-day work stoppage last year in a fruitless attempt to get Carter to cut the allowable increase in half.

30. "I see a government that does not spy on its citizens" (Cincinnati, Ohio, 5-27-76).

The Carter administration drafted S. 1566, which is a bill authorizing the wiretapping of Americans who, without any evidence that they have committed a crime, "collect or transmit information" in a manner that is considered harmful to the national security.

31. "... but respects your dignity and your privacy . . ." (Cincinnati, Ohio, 5-27-76).

Within weeks of the inauguration, the Carter administration asked Congress to block implementation of newly enacted privacy protections for bank and tax records even before they went into effect.

32. "... and your right to be let alone" (Cincinnati, Ohio, 5-27-76).

Carter proposed a corps of children who would go from door to door to inspect compliance with energy-and-water-conservation measures, including checking the level of water in our toilets.

33. "Just staying within the letter of the law will never be enough for a Carter campaign or a Carter administration" (Christian Science Monitor, 12-13-74).

As is evident from Carter's handling of the Lance and Helms affairs, not staying within the letter of the law is enough for a Carter administration.

34. "Giving Israel whatever military and economic aid that is necessary" (6-6-76).

Carter has canceled the sale of concussion bombs to Israel, renegeing on a signed agreement by the Ford administration.

35. "We must never again keep secret the evaluation of our foreign policy from the Congress and the American people. They should never again be misled about our options, commitments . . ." (campaign position paper: "Jimmy Carter on the CIA").

As revealed by Tad Szulc in the January 1978 *Penthouse*, Carter has misled the American people, through contradictory announcements and press leaks, about our options and commitments in the Horn of Africa, where the United States has entered into a bizarre de facto alliance with Communist China and Saudi Arabia to support Somalia in its war against Soviet-backed Ethiopia.

36. "... I want to say that there have been far too many . . . diplomatic sleights of hand [in U.S. Mideast policy]" (6-6-76).

There is no better example of a diplomatic sleight of hand than the remark made by Secretary of State Vance on his trip to the Middle East last year. He said that the United States would recognize a PLO delegation at the Geneva conference if the PLO would indicate its willingness to accept Israel's existence by endorsing U.N. resolution 242, which calls for security for all states in the region. The trickery arises out of the

fact that Article 19 of the terrorist organization's charter claims that "the establishment of the state of Israel [is] entirely illegal, regardless of the passage of time" and is, according to Article 20, "deemed null and void." Thus the PLO's position is that Israel is not a state and is therefore not entitled to security under Resolution 242. Therefore, even if the PLO were to endorse 242, it would not be indicating its acceptance of Israel.

37. "Final borders between Israel and her neighbors should be determined in direct negotiations between the parties . . ." (6-6-76).

As president, Carter has pressed for a reconvening of the Geneva conference, which would include the United States and the Soviet Union—neither of which is a neighbor of Israel, Egypt, Jordan, Syria, or Lebanon—at the bargaining table.

38. "... and they should not be imposed from outside" (6-6-76).

Before making a trip to London in May 1977, Carter told three European journalists, as reported by The New Republic's John Osborne, "I would not hesitate if I saw clearly a fair and equitable solution [of the Mideastern crisis] to use the full strength of our own country and its persuasive powers to bring those nations to an agreement."

39. "Reducing present defense expenditures by about \$5 to \$7 billion annually" (platform presentation, 6-10-6).

Defense expenditures for fiscal 1977, the last year of Ford, were \$110.2 billion. For fiscal 1978, Carter requested \$120.4 billion—an increase of \$10.2 billion.

40. "Appointing qualified women early in the administration and in substantial numbers" (statement to 51.3 Percent Committee, 6-13-76).

President Ford computed that 14 percent of his appointees were women. Carter has made 367 presidential appointments. A grand total of forty-five are women—12 percent.

41. "Controlling inflation through the following measures: . . . Standby wage and price controls" (platform presentation, 6-16-76).

As president, Carter has not supported standby wage or price controls.

42. "Enforcing rigidly the antitrust laws in energy-related matters" (platform presentation, 6-16-76).

The Justice Department antitrust investigation of possible anticompetitive conduct by oil companies operating in the Persian Gulf area is civil rather than criminal. Similarly, its investigation of the possibility of price fixing in intrastate natural gas is civil, not criminal. In a successful civil-antitrust action, there is no punishment for having broken the law—just a court order prohibiting the illegal activity in the future.

43. "Placing the importation of oil under government authority in order to ensure strict purchasing controls and the auctioning of purchase orders" (platform presentation, 6-16-76).

Carter's energy plan contains no such provisions.

44. "We sold or gave away billions of dollars of arms last year, mostly to developing nations . . . Sometimes we try to justify this unsavory business on the cynical ground that by rationing out the means of violence we can somehow control the world's violence" (New York, N.Y., 6-23-76).

Among Carter's more unsavory arms deals with developing nations is his proposed \$1.5 billion sale of sixty advanced F-15 fighter-bombers to Saudi Arabia, opposed by the Federal Arms Control and Disarmament Agency.

45. "Reducing the number of bases in the Panama Canal Zone, and possibly reducing the military forces the United States has there" (New York Times, 6-24-76).

Carter's treaty does not "reduce" the number of bases or military forces in the Canal Zone; it eliminates all of them.

46. "Moving immediately toward using economic political pressure [on] South Africa to encourage the independence [of] Namibia . . ." (New York Times, 6-24-76).

Carter has made no such move, immediately or subsequently.

47. "Removing welfare burden from cities, with welfare costs being paid by the federal and state governments" (urban policy speech, 6-29-76).

"Mayors and governors have long been demanding complete federal takeover of welfare, but the basic [Carter] plan contains virtually no such relief."—New York Times, 7-28-77.

48. "Increasing the portion of transportation money available for public mass transportation" (urban policy speech, 6-29-76).

Carter's energy plan contains no provisions increasing funding of mass transportation.

49. "Keeping the price of domestic oil below the price of OPEC oil" (Deregulation of Natural Gas Statement, Pre-Convention Issues, Statement No. 57).

Carter's energy plan raises the price of domestic oil to the price fixed by the organization of petroleum-exporting countries through a wellhead tax, which would increase along with the OPEC price.

50. "Making public all requests for government consideration by private or corporate interests, and making decisions on those requests only on the basis of merit" (Code of Ethics, Pre-Convention Issues, Statement No. 71).

According to columnist William Safire, the Sugar Users Group—a corporate interest group run by a vice-president of Atlanta-based Coca-Cola, the world's largest buyer of sugar—came to Carter and asked that instead of a tariff on imported sugar, which would have paid money into the U.S. Treasury but resulted in a higher sugar cost to Coca-Cola, the president propose a federal subsidy to processors, which would force the taxpayers to pay \$240 million to keep the price of sugar low to Coca-Cola. Without making public their request, Carter did as the Sugar Users Group asked. It took an act of Congress to force Carter to raise sugar duties.

51. "Making mandatory financial disclosure for the president, vice-president, and all those appointed to major policymaking positions in the administration. The disclosure must include financial holdings, where assets are invested and where interests exists [sic] other than investments, in order to insure that no conflict with public interest exist [sic]" (Code of Ethics, Pre-Convention Issues, Statement No. 71).

Carter did not disclose the fact that he has a stock portfolio in a branch of Merrill, Lynch, Pierce, Fenner, and Smith in Columbus, Ga. What's more, the White House press office has refused to disclose the stocks in the portfolio.

52. "Opposing S. 1" (Senate Bill No. 1 Pre-Convention Statement No. 82).

Carter supported the original version of S. 1437, the federal criminal code revision legislation known as "Son of S. 1," which retained the anti-bill-of-rights thrust of the measure supported by Nixon and Ford.

53. "Preferring a more progressive plan to increase gradually the maximum amount of earnings subject to the Social Security tax (rather than increasing the Social Security contribution rate)" (Social Security Statement, Pre-Convention, No. 83).

As President, Carter proposed that the Social Security contribution rate go up by 25 percent in 1985 and by .75 percent in 1990.

54. "Not making any substantive changes in our tax law, or proposing any as president, until at least a full year of very careful analysis has passed" (New York, N.Y., 7-22-76).

Carter's energy plan, which was issued four months after he became president, proposed that numerous substantive changes be made in our tax law, including the gas-guzzler tax and the wellhead tax on crude oil. Last October, after less than nine months as president, Carter proposed approximately 1,000 substantive changes in our tax law.

55. "Limiting wage increases for federal employees to a reasonable figure, so as to encourage the private sector to restrain wage and price demands" (press briefing, 7-28-76).

Here are some examples of Carter's limitation of wage increases for federal employees in his own office: the salary of Joseph Aragon, special assistant, has been raised from \$26,000 to \$51,000; that of James Fallows, chief speech writer, \$20,000 to \$45,000, that of Annie Tate, associate assistant for congressional liaison, \$30,000 to \$42,000; that of Frances Voorde, director of scheduling, \$30,000 to \$42,500; that of Jerome Doolittle, \$20,000 to \$34,000; that of Griffin Smith, Jr., \$20,000 to \$36,000; that of Elizabeth Rainwater, deputy assistant for research, \$12,000 to \$42,500.

56. "In the county where I am, we don't have a doctor, we don't have a dentist, we don't have a pharmacist, we don't have a registered nurse" (Beverly Hills, Calif., 8-2-76).

Carter Farms, Inc., Carter's family corporation, farms 2,000 acres, all in Sumter County, Ga., where Plains is located. There are 25 physicians, 8 dentists, 14 pharmacists, and 115 registered nurses in Sumter County.

57. "Basing every decision as president on strengthening the family" (Manchester, N.H., 8-3-76).

Carter's welfare plan would weaken the family by requiring mothers with children more than six years old to accept a job at the minimum wage.

58. "Keeping Congress informed on any issue involving national security" (New York Times, 8-22-76).

See no. 21.

59. "What did these vetoes [by President Ford] accomplish? Did they save us from wasteful, reckless spending, as the administration would like us to believe? I think not" (Los Angeles, Calif., 8-23-76).

Carter has issued Ford-style threats to veto bills that would expand spending for farm price supports, water projects, and educational aid to communities with large numbers of federal employees.

60. "I do not favor a blanket amnesty; but for those who violated Selective Service laws, I intend to grant a blanket pardon" (Seattle, Wash., 8-24-76).

Carter's pardon did not apply to the entire Vietnam War. It covered only offenses committed between August 4, 1964—the Gulf of Tonkin incident—and March 28, 1973, the suspension of the draft. U.S. troops were first sent to Vietnam in 1960. From 1960 through 1964 there were 1,371 prosecutions for violations of the Selective Service laws, resulting in 1,055 convictions.

61. "Minimizing government secrecy . . ." (speech before American Bar Association, 8-31-76).

Last April a task force within the Energy Research and Development Agency completed a study which showed that, if the price of natural gas were allowed to rise to \$2.25 per thousand cubic feet, the U.S. would have forty-five years' supply (at current levels of consumption). Were the price allowed to go to between \$2.50 and \$3.00, it would be economical to tap supplies of geo-pressured methane, which would be sufficient for 1,000 to 2,500 years. Carter's position was that gas should be priced at no more than \$1.75, based on his false claim that higher prices would not release increased supplies, and that we are therefore entering a battle zone of "permanent energy shortage," through which he proposes to lead us as commander-in-chief in "the moral equivalent of war."

Because the study threatened to reveal that his no-man's-land is potentially a garden of delights, the task force was disbanded and its report suppressed.

62. "As a political candidate, I owe special interests nothing" (Warm Springs, Ga., 9-6-76).

The Trilateral Commission, to which Carter owes his nomination and which includes representatives of Coca-Cola, Hewlett-Packard, Chase Manhattan Bank, Petro-Canada, Wells Fargo Bank, Texas Instruments, Sears, Flat, Rolls-Royce, Sony, Toyota, and Fuji Bank, is at least as much of a special interest group as, say, the Association of Philippine Coconut Desiccators.

63. "I find it unacceptable that we have, in effect, condoned the efforts of some Arab countries to tell American businesses that in order to trade with one country or one company, that they must observe restrictions based on race or religion. These so-called Arab boycotts violated our basic standards of freedom and morality, and they must be stopped—period" (Washington, D.C., 9-8-76).

This passage contains two misleading statements and a violated commitment. First, not "some" but all Arab countries participate in the boycott of Israel. Second, the Arab boycott does not include just restrictions based on race or religion, as Carter implied. Its most important restrictions prohibit trade with any American company that does business in Israel or uses Israeli components in its products.

Finally, under the regulations issued by the Carter administration, the Arab boycott has been stopped—but not "period."

When the administration announced its regulations to enforce the new law, Senator Proxmire, one of the original proponents of an effective antiboycott measure, charged that sections of the administration's rules appeared to "violate" Congress's intent by including loopholes enabling American business to continue complying with the Arab boycott.

64. "We must supply Israel unequivocally and in the full amount necessary in economic and military aid so Israel can pursue peace from a position of strength and be protected against any foreseeable attack" (Jewish New Year's message, 9-14-76).

Carter's original policy review memorandum recommending severe restrictions on arms sales excepted only Japan, Australia, New Zealand, and the members of NATO. It was only under strong congressional pressure that Carter backed down and exempted Israel.

65. "Removing loopholes and shelters for the wealthy" (Economic Issues Statement Post-Convention, No. 133).

On March 8, 1977 a group of oilmen met with Carter, requesting exemption of intangible drilling costs from the "minimum tax"—the tax they're supposed to pay after they've avoided all other federal taxes. They got their \$40 million loophole the very day that Carter announced his energy program.

66. "Having the federal government enter on behalf of consumers into negotiations with OPEC, thereby removing such negotiations from the sole control of OPEC and the big oil companies" (Energy Reorganization Statement, 9-21-76).

When reminded of this promise at a press conference, Carter said that he has "no such plans at present."

67. "There is no reason to think these [Maverick] missiles will increase security and stability in the Middle East. . . . No administration which was sensitive to the climate in the Middle East would let the sale [to Saudi Arabia] go forward" (9-30-76).

Carter is letting the sale of Maverick air-to-ground missiles to Saudi Arabia go forward.

68. "I believe my strongest quality would

be my natural inclination . . . to derive my political support and basic attitudes directly from the people rather than through powerful intermediaries" (Reader's Digest, October 1976).

As described in Cartergate I, II, and III in the November 1977, December 1977, and January 1978 issues of Penthouse, since mid-1978 Carter has derived his political support and basic attitudes through the powerful intermediaries of The Trilateral Commission.

69. "I'll do everything I can, as president, to stop the boycott of American business by the Arab countries. It is not a matter of diplomacy with me; it is a matter of morality" (second presidential TV debate, San Francisco, Calif., 10-6-76).

When antiboycott legislation came before the Senate, Carter sent the nation's chief diplomat to testify in favor of weaker provisions, on the grounds that the administration was successfully using diplomacy to convince the Arabs to moderate their boycott of 450 U.S. companies (including Ford, Motorola, RCA, Revlon, Xerox, and Zenith) doing business with Israel. "The members of this committee should be aware," said Secretary of State Cyrus Vance, "that diplomatic efforts . . . have brought about some encouraging changes in this area of concern. I am happy to report that during my visit to Saudi Arabia, its leaders informed us that Saudi Arabia will accept positive certifications of origin."

All "positive certifications of origin" means is that Arabia will no longer demand from U.S. exporters a certificate that goods didn't originate in Israel—they'll accept one that reads that the goods did originate somewhere else, which is simply a cleaner way of saying the same thing. Not only did Carter make the boycott a matter of diplomacy, but also the purpose of that diplomacy was to suggest to the Arabs ways of putting a respectable face on their refusal to deal with companies that deal with Israel.

70. "Never attempting, through appointments to the FCC or through other actions, to censor the television, news, or other information media" (TV Guide, 10-9-76).

Carter's try at squelching the Washington Post's story about CIA payments to foreign heads of state [see no. 15] was an attempt at censorship. The original version of the federal criminal-code revision bill, "Son of S. 1," which the Carter administration supported, contained provisions to make it possible for a judge to slap a gag order on a reporter covering a trial even if the order were subsequently ruled illegal. This would make it a crime to publish government information that had not been made available officially to the press, and make it a crime for a reporter—or anyone else, for that matter—to write (or speak) a true statement that caused economic loss to a public official, his "family, friend, or business associates," which a jury thought was "improper."

71. "Enforcing strictly laws against public officials who break laws" (speech before American Bar Association, 8-31-76). "Eliminating the double standard of justice that favors 'big shot' criminals" (Detroit, Mich., 10-15-76).

Carter personally authorized the Justice Department's plea bargain with former CIA Director Richard Helms, who lied to a Senate committee in denying that the agency had funneled money to opponents of the late president of Chile, Salvador Allende. Helms was not prosecuted for perjury but allowed to plead "no contest" to misdemeanor charges, for which he was sentenced to a \$2,000 fine. The head of the committee, Senator Church, commented, "I thought there was to be an end to the double standard of justice for the big shots."

72. "Opposing the sale of arms to Egypt that could be used in a strike against Israel" (St. Louis, Mo., 8-31-76).

On July 26, 1977, Carter informed Congress

that he wished to sell Egypt the following items:

Fourteen C-130 Hercules military transports for ferrying troops and supplies, valued at \$180 million.

Twelve pilotless, reconnaissance drone aircraft worth \$30 million.

Six sophisticated reconnaissance cameras for aircraft already owned by Egypt, costing \$7 million.

All of these weapons could be used in a strike against Israel.

73. "Aid should not be used in a carrot and stick fashion. . . . Israel must feel secure in the support that it expects from America in order to take the necessary risks for peace" (letter to Jewish Telegraphic Agency, 10-18-76).

In an interview aired on the Canadian Television network on October 2, 1977, Zbigniew Brzezinski, Carter's national-security adviser, was asked whether "there is some indication, sir, that the United States is going to be hard on Israel, perhaps harder than previous administrations have been." Brzezinski replied: "The United States has a direct interest in the outcome of the Middle Eastern conflict. . . . And, therefore, the United States has a legitimate right to exercise its own leverage, peaceful, and constructive, to obtain a settlement."

74. "I will work with the Congress, as the Ford administration has been unable to do, to deregulate new natural gas. The decontrol of producers' prices for new natural gas would provide an incentive for new exploration and would help our nation's oil and gas operators attract needed capital" (letter to governors of natural gas-producing states, 10-19-76).

Carter's energy plan did not call for deregulating the price of any natural gas.

75. "Sending an emissary to Lebanon on a fact-finding mission within one month of inauguration" (statement on Lebanon, 10-23-76).

Carter has sent no emissary.

76. "Vice-President Mondale will be my top staff person" (Plains, Ga., 12-13-76).

Hamilton Jordan is Carter's top staff person.

77. "All [my] common stock is being sold, consisting of 100 shares of Rich's, Inc., and 956 shares of Advance Investors" (Americus, Ga., 1-4-77).

Carter has not sold the stocks contained in his portfolio at the Columbus, Ga., branch of Merrill Lynch.

78. "Further steps are needed to insure that former government officials cannot use their personal contacts gained in public service for private benefit" (Americus, Ga., 1-4-77).

The president's son Jeff and Jeff's wife, Annette, solicited bids from publishers for a book of photographs of the Carter family in the White House, doing so in a letter that hinted that Carter himself would write the foreword. Presumably, such a book would continue to earn royalties for the Carter family after the president's term expires.

79. "We will move this year a step forward toward our ultimate goal—the elimination of all nuclear weapons from this earth" (inaugural address, Washington, D.C., 1-20-77).

Carter had indicated that he favors a step toward an entirely new generation of nuclear weapons—the development of the neutron bomb, which minimizes damage to property and maximizes damage to people.

80. "All federal judges and prosecutors should be appointed strictly on the basis of merit, without any consideration of political aspects or influence."

Carter forced the resignation of U.S. Attorney for New Jersey Jonathan Goldstein, a registered Republican, so that he could be replaced by a Democrat. These are his judicial appointments so far: federal judges—thirty-one Democrats, no Republicans. U.S.

attorneys—fifty-five Democrats, 1 Republican.

81. "This is the first major indication of a permanent energy shortage" (Pittsburgh, Pa., 1-30-77).

There is no energy shortage now and no possibility of a permanent energy shortage. The illusion of a shortage has been created by the Arab production cutbacks, which the Carter administration had done nothing to oppose, and by federal regulatory policies that makes it disadvantageous for oil companies to drill for oil in the United States.

82. "My intention has always been, as expressed many times during my own political campaign, that natural gas should be deregulated for a limited period of time, on a test basis—I would say for a four-year period of time" (Pittsburgh, Pa., 1-30-77).

On January 16, 1976, in an ad in the Des Moines Register, Carter said, "I support legal restrictions to allow a 'reasonable profit' on oil and natural gas rather than allowing prices to be set without restriction." But he told an astonishing series of lies and flip-flops: he came out in his campaign statement against deregulation; then, after ten days in office, he claimed that he had always come out for deregulation; and three months later he announced an energy plan that continues regulation.

83. "Whenever a regulation is issued, it will carry its author's name" (TV "fireside chat," 2-2-77).

Federal regulations do not have "authors." As John Snow, then head of the National Highway Traffic Safety Administration, said: "I don't want to be difficult, but you take that regulation we put out the other day on anthropomorphic test dummies. There must have been twenty or thirty lawyers and engineers who worked on it. Does he want all of them to sign it?"

84. "Recently, Secretary of State Vance took a trip to the Middle East . . . to explore some common ground for future permanent peace there, so that Israel might have defensible borders so that the peace commitments would never be violated and that there could be a sense of security about this young country in the future" (Washington, D.C. 3-7-77).

Carter's notorious "defensible borders" statement was jumped on by commentators as a "gaffe" and an "inconsistency." Carter characterized it more accurately two days later when, restating that he would tolerate only "minor adjustments" in Israel's 1948 borders, he dismissed his statement about defensible borders as "semantics." Its semantic purpose was to imply that the cease-fire lines of 1948 could be defended by Israel against the laser-guided tanks and surface-to-surface missiles of three decades later. In reality, Vance told all the Middle East leaders that the Carter administration wants Israel to go back to its 1948 border, which passes within twelve and one half miles of Tel Aviv, cuts through downtown Jerusalem, and surrounds the rest of the city on three sides.

85. "I can guarantee you that when you fill out your income-tax form for 1977, it will be much simpler. There is no doubt about it. If I don't do that, I will have broken my word of honor, and I don't intend to break it" (Washington, D.C., 3-25-77).

Form 1040 for 1977 has exactly the same number of lines as Form 1040 for 1976: sixty-six. The only difference between the 1976 and 1977 forms is the order of the items. There has been no simplification. In fact, because total income, taxes, and credits are no longer summarized on the first page, it is arguable that the 1977 form is more complex.

86. "The United States will not be the first supplier to introduce into a region newly developed advanced weapons systems which would create a new or significantly

higher combat capability" (Washington, D.C., 5-19-77).

The Beirut newsmagazine *Events* noted that "in what seemed to be a breach of his own policy guidelines, Carter asked Congress to approve the sale to Iran of seven of these highly sophisticated flying radar systems [the newly developed, advanced Boeing E-3A airborne warning-and-control system (AWACS)], which consist of Boeing 707 jet aircraft packed with electronics, each with a mushroomlike radar scanner sprouting from the rear of the fuselage."

87. "U.S. arms sales abroad in fiscal 1977 total \$9.9 billion" (message to Congress). According to the Pentagon, the actual figure is \$11.3 billion.

88. "We desired to set the precedent of having the president's income tax reviewed" (Deputy Press Secretary Rex Granum, Washington, D.C., 6-8-77).

Granum's press briefing came on the afternoon of the day that *Newsday*, the Long Island newspaper, reported that Carter's 1975 income taxes were being audited. After reporters refused to believe the White House, Carter's press aides admitted the IRS, not the president, had initiated the audit.

89. "H.R. 5262 would require us to vote against any loan to a country where human rights were being violated" (letter to Sen. Hubert Humphrey, Congressional Record, 6-14-77).

The bill Carter was opposing contained an amendment by Representative Badillo of New York that would not have required the U.S. representative to such institutions as the World Bank to vote against "any" loan to a country where human rights were being violated. The amendment applied only to "any country which engages in gross [emphasis added] violations of internationally recognized human rights, including torture or cruel, inhumane, or degrading treatment or punishment, prolonged detention without charges, or other flagrant denial of the right to life, liberty, and the security of person, and including the providing of refuge to individuals committing acts of international terrorism, such as the hijacking of an aircraft." Moreover, if such a loan "is directed specifically to programs which serve the basic human needs of the citizens of such country," the Badillo amendment would have allowed the U.S. representative to vote for the loan. In the wake of Carter pressure against the bill, the amendment was deleted.

90. "We ought not to evolve a complicated position in a sensitive area, like the Middle East, in secret and then spring it on people or negotiate privately" (ABC-TV interview, Plains, Ga., 8-10-77).

The joint U.S.-Soviet communique on the Middle East, which recognized "the legitimate rights of the Palestine people"—the PLO code phrase for the destruction of Israel—was negotiated secretly between Secretary of State Cyrus Vance, National Security Adviser Zbigniew Brzezinski, and Soviet Ambassador to the U.S. Anatoly Dobrynin. Carter staff chief Hamilton Jordan first learned of the statement's existence by hearing about it on the radio on Saturday night, October 1. Stuart Eizenstat, Carter's chief adviser on domestic affairs, first read about it in the newspapers. Vice-President Walter Mondale was unaware of the statement until after it had been released.

91. "At almost all times, Bert Lance had more than enough on deposit in other accounts to cover his overdraft" (Washington, D.C., 8-23-77).

While he was running for governor of Georgia in 1974, Lance's campaign accounts at Calhoun National Bank, which he headed, were overdrawn by as much as \$228,151. His personal overdrafts rose as high as \$110,000, and those of nine relatives soared as high as \$450,000. At no time did Lance have more than \$110,000 on deposit at the bank.

92. "There has been no evidence of either illegalities or unethical conduct [by Bert Lance] . . ." (Washington, D.C., 8-23-77).

Federal bank examiners and the comptroller of the currency reported that Lance had violated laws prohibiting loans of more than \$5,000 from a bank to any officer of that bank and requiring reports to the directors of the Calhoun National Bank and National Bank of Georgia on his loans and outside business interests.

93. ". . . and no conduct that was contrary to the normal practices that exist in the banking circles in our country" (Washington, D.C., 8-23-77).

"He's certainly in the extreme minority," a Virginia banker told the New York Times about Bert Lance. A Detroit banker said: "Of the 14,000 banks in the U.S., I don't think you'll find one-half of 1 percent have a Bert Lance."

94. "Guaranteeing adequate price supports on a parity level which assures farmers a reasonable return based on their cost of production" (Iowa agriculture speech, 8-25-76).

Carter has threatened to veto such legislation, and farmers have brought tractor convoys to Washington and state capitals to dramatize their inability to make ends meet.

95. "Disputes that have existed for 2,000 years [in the Middle East] can't be resolved in one peace conference (interview in Jerusalem Post, 9-12-77).

The dispute between Israel and the Arabs dates only from the 1920s, when officials of the British Mandate in Palestine encouraged anti-Jewish agitation in an attempt to drive Jewish settlers out of the country so that the Middle East could be turned into a collection of weak Arab ministates, dependent on England. In 1919 the Emir Faisal, king of the Hedjaz in what is now Saudi Arabia and leader of the Arab revolt against the Turks in World War I, signed an agreement with Dr. Chaim Weizmann, head of the Zionist Organization, supporting the establishment of Israel.

96. "The attorney general has not consulted me nor given me any advice on the Helms question" (Washington, D.C., 9-29-77).

Shortly after it was disclosed that the Justice Department had entered into a deal with former CIA Director Richard Helms not to prosecute him for perjury for telling a Senate committee that his agency had not participated in the overthrow of the democratically elected Allende in Chile, Attorney General Bell said he had met with Carter in the Oval Office on July 25, 1977, and had told him that there was a prosecutable case against Helms. Bell said that "the president authorized us to determine the feasibility and possibility" of plea-bargaining with Helms.

97. "We must face an unpleasant fact about energy prices. They are going up, whether we pass an energy program or not, as fuel becomes scarcer and more expensive to produce" (Washington, D.C., 11-8-77).

Prices are not automatically "going up"—they are being deliberately, extortionately, raised by the Arab-dominated OPEC cartel. These countries are not raising the oil price because "fuel becomes scarcer and more expensive to produce." The cost of lifting a barrel of oil in the Middle East—including recapture of the investment in exploration and drilling plus a 20 percent profit on that investment—comes to a grand total of ten to twenty cents. Yet the Arabs charge us nearly thirteen dollars for that barrel. Carter is telling a half-truth on one point: prices will go up whether we pass his energy program or not—because it contains not a single provision for moderating the price-setting power of OPEC.

98. "I don't intend to break a single promise. I'm giving you my word of honor" (Manchester, N.H., 2-10-76).

99. "I will never make a misleading statement" (Daytona Beach, Fla., 10-29-75).

100. "I will never tell a lie" (Daytona Beach, Fla., 10-29-75). •

SEVERE SENTENCES AGAINST UKRAINIAN HELSINKI WATCHERS

● Mr. PELL. Mr. President, last Wednesday, on March 29, 1978, the Soviet authorities sentenced both Mykola Matusevych and Myroslav Marynovych, founding members of the Ukrainian Helsinki watch group, to stiff penalties: seven years in labor camp and 5 years of internal exile for "anti-Soviet agitation." Marynovych and Matusevych have already spent 11 months in total isolation since they were arrested on April 23, 1977.

Their isolation continued even during the trial—neither family nor friends were admitted to the courtroom in the village of Vasilikiv near Kiev. As a mark of protest at the illegality of the proceedings, Matusevych refused to testify and therefore was taken from the courtroom.

Mykola Matusevych, a Kiev resident, was prevented from completing his education because of his political views and was once jailed for 5 days for taking part in traditional Christmas caroling. He has also been dismissed from work several times for defending political prisoners and has supported himself by working at odd jobs.

Myroslav Marynovych, an electrical engineer by profession, comes from the village of Kalynivka in the Kiev region. Reportedly, he was thrice dismissed from jobs for associating with dissidents and for expressing nonconformist views. Most recently, he was employed as an editor at a publishing house.

The fate of Marynovych and Matusevych has long been of concern to Soviet dissidents such as General Pyotr Grigorenko. He feared that the Soviet authorities would deal with their case with particular severity due to their relative youth—Matusevych is 31 and Marynovych is 28—and because they are natives of the Western Ukraine, an area from which activists are always treated with special harshness.

Partly because rumors were circulated that the two men had been released, their case has received little attention in the West. I protest in the strongest terms this blatant violation of the Helsinki accords which the sentences of Mykola Matusevych and Myroslav Marynovych represent. ●

A LIBERTY TREE GROWS ON CAPITOL HILL

● Mr. MATHIAS. Mr. President, there is now growing on the U.S. Capitol grounds a direct descendant of our last living link with the American Revolution, the Liberty Tree which stands on the St. John's College campus in Annapolis. A sapling from that historic tree was planted here at the Capitol on Monday, March 27.

The Liberty Tree symbolizes the determination of our ancestors to establish

here a country dedicated to freedom. Maryland's Sons of Liberty were in the vanguard of the independence movement that created the United States of America, and they met during the revolution beneath the Liberty Tree that still flourishes on the St. John's campus.

The Liberty Tree descendant we planted along Library Drive on the Capitol grounds will stand to remind visitors of that treasured heritage.

We were privileged to have many distinguished guests attend the ceremony. Among those present were:

Mrs. Curtis Wilson, president of the Caritas Society of St. John's College;

Mr. William B. Dunham, vice president of St. John's College;

Mr. Leonard C. Crewe, Jr., president of the Council of the Maryland Historical Society;

The Hon. Fred Schwengel, president, U.S. Capitol Historical Society;

The Misses Leland Giovanelli and Roberta Rusch, representing the students of St. John's College;

Mr. Arthur Kungle, acting field director of the Liberty Tree Project;

Mr. Paul Pincus, landscape architect and horticulturist, Office of the Architect of the Capitol.

Mr. President, so that my colleagues may fully appreciate the Liberty Tree, its importance in American history, and the unique significance of the planting of its descendant on the U.S. Capitol grounds, I submit for the RECORD the brief remarks made at the planting ceremony.

The remarks follow:

A SYMBOL OF LIBERTY

(Remarks by Mrs. Curtis Wilson)

A tree which grows anywhere in the world is a wonderful thing, but when the tree is a tree which symbolizes liberty, and when that tree flourishes and grows green despite its four centuries, and when it promises to outlive all of us who stand here today, then that is a tree to be hailed as a tree of very great omen and as a most propitious sign for the future.

In presenting to you an offspring of Maryland's Liberty Tree, Senator Mathias, I would like to say that I think of all the places a Liberty Tree might choose to grow, the most fitting place is the one from which this seedling comes—St. John's College, where those authors who have had so much to do with liberty as we know it are read: Locke, Madison, Hamilton, and the classical Greek authors who helped shape what those men thought and wrote in preparing a great Constitution.

The tree of liberty can grow only where there are trees of knowledge, and only in a grove where it can be nourished and strengthened by the laws of the land. It is with an especial sense of fitness that we in Caritas present to you a seedling of St. John's Liberty Tree for planting on the Capitol grounds. We hope that the men and women who some day walk under its branches will cherish and preserve liberty with the same keen devotion which distinguished those independent patriots who met two centuries ago under the parent tree to work for the founding of a new nation.

KEEPING ALIVE THE ROOTS OF THE AMERICAN REVOLUTION

(By CHARLES McC. MATHIAS, JR.)

We are happy that St. John's College has made this day possible, and that all of you could be here for this Maryland Day cere-

April 6, 1978

mony. We particularly welcome the President of the Council of the Maryland Historical Society, Mr. Leonard C. Crewe, Jr.; the very distinguished President of the U.S. Capitol Historical Society, Congressman Fred Schwengle; and Mrs. Curtis Wilson, President of the Caritas Society of St. John's.

This is a slightly delayed celebration of the 344th anniversary of the founding of Maryland, a day that we are proud to remember. We're sorry that it isn't a bright sparkling spring day, but maybe that's appropriate.

This morning the Potomac River, which is within sight here, is flowing under the bridges of Washington, and that water now flowing under the bridges within a day or two will be washing around St. Clement's Island in the Potomac. That's the spot where the Ark and Dove cast anchor 344 years ago, and the first settlers stepped ashore and founded the colony of Maryland. Perhaps they landed on a day like this . . . a little overcast, a bit chilly, the ground soaked with rain, but with the first touch of green in the grass, with the buds in the trees just beginning to swell. If so, it was a day of promise, a day in which you could see that the earth was going to spring forth and be fruitful.

It was also a day of tremendous symbolism, because it was a day in which Maryland would be like nature itself, about to blossom, and to be fruitful. Then, this is an appropriate day to meet here to celebrate Maryland Day.

The Liberty Tree itself is a tulip poplar, one of the most important American trees. Mr. Pincus, who is responsible for all of these trees at the Capitol, will know that the tulip poplar is one of the great American trees. It's an enormously important tree, but, despite its name, it really isn't a poplar, rather, it's a relative of the magnolia. We've called it the tulip poplar for years, and it's a great source, not only of beauty and shade, but of lumber; so, like Maryland itself, it's utilitarian as well as beautiful.

This particular tree is a seedling of the Liberty Tree, and not everybody knows any more what is historically significant about the Liberty Tree. Today's commemoration has a national as well as a state significance because a Liberty Tree was chosen in almost every town and village of America at the time of the American Revolution to be the place where the Sons of Liberty could meet, and where patriotic fervor for the Revolution could be generated. The Liberty Tree on St. John's campus in Annapolis is the last living Liberty Tree in America, the last living link with the American Revolution. It is quite appropriate, then, that we bring this seedling from that tree, which budded and blossomed during the American Revolution, and plant it here on the grounds of the United States Capitol.

The Liberty Tree in Annapolis has been the scene not only of the stirring events of the Revolution, but of many sentimental reunions and revivals. In 1824 for example, Lafayette, one of the last veterans of the American Revolution, came back to America and was greeted under the Liberty Tree.

The Tree itself has had many vicissitudes. It was thought to be dying, and at one point some of the students at St. John's let off a charge of dynamite in a hollow of the trunk. Many people feared that was its end; but, paradoxically, that was its remedy and its restorative. It experienced a new burst of vitality and growth and has lasted to our own time.

During 1976 the Liberty Tree was the scene of one of the important Maryland celebrations of the Bicentennial, so, it has a great deal of significance for Marylanders and all Americans. Here, on the Capitol grounds this descendant of the Liberty Tree

will be a symbol of what liberty has meant in America, a living presence to watch over us, to be a reminder of the kind of responsibilities that we have for the future. We hope that it will grow, that it will flourish, that 344 years in the future people can come and look at a great towering giant and contemplate the rich and noble history it represents.

We thank Mr. Pincus and his staff very much for making all of these arrangements, and we particularly thank him for the tender nursing care that he's going to give to this tree until it's able to take care of itself.

And now we have sunshine, a promising sign for our purpose.

As a memento of this occasion, we want to present the Caritas Society a certificate which marks this occasion. We also have here a record of the pedigree of this tree, a registration certificate which shows that it is in fact a descendant of the Liberty Tree. We'll keep this here at the Capitol as permanent proof that this really is a pedigreed descendant of the Liberty Tree in Annapolis, Maryland. ●

PRELIMINARY NOTIFICATION PROPOSED ARMS SALES

● Mr. SPARKMAN. Mr. President, section 36(b) of the Arms Export Control Act requires that Congress receive advance notification of proposed arms sales under that act in excess of \$25 million, or in the case of major defense equipment as defined in the act, those in excess of \$7 million. Upon receipt of such notification, the Congress has 30 calendar days during which the sale may be prohibited by means of a concurrent resolution. The provision stipulates that, in the Senate, the notification of proposed sale shall be sent to the chairman of the Foreign Relations Committee.

Pursuant to an informal understanding, the Department of Defense has agreed to provide the committee with a preliminary notification 20 days before transmittal of the official notification. The official notification will be printed in the RECORD in accordance with previous practice.

I wish to inform Members of the Senate that 4 such notifications were received on April 5, 1978.

Interested Senators may inquire as to the details of these preliminary notifications at the offices of the Committee on Foreign Relations, room S-116 in the Capitol.

DEFENSE SECURITY ASSISTANCE AGENCY,
Washington, D.C., April 5, 1978.
Mr. WILLIAM RICHARDSON,
Professional Staff Member, Subcommittee on
Foreign Assistance, Committee on Foreign
Relations, U.S. Senate, Washington, D.C.

DEAR MR. RICHARDSON: By letter dated 18 February 1976, the Director, Defense Security Assistance Agency, indicated that you would be advised of possible transmittals to Congress of information as required by Section 36(b) of the Arms Export Control Act. At the instruction of the Department of State, I wish to provide the following advance notification.

The Department of State is considering an offer to a European country tentatively estimated to cost in excess of \$25 million.

Sincerely,
ERNEST GRAVES,
Lieutenant General, USA. ●

DEFENSE SECURITY ASSISTANCE AGENCY,
Washington, D.C., April 5, 1978.

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Professional Staff Member, Subcommittee on
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DEAR MR. RICHARDSON: By letter dated 18 February 1976, the Director, Defense Security Assistance Agency, indicated that you would be advised of possible transmittals to Congress of information as required by Section 36(b) of the Arms Export Control Act. At the instruction of the Department of State, I wish to provide the following advance notification.

The Department of State is considering an offer to a European country for major defense equipment tentatively estimated to cost in excess of \$7 million.

Sincerely,
ERNEST GRAVES,
Lieutenant General, USA.

DEFENSE SECURITY ASSISTANCE AGENCY,
Washington, D.C., April 5, 1978.

Mr. WILLIAM RICHARDSON,
Professional Staff Member, Subcommittee on
Foreign Assistance, Committee on Foreign
Relations, U.S. Senate, Washington, D.C.

DEAR MR. RICHARDSON: By letter dated 18 February 1976, the Director, Defense Security Assistance Agency, indicated that you would be advised of possible transmittals to Congress of information as required by Section 36(b) of the Arms Export Control Act. At the instruction of the Department of State, I wish to provide the following advance notification.

The Department of State is considering an offer to a European country for major defense equipment tentatively estimated to cost in excess of \$7 million.

Sincerely,
ERNEST GRAVES,
Lieutenant General, USA.

DEFENSE SECURITY ASSISTANCE AGENCY,
Washington, D.C., April 5, 1978.

Mr. WILLIAM RICHARDSON,
Professional Staff Member, Subcommittee on
Foreign Assistance, Committee on Foreign
Relations, U.S. Senate, Washington, D.C.

DEAR MR. RICHARDSON: By letter dated 18 February 1976, the Director, Defense Security Assistance Agency, indicated that you would be advised of possible transmittals to Congress of information as required by Section 36(b) of the Arms Export Control Act. At the instruction of the Department of State, I wish to provide the following advance notification.

The Department of State is considering an offer to a European country tentatively estimated to cost in excess of \$25 million.

Sincerely,
ERNEST GRAVES,
Lieutenant General, USA. ●

SUBSIDIZATION OF FOREIGN-OWNED COPPER MINES

● Mr. GOLDWATER. Mr. President, the depressed world copper market is having an extremely distressing effect in my State of Arizona. Already, unemployment is running high in this industry and unless the situation improves, still more thousands of American copper miners will be put out of work.

In light of this, Mr. President, the citizens of my State were surprised and outraged to read recent news accounts describing how the International Monetary

Fund has loaned over \$300 million to the government of Zambia to keep open two copper mines in that country. I am sure I do not need to remind the Members of this body that the U.S. Government is the largest single contributor to the International Monetary Fund. So what we have here is the ridiculous situation whereby American taxpayers' money is being used to subsidize foreign-owned mines so that they can continue producing copper and further depress the world copper market. In turn, the action can only spell more unemployment in this country.

American copper companies, responding to the depressed market situation, have been forced to shut down some of their operations and curtail both production and employment. Why the copper mines in Zambia should be rendered immune from the world market and propped up by money supplied through the U.S. taxpayers is difficult to understand. I suggest that our Government officials might instruct the U.S. members of the IMF executive directors to take appropriate action in the best interest of the American economy.●

BYELORUSSIAN INDEPENDENCE

● Mr. RIBICOFF. Mr. President, I join my colleagues in commemorating the 60th anniversary of the Declaration of Independence of the Byelorussian Democratic Republic. Unfortunately, Byelorussia shared the experience of its neighboring nations which also gained their independence at this time. The guarantees of free elections and basic human rights were soon eliminated by the forcible domination of the Soviet Union. Yet this independence, however short lived, will be long remembered by Americans of Byelorussian descent.

On this anniversary it is important for us to express our continued support for the valiant struggle of the Byelorussian people to again achieve their national identity. They deserve support for maintaining their culture in the face of harsh oppression. And today Americans of all backgrounds join with those of Byelorussian heritage in recognizing the inspiration provided by these proud people. We all share their hope that one day soon they will know the freedoms that are the inherent rights of all men.●

THE DIVING DOLLAR

● Mr. JAVITS. Mr. President, I submit an article for the RECORD from the New York Post, written by David Rockefeller, chairman of the board, Chase Manhattan Bank, entitled "The Diving Dollar."

The article follows:

THE DIVING DOLLAR

Anyone lately who has even casually priced a Japanese television set or a German automobile knows what has been happening to the U.S. dollar. In only a year the value of our currency has declined approximately 21 per cent against the Japanese yen, 17 per cent against the West German mark and a staggering 28 per cent against the Swiss franc.

A Swiss watch which in the U.S. cost \$100 last year, could cost \$128 today, simply be-

cause of the exchange rate changes. Furthermore, some goods produced in the U.S. go up in price as competing foreign merchandise becomes more expensive.

A currency is basically as strong as the economy of the country that issues it, and the American economy is the strongest in the world. Why, then, has the dollar, the world's leading currency, fallen so sharply in relation to many other currencies?

The dollar's decline is a signal—and a desperately important one. The international money market is trying to tell us something. It is sending us an urgent message.

The market is telling us to stop frittering around and adopt a meaningful energy policy, and it is asking for some assurance that American policymakers understand the very real dangers of inflation.

The market is increasingly raising the question of whether the U.S. has coherent and sound monetary and fiscal policies.

Apart from these general concerns, the specific and immediate cause of the dollar's decline is no mystery. Two years ago we had a trade surplus; today, we have a very large and growing trade deficit.

Oil, of course, is central to our \$30 billion trade deficit. Today, the U.S. must import half of its oil and last year our bill for imported oil was \$45 billion, about 30 per cent of total imports of all goods.

Five years ago, the bill was only \$8 billion. While other industrialized nations are even more dependent on imported energy, they have shown—at least in the eyes of foreign exchange markets—a good deal more resolve to contain oil imports.

What the world sees is that we have done very little to promote energy conservation, very little to promote new energy production or develop our vast coal resources. We have failed even to repeal the price controls and other regulations which serve to penalize the development of new energy sources.

Even if we acted today, our continued delay has already guaranteed another period of rising energy imports. Output from the Alaskan North Slope will postpone the rise for a year or two but the pipeline alone cannot keep up with our increasing needs over a longer period.

Yet oil isn't the only culprit. There are other factors which have substantially contributed to our trade deficit. Some of our goods have become less competitive, particularly compared with Japan's.

More abundant food harvests in many parts of the world have lessened the demand for our agricultural exports and, most significantly, slower-paced economic growth in most of the world over the past two years has weakened the demand for our exports.

The mammoth numbers which characterize our trade deficit are hardly lost on foreign markets. Yet there is another less visible, but equally decisive, factor contributing to the dollar's descent.

The market seems to doubt the depth of the U.S. commitment to control inflation, and there is growing concern that the supply of dollars is out of control.

To many foreign observers, the growing deficit in the U.S. budget looms as ominously as our trade deficit. Those U.S. policymakers who, until recently, avowed that our economic policies can completely ignore the plight of the dollar did not contribute international confidence in our greenback.

What, then, can we do to reassure a skeptical world market about the underlying strength of the dollar? First, we must take the necessary steps to bring the U.S. trade deficit under control. Again, energy policy is a central factor.

We need to speed up the development of our coal resources. We need a solid program of research and development for alternative energy prices which reward energy production rather than energy consumption.

We will also have to convince the money markets that we understand inflation and mean business about controlling it here at home. We need to reaffirm our commitment to stay within some stern monetary growth targets.

We need to find some way to discourage inflationary wage increases. And we need to reduce the size of our government deficit. In short, we need to convince the world that we have informed and sure-footed monetary and fiscal policies.

Restoring confidence in the dollar is essentially a matter of fashioning clearly defined, long-run policies to deal with long-run problems. There are short-run policy questions as well that cannot be ignored: When and how should our government intervene in the market to support the dollar?

In other words, when should we seek to influence the exchange rate by buying and selling our currency in exchange for other currencies?

There is no single principle that provides an unequivocal answer to this question. Any attempt to defend a rate that the private market thinks unreasonable will be unsuccessful, and hence inadvisable, no matter what the judgment of the authorities may be.

At certain times, however, intervention does have a significant and long lasting effect on market sentiment, and this is sufficient argument for rejecting the notion that the authorities should adopt a completely "hands off" policy.

I believe the intervention strategy that the U.S. has employed in recent months has been generally appropriate, though in my judgment it was slow in being adopted. We intervened effectively in concert with foreign central banks to control the disorderly markets of early January, but we have not attempted to prevent the subsequent gradual downward drift of the dollar.

Given market perceptions, the amount of intervention that would have been required to prevent this downward drift was too large to be sustainable over time.

In my opinion, the dollar has been overvalued and, today, is significantly undervalued with respect to many foreign currencies. By the end of the year, I expect we shall see a stronger dollar as the market reaches a more balanced judgment and sheds its present alarmist psychology.

Until it does, however, our intervention policy must aim only at controlling the rate at which the dollar changes. Moreover, it is important that our own intervention strategy be effectively coordinated with that of other major central banks.

A somewhat stronger intervention policy will be warranted when we are able to make substantial progress in dealing with the root causes of the dollar's weakness.

In arranging for the additional foreign exchange resources which would be required for more active intervention, the critical question is whether the method of acquiring these funds would itself encourage a further shift out of dollars that would not otherwise have occurred.

Regardless of the funding mechanism, intervention is, at best, a palliative which in no way deals with the underlying problems—the need to reduce inflation, adopt a far-reaching energy program, and control our balance-of-payments deficit.

A British economist once pointed out in a discussion of inflation that it is impossible to keep the bathtub from running over without turning off the tap.

I am convinced there is no serious weakness in the dollar that a coherent and courageous energy policy and clear-eyed monetary and fiscal policies won't cure. Such policies must be adopted promptly to assure a stable and productive U.S. and world economy.●

PAUL GREEN

• Mr. MORGAN. Mr. President, Paul Green, the "father" of outdoor drama, was presented the first North Carolina Society Award at a recent dinner in Chapel Hill honoring the playwright, teacher, and humanitarian on the occasion of his 84th birthday, March 17. The award recognizes Green's "distinguished service in the promotion, enhancement, production, and preservation of the literature of his native State."

A native of my own Harnett County, N.C., Paul Green became famous just prior to World War I as the ambidextrous pitcher for the Lillington Cats professional baseball team. Leaving the University of North Carolina at Chapel Hill as a freshman in 1917, Green enlisted in the army and saw service in World War I in Belgium and France. Once back at Carolina, his love for folk drama grew in "Proff" Frederick Koch's famous playwriting class which included Thomas Wolfe and Green's future wife, Elizabeth Lay. He drew international recognition in 1927 when his play, *In Abraham's Bosom*, the story of a black man in North Carolina in the early 1900's, won the Pulitzer Prize for Drama. Green's presidency of the National Theater Conference in 1940-42 earned the commendation of President Roosevelt, who had attended the 1937 opening of the first outdoor drama, the *Lost Colony*, water-side at Fort Raleigh in Manteo. With this production, and some 15 following, Green has established the symphonic drama as a new art form in American culture, has proclaimed his belief in the democratic ideal of the common man, and has brought local history alive for millions in great amphitheaters across America. In addition, for 50 years he has encouraged the development of a native black theater, helping to lay the ground for the black actor today as a dignified spokesman for his cultural heritage.

At the University of North Carolina, Paul Green has been a professor in the departments of philosophy, dramatic art, and radio, television, and motion pictures. The new dramatic arts building under construction on campus will be named the Paul Green Theater.

The State, national, and international honors awarded to Paul Green are too numerous to list more than a sample. Besides the Pulitzer Prize for Drama, he has won three Freedoms Foundation Medals for his outdoor dramas, the Theta Alpha Phi Medallion of Honor from the American Educational Theatre Association, North Carolina's Frank Porter Graham Civil Liberties Award and Distinguished Citizen Award, and honorary doctorates from eight colleges and universities, including his alma mater at Chapel Hill. In addition, Green has been a delegate to international conferences for UNESCO in Paris and for the performing arts in Greece, as well as holding presidencies and advisory positions for various theater boards and academies.

Paul and Elizabeth Green celebrated their 15th anniversary in July of 1972, and they live today in a rambling farmhouse outside Chapel Hill, a house which still overflows with the visits of the children and grandchildren.

Another great North Carolinian, Jonathan Daniels, recently had this to say about Paul Green:

The heroes he has brought to life on multiple stages compose the company which composed America, lacking only the figure of Paul Green himself. Yet inevitably he is in them all, wearing the costumes of courtier, ship captain, pioneer with a coon tail hanging from his cap, banjo player, Indian, writer and defender of the rights of man. Yet in all he is still the Harnett County plowboy opening the furrows of a nation's faith and a world's hopes. Sometimes he appears on Old Lystra Road, more often in a galloping Cadillac between the Raleigh Tavern and the Alamo. He is durable man or perpetual playboy, play writer, play actor. Recently he was a ticket-holding spectator in the theater of Dionysus in Athens, as he has been at the dramas of Russia and Japan. Off stage he has been concerned for justice and happiness. No man in trouble was too small for his concern. No theatre has ever been big enough for the appreciation given his plays. Tough and tender, durable man and child forever, it requires both the heart and mind even to begin the applause this saint and pagan, farmer and philosopher deserves. He is the natural man with tousled pompadour in the stars.

On his 84th birthday March 17, Paul Green's family, friends, and admirers will sit down for supper in Chapel Hill, to applaud him with hearts and minds. I hope to be among them. •

THE INLAND WATERWAYS AND THE ARMY CORPS OF ENGINEERS

• Mr. DOMENICI. Mr. President, the Army Corps of Engineers provides fertile ground. Once the barge industry plants the seed of a new navigation project, it will soon grow luxuriantly under the forced feeding of the corps.

If any of my colleagues doubt this symbiotic relationship between the Corps of Engineers and the barge industry, lay those doubts to rest. The corps has developed vast and extravagant plans for new inland navigation projects, projects that would push taxpayer-subsidized barge canals ever deeper into our Nation.

In an effort to identify just what was in the works, I recently asked the corps to prepare a list of waterway studies underway, as well as to identify those projects intended for initiation over the coming decade. The corps has identified some \$2.7 billion in new projects for the next decade, spending that is over and above the cost for construction of projects already underway and the cost for the operating and maintaining projects now in existence.

What will go forward? I cannot say. But I would doubt that very much of this work is likely to move forward until the big barge owners are paying a reasonable fee that relates the costs of the program.

Mr. President, I ask that these lists from the corps be printed in the RECORD. (Attachments 1-4.)

Mr. President, the corps is not the only group involved in the identification of new projects. The American Transportation Advisory Council recently made a study of the financial needs of transportation over the next decade. The council found that inland water transportation could be expected to require some \$900,000,000 yearly in costs

over the next decade. That is Corps of Engineers spending—it does not involve Coast Guard, Maritime Administration, or other such sources of subsidies to the inland barge industry. ATAC explained:

The inland waterways system is largely in place. Therefore, major future needs involve construction and maintenance of certain individual projects to eliminate bottlenecks and provide more uniform capacity within major segments of the system. These construction costs are estimated at approximately \$480 million per year during the next 10-year period. It is also estimated that maintenance and operation costs will average about \$420 million per year during the same period of time.

Will this be a wise investment? We will never know under the current situation. Nor will we know under any flat fuel charge. We will never know until the beneficiaries begin to pay, based on the costs, so that they will have to work with the public in justifying new projects, not just making up wish lists in corporate board rooms.

I also ask that an ATAC list of "Navigation Structures Which Will be Transportation Constraints by 1990" be printed in the RECORD.

The material follows:

INLAND NAVIGATION

Question. What is the total sum budgeted in FY 1979 for the inland waterways serving shallow draft cargo vessels, and how is it divided between construction, surveys and engineering? How do each of these sums compare with FY 1978?

Answer. The Surveys, Advance Engineering and Design, and Construction projects included in the Fiscal Year 1979 budget, and the total sums for each category in FY 1978 and FY 1979 are as follows:

[In thousands of dollars; fiscal years]

	1978 appropriation	1979 budget
SURVEY		
St. Francis River, navigation, Arkansas	25	46
Sacramento Valley, navigation, California	70	0
Appalachicola River below Jim Woodruff, Fla.	35	66
Saline River and tributaries, Illinois	100	0
Big Sandy River, W. Va., Ky., and Va.	50	76
Green and Barren Rivers, Ky.	110	170
Louisville Harbor, Ky.	20	0
Lower Cumberland River, Ky. and Tenn.	96	75
Bayou Manchac and Amite, La.	28	0
Berwick lock, Louisiana	100	100
Great Lakes—Hudson River Waterway, N.Y.	100	35
Ohio port development, Ohio	70	0
Sabine River, navigation, Texas	50	0
Monongahela-Younghenny River Basin, W. Va., Md., Pa. (navigation portion)	56	424
National Waterway Study	1,200	1,200
Total, surveys	2,110	2,192
Phase I stage of advance engineering and design:		
Gallipolis locks and dam, Ohio and West Virginia	0	340
Total (phase I)	0	340
Advance Engineering and design:		
Gallipolis locks and dam, Ohio and West Virginia (phase I)	1,400	0
Yazoo River, navigation, Mississippi	100	200
Total, AE & D	1,500	200
CONSTRUCTION		
Tennessee-Tombigbee Waterway, Ala. and Miss.	172,000	142,750
McClellan-Kerr Arkansas River navigation system, navigation locks and dams, Arkansas and Oklahoma	5,000	2,500
Quachita and Black Rivers, Ark. and La.	9,300	11,000
Kaskaskia River, navigation, Illinois	5,300	4,200

	1978 appropriation	1979 budget	Inland waterway	1978 appro- priation	1979 budget request	
Lock and dam 53 (temporary lock), Illinois and Kentucky	4,637	0	Intracoastal Waterway, Jacksonville to Miami	1,940,000	1,220,000	Jonesville Lock and Dam, Ouachita/Black Rivers
Smithland locks and dam, Illinois and Kentucky	21,000	16,400	Kanawha River	3,250,000	2,920,000	Columbia Lock and Dam, Ouachita/Black Rivers
Cannelton locks and dam, Indiana and Kentucky	323	200	Kaskaskia River	1,115,000	1,035,000	44,100
Newburgh locks and dam, Indiana and Kentucky	1,800	700	Kentucky River	1,896,000	2,025,000	33,400
Uniontown locks and dam, Indiana and Kentucky	2,000	700	Long Island Intracoastal Waterway		474,000	<i>Corps of engineers inland navigation projects under construction</i>
Mermantau River, La.	0	1,330	Lower Mississippi River	15,395,000	15,013,000	(Total estimated Federal cost (\$000) October 1977 price levels)
Overton-Red River Waterway (lower 31 miles only), Louisiana	2,000	2,200	Upper Mississippi River	50,581,000	43,131,000	Project:
Red River Waterway, Mississippi River to Shreveport, La., Ark., Okla., and Tex.	28,000	40,000	Missouri River	13,244,000	13,884,000	Bayou La Fourche and La Fourche Jump Waterway
Mississippi River, regulation works between Ohio and Missouri River, Ill. and Mo.	3,000	3,300	Monongahela River	5,586,000	4,306,000	8,530
Willow Island locks and dam, Ohio and West Virginia	1,400	0	New Jersey Intracoastal Waterway		637,000	Mississippi River Regulation Works between Ohio and Missouri Rivers
Missouri River, Sioux City to mouth, Iowa, Missouri, Kansas, and Nebraska	4,300	2,900	Ohio River	21,452,000	29,445,000	154,600
GIWW—Chocolate Bayou, Tex.	500	1,602	Ouachita and Black River	3,107,000	2,213,000	Missouri River, Sioux City to Mouth
Yazoo River, Belzoni Bridge, Miss.	1,000	2,500	Pearl River	212,000	90,000	Smithland Locks and Dam, Ohio River
			Red River	900,000	990,000	Temporary Lock 53, Ohio River
			Tennessee River	3,505,000	3,965,000	Feisenthal Lock and Dam, Ouachita/Black Rivers
			Tennessee-Tombigbee	500,000	1,000,000	Calion Locks and Dam, Ouachita/Black Rivers
			White River	601,000	1,260,000	Red River Waterway, Shreveport to Mississippi River
			Willamette River	99,000	169,000	Tennessee-Tombigbee Waterway
			All other inland waterways	21,245,000	19,363,000	Wallisville Lake, Trinity River
			Total	230,655,000	231,204,000	995,000
						Tennessee-Tombigbee Waterway
						1,410,000
						Wallisville Lake, Trinity River
						28,800

Question. Please provide a breakdown on operation and maintenance for navigation for both FY 1978 and for the FY 1979 budget on significant segments of the inland waterway system, including the Alabama, Allegheny, Arkansas, Black Warrior and Tombigbee, Columbia, Kentucky, Mississippi, Missouri, Monongahela, Ohio, and Tennessee Rivers, as well as the Illinois and the Intracoastal Waterways.

Answer. A breakdown of navigation operation and maintenance for FY 1978 and FY 1979 for specific segments of the inland waterways systems and the intracoastal waterways is as follows:

[Fiscal years]

Inland waterway	1978 appro- priation	1979 budget request
Alabama-Coosa Rivers	\$3,401,000	\$2,893,000
Allegheny River	1,992,000	2,956,000
Apalachicola, Chattahoochee, and Flint Rivers	4,919,000	3,928,000
Arkansas River	15,693,000	16,158,000
Atchafalaya River	1,324,000	3,350,000
Atlantic Intracoastal Waterway	9,807,000	9,501,000
Black Warrior and Tombigbee Rivers	7,635,000	6,385,000
Columbia and Snake River (shallow-draft portion)	2,889,000	2,797,000
Cumberland River	2,797,000	3,256,000
Green and Barren River	603,000	773,000
Gulf Intracoastal Waterway	19,730,000	23,234,000
Illinois Waterway	13,150,000	12,456,000
Intracoastal Waterway, Caloosahatchee to Anclote River	1,450,000	330,000

INLAND WATERWAY PROJECTS AVAILABLE FOR CONSTRUCTION, 1979-88

Status ¹ —Project name and state	Current total Federal cost (thou- sands)	Fiscal year available for construction	Esti- mated construc- tion time in years	Structure (S) or dredging (D)	Replace- ment ²	Status ¹ —Project name and state	Current total Federal cost (thou- sands)	Fiscal year available for construction	Esti- mated construc- tion time in years	Structure (S) or dredging (D)	Replace- ment ²			
SOUTH ATLANTIC-GULF REGION														
UP—Coosa River Channel, Montgomery to Gadsden, Ala.	\$520,000	1986	10 S			PP—Illinois Waterway duplicate locks, Illinois	838,000	1984	17 S	R				
NA—William Bacon Oliver lock, Alabama	65,888	1988	6 S	R		LOWER MISSISSIPPI REGION								
OHIO REGION														
UP—Gallipolis lock and dam, lock replacement (phase I) ³	159,000	1981	7 S	R	AC—Vermilion lock, Louisiana ³	22,300	1979	3 S	R					
NA—Dam No. 2, Monongahela River, Pa.	19,000	1985	5 S	R	UP—Yazoo River, Miss.	140,000	1986	5 S & D						
PP—Grays Landing lock and dam, Pennsylvania ³	64,200	1982	5 S	R	AP—Petit Anse, Tigre and Carlin, La.	3,000	1984	1 D						
PP—Point Marion lock, Pennsylvania ³	41,800	1983	5 S	R	MISSOURI REGION									
NA—Lock and dam No. 3, Monongahela River, Pennsylvania	99,000	1983	7 S	R	PC—Kansas River navigation, Kansas ³	5,400	1980	2 D						
NA—Montgomery lock and dam, Pennsylvania	252,000	1986	9 S	R	PN—Red River waterway, Shreveport, La., to Daisingerfield, Tex.	364,000	1986	8 S & D						
NA—Lock No. 4, Monongahela River, Pa.	50,600	1984	8 S	R	UP—Big and Little Sallisaw Creeks, Okla.	1,600	1981	1 D						

Footnotes on following page.

¹ Status codes: UP—Available for continuation of planning in fiscal year 1979; NA—Unauthorized; PP—Planning partially funded but not available for planning funding in fiscal year 1979; AC—Available for initiation of construction in fiscal year 1979; PN—Planning not yet funded and not available for planning funding in fiscal year 1979; AP—Available for initiation of planning in fiscal

The indicated year available for construction and number of years to construct generally assumes favorable conditions concerning funding for all projects and processing of reports for projects not yet authorized. Projects whose status shows they are not available for funding in Fiscal Year 1979 have current problems ranging from local cooperation not being available in the budget year to design delays. These projects are included in the listing because there is still a possibility of resolving the problem so that construction could start in the year indicated.

The following projects were on the previous list of "Projects Authorized for Construction, Work Not Initiated" sent to you with our letter of 20 January 1978, but do not appear on the enclosed list because construction is not programmed within the next ten years:

Gulf Intracoastal Waterway, St. Marks to Tampa, Florida; Mound City Locks and Dam, Ohio River; and Trinity River (navigation portion), Texas.

Projects on the inclosed list and not on the 20 January list are either not authorized or authorized for Phase I planning only.

Two other projects which appear on the 20 January list of "Work Not Initiated": Gulf Intracoastal Waterway, Rigolets Lock and Seabrook Lock, Louisiana; are not included in the enclosed list. These two navigation structures are part of the over-all Lake Pontchartrain hurricane flood protection project and will provide navigation around hurricane barriers to be built across existing channels. We listed these segments separately because it would be confusing to show the over-all hurricane flood control project on a list of inland waterways. No work has started on Rigolets or Seabrook Locks, so the 20 January list shows them as "Work Not Initiated". The over-all project for Lake Pontchartrain is under construction, but work has been temporarily halted due to an injunction. The commitment of capital investment to the Lake Pontchartrain project applies to all elements of the project and,

year 1979; PC—Planning completely funded but not available for new construction start in fiscal year 1979.

² Replacement projects indicated by "R". All replacement projects on this list involve a change from the original structure. None are replacement in kind.

³ Project is within Corps \$7,500,000,000 water resource investment program, 1979-83.

therefore, Seabrook and Rigolets Locks are outside the criterion of the inclosed list.

You will note that Locks and Dam 26 also does not appear on this list. Construction funds were appropriated for this project and land acquisition had begun prior to the decision to seek clarification of the project authorization. Therefore, when the authorization is clarified, we intend to request funds for this project through the budget process as a continuing construction project.

Q. Please provide a list of the inland navigation surveys presently authorized, including the rehabilitation authorities, list those on which work has been funded, with the estimated cost of construction of each such project.

A. Listed below are the 39 presently authorized active inland navigation surveys. All but two of them have been previously funded. The Beaver-Mahoning River Canalization survey and the Lake Erie to Eastern Seaboard survey have not been initiated. Estimates of project construction costs that may ultimately result from these studies are not available because none of the surveys has progressed to the recommendations stage with one exception. The Wabash River Navigation report, presently under review by the Board of Engineers for Rivers and Harbors, recommends no Federal project.

Following the list of surveys, there is provided a list of 5 active inland navigation replacement/rehabilitation studies with very preliminary estimates of cost for the works being considered.

ACTIVE AUTHORIZED SURVEYS

- * Monongahela-Youghiogheny River Basin, W. Va., Md., Pa. (navigation portion).
- * Big Sandy River, W. Va., Ky., Md.
- * Green and Barren River, Ky.
- Ohio Port Development, Ohio.
- Louisville Harbor, Ky.
- Wabash River Navigation, Ind., Ill.
- Saline River, Ill.
- Beaver-Mahoning River canalization, Pa., Ohio.
- * Lower Cumberland River, Ky., Tenn.

Ohio River (12-foot channel).

Mississippi River (12-foot channel).

Illinois Waterway (12-foot channel).

Mississippi River Year-Round Navigation.

Lake Erie to Eastern Seaboard, N.Y.

Central Oklahoma Project, Okla.

Sabine River Navigation, Tex.

White River Navigation, Ark.

* Berwick Lock, La.

Catahoula-Charenton Area, La.

Ouchita River Basin, Ark. (extension of existing project).

Mississippi River, Baton Rouge, La., to Cario, Ill. (40-foot channel).

Arkansas River, Tulsa to Wichita, Kan.

Grand River & Tribs, Okla., Kan.

Verdigris River, Okla., Kan.

Poteau River, Okla., Ark.

Colorado River & Tribs., Tex.

Brazos River & Tribs., Tex.

Neches River & Tribs., Tex.

Bonneville Navigation Lock portion of the Columbia R. & Tribs Study, Id.

Sacramento Valley Navigation, Calif.

Southcentral Region, Alaska.

Missouri River, S.D., Neb., Mont.

* Apalachicola River below Jim Woodruff, Fla.

Pearl River, Miss.

Black Warrior-Tombigbee Waterway, Ala.

* Great Lakes-Hudson River Wtwy, N.H.

IWW Inter-Coastal Wtwy, Ft. Pierce to Miami, Fla.

Okeechobee Wtwy, Fla.

Inland navigation replacement (rehabilitation studies under 1909 R&H Act authority

(Eastern project construction cost in millions)

Study name:

Monongahela River Locks 2, 3, & 4	169
Allegheny River Locks	NA
Upper Ohio River Locks	530
Winfield Lock & Dam, Kanawha River	111-136
Ohio River, Cumberland to Mouth	268-390

* Included in FY 1979 Budget.

NEW NAVIGATION PROJECTS UNDER STUDY

[Costs in thousands of dollars]

Study name	October 1977 price levels			Study name	October 1977 price levels		
	Study cost	Funds to date	Balance to complete		Study cost	Funds to date	Balance to complete
1. Apalachicola River below Jim Woodruff, Fla.	482.0	300.0	182.0	9. Gallipolis lock and dam ²	2,000.0	1,660.0	340.0
2. Pearl River, Miss.	370.0	189.0	181.0	10. Central Oklahoma project, Oklahoma	157.2	156.35	.85
3. Monongahela-Youghiogheny River Basin, W. Va., Pa. (navigation portion)	600.0	56.0	544.0	11. Sabine River, navigation, Texas	3,180.0	50.0	3,130.0
4. Big Sandy River Basin, W. Va., Ky.	1,105.0	385.0	720.0	12. Trinity River and tributaries, Texas ²	6,129.0	5,971.0	118.0
5. Ohio port development, Ohio	310.0	169.0	141.0	13. St. Francis River, navigation, Arkansas	440.0	25.0	415.0
6. Green River, Ky.	675.0	401.4	273.6	14. White River, navigation, Arkansas	483.5	442.0	41.5
7. Louisville Harbor, Ky.	240.0	90.0	150.0	15. Berwick lock, Louisiana	320.0	147.0	173.0
8. Potential major replacements, Ohio River system:				16. Catahoula-Charenton area, Louisiana	130.0	130.0	0
(a) Monongahela River locks 2, 3, 4	NA	429.0	NA	17. Vermilion lock, Louisiana ²	675.0	675.0	0
(b) Allegheny River locks	300.0	61.0	239.0	18. Lock and dam 26, Illinois and Missouri	11,084.0	11,084.0	0
(c) Upper Ohio River locks	700.0	318.5	381.5	19. Bonneville navigation lock portion of the Columbia River and tributaries study	425.0	425.0	0
(d) Winfield lock and dam	NA	400.0	NA	20. Sacramento Valley navigation, California	620.0	386.0	234.0
(e) Ohio River, Cumberland to mouth	800.0	275.0	525.0	21. Black Warrior-Tombigbee Waterway, Alabama	215.0	215.0	0

¹ The term "new" does not include a modification to existing Federal or non-Federal projects within their current physical limits except for major replacements. The proposed project must be one that extends limits of an existing project or a new project complete within itself. A "project under study" is limited to those studies underway with carryover or fiscal year 1978 appropriations. It also includes any study that is a new start in fiscal year 1978 even if actual work is not yet started. Studies are limited to those in preauthorization or legal phase I categories. Although

some studies may include inland harbors, no specific inland harbor study has been included. Inland harbors have not been included in the list as they do not extend limits of navigation projects and are constructed primarily with non-Federal funds. Studies are also restricted to inland navigation, including the intracoastal waterway.

² Phase I A.E. & D.

ATAC LIST

ESTIMATE OF NAVIGATION STRUCTURES WHICH WILL BE TRANSPORTATION CONSTRAINTS BY 1990¹

Assuming no action is taken, the following are three general categories of 1990 future

navigation constraints. These are very severe constraints (future traffic growth completely blocked); severe constraints (tows subject to delays exceeding ten hours at the lock); serious constraints (tows subject to delays of two to ten hours at the lock).

Estimated Federal cost (1976 prices)	Category one (very severe constraints): Locks and Dam 26 (Mississippi River)	Category two (severe constraints):	Category three (serious constraints):
\$391,000,000			

¹ This assessment was developed by an outside independent consultant for another Federal Agency and should not be construed as an official or unofficial U.S. Army Corps of Engineers' prognosis.

Lockport Lock (Illinois River) *	-----
Inner Harbor Navigation Canal Lock (Gulf Intracoastal Waterway) — St. Bernard parish site. (Mississippi River-Gulf Outlet)	273,000,000
Vermilion Lock (Gulf Intracoastal Waterway) -----	13,100,000
Brandon Road (Illinois River) *	-----

Category two (severe constraints):	
Winfield Lock (Kanawha River)	Not avail.
Gray's Land Lock (Monongahela River)	59,800,000
Point Marion Lock (Monongahela River)	38,900,000
Lock #3 (Monongahela River)	92,100,000
Lock #4 (Monongahela River)	46,900,000
Dresden Island Lock (Illinois River)*	
Marseilles Lock (Illinois River)*	
Starved Rock Lock (Illinois River)*	
Category three (serious constraints):	
Peoria Lock (Illinois River)*	
Le Grange Lock (Illinois River)*	
Algiers Lock (Gulf Intracoastal Waterway) (Oct. 1976 prices)	18,000,000
Harvey Lock (Gulf Intracoastal Waterway) (Oct. 1976 prices)	22,000,000

*For entire Illinois Duplicate Lock program, total estimated cost is \$781,300,000 of which \$769,000,000 is the estimated Federal cost. Includes: Dresden Island, Marseilles, Starved Rock, Peoria, La Grange, Brandon Road and Lockport.

This listing is subject to the following assumptions:

Double locking without a switchboat or helper boat will not be allowed when a lock becomes congested.

Total traffic will increase by about 50 percent between now and 1990.

Traffic patterns will not change radically over the next 15 years.

Each lock is looked at independently of all others, e.g. a particular lock's traffic is not constrained by an inability to pass through a constraint elsewhere in the system. Smithland Locks on the Ohio River will open for navigation in 1978.

In addition, due to hazardous conditions, Gallipolis Locks and Dam, Ohio River, Ohio and West Virginia should be included. Estimated Federal cost would be \$143,000,000 (October 1976 prices). ●

THE 1978 NRTA-AARP LEGISLATIVE PRIORITIES

● Mr. CHURCH. Mr. President, older Americans have won numerous impressive legislative victories in recent years. One important reason is that they are better organized. National aging organizations and their affiliates have helped to sensitize lawmakers at the Federal, State, and local levels about the challenges and problems of older Americans.

These activities have been translated into important legislation for the elderly, including medicare, the Older Americans Act, the Age Discrimination in Employment Act, several social security increases, a national nutrition program, two White House Conferences on Aging, and others.

Much of the direction for these legislative initiatives have originated from national organizations, such as the National Retired Teachers Association, American Association of Retired Persons.

Each year the NRTA-AARP Legislative Council meets to chart out the legislative objectives for its members.

This year the legislative council developed a comprehensive program in areas of direct concern to older Americans: In-

come, health care, economic policy, housing, transportation, crime, the Older Americans Act, and others.

I am pleased that the council has adopted in principle a number of measures I am advancing on behalf of the elderly, including more frequent cost-of-living adjustments for social security beneficiaries during periods of rapid inflation and expanded tax counseling assistance for older taxpayers.

This legislative program should be of interest to all Members of the Senate.

Mr. President, I ask that a summary of "The 1978 NRTA-AARP Legislative Priorities" be printed in the RECORD.

The summary follows:

THE 1978 NRTA-AARP LEGISLATIVE PRIORITIES

INCOME

The broad range of public transfer programs should be structured and related so as to assure that a person's standard of living achieved prior to retirement will be maintained. The present structure of income maintenance programs fosters a high degree of dependency among elderly recipients. This degree of dependency should not be perpetuated since, in the future, the elderly segment of the population will increase dramatically in proportion to the workers on whom they will be dependent. Our income maintenance system should thus be structured to encourage revenue-generating employment rather than dependency.

Social security

It is time to begin the process of restructuring the Social Security system. It is confronted with serious financial problems—problems that result from economic, demographic, and structural factors to which the 1977 social security financing bill was not the best response.

The Social Security system should be insulated from the adverse consequences of high rates of inflation and unemployment and sound financial planning should be made possible through a limited use of general revenues to fund a portion of the cost of automation benefit adjustments and to replace payroll tax revenue lost as a result of high rates of unemployment.

Disincentives to gain employment which the system contains should be replaced by incentives to remain in the labor force. Therefore, the Social Security earnings limitation should be repeated for persons over the age of 65. For persons who do not elect to receive their benefits at age 65 because they are still working, their benefits should be increased actuarially when they do finally apply for them.

The formula used to compute future benefits should be less heavily weighted and more proportional than the present one and should replace not less than 60 percent of a worker's average monthly indexed earnings.

Social Security benefits should be adjusted more frequently for cost-of-living purposes and, in making such adjustments, a separate index should be used that accurately measures the impact of inflation on the typical market basket of goods and services consumed by the elderly.

Other programs

Any legislative attempt to reform or unify the complex structure of welfare programs should not erase or erode the substantial gains we have already made through the operation of the Supplemental Security Income (SSI), Food Stamp and other underlying support programs. Unless the impact of such reform on the elderly poor can be demonstrated to be positive, the Associations cannot endorse proposals to abolish the SSI and Food Stamp programs and replace them with an entirely new structure.

Combined benefits payable from federal means-tested programs, such as SSI, should not be less than the officially defined poverty level.

The Federal Government should encourage states to supplement federal benefit levels by sharing a significant portion of the costs involved in supplementation.

Elderly participation in the Food Stamp program should be increased by improving outreach efforts and by providing better coordination with other income assistance programs, such as SSI, in certifying eligibility.

The veterans' pension program should be reformed to eliminate benefit inequities, to provide a more adequate level of cash assistance (which should be subject to automatic cost-of-living adjustments), and to permit better coordination with other income support programs.

Improvements should be made and inequities remedied in the railroad and civil service retirement systems, within the limits of available resources.

Regulation Q, which places limits on rates of interest payable on savings by banks and savings and loan associations, should be repealed. The Federal Government should issue inflation-proof bonds.

TAXATION

The computation of the tax credit for the elderly should be simplified and the amount of income allowed to be taken into account for the purposes of computing the credit should be substantially increased and cost-indexed. The adjusted gross income phase-out feature of the credit should be substantially liberalized and the differential treatment of eligible persons under age 65 and those 65 and over should be eliminated.

Pending reform of the tax credit for the elderly, taxpayers age 65 and over who were adversely affected by the 1976 changeover should be given the option of using the former provisions of the retirement income credit.

The temporary, rebatable earned income tax credit should be made permanent and available to individual workers and families without children.

If a credit is proposed to replace the \$35 general tax credit and \$750 deduction for personal exemptions, taxpayers should be permitted to choose whichever of these tax mechanisms would benefit them most. The double taxation of dividend income should be eliminated.

The Federal Government should promote the training of older volunteers to provide tax preparation assistance for elderly taxpayers; these volunteers should be reimbursed for out-of-pocket expenses.

OLDER WORKER JOBS

Although the age 65 and over segment of our population has been growing throughout the century, the labor force participation by the elderly has been steadily declining. These two trends—the demographic trend and the labor force participation trend—pose a serious national problem as relatively fewer workers are called upon to support a larger number of older and retired persons.

Our Associations have consistently urged that public and private policy barriers to continued employment of older persons, such as mandatory retirement and age discrimination in employment practices, be abolished. This approach, coupled with tax incentives and employment training and retraining programs, targeted for elderly workers, should increase their labor force activity.

If continued participation in the labor force is encouraged, we can reasonably expect a number of desirable results. The Gross National Product would be larger than it otherwise would be and additional tax revenues would be generated. The elderly would have increased protection against in-

fiation, their degree of dependence on government programs for total income would be lessened, and they would be better able to maintain a more adequate standard of living.

Any upper age limit in the Age Discrimination in Employment Act of 1967 (ADEA) for protection against forced retirement should be eliminated. Furthermore, the provisions of ADEA should be strengthened and more adequate funding provided to promote vigorous enforcement of the law.

The Older American Community Service Employment Program under Title IX of the Older Americans Act is the primary older worker employment project. It provides jobs exclusively for low-income unemployed or underemployed older persons on a part-time basis. Our Associations believe the Title IX program should be greatly expanded to reach more older workers.

HEALTH CARE

Cost controls

Our Associations' immediate aim in the health care area is the establishment of ceilings to contain the excessively rising costs of all significant health care items. An excessive rate of inflation in the health sector will have increasingly serious consequences. It will cause the financial viability of the Medicare program to be seriously impaired and more elderly persons, even with Medicare protection, will be priced out of the health care market and denied access to needed care. Prospects for any significant expansion of Medicare/Medicaid protection will diminish and the goal of national health insurance will become increasingly remote.

For the short-term, we recommend that ceilings be placed on the annual rate of increases in physician fees, hospital charges, and payments to providers for services covered by governmental and private insurers.

As a long-term solution, we support the development of prospective payment systems for institutions and negotiated fee schedule procedures for physicians rather than cost reimbursement systems presently used.

Our health care delivery system should be completely restructured to de-emphasize the heavy reliance on institutionalization.

Medicare and medicaid

Pending enactment of the Kennedy-Corman Health Security Act or a similar comprehensive national health plan, which is supported by our Associations, we are in favor of restructuring and expanding the Medicare and Medicaid programs. The following are priority items for Medicare improvement:

A catastrophic protection feature should be added to Medicare.

Out-of-institution drugs should be covered under Medicare or some other program.

A long-term care services program should be developed to provide complete and coordinated health care.

Home health care eligibility under Medicare should be liberalized and clarified.

Pharmaceuticals

Our Associations recognize that Americans pay the highest prescription drug prices in the world due to the lack of effective price competition, patent monopolies, and other drug industry practices. To facilitate an outpatient drug benefit for the elderly and for all Americans, we recommend:

Consolidation of all federally funded drug programs in a single administrative unit, with the power to negotiate drug prices with manufacturers, set reimbursement payments to providers, and grant licenses on patented products when necessary.

Federal and state generic drug substitution and prescription price posting laws should be enacted.

Publication of a national formulary and a national compendium of prescription drugs.

Changes in drug laws should maintain current quality, safety and efficacy requirements and limit drug manufacturers' promotional sampling activities.

Universal use of generic drugs and elimination of brand names.

Consumers and the elderly must be represented on boards of any federally funded drug program.

Long-term care

Our Associations continue to urge development of a national policy embracing all aspects of long-term care, the continuity and range of services in and out of institutional facilities, and the training of qualified staff.

The scope of Medicare home health benefits should be expanded by removing the word "skilled" and allowing reimbursement for preventive and medically necessary home health services.

The three-day hospital stay required should be eliminated for extended care benefits under Part A of Medicare.

Health planning

The National Health Planning and Resources Development Act of 1974 created a network of health system agencies to promote area-wide and state planning for health services, manpower and facilities. The Act must be renewed in 1978. Our Associations strongly support its goals and feel that important amendments should be made to strengthen existing provisions which attempt to correct the maldistribution of facilities and manpower, substitute out-patient and less-intensive forms of care for inpatient hospital care, and encourage the conversion or elimination of unneeded and underutilized services and facilities.

In addition, health system agency staff should include individuals with knowledge of and skills in community organization, educational development, public health and prevention activities. Agency governing boards should consist of a specified proportion of elected officials to assure public accountability and specific funding should be designated for the education of the public and elected officials as to the goals and purposes of health planning.

ECONOMIC POLICY

The Associations believe that the present, elevated rates of inflation are most threatening to the living standards of the elderly. Inflation rates of six percent and higher rapidly erode the purchasing power of fixed retirement income. The Associations believe that strong measures should be taken by the Administration which will bring the rate of inflation down to not more than three percent a year.

High rates of unemployment also place a heavy burden on individual workers and on the nation more generally. It is estimated that high unemployment rates may have already cost the economy \$500 billion in lost economic production since 1974. It is our view that such losses cannot be permitted to continue indefinitely.

The Federal Government has the responsibility to promote full employment and price stability. Our Associations do not believe that the only policies available to the Federal Government to reduce unemployment must necessarily generate higher rates of inflation. In addition, we believe that the goals of high employment and price stability are not mutually exclusive goals, but are two goals to be pursued by various means.

Serious attempts must be made to balance the federal budget as soon as economic conditions permit. Although the connection between deficit spending and inflation is imperfectly understood, it is clear that such spending is associated with higher rates of

inflation. The federal budget must be balanced over the longer period of the business cycle.

The Federal Government should deregulate the numerous sectors of the economy which are federally regulated, wherever such deregulation would enhance competition and promote lower prices.

The Federal Reserve System should maintain its politically independent status and should control the rate of monetary growth to avoid inflation. The rate of growth of the money supply should be consistent with the growth of the economy and should be sufficient to permit noninflationary economic expansion.

OLDER AMERICANS ACT

The present structure of state and area agencies on aging should continue to be relied upon as the mechanism to coordinate and stimulate local resources for the provision of services.

NRTA-AARP support an extension of the Title VII Nutrition for the Elderly Program beyond the current funding levels to reach many more older Americans. In particular, new monies should be appropriated to permit state and area agencies to expand home-delivered meal services to the large population of homebound elderly, where appropriate. The balance between congregate and home-delivered meals should depend on relative need as determined by area agencies in consultation with Title VII administrators under approved state and area plans.

Legal services under the Older Americans Act should be expanded to permit state agencies to plan for legal services for low-income elderly at reasonable cost.

The Retired Senior Volunteers, Foster Grandparents and Senior Companions Programs should be returned to the Administration on Aging from ACTION.

CONSUMER AFFAIRS

Vigorous action should be taken to protect older persons against deceptive practices in the sale and dispensing of consumer goods which have a high incidence of use among the elderly. An Office of Consumer Representation should be established to represent consumer interests before federal agencies, Congress and the courts.

In computerizing banking procedures under Electronic Funds Transfer (EFT) Systems, consumers should be protected against abuse of the system and guaranteed such rights as confidentiality, accountability, (to include protections against personal loss) and freedom to choose.

Federal minimum standards for no-fault automobile insurance covering bodily injury should be established and each state should be required to conform within a given period of time; insurers should be required to offer exclusions for benefits actually received under Medicare, and for wage loss prospects.

CRIME

NRTA-AARP believe that the Law Enforcement Assistance Administration should increase its funding of projects aimed at reducing crimes against the elderly. In all cases where crime statistics are collected, NRTA-AARP urge more detailed reporting, including age of victim, so that more accurate information on crimes against the elderly is available.

Federal assistance should be provided to encourage states to provide adequate indemnification for victims of crime. A new federal criminal code should be enacted that eliminates inconsistencies in present law and strengthens the federal criminal justice system.

EDUCATION AND TRAINING

Continuing education for all adults, including those in their later years, should be

a government priority. The opportunity to acquire new skills and knowledge is essential if older Americans are to cope with our rapidly changing society, qualify for reemployment, and remain active in their communities. The Older Americans Act should be amended to identify education as an essential service for all older persons.

HOUSING

NRTA-AARP encourage HUD and the Administration on Aging to cooperate in evaluating the impact and effectiveness of government programs, such as homemaker/home health aide, home maintenance, nutrition, transportation and other related programs and services which would enable the elderly to remain independent in a residence of their own choosing.

The Section 202 Housing for the Elderly and Handicapped direct-loan program should be expanded to preserve it as the major mechanism for nonprofit sponsor participation in the production of housing units for older persons. Set-asides under the Section 8 rental subsidy program should continue to be available for use with Section 202 Housing for the Elderly and Handicapped.

A study of reverse mortgage concept should be undertaken by the appropriate federal agency as a means of enabling older persons to remain in their own homes.

TRANSPORTATION

Special transportation subsystems should be developed and/or expanded especially in non-urban areas and existing transportation resources should be more effectively used.

Adequate transportation, where necessary, should be required as an integral part of federally-funded programs for the elderly to enable them to obtain program benefits. ●

THE TRIB CEASED PUBLICATION

● Mr. GARN. Mr. President, the Trib, the latest entry into New York City's daily newspaper business ceased publication yesterday. The Trib has only been publishing for 3 months and it apparently fell victim to a number of problems, including bad weather, lack of advertising, distribution problems, and—allegedly—antitrust activities by some of its competitors.

The Trib was a grand experiment and I am sorry to see it fail. Some of this body's ablest friends and colleagues were involved in the New York venture and if the paper had succeeded I believe the New York City community and the newspaper industry would have been well rewarded.

The paper was edited by Leonard Saffir who had worked for our former colleague, Jim Buckley. Jim sat on the board of directors, and any board that has James Buckley sitting on it has a man of impeccable dignity, courage, and intelligence. Among the Trib's contributors was Bill Gavin, another very able staff man who had worked with Senator Buckley. I wish the staff and management of the Trib much success in their future endeavors and I expect that any group with the talent and ingenuity of the Trib workers will continue to make significant contributions in writing, publishing, government, and other areas.

I will include at the end of my remarks a recent column—Trib, March 14, 1978—by Bill Gavin which presents one of the most thought-provoking and relevant arguments about the morality of abor-

tion that I have seen. One of the serious difficulties with the present debate over abortion is that the proponents of abortion speak as though they have a monopoly on the market for constitutionally permissible moral argument. They reach this conclusion by the simple expedient of claiming that right-to-life arguments are constitutionally impermissible since they are founded in religious dogma and, therefore, violate either the establishment clause of the first amendment or the free exercise clause of the first amendment or what has become known as the doctrine of separation of church and state. These three principles are surely some of the most vital cornerstones of this Republic, but it is unfortunate—no, it is tragic—that so many people who are otherwise reasonable about public affairs are taking a position that excludes all but atheists, or at least secularists, from the public debate. This position simply labels as "impermissible" any moral view grounded in religious—particularly Christian—tradition and for which its adherents seek legal sanction and enforcement.

Bill Gavin's column entitled "Freedom of Choice in 1860" goes directly to the heart of the problem by comparing slavery and abortion, and the religious and moral views that surround both. The column is so well done that it will speak for itself, but before inserting it let me remind this body that the Supreme Court's abortion decisions of 5 years ago (Roe against Wade and Doe against Bolton) have been called the "Dred Scott decisions of the twentieth century." The Gavin column makes the analogy horribly clear:

[From the Trib., Mar. 14, 1978]

FREEDOM OF CHOICE IN 1860

WASHINGTON (June 6, 1860).—Abraham Lincoln, nominee of the Republic Party for the presidency, today announced his support of slavery on demand.

"I'm for freedom of choice so far as slavery is concerned," Lincoln said. "I think slavery is an issue that should be decided between the slaveowner and his individual conscience. Personally, I am opposed to slavery but I do not wish to impose my religious views on others."

Lincoln's announcement brought quick reactions from pro-slavery and anti-slavery groups.

"I welcome Mr. Lincoln's courageous stand for freedom of choice," said Mrs. Florence Bagget, head of National Organization of Wives of Slaveowners (NOWS). "The Constitution says nothing against owning slaves and we have a right to own them."

"Lincoln has made a dreadful error," said the Rev. George T. Duncan, spokesman for anti-slavery groups. "Slavery is against God's law and is evil. It should be abolished. No man has the right to own another human being."

When told of Duncan's remarks, Lincoln's press aide said. "But that's just the point. No one can say for sure if a slave is a human being. Some people think the Bible says they are human. Some think the Bible says they are not. It's a question scientists, theologians and philosophers have long debated. It's really a question of when personhood begins and no one knows that."

Anti-slavery groups say that slaves are fully human and deserve protection of the

law. Pro-slavery groups say this is a question best left to the individual conscience.

In a related development, Mrs. Bagget of NOWS says her group will seek to have the federal government buy slaves for poor white trash who cannot now afford them.

"We have two laws in this country," she said, "one for the rich and one for the poor. The well-to-do can afford slaves but the poor cannot. Denying slaves to the poor is cruel and heartless. Anyone who wants a slave should be able to have one. I think it is time that Americans spoke out against the imposition of one set of religious doctrines over others. When anti-slavery groups lobby for a law to overturn slavery and when they oppose federal funding of slavery, they are infringing on my First Amendment rights."

When told of a planned march on Washington by anti-slavery forces, Mrs. Bagget said:

"If the poor are not given federally funded slaves, they will get them some other way. You will have a situation where a poor person will have to go to a back alley and hit someone over the head and force him into slavery. The anti-slavery forces will have this on their conscience if they don't stop their shrill, bigoted cries against a practice that is every person's right. All we ask is freedom over someone else's body."

Political observers here say that Lincoln realizes his decision means he may lose the anti-slavery vote in November's election.

One observer put it this way: "Abe has a problem. He's been telling anti-slavery groups how much he hates slavery and they thought he was on their side. But what he doesn't tell them is that he can't afford to offend the powerful slave-owning groups. So he is going to stay with this argument for the rest of the campaign. He is opposed to slavery but he doesn't want to impose his religious views on others. Some of Lincoln's people think he can get part of the anti-slavery vote back by promising something else for the religious groups involved. Maybe he'll try to help their schools or something. But you have to hand it to Abe. He's shrewd. He knows he has all the enlightened newspapers on his side on this one and the pro-slavery women's groups as well."

In a related development, five slaves were flogged into unconsciousness yesterday, on a plantation in Virginia. Anti-slavery groups picketing in protest on the plantation grounds were arrested for trespassing. ●

HEW HAS LOST \$7 BILLION

● Mr. CURTIS. Mr. President, tax reformers have been expressing concern about the Congress lack of efficiency in the raising of revenues. One of their targets is capital gains, which they want taxed as ordinary income. According to the reformers, the capital gains preference is a loophole through which \$6.9 billion in Federal tax revenues slipped in 1977, a contention which, as I pointed out in my speech on March 9, is challenged by a recent study by Data Resources, Inc. According to DRI, and most economists in the country, closing this so-called loophole would result in a loss of Federal revenues. Nevertheless, we continue to hear crying over these "lost" revenues of \$6.9 billion.

This week a real loss of revenues occurred, and I have not noticed any of my tax reform friends crying over them. HEW Secretary Califano announced that his Department lost between \$6.3

billion and \$7.4 billion in fiscal year 1977 because of fraud, abuse, and other errors. It seems to me, Mr. President, that it is better for Congress to lose the revenues by leaving them in the hands of the people than for the Congress to raise revenues in order that the bureaucrats downtown can lose them. The problem with this Government is not the efficiency with which revenues are raised, but the efficiency with which they are dispensed. As many economists have pointed out, during inflationary periods, a tax on capital gains is the same as expropriating people's assets. Why in the world should the Congress slap on a \$6.9 billion capital levy just so the bureaucrats downtown can lose it in "fraud, abuse, and other errors"? The tax reformers would do the country much more service if they were to concentrate on the efficiency with which the people's tax dollars are spent. I ask that the article reporting the losses be printed in the RECORD.

The article follows:

SIX BILLION DOLLARS IS MISSPENT BY HEW

WASHINGTON, April 3 (AP)—The Department of Health, Education and Welfare misspent \$6.3 billion to \$7.4 billion in the fiscal year 1977 because of waste, fraud and abuse, the Office of Inspector General said today.

That amounts to approximately 5 cents for each dollar authorized in the fiscal year ending last Sept. 30, for which the department's outlay was \$148 billion.

Most of the misspent funds were lost to waste and mismanagement, not fraud and abuse, the office said in an annual report to Congress and to Secretary Joseph A. Califano, Jr.

Mr. Califano said the estimates were "rough and incomplete." He went on, "In some instances they may be too low; in other instances too high."

He said \$4 billion was spent unnecessarily in health care programs, including Medicare and Medicaid payments for unnecessary surgery, hospital stays and X-rays.

The report said that slightly more than \$1 billion was siphoned off by fraud and abuse, or 14 percent of all the funds misspent. Mr. Califano said the fraud and abuse were "chiefly in Medicaid, Aid to Families with Dependent Children and the Students Financial Assistance programs."

He said the \$4 billion spent unnecessarily on health care helped pay for "the portion of hospital charges attributable to excessive hospital beds and losses due to the failure to collect payments from other medical insurance available to Medicaid recipients."

Mr. Califano said that, with fraud and abuse added, the amount misspent in Medicare and Medicaid totaled \$4.5 billion to \$4.9 billion.

This underscores the importance of the Carter Administration's proposed bill to contain hospital costs, which is tied up in Congress, he said.

Mr. Califano noted that the Administration's major welfare reform bill, which is also moving slowly through Congress, "would consolidate all cash assistance programs on a single computer system to reduce fraud, abuse and error." ●

MILITARY ASSISTANCE TO TURKEY

• Mr. MOYNIHAN. Mr. President, Senators EAGLETON and SARBANES and Con-

gressmen BRADEMAS and ROSENTHAL yesterday issued a joint statement concerning the intentions of the administration to resume substantial military assistance to Turkey. This is a matter with a detailed political and legislative history. It is, moreover, a matter which had been addressed by our President when he sought that office in 1976. As we know, the nub of the matter is this: Shall we resume substantial arms sales to Turkey without an adequate measure of diplomatic progress on Cyprus? Surely we know that this has been a difficult issue for the United States in that we share an alliance relationship with both Greece and Turkey as, indeed, they do with each other.

In calling attention to the important role Senators EAGLETON and SARBANES and Congressmen BRADEMAS and ROSENTHAL have played in this matter, I wish to associate myself with one especially important point of their joint statement. It is a point which speaks directly to the integrity of American foreign policy and to the integrity of the commitment our party has made to the people of the United States. As a candidate, President Carter had said:

He stressed, in addition, that the United States must be prepared to work with others "to insure the independence, territorial integrity, and sovereignty of Cyprus." It is a simple matter and the President said it well when he was a candidate in 1976:

The United States must pursue a foreign policy based on principle and in accord with the rule of law.

In my judgment, we would be negligent of the moral issues and courting longer-range disaster if we fail to couple the improvement in relations with Turkey with increased fair progress on the Cyprus issue.

A President who understands the fundamental importance of human rights—which are surely under assault today on the Island of Cyprus—must surely understand the need for constancy and candor in the conduct of our foreign relations. The apparent retreat from a solemn commitment, as evidenced in the administration's plan regarding arms shipments to Turkey, is disturbing. It will inevitably undermine the confidence we must have in the pledges of our Government and the pledges of our President. I congratulate my colleagues for the leadership they have shown in this matter, and I know that both Houses of Congress will continue to have the benefit of their counsel on this matter as events unfold. ●

FTC WORKSHOP FOR WOMEN

Mr. PERCY. Mr. President, the Chicago regional office of the Federal Trade Commission recently presented a workshop for professional women entitled "Our Turn: An FTC Workshop for Women" in Chicago.

This is the second in a series of workshops sponsored by the FTC as part of

its efforts to educate business representatives and consumers about their rights and responsibilities under the laws administered by the FTC.

I commend the FTC for its fine series of workshops and also, in this instance, for its efforts to bring together women in the Midwest from Government and the private sector to examine the services the Commission can provide to women in their professional lives.

Mr. President, I ask unanimous consent that the following report about the workshop compiled by Catherine Kinsella of the FTC Chicago regional office be printed in the RECORD.

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

OUR TURN: AN FTC WORKSHOP FOR WOMEN

The Chicago Regional Office of the Federal Trade Commission presented OUR TURN: an FTC Workshop for Women in Chicago, Illinois, at the Continental Plaza Hotel on February 2, 1978. The one-day workshop was designed to bring together women from the FTC staff with women from corporations, small businesses, trade associations, consumer groups, and academia from the greater Midwest. The workshop examined the role of the Commission and the advisory services it can provide professional women. The day's agenda was designed to give an overview of the ways the Commission can assist business representatives and consumers to function most effectively in the marketplace.

The speakers from the Commission's regional offices and Washington, D.C. headquarters made presentations and led discussions on the substantive areas of FTC regulation. Speakers from industry and the consumer movement contributed their thoughts on the effectiveness of the Commission's regulatory efforts.

A majority of the women who attended the workshop were professionals from industries that are regulated by the Commission: manufacturing companies, retailing establishments, advertising and public relations agencies, marketing and management firms, and financial institutions. Most of these women were involved in the marketing, distribution, advertising or consumer affairs fields of their organizations. Other workshop attendees were representatives from consumer organizations who provided a "consumer prospective" in the discussions. Additionally, women were invited from the regional offices of the Small Business Administration, Department of Commerce, Consumer Product Safety Commission, and Food and Drug Administration to represent their respective agencies in the workshop discussions.

Commissioner Elizabeth Hanford Dole addressed the workshop attendees concerning the position of women as professionals in today's society. After her presentation, Commissioner Dole responded to questions from the audience.

Sue Halverson, an attorney with the Chicago Regional Office, presented an overview of the organization and function of the Commission's Bureau of Consumer Protection; and, Linda Blumkin, an Assistant Director of the Bureau of Competition, presented an overview of the organization and function of the Bureau of Competition. They discussed the laws administered by each bureau, the case handling procedures followed in each bureau, and the regional officers' role in the work of each bureau. Following their presentations, the women responded to questions from the floor.

The afternoon session was opened with brief remarks from Helen Scott, an attorney-advisor to the Commission's Chairman Michael Pertschuck. The workshop program then continued with a panel presentation: by Sharon Devine, an attorney with the Cleveland Regional Office, discussed national advertising; Benita Sakin, an attorney with the Chicago Regional Office, spoke about marketing practices and warranties; Lorraine Holbrooke, an attorney-advisor with Commissioner Clanton's office, covered rulemaking proceedings; and, Wendy Kaufman, a consumer protection specialist from the Los Angeles Regional Office, dealt with credit practices.

Following this panel presentation, each panelist conducted a workshop on her subject area for an hour. Each workshop was held in a separate room adjacent to the main meeting room. The workshops presented an opportunity for the attendees to meet with the panelists and ask questions concerning or express opinions regarding the areas discussed on the panel.

The final panel of the day was on "Business, the Consumer and the FTC." The panel was moderated by Stephanie Kanwit, the former Director of the FTC Chicago Regional Office. The panel members were: Eileen Burns, an attorney from Motorola, Inc., representing business; Bonnie Wilson, a consumer consultant from Consumer Coalition, representing consumers; and, Peggy Summers, an attorney from the Chicago Regional Office, representing the Commission. Each panel member made a short presentation on those issues that she felt most deserve the attention of the other groups represented on the panel. The panel then responded to questions from the floor.

Concluding remarks for the workshop were given by the Executive Director of the Commission, Margery Waxman Smith. In her remarks, she reviewed the reason for and benefits of workshops such as this one in Chicago.

The women's workshop that was held in Chicago was a learning experience for the FTC staff members as well as the other professional women who attended. The response from the participants concerning the workshop was very positive. Workshops such as the one that was held in Chicago are valuable educational and informational instruments as they offer the opportunity for Commission personnel, industry representatives, and consumer leaders to meet one another and relate on an individual basis.

The Chicago Regional Office of the Federal Trade Commission intends to continue its efforts through projects such as this workshop to advise other groups of business and consumer representatives of their rights and responsibilities under the laws administered by the Commission.

NELSON ROCKEFELLER

MR. PERCY. Mr. President, in the late 1950's, I received a telephone call from Nelson Rockefeller asking if I would serve on the Rockefeller brothers overall study project committee. He estimated that it would take about 6 months but he wanted the committee to look ahead to the future, at least two decades ahead, and forecast what problems America will face and what solutions could be offered to them.

I joined the project together with a few other Americans from various phases of American life, and 3 years later we

wound up our studies, publishing a report "Prospects for America."

Service on that Rockefeller brothers study project changed the course of my life. It led directly to my proposing to President Eisenhower the appointment of a National Goals Commission, which he did in his address to a joint session of Congress in January 1959, to the subsequent appointment of the Republican Committee on Program and Progress that I chaired in 1959, and my appointment as platform chairman of the Republican National Convention in 1960 and my subsequent entry into public life.

Nelson Rockefeller has had a remarkable influence on a great many Americans and though his political philosophy has always been subject to controversy, a large part of the controversy came from a misunderstanding of what he actually stood for.

For instance, I have heard Senator GOLDWATER indicate that he generally concurred with the positions taken by Nelson Rockefeller on vital matters dealing with national security and foreign policy.

I ask unanimous consent that an article by Tom Braden in the Washington Post and an article by Mr. Carey Winfrey from the New York Times be printed in the RECORD.

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

[From the Washington Post]

A FAREWELL SALUTE TO ROCKY

(By Tom Braden)

A familiar figure in American politics for the last 20 years bowed out last week, and hardly anybody paid attention.

Nelson Rockefeller got less notice when he announced his decision (after four terms as a governor, three presidential campaigns and a brief career as vice president) than he got back in 1954 when reporters began to guess out loud whether he might run for mayor of New York City.

Rockefeller has been my friend since long before that year, so you may discount to whatever extent you wish my opinion that he was the best thing the Republicans had going for them since Wendell Willkie.

And you may laugh at that. But if you're old enough to remember that Willkie gave Franklin Roosevelt a good race, you may also remember that he was a Republican in the Teddy Roosevelt tradition, an activist, mildly infected with the reform spirit, a strong believer in capitalism on the assumption that it should be and could be both responsible and creative.

Unlike Willkie's, Rockefeller's political career began during the era of anti-communism and so he had to worry about whether innovation might be labeled as "pink." But considering that he launched himself at the height of McCarthyism and that he did so as a Republican, he handled admirably the problems of individual rights and civil liberties that McCarthy posed.

Still, the persistent notion that he was a secret left-winger dogged Rockefeller throughout his career. True, it led to his finest hour: that great speech in San Francisco made over the rude and raucous jeers of the Goldwater delegates at the Republican convention of 1964. But he spoke as a loser.

I don't think Rockefeller ever figured out

why the conservative wing of his party hated him so, even after a careful reading of the polls convinced him that he himself ought to become a conservative. And even after he ran two consecutive New York gubernatorial races as though he were Mr. Conservative.

That was not so false a pose as people thought at the time. Rockefeller really is a conservative. But his conservatism is tinged by the sophistication of civil libertarianism. Were some of the artists he admired communists? They were, nevertheless, good artists. And touched also by his almost fervid belief that capitalism ought to be an active, expanding force, and that only as such does it scatter benefits to society.

It says a lot about the Republican Party from the days of the Birch Society to the days of the New Right that a belief in civil liberties (or maybe in artists) and a conviction that capitalism is innovative should be regarded as too much to swallow.

Rockefeller was too open-minded for the zealots who followed Goldwater. He actually saw some good in examining other people's ideas. And he was too human for the ice-cold Nixon crowd. He permitted himself, perhaps too often, to be a man instead of a politician.

That, of course, is one reason he never reached the top. He probably could have beaten John Kennedy in 1960. At least Kennedy always thought so. But Rockefeller fell in love. And he might have beaten Goldwater in 1964, but on the eve of the California primary he reminded everybody of the love affair by becoming a father.

Indeed, many of the mistakes Rockefeller made in New York were mistakes of the heart. He wanted to do too much, too quickly, for too many. On the other hand, nobody will ever say about Nixon that his mistakes were of the heart.

So I think the Republican Party will miss Rockefeller. He stirred it up; he infuriated it—and therefore he helped to keep it alive.

[From the New York Times, Mar. 9, 1978]
ROCKEFELLER, OUT OF POLITICS, FOCUSES ON
ART AND HIS FAMILY

(By Carey Winfrey)

On a clear day, from his unpretentious office on the 56th floor of Rockefeller Center's tallest building, Nelson A. Rockefeller can see his life with considerable detachment. There, in a philosophical mood on a recent afternoon, the former Vice President sipped a cup of tea, ate an Oreo cookie, reflected about his current activities and laced his conversation with intimations of mortality.

"I'm at the stage in life where nothing bothers me," he said at the start of a 90-minute interview that marked his emergence from more than a year's inaccessibility to the press.

Earlier this week Mr. Rockefeller disclosed that he had signed a contract with Alfred A. Knopf, the publishers, to produce five books about his personal art collection. He will also reproduce 100 works of art from his collection each year for sale to the public.

"I haven't got time at this point to start some little business except something that I love, like this," he said.

NO 30-YEAR PROJECTS

When it was suggested that such enterprises hardly seemed to accord with his past energy and interests, he said: "If something comes along I'm not averse to moving, but it can't be a 30-year project at my age." (He will be 70 years old in July.)

As he has done through spokesmen many times since leaving office in January 1977, Mr. Rockefeller disclaimed anything more than a bystander's interest in politics. "I won't talk to anybody," he said, smacking his

pen on the table for emphasis. "I don't talk to them, don't talk to anybody. Don't see 'em."

"You're either in it or out of it and you really can't do both. So I got out. And that's nationally, locally, statewide. There's no sight worse, in my opinion, than some person who has been active slowly petering out or trying to maintain a position of influence or power."

More than once Mr. Rockefeller suggested that political impotence, not lack of interest, was responsible for his not participating in politics.

After insisting that there was "no foreseeable circumstance" that could involve him in politics again, Mr. Rockefeller leaned across his small, round table and said: "It doesn't take long to size up a situation, and I think one of the most important things in life is to be able to know when you can do something about it and do it or know you can't do anything about it and don't try."

But he added that such avowals did not preclude him from speaking out on issues, such as energy, that interested him, or even from taking on special assignments from the President. A few weeks ago he did some private lobbying for Mr. Carter's Panama Canal treaties.

A DELICATE BUSINESS

"I just called seven Senators," he said, "talked to them and reported back to the President on the phone. I have a way of working with people where I never try to put them on the spot. I'd rather just talk to them—this is a delicate business, this political business—so all I try to do is find out what they're thinking, what their problems are, and try to think of what answers are the logical answers to their problems."

He said that a September meeting with the President following Mr. Rockefeller's Senate testimony in support of a pet project—a \$100 billion Government corporation to finance high-risk energy ventures—led to the Panama Canal telephone calls.

Asked how he thought Mr. Carter had handled his first year as President, Mr. Rockefeller said: "Well, that's the nice thing about being out of politics, you don't have to try to appraise politicians."

He said that "we've got a lot of problems in the country," of which energy is foremost, because "that's related to the dollar, to unemployment and to the coal prices—they're all interrelated."

REGRET OVER STALLED BILL

Mr. Rockefeller expressed dismay over the fact that the high-risk energy corporation bill had stalled in the House of Representatives and that the White House was not supporting it. As for another pet project—he developed it with Arthur Taylor, the former president of CBS—to attract Middle East oil money to venture capital investments, that, too, is apparently stalled.

"Nothing's come of it," he said of the proposal, called Sara-Band. "It may never come to anything."

He added that "there's a shortage in the Western world of venture capital," that "Middle East money has to flow back into the rest of the world" even though "their tradition is not to invest in" high-risk initiatives.

Again he struck a plaintive note: "You can have ideas but unless the ideas click and make sense to all concerned, they remain just ideas."

Since he returned to private life, Mr. Rockefeller and his wife have made two trips to the Middle East. A year ago they spent two weeks visiting Egypt, Jordan, Saudi Arabia, Israel and Syria. Last October he accepted an invitation from the Shah of

Iran, an old friend, to dedicate a new art museum there.

It was simply tourism, Mr. Rockefeller said. "It's just because my wife likes to travel, and I've always liked to travel," he added. "She meets interesting people at dinners, talks to them about a place, and so off we go."

Next month they will spend three weeks touring Turkey, Afghanistan and India.

In addition to traveling, Mr. Rockefeller said, he spent most of the last year taking care of family business, insuring an "orderly transition from one generation to the next generation."

That included putting his son Steven and his friends Henry A. Kissinger and Nancy Hanks on the board of the Rockefeller Brothers Fund, one of the major philanthropies established by the family. He said that the dust kicked up that action and by the decision to reduce the funds assets through capital grants had largely settled.

"All I wanted to do was to see that we've got an efficient, effective structure to carry out responsibilities, whatever the responsibilities are," he said.

With family matters under control, he has devoted 80 percent of his time in the last three months to his new art ventures. "Art has been a major factor in my life, my joy and distraction, my balance under the pressures of political life," he declared.

FASCINATION OF THE ART BUSINESS

"It may be hard to believe that somebody who's dealt with a scale of things that I have can be interested in publishing art books and making reproductions and going through the problems of how you sell them, how you price them, how you distribute them," he said, "but those are interesting problems to me, relating to things I'm fascinated with."

Mr. Rockefeller looked fit, though the cadence of his speech was slower than usual and he sounded more reflective. He said that he spent most weekday-nights at his Fifth Avenue duplex with Mrs. Rockefeller and went to Pocantico Hills, the Rockefeller estate in Westchester County, on weekends.

Asked how Mrs. Rockefeller spent her time, these days, he said, "Very happily." How does she spend her time? "Walking the dogs."

And while he dismissed rumors of bitterness over being dumped from President Gerald R. Ford's ticket in 1976, the manner of the move obviously still rankled.

"It was so absurd," he said. "President Ford had no more chance of getting the Southern delegates. . . . Reagan had them locked up."

Then why did he not fight? "I could have," Mr. Rockefeller conceded. "I've been a reasonably good in-fighter," he said with a smile and a wink, "a reasonably good operator."

But, he added, "I went down there to support the President, cause him no problems, to create an atmosphere of tranquillity and harmony in the White House."

Mr. Rockefeller said that while he had made mistakes, he had no regrets. He conceded, though, that if he had to go through the 1971 revolt at the Attica prison again, he would have overruled Russell G. Oswald, chairman of the State Board of Correction, when Mr. Oswald halted a police attempt to retake the prison without weapons on the first day of the siege.

As for the ultimate assault, which cost the lives of 11 correctional employees and 32 inmates, he said he would not have done anything differently. "At that point, they had no choice," he said.

He also maintained that he would not have acceded to requests by prisoners and by a committee of observers that he come to Attica in person. "If I'd gone in, either as a

hostage or not, then they'd have demanded Nixon."

Though he still thinks he would have been President had he become a Democrat, he asserted he had no regrets about not having switched parties. He would have felt awkward as a Democrat, he said because, as he once told President Harry S. Truman, "I would rather pull a group forward than hold a group back—that's my nature."

Mr. Rockefeller protested that reports of his disappointment at not attaining his goal of the Presidency ("I think if I'd been nominated I would have been elected, but that's idle speculation") had been exaggerated.

"I have no emotional involvement," he insisted, "so there's no problem. I'm very grateful for the opportunities I've had in life, and I've had an exciting life, a wonderful, thrilling life with a whole range of interesting experiences, and am continuing to do so."

"Most people think that what I say sometimes is too simple and therefore it can't be true and there must be another motive or another reason. But I really am rather simple, and I can get interested in anything that's creative."

NAVAL FORCE PLANNING STUDY

Mr. TOWER. Mr. President, over the past 2 weeks significant developments have taken place with regard to the future role of American naval power. In submitting the proposed Federal budget for fiscal year 1979, President Carter did not forward to the Congress the 5-year navy shipbuilding plan which is required by law. Instead, the Secretary of Defense explained to the Committee on Armed Services that a naval force planning study was being conducted by the Secretary of the Navy in connection with the so-called Presidential review memorandum 10, and that he and the President would await the results of this study before recommending future levels of Navy ship construction.

On March 23, the Secretary of the Navy and the Chief of Naval Operations appeared before our committee in closed session and presented this long-awaited study, entitled "Sea Plan 2000." The study group's executive director, Dr. F. J. West, Jr., also testified on the purposes and findings of this extensive effort.

On the afternoon of the following day, March 24, after our hearings had been concluded, the Secretary of Defense forwarded the administration's approved 5-year shipbuilding plan to the Congress. This new plan represents a dramatic departure from the shipbuilding program supported by the previous administration, reducing the number of new ships from 157 to 70.

With an average construction rate of only 14 ships per year, this revised plan portends reductions in our future naval force levels that will inevitably require a redefinition of U.S. maritime strategy.

I would stress to my colleagues that the President of the United States has made a decision that, if sustained, will fundamentally alter the role of American sea power in the world of the late 1980's and beyond. In so doing, he has flatly rejected the recommendations of his Secretary of the Navy and the Chief

of Naval Operations, and he has chosen to ignore the findings of the comprehensive study undertaken at his explicit direction last year.

In reviewing the impact of the President's decision on our future national security, Congress must consider the uses of naval forces and the international setting in which these forces may be called upon to operate.

Historically, naval forces have served to control the seas and to influence events on land through their capability to project power ashore. In practice, they serve our national security objectives in three ways, as identified in the sea plan 2000 study:

First. The maintenance of stability by forward deployed forces.

Second. The containment of crises by offering wide latitude in the application or demonstration of force in regions where stability may be threatened or lost.

Third. The deterrence of global war.

In planning our future Navy, it is essential to recognize that forces required for crisis management are no less important than those required for war. Indeed, it is the failure to contain a regional crisis that represents today the most serious threat to world peace. As one example, the ultimate consequence of one set of uncontrolled crises might be a conflict with Soviet and Warsaw Pact forces in Europe. In this case, however, we will weaken our ability to deter such a conflict if we narrowly structure our forces on scenarios we assume to be predictable involving a war on the central front.

Ours will continue to be an uncertain and turbulent world. We must be prepared to deal with Soviet attempts to exploit the political opportunities of strategic nuclear parity. To this end, we must plan forces that will give us the flexibility to respond to crises which may be spawned by increased Soviet adventurism or other regional conflicts affecting U.S. interests. It is our preparedness to deal with such unpredictable crises that will determine whether they shall be contained or whether they will grow to conflicts involving higher levels of force. This preparedness will continue to require a forward based naval strategy that cements the relationships we must maintain with our overseas allies. Without sufficient numbers of ships, however, we will be unable to sustain the forward strategy, thereby limiting our ability to maintain stability and contain crises wherever they might occur.

Notably, in over 200 crises since 1945 in which the United States was involved, U.S. Navy and Marine Forces were deliberately employed in 177 cases, while U.S. land-based air or ground forces above were demonstrated in fewer than 90 cases.

The Sea Plan 2000 study also contains a detailed analysis of naval forces in a conventional worldwide war. This would involve, first, defense on the sea lines of communication; second, reinforcement of our allies; third, applying pressure against the Soviets through offensive naval operations; and fourth, providing

the vital hedge against the range of uncertainties of global war.

Though worldwide conventional war is improbable, we must recognize that if it were to occur, it would most likely evolve from a series of events which would gradually undermine stability and fracture the cohesion of the Western alliances. Accordingly, the role of naval forces in deterring global war must also first be assessed in terms of the containment of crises and the maintenance of stability. Again, we cannot ignore the validity of these functions in sizing our future naval forces. Nor can we assume that a navy structured about specific missions in selective war scenarios will be adequate to deal with circumstances that may require a measured and timely response if the escalation of hostility is to be avoided.

The irony of this administration's shipbuilding plan is its total incompatibility with our NATO commitments. While advertising the fiscal year 1979 defense budget as a "NATO budget," the administration has set the stage for a future naval force structure that will be clearly inadequate to sustain the bonds of the alliance.

The lowest option of the force alternatives examined by the Sea Plan 2000 study, option 1, is described in the study as a "high risk option with a low degree of flexibility, with minimum capability across the range of naval tasks." It would provide for the construction of only about 18 ships per year and would result in a Navy of approximately 439 active ships, which is 20 ships less than present strength.

Option 2 would be based on 3 percent real growth in ship construction funds and would provide about 24 new ships per year. This plan would result in a Navy of 535 ships which would maintain selective superiority over the Soviets and result in a minimum acceptable level of risk.

Option 3, containing 4 percent real growth in funding, would offer lower risks based on a strength of 585 ships and an average construction rate of about 27 ships per year. It would be more likely to insure all-around maritime superiority over the Soviet Union.

The Chief of Naval Operations, Admiral Holloway, has testified before the Armed Services Committee that the lowest option would "require this country to alter its national strategy from a forward strategy to something less than that."

It is thus astonishing that the President of the United States has recommended a shipbuilding program that is less even than the reduced force levels of option 1. If his plan is approved and implemented, I submit that our resultant and inevitable retreat from a forward naval strategy would make it impossible for us to retain the confidence of our allies around the world.

Thus the irony: The administration lays claim to proposing a NATO-oriented defense budget with certain marginal improvements focused on the central front, and then proceeds to issue plans

which would redefine the American Naval strategy—a strategy vital to the stability of those regions off the northern and southern NATO flanks, where the Soviets are more likely to initiate provocative political or military actions.

Mr. President, I believe that the Congress faces no more serious challenge this year than that of flatly rejecting the administration's proposed shipbuilding plan. We cannot permit the imposition of arbitrary fiscal constraints to alter the very character of our national security program. Neither can we permit past and current difficulties in our ship construction process to determine the long-term naval strategy we will support in concert with our allies. There are complex contractual and managerial problems in shipbuilding which the Department of Defense must expeditiously solve. Congress, however, cannot allow such problems to impose reductions in the naval forces upon which our forward strategy is based.

The Committee on Armed Services will be undertaking a thorough study of our future requirements for naval forces and will carefully review the President's recommended reductions in ship construction. To some of us, however, it is already apparent that the demands of national strategy and naval preparedness have been given little attention by this administration in planning the future of the U.S. Navy.

Mr. President, I ask unanimous consent that excerpts from the unclassified version of the Sea Plan 2000 Executive Summary be printed in the RECORD.

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

SEA PLAN 2000: NAVAL FORCE PLANNING STUDY
INTRODUCTION

Sea Plan 2000 explores the rationale for general purpose naval forces. It addresses two sets of questions. First, what can a policymaker expect of naval forces? How do they contribute to U.S. interests? What is the connection between naval missions and U.S. national security objectives? Second, how capable are our naval forces of carrying out their missions? In assessing naval capabilities, three time frames were used: 1978, the late 1980s, and the 1990s.

The difficulty of naval planning

It can take up to ten years for a new ship to go through the planning process, be authorized by Congress and built before it is introduced into the fleet. Further, ships remain in the fleet for 20 to 30 years unless they undergo service life extension programs in lieu of new procurement, in which case another ten years can be added to their useful service life. The naval forces serving this Administration exist today in the fleet or are already under construction. The ships that are procured—or not procured—will affect the latitude available to policymakers and thus American security interests decades hence. Force elements with shorter lead times or shorter lifetimes can be planned to accommodate a specific scenario or an immediately pressing problem. But a near-term planning horizon is inappropriate for naval forces.

For a variety of reasons it is necessary now to develop long range naval plans: this Administration is interested in and has a sense of responsibility with regard to the

future; even in the near term, U.S. longer range policy planning has an important politico-military impact on allies, on potential aggressors and on the U.S. public; and finally, there is, in a real sense, a continuity between the present and the future. Recognizing these realities this Administration has directed that a study be undertaken of U.S. naval posture for the year 2000 and beyond. It is to that directive that this study responds. It does so by relating naval forces to national security objectives on the one hand and to military capabilities on the other.

SEA PLAN 2000, through a series of policy and feasibility analyses, seeks to provide the policymaker with a framework for understanding the utility of naval forces. With this framework in hand, program decisions regarding the size and structure of the Navy can be made with more confidence and surety.

Past uses of naval forces

The traditional naval functions of control of the seas and projection of power ashore have in the past included a broad range of actual missions. Judging from historical use, a primary mission, or "business," of naval force is the projection of American influence in situations where military means are appropriate. A second "business" is emerging, where the past is not prologue: that of countering Soviet influence which seriously threatens U.S. interest. A third "business" of naval forces is in support of land forces in a major war. Table A illustrates some past uses of naval forces in those businesses.

TABLE A: HOW U.S. NAVAL FORCES HAVE BEEN USED

Projecting influence

Reassuring friends and allies (6th/7th Fleets).

Lebanon (1958).

Vietnam (Linebacker, etc.).

Jordanian crisis (1970).

Indo-Pakistani war (1971).

Resupply of Israel (1973).

Mayaguez (1975).

Countering Soviet projection

Cuban missile crisis (1962).

Clenfuegos (1970).

Mideast war (1973).

Supporting land-based ground power

World War II: Battle of the North Atlantic/Pacific.

Korea (1950-53): Inchon.

Vietnam (supply lines, etc.).

The point is that, given past uses of naval forces and the uncertainty of the future environment, naval planning should focus upon capabilities, not scenarios, and upon a range of measures, not a dominant force sizing criterion.

There is no reason to believe that in the future the basic American security objectives will be substantially modified. A primary goal is the deterrence of nuclear threats or war against the U.S. and its allies. This study addresses the relationship between general purpose naval forces and three primary national security objectives:

The maintenance of stability. Routine forward deployments are intended to reassure allies and strategic friends. Further, this use of naval forces serves to deter crises and constrain potential Soviet adventurism.

The containment of crises. Critical to this is the ability to deal not only with low order crises, but also with those where the Soviets may choose to challenge U.S. capability and resolve.

The deterrence of major war. The main elements of naval contribution to this deterrence include: a survivable SSBN force; protection for any SLOC in support of land campaigns; supporting allies, even if in

proximity to the USSR; the capability to operate in forward areas and increase the risks for Soviet naval forces and capabilities; the capability to open a second front, especially in the Pacific, and possessing sufficient combat potential to hedge against the uncertainty of where and how a war of this magnitude would occur.

During the course of this study, a series of measures of naval capabilities were identified. They should enable the policymaker to judge the worth of naval forces as measured against those three basic U.S. security objectives. The measures take into account the past uses, or "businesses" of naval forces. They are shown in Table B.

TABLE B: POLICY-RELATED MEASURES OF NAVAL CAPABILITIES

Maintain stability

Forward deployment.

Perceptions of naval power.

Contain crises

Capability to affect outcome ashore.

Superiority at sea versus Soviets.

Deter global war

Protection of sea lanes.

Reinforce allies.

Pressure upon the Soviets.

Hedges against uncertainties.

THE INTERNATIONAL ENVIRONMENT

In evaluating the worth of naval forces in meeting national security objectives, it was necessary to determine the environment in which they would operate.

Overall, the trends do not indicate that the world will be more receptive toward American interests. The awesome American economic and military power which undergirded the stability of the democratic West in the first two decades after World War II has waned. The dollar is frequently under pressure on world money markets. The tragedy of Southeast Asia raised questions about the extent of U.S. military power, wisdom and foreign policy consensus.

The Soviet Union has emerged as the world's second superpower whose international influence is basically derived from its steady and determined increase in nuclear and conventional military power, to which it continues to devote an unprecedented level of resources despite the inadequacies of its economic structure.

The most certain aspect of the environment will be its uncertainty and volatility. There is no reason to believe that ethnic or national rivalries or irredentist claims, many of which predate this country's existence, will be amicably resolved in the next 20-30 years. The acquisition by Third World nations of sophisticated military capability (including nuclear technology) is not encouraging. Nor is the expanding world population and increasing demand on scarce resources needed for survival and national development.

As the world has become more interdependent, the distinction between U.S. "vital" interests and "peripheral" interests has blurred. The period when the U.S. was self-sufficient in natural resources and protected by a 3,000 mile wide moat has long since past. Its economic, political and military interests are, for better or for worse, intimately related to what happens elsewhere in the world. What happens in one region affects another. The West may choose to ignore Soviet or other disruptive actions on other continents; but the consequences of those actions cannot be avoided.

The military capabilities of nations in areas where the West has both vital and peripheral interests are growing. As regards naval forces alone, antiship precision-guided munitions (PGMs) are in the hands of 30 nations, excluding the NATO and the Warsaw Pact. The main threat, the USSR, continues its steady

naval growth in terms of blue water (at-sea sustainability) capabilities, ocean surveillance, and antiship missile improvements. The projections are that, over the next two decades, the Soviets will largely increase their nuclear attack submarine fleet, greatly improve their naval air strike force and deploy more aircraft carriers.

In doctrinal terms, the Soviets have been a sea-denial force whose maritime strategy centered around checking the nuclear-delivery potential of the carrier and the SSBN. Increasing Soviet involvement in crises worldwide, however, indicates that their doctrine accommodates to ambitions and capabilities. Today Soviet maritime strategy includes the concept of force projection, although not in mirror-image fashion to U.S. projection capabilities.

While the Soviets are manifesting a more ambitious worldwide involvement, the U.S. is no longer able to offset Soviet adventurism by reliance on nuclear superiority.

The central national security problem for the future will be effectively to control Soviet expansion of influence, hopefully without engaging in hostilities. To accomplish this will require a mix of political, economic and military means, one important portion of which will be our naval capabilities.

The future will not be more secure for U.S. interests than the past.

BASIC STUDY FINDINGS AND TRENDS

What does the future promise in terms of U.S. naval capabilities? Basically, in terms of technology U.S. naval capabilities should improve relative to the projected threat. Naval science is dependent upon areas of expertise—microelectronics, computers, nuclear physics, etc.—where the United States holds considerable relative advantages over potential adversaries. Several points deserve mention.

World environment and military capabilities

Given an unstable world environment extending well into the future, the U.S. will require a variety of military capabilities. Trends indicate the world environment will not be more stable or more secure for U.S. interests in the future than in the past. The U.S. will face adversaries overseas, great and small; the U.S. must keep secure links to overseas allies (NATO, Japan, and others) and secure access to resources (e.g., Persian Gulf oil). The U.S. will require substantial military capabilities to maintain stability, contain crises and deter worldwide war. Because uncertainty increases as we look further into the future, military capabilities must be balanced and flexible to deal with a range of possible world environments. Primary among these capabilities will be versatile naval forces, the centerpiece of which will continue to be carriers because they contribute heavily both to control of the seas in high threat areas and to the outcome of battles ashore.

Aside from force projection, other naval missions of high priority will involve the projection of U.S. influence to reassure friends and allies and counter Soviet influence projection, the latter likely to be a growing threat.

Soviet missile threat

Soviet missiles, launched from either bombers, submarines or surface combatants, are a principal threat to U.S. surface forces operating either during a serious crisis such as the 1973 Mideast War or during a major war. The Soviets currently have about 100 submarines and surface ships equipped with antiship missiles. These forces and antiship missile equipped Backfire bombers are projected to increase substantially in this period.

U.S. naval forces must be able to cope successfully with that threat. National security is based on a forward strategy which links the U.S. with allies on both flanks of the Soviet Union. Contrary to popular opinion, properly employed carrier task forces are not highly vulnerable. They can, of course, be damaged. But they are not easy to put out of action and are even more difficult to sink.

Technology has not made U.S. surface forces the horse cavalry of the 1980s. This trend is due to a combination of fighter aircraft protection, area and point antimissile defenses (especially the new AEGIS air defenses system), electronic warfare plus cover and deception tactics.

Major warfighting capabilities

While a worldwide war is extremely unlikely, the massive Soviet buildup of strategic, theater nuclear and general purpose forces will require a high level of U.S. preparedness.

Antisubmarine warfare/SLOC defense

In antisubmarine warfare (ASW), systems of proven capability are entering the fleet today. The analysis in this study indicates the defense of SLOCs (sea lanes of communication), especially in the North Atlantic, appears to be improving markedly. This is in part due to the new ASW systems.

Further, SLOC protection is aided by allied naval capabilities to operate offensively in a major war, thereby forcing the Soviets to allocate to defense a substantial portion of their forces.

Exerting pressure on the Soviets

Naval forces may have unique capabilities for assisting the flanks of NATO.

Forward strike operations may prove highly valuable in tying down large Soviet forces which might otherwise be employed.

The threat of opening a second front would help relieve pressure against the SLOC, complicate Soviet planning and give the Soviets pause before the initiation of hostilities. The policy worthy of such operations probably resides more in their effects upon Soviet behavior in crises and upon the equilibrium of the worldwide power balance than in their employment in the remote possibility of a global war.

In any major war, the destruction of the Soviet fleet and denial to the Soviets of access to any ocean is a basic objective. This requires the close coordination of surface, submarine and sea-based air assets in an aggressive naval campaign. The ability to achieve this objective has a significant impact on the attainment of other important objectives, e.g., maintenance of important SLOCs and support for allies.

Thus, naval capabilities, in conjunction with allies and land-based air, provide for the maintenance of maritime superiority in relation to the most powerful potential adversary, the Soviet Union—a fleet which can prevail over Soviet naval forces in the key strategic areas of the world. Forward naval operations can have a decisive effect on the outcome of a land war in Europe by ensuring firmness of NATO flank states; relieving pressure on the SLOCs; ensuring reinforcement and stiffening the will to resist various NATO states; face the Soviets with the real possibility of truly unacceptable losses.

DEALING WITH CRIMES

Most likely, however, serious military challenges to U.S. interests will come not in the industrialized heartland of the West but in other geographic areas where, despite U.S. preference, military force and violence are frequently the primary means of resolving policy disputes.

Should the U.S. draw down its forward deployments, this could leave the USSR as the dominant naval power in the vacated re-

gion. As the Soviets perfect their V/STOL carriers, their ability to influence events ashore, psychologically as well as physically, will increase. It can be expected they will use this influence and gradually shed their image of a reactive navy and an autarkic, continental power.

CRITICALITY OF FLEET SIZE

Even with favorable technological trends, the overall fleet size is threatening to decline below the threshold of critical mass necessary for the containment of serious crises and the retention of flexible options for the deterrence of major war. Numbers are important. U.S. naval forward deployments are stretched taut. Further reduction in U.S. capital ships, when contrasted with the growing numbers of Soviet antiship missile combatants, is a matter for concern.

As part of the deterrent to a major war, the credibility of naval force options to reinforce allies on the Soviet flanks or to hem in Soviet naval forces again depends upon massing sufficient numbers.

Major reductions in carrier levels, the heart of U.S. naval capabilities, will reduce the ability of a President to respond rapidly to crises. Further, reduction of forward deployment posture is liable to have high political costs.

CHOICES FOR THE FUTURE

The costs, on the other hand, to maintain a balanced naval capability, one which can project U.S. influence, counter Soviet influence and, if required, fight and prevail in worldwide war, can be met within a 3 percent real budgetary growth. New technologies will affect the naval capabilities on both sides but there is no basis to conclude that in balance they adversely affect U.S. interests. To the contrary, the potential of the cruise missile, V/STOL, AEGIS, etc., if vigorously pursued, should open new opportunities for retaining U.S. dominance of the seas.

SUMMARY

So, for naval force planning, the future offers both an opportunity and a challenge. The opportunity relates to the positive trends in technology. The challenge relates to the negative trends in the numerical size and the mission flexibility of the fleet. The issue is how to exploit the promise of technology and to procure the numbers of platforms at an affordable cost.

SECURITY OBJECTIVES AND NAVAL MISSIONS: A SUMMARY

Naval forces contribute to national security objectives across a broad spectrum of missions. Prominent among them are:

TABLE C: Objectives and missions

Security objective	Naval mission
Maintenance of stability	Forward deployments
Containment of crises	Calibrated use of force against the shore Superiority at sea in a crisis setting
Deterrence of a global war	SLOC defense Reinforcement of allies Pressure upon the Soviets Hedge against uncertainties of the distant future

TABLE D.—Illustrative alternative force levels

Type	Option 1 1 percent	Option 2 3 percent	Option 3 4 percent
CV ¹	10	12	14
AEGIS ship	10	24	28
Cruiser/Destroyer	74	100	114
Frigate	136	152	158
SSN	80	94	98
SSBN	25	25	25
Amphibious ships	52	66	78
UNREP ships	38	46	55
Support ships	49	60	61
Total ships	474	579	631
MSC/NRF	—35	—44	—46
Total active ships	439	535	585

¹ CV levels do not include a carrier in SLEP. (Service Life Extension Program.) Thus, total carriers would be 11, 13, and 15 in the three options.

FORCE/FUNDING OPTIONS

Sea Plan 2000 suggests that a policymaker should have in mind a long-term plan for naval forces—their direction and purpose—before becoming immersed in program and shipbuilding details. This report tries to develop the framework for such a plan. U.S. naval force capabilities are exam-

ined in terms of their contribution toward three basic national security goals: maintenance of stability; containment of crises; and deterrence of war.

To assess the naval missions explained in the preceding section, the quantitative and operational analyses of the study used a naval force assumed to have 3% real growth in the mid-80s and mid-90s time frames. This starting point stemmed from President Carter's decision that the overall resources for national security required about 3% a year real growth, given the trends in the threat. Two other force levels are also evaluated: a decremented force of little or no real growth; and an incremented force of about 4% per year real growth. These force options are shown in Table D. This study concentrated upon the capabilities of naval forces to carry out different missions. The column on type of ships is not intended to substitute for specific program tradeoffs: i.e., for CV one can substitute CVV, or VSS, etc.; for SSNs, the 637 class or a SSN-X may be preferable for a given amount of dollars to more 688s, etc.

These options represent long term planning goals. All three options keep a balance among their force elements. None advocates a sudden, radical force change. The situation with naval forces and new technologies is analogous to the maintenance of a trust fund for one's heirs. A balanced portfolio provides the optimum insurance against uncertainty. Blue chip stocks that have demonstrated a good return on investment are not divested without the reasonable certainty of a better investment. New issues are sampled as possible blue chips of the future (new technologies). The most exciting technologies relate not so much to platforms as to weapon systems. AEGIS-type antimissile defenses and electronic warfare show special promise in the near term.

ASSESSMENT OF SEA PLAN 2000 FORCE ALTERNATIVES

Option 1 is judged to be a high risk option with a low degree of flexibility, with minimal capability across the range of naval tasks.

Option 2 hovers at the threshold of naval capability across the spectrum of possible uses, given the risks associated with technical and tactical uncertainties.

Option 3 provides a high degree of versatility in the form of a wider range of military and political actions at a moderate increase in cost over Option 2.

THIS TABLE ILLUSTRATES THE MAGNITUDE OF THE SHIPBUILDING PROGRAM FOR EACH OF THE OPTIONS THROUGH THE YEAR 2000

Option	1	2	3
Average annual SCN dollar costs in constant 1979 dollars	\$6.29	\$8.8	\$9.5
Total number of new construction ships in program	290	395	447

¹ Billions.

Dealing with SCN at 3 percent real growth has certain problems as well as benefits. Obviously, such a funding profile would be considerably smaller in the near term and would, due to compound growth, increase in the outyears. To maintain a stable shipbuilding industry and interim military capabilities, however, a smoother growth could be desirable. It was assumed that programming action by SCN experts within the Navy and OSD could smooth shipbuilding and overall top line costs to achieve a reasonable 3 percent real growth budgetary target.

OIL SHALE AND S. 419, THE FEDERAL OIL SHALE COMMERCIALIZATION TEST ACT

Mr. HASKELL. Mr. President, today I would like to bring to the attention of

the Senate a matter which is of considerable concern to me, to the people of Colorado, and, I believe, to all the people of this Nation. The matter is oil shale, a national resource of enormous potential, and what should be done about determining once and for all whether it can contribute to our dwindling supplies of domestic fuel.

Oil shale is a sedimentary rock containing a complex hydrocarbon known as kerogen. The kerogen can be heated to produce a product similar to crude oil. It is found throughout the world, however some of the largest known deposits are located in a three-State area comprised of western Colorado, eastern Utah, and southwestern Wyoming. It is estimated that there is as much as 2 trillion barrels of oil locked in these deposits. Of this amount, it is judged that some 600 billion barrels of oil are contained in high medium grade shale. This is a figure which is nearly double the known oil reserves of the entire Middle East. Clearly, oil shale is a resource worthy of our serious attention as we attempt to solve our energy crisis, and, more particularly, our liquid fuel supply crunch.

The history of oil shale is replete with examples of "false starts" and unfulfilled promises dating from the 1860's. Despite multiple periods of widespread optimism, this Nation has yet to build its first commercial oil shale plant, or, indeed, even a facility which could test the commercial potential of oil shale. It is my belief that this situation should change.

To accomplish this change, I introduced a bill on January 24, 1977, entitled the Federal Oil Shale Commercialization Test Act, S. 419. The purpose of this bill is to answer the social, environmental, and economic questions which surround oil shale. Qualified experts in both Government and industry have estimated that oil shale can be produced at a price of \$10 per barrel. Equally qualified experts, also in Government and industry, have estimated that it will cost \$30 per barrel to make oil shale economic. There is a similar divergence of opinion regarding the environmental effects of an oil shale industry.

Some say that the environmental problems have been solved. Others claim that substantial environmental damage would result. S. 419 is structured to answer these questions. If the program contemplated by S. 419 is carried out, the environmental and economic information will be available to all. Everyone concerned will then be in a position to make his own informed judgment as to the future of oil shale. Moreover, if one or more of the technologies tested proves to be environmentally and economically viable, the patents will be available to all interested companies. Thus, if the program does result in demonstrating viability of oil shale, American industry will be in a position to proceed to actual commercialization.

I have chaired five hearings on this bill both in Washington and in Colorado, where the vast majority of the very rich shale deposits occur. We have received testimony from representatives of the oil

shale industry, the environmental community, labor, independent oil shale experts, and the administration. It is the opinion, or lack thereof, of this last group, the administration, which I would like to address in detail today.

Representatives of this administration's energy agencies have been given two opportunities to testify on S. 419. In April 1977, representatives of the Energy Research and Development Administration opposed the bill on the grounds that the President's policy of permitting the oil shale industry to receive the world price for a barrel of shale oil was an adequate incentive to development. They also opposed the bill because it would establish what is known as a "GOCO" operation, in which the Federal Government would pay private companies to build oil shale facilities of sufficient size to test the commercial viability of oil shale technologies. The administration is apparently philosophically opposed to GOCO's.

On February 16, of this year, a second representative of the administration, this time from the Department of Energy, testified on S. 419 in Golden, Colo. On at least four occasions during the course of his testimony, this spokesman expressed the support of the Department of Energy for the concept of S. 419.

Encouraged by this apparent change in attitude, I invited the Department of Energy to send witnesses to a final day of hearings which was to be held today. The Department witnesses were requested to address themselves to two questions: First, S. 419 itself; and second, the nature and extent of the various activities within the Department relating to oil shale and how these activities interrelate to constitute a national policy for oil shale.

Yesterday, the day before the hearing, I received a copy of the DOE testimony to be presented the following day. I will ask that a copy of this proposed testimony be reprinted in the RECORD at the conclusion of my remarks. This statement was so totally inadequate with respect to my request that I determined to cancel the hearings and no longer seek the testimony of the administration with respect to this bill. I think that the proposed testimony speaks for itself, but I would like to briefly examine its inadequacies.

The administration's comments on S. 419 are limited to a short section of the six-page draft statement. In that short section, it states that, in spite of the supportive testimony in favor of the bill given 6 weeks ago, the administration reverts to the position taken a year ago. S. 419 is opposed because of GOCO arrangement "may be perceived as a threat to the free enterprise activity we are trying to motivate."

In a letter dated March 30, 1978, sent to Senator JACKSON, the chairman of the Committee on Energy and Natural Resources, the Office of Management and Budget indicates that the administration opposes the bill for the same reasons as were presented by ERDA and the Department of the Interior in 1977.

The major reason given by ERDA for opposing S. 419 was a belief that no subsidy is needed for oil shale.

The claim that the world price is sufficient is hardly worth the dignity of a reply. If such were the case, where is our oil shale industry? It is simply not enough to sit back and claim that the world price of oil will suffice when the oil shale industry says this is not so and when there is not a single effort underway to test the commercial potential of an above-ground oil retorting technology.

A few indicative comments by representatives of the industry which is expected to make such an investment on the basis of a promise of world oil price might be of interest to the Senate.

The Union Oil Co. of California has stated:

In view of foregoing, what is needed is both financial assistance and governmental relief. Commercialization of shale oil will be realized when some or all of the above obstacles are removed and the government provides a clear cut incentive for first generation commercial demonstration plants.

Alphonzo Bell, of Bell Petroleum Co., stated:

We think that government incentives for first state commercialization programs are, therefore, essential.

John A. Whitcombe, of TOSCO Corp., stated:

The Colony project economics, although satisfactory for a second generation plant, are at best marginal for a pioneer plant in a new industry, and the economic dilemma facing oil shale development is how to get past the pioneering stage so that a favorable, second plant economic climate can be achieved. One way is through incentives provided by the Federal Government.

Regarding the second reason for opposing S. 419, it occurs to me that if GOCO arrangements are a threat to the free enterprise system, this Nation has made some serious errors in the past 35 years in creating the Manhattan project, the Apollo project, and the successful Federal effort to create a substitute for natural rubber during World War II. As a matter of fact, the Congress, in one of its first major attempts to remedy the energy crisis, the Federal Nonnuclear Energy Research and Development Act of 1974, stated that it found that "The urgency of the Nation's energy challenge will require commitments similar to those undertaken in the Manhattan and Apollo projects."

What has industry had to say about this "threat" to the basic economic fabric of our society? Dr. Robert H. Linquist, representing the Standard Oil Company of California, stated:

100 percent Federal funding and management of the experiment seems to us the practical way to get started.

M. G. Fryback, of the Sunoco Energy Development Co., stated:

It is Sunedco's view that such modular demonstration should be a joint industry/government sponsored program in order that both industry and government can arrive to the implications (sic.) both economically

and environmentally, of the development of a commercial shale industry.

Mr. G. Blaine Miller, president of Rio Blanco Oil Shale Co., a general partnership of Gulf Oil Corp. and Standard Oil Co. of Indiana, stated:

In conclusion, I would like to reiterate that we do support the major provisions of Senate Bill 419, with the suggested modifications, that it will be useful in providing some of the badly needed answers about the surface retorting technology.

Apparently the representatives of the U.S. oil shale industry do not "perceive" the threat to the free enterprise system that the Department of Energy is so fearful will be perceived.

Finally, I think it is ironic, and perhaps indicative, that in response to my request to describe the Department's overall oil shale programs, the only program the Department chose to address in its statement is the plan submitted by the Navy in January 1977, to do predevelopment work on the naval oil shale reserves. The Department's budgetary request for this laudable effort is only \$1.3 million, in spite of the fact that the cost of implementing the program in fiscal year 1979 is estimated at \$24,000,000. I have recommended to the Committee on Energy and Natural Resources that this figure be increased dramatically.

We have a liquid fuel supply problem in this country that is of such magnitude that it is hardly comprehensible. We rely on imported oil for 50 percent of our needs and the resulting bill amounts to over \$45 billion per year. The resulting economic havoc being created both here and in the nations of the free world is appalling. We need an oil shale test program. We need it to signal to the rest of the world, to OPEC as well as our allies in Europe and Asia that we are serious. And we need it to find out if oil shale is a viable alternative to imported oil.

As the Members of this body know, I do not quarrel with those who emphasize solar energy or the multiple opportunities for conservation. I have actively supported these options in the past and will do so in the future. But, Mr. President, conservation will not fly an airplane, and if we expect to have any planes flying 20 years from now, we had better begin exploring just how we propose to accomplish that expectation.

It is my intention to ask the Committee on Energy and Natural Resources to consider my bill in the very near future. I hope and trust that my colleagues on that committee will join me in reporting it favorably to the Senate. When this occurs, I hope that all of you will look favorably on this potential contribution to the solution of the energy crisis.

I ask unanimous consent that the proposed statement of Hon. George S. McIsaac, Assistant Secretary for Resource Application, Department of Energy, before the Subcommittee on Energy Production and Supply and letter of March 30, 1978, from OMB to Senator JACKSON be printed in the RECORD.

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

STATEMENT OF GEORGE S. MCISAAC

I am George S. McIsaac, Assistant Secretary of Energy for Resource Applications. I am present to represent the Department of Energy in response to your letter of March 14, 1978. We applaud the intent of your Bill S. 419, to test the commercial, environmental, and social viability of emerging oil shale technologies.

Your Bill properly recognizes that environmental uncertainties and societal concerns are important impediments to oil shale operations. We agree on the need for early construction of full scale modules to test emerging technologies and obtain factual data with regard to environmental effects of these technologies. Such large scale tests will also give us valuable experience in dealing with the socioeconomic impact of oil shale development.

Early construction of commercial scale modules is a necessity to resolve these uncertainties. Your Bill is one option for achieving this end. As Dr. Gouse and Mr. Willis have earlier testified on S. 419, we do not agree that the GOCO arrangement is the best means of achieving our common goal.

I want to add emphasis to Dr. Gouse's remarks in his testimony of one year ago on the disadvantages of the GOCO arrangement. In particular, it lacks the impetus for efficient management, cost cutting, technological improvement, and may be perceived as a threat to the free enterprise activity we are trying to motivate. Government operations governed by procedure, regulation and law are not as efficient as our oil shale operations are going to have to be competitive.

Under the Department of Energy Organization Act, the Department was assigned responsibility for certain public lands in Colorado and Utah. These have been set-aside as Naval Oil Shale Reserve Nos. 1, 2, and 3. In contrast to the Naval Petroleum Reserves which will reach peak production rate of 260,000 barrels of oil per day in 1980-81 and then begin a normal decline after two or three years, the recoverable reserves from the Naval Oil Shales Reserves could sustain a production rate of 250,000 barrels of oil per day for over 50 years. This is based on in-place resources of 26 billion barrels and estimated recoverable reserves of over 5 billion barrels.

These Reserves were set-aside to provide a source of fuel to meet the needs of national defense in the event of an emergency. The law provides for the exploration and development of the Shale Reserves in the same manner as the Petroleum Reserves.

However, no production other than for research purposes is authorized. To implement this directive, a predevelopment plan was formulated for exploring and assessing the potential of Shale Reserves Nos. 1 and 3. This pre-development plan was submitted to the House and Senate Committees on Armed Services for consultation. No objections were received and the plan is now being implemented. A pre-development plan for Shale Reserve No. 2 has been approved by the Attorney General and is being sent to the Armed Services Committees for review.

The Pre-Development Program includes environmental studies and engineering analysis necessary to ascertain the optimum procedures for developing the Naval Oil Shale Reserves and the evaluation of the environmental impacts which may be associated with any such development.

I want to emphasize that this is not a hardware plan. This plan will include preliminary conceptual design of facilities, a Final Environmental Impact Statement addressing implementation of the development plan; and economic, supply and scheduling

information necessary to support the recommended course of action.

The major activities required to accomplish this program are as follows:

Determine extent, thickness, and grade of specific oil shale beds, as well as chemical (e.g., trace elements) and physical (rock mechanics) properties. Evaluate oil and gas potential (involving exploration drilling and seismic work).

Determine location, quality and quantity of the hydrologic elements (precipitation, surface water, subsurface water).

Inventory existing environmental parameters: types and quantity of vegetation, birds and other animals, air quality and climatology.

Select retorting systems and potential upgrading schemes compatible with resource characteristics and shale oil transportation systems.

Assess the socioeconomic impacts of potential development and methods to mitigate the associated impacts, including preparation of environmental impact statements for selected production alternatives.

Develop environmental protection and mitigation plans considering development activities and those associated with production, such as mining and retorting.

Determine electrical utility requirements and the optimum means of meeting those requirements.

In order to implement the many tasks described in the Pre-Development Plan, the Office of Naval Petroleum and Oil Shale Reserves has proposed utilizing a Management Support and Systems Engineering Contractor who will execute the Pre-Development Plan under the direction of the Office of Naval Petroleum and Oil Shale Reserves.

The major tasks to be performed in Fiscal Years 1978 and 1979 include: a corehole program at Naval Oil Shale Reserve No. 1 to evaluate the quality and quantity of the oil shale and study the subsurface hydrology; a geologic study at Naval Oil Shale Reserve No. 2, and, the preparation of a Project Management Plan required for detailed management of the Pre-Development Program.

As currently envisioned, the Naval Oil Shale Reserve Pre-Development Program does not call for any research or development activities or the commercial demonstration of technologies by the Office of Naval Petroleum and Oil Shale Reserves. In formulating this program it was considered that the Office of Naval Petroleum and Oil Shale Reserves would draw on other Department of Energy and industry programs for that effort. The availability of this data is essential to the evaluation of technologies and ultimate selection of a production mode for follow-on programs. Thus any such information which would be available would be evaluated for its applicability to the Pre-Development Program.

Mr. Chairman, this concludes my remarks. Captain Nelson and I will be happy to answer questions.

EXECUTIVE OFFICE OF THE PRESIDENT,
OFFICE OF MANAGEMENT AND BUDGET,
Washington, D.C., March 30, 1978.

Hon. HENRY M. JACKSON,
Chairman, Committee on Energy and Natural
Resources, U.S. Senate, Washington, D.C.

DEAR MR. CHAIRMAN: This is in response to your request of March 20, 1978, for the views of this Office on S. 419, a bill "To test the commercial, environmental, and social viability of various oil shale technologies, and for other purposes."

In testimony before your Committee last year, a representative of the Energy Research and Development Administration (ERDA)

explained the ERDA rationale for not supporting S. 419. The Department of the Interior, in an April 28, 1977 report to your Committee, also recommended that S. 419 not be enacted. We concur with the views expressed by ERDA and the Department of the Interior and, accordingly, recommend against enactment of S. 419.

Sincerely,

JAMES M. FREY,
Assistant Director for
Legislative Reference.

S. 2855—NATIONAL HOUSING GOAL

Mr. PROXMIRE. Mr. President, I am introducing today a bill to extend and revise our national housing goals. The bill would reaffirm and give new substance to the goal of "a decent home in a suitable living environment for every American family," first stated in the Housing Act of 1949, and first quantified in the Housing Act of 1968. This legislation is needed at this time because the 1968 goals covered the decade which is now ending, and will expire in June of this year.

The measure I am introducing would provide for: First, the establishment of quantitative objectives for housing construction and rehabilitation in the United States over the next 5 years—1979-83; second, the setting of specific goals for Federal housing assistance programs during the same period; and third, the identification of other housing-related goals which must be achieved if we are to assure every American family the opportunity to secure decent shelter at reasonable cost. The bill which amends title XVI of the Housing Act of 1968, would also significantly revise the content of the report on housing goals now presented to the Congress each year by the President.

The bill I am submitting today provides for production objectives and assistance goals, but does not enumerate them.

I felt it advisable that the committee determine the appropriate goals after hearing what the housing experts say.

Next week the committee will hear from HUD Secretary Harris, from the CBO and from other organizations which have examined housing requirements and the need for housing assistance in the United States. After that hearing, I believe the committee and I will be in a much better position to judge what our total construction and rehabilitation requirements will be over the next 5 years, and what goals should be set for Federal housing assistance programs.

Accordingly, I anticipate that the amendment I am offering today will be reported as part of the 1978 housing bill, and will contain quantitative targets for housing production and housing assistance during the 5 years, 1979-83.

The basic purpose of this housing goals legislation is to secure better planning and greater accountability—not increased spending. Sound planning for housing requires quantified goals. A measurable goal provides a clear guide-

line for action and a clear indicator of progress.

HISTORY OF GOALS LEGISLATION

The need for a quantified housing goal to support the general declaration made in 1949 was clearly recognized during the urban unrest of the 1960's. In 1967, three prestigious groups threw their support behind the idea. A conference on housing goals attended by 50 important national organizations, including the American Bankers Association, the American Institute of Architects, the Edison Electric Institute, the Mortgage Bankers Association, the National Associations of Home-builders, Manufacturers, Realtors, and Housing and Redevelopment Officials, the Conference of Mayors, and National League of Cities, and representatives of labor unions, public interest groups, industrial corporations, and the President's Committee on Urban Housing, recommended that the numerical housing goals should be established for the Nation.

Two Presidential advisory groups, the National Commission on Urban Problems headed by former Senator Paul H. Douglas, and the President's Committee on Urban Housing, chaired by industrialist Edgar F. Kaiser endorsed the same principle. The Kaiser committee recommended that the United States adopt a goal of producing at least 26 million new and rehabilitated housing units, during the following decade, including 6 million for low- and moderate-income families. On the basis of these recommendations, and studies conducted by HUD, President Johnson proposed that the Nation commit itself to this goal.

When these findings were presented to the Senate and House Banking Committees during the legislative deliberations the following year, both bodies acted to include housing goals in the new housing bill. I personally introduced the provision that was included in the Senate Bill, and helped develop the language that was finally included in the act agreed to by the Senate and House conferees.

THE RECORD 1969-78

The 1968 Housing Act set the Nation the goal of producing 26 million new and rehabilitated units, 6 million of them to be produced for low- and moderate-income families, during the decade 1969-78. With that decade now almost over, it's time to review the record, and to look ahead.

According to figures compiled by HUD, U.S. housing production, including newly constructed and rehabilitated units, and mobile homes, totaled 21.4 million units during the decade 1969-78, or 82 percent of the production goals established in 1968. The record reveals that production goals were exceeded in the first half of the decade, but fell well below planned levels in the years following the Nixon moratorium in Federal housing programs. Deficits in housing production in each of the last 5 years have cost the Nation some 5 million housing units and close to 10 million jobs, and undoubtedly have contributed to the spiraling costs of rental and sales housing, and general inflation. The record also reveals that

only mobile home production achieved the level projected, (although it should be noted that mobile homes were not specifically included as part of the goals until the second report was issued in April 1970).

While total housing production in the United States came reasonably close to achieving required levels over the last decade, goals for Federal housing assistance were practically ignored. The record shows that, instead of the 6 million units assisted housing proposed as the goal, only 2.7 million units were constructed or rehabilitated under Federal housing programs. Only in the first 2 years of the decade, 1969-70, were subsidized housing goals achieved. As a result, the record shows that only 45 percent of the housing goal for lower income families was actually achieved.

In short, the record shows that we did not quite achieve our national housing production goal for the period 1969-78, and that we failed miserably, particularly after 1973, in actually providing lower income Americans with the housing assistance that was intended by the Housing Act of 1968. The record also shows that we made very little progress toward stimulating housing rehabilitation through Federal housing programs—and the record suggests that our effort to achieve housing goals did not take into account adequately changes that have taken place during the decade: The rapid increase in population in some areas and the declines in others, changes in the types of households and living styles; the escalation of shelter costs in relation to annual price increases. These changes clearly affect both requirements for the production of housing and the need for housing assistance.

WHY HAVE HOUSING GOALS?

What use then are housing goals? Why bother to legislate them? The compelling answers, I believe, are the same as they were when the Congress, and the Kaiser and Doubles commissions, and the 50-odd national organizations representing industry, labor and public interests, determined that housing goals are necessary. To assure adequate housing production, and the availability of the resources needed to produce housing, particularly the capital required, the Nation needs a policy for housing production. To provide for the basic shelter needs of those who cannot afford housing through the marketplace, the Nation needs programs of housing assistance, and goals for directing these programs.

Legislating housing goals serves a number of purposes. It focuses our attention regularly on a subject that affects, in a very basic way, all Americans; it requires us to think systematically about policies and programs to satisfy basic shelter needs; it permits us to plan for contingencies and for special needs; and it provides a means for monitoring achievement or the lack of progress.

ALLEGED DEFICIENCIES IN THE 1968 GOALS

It has been said by some critics that, while goals are generally useful, the 1968 housing goals had certain deficiencies:

"Ten year goals," it said, "are too long-

range to be operational, and annual targets are too rigid, and fail to allow for sudden changes in conditions."

"The goals mixed what the Government could control: Federal assistance—with what it couldn't: the forces of supply and demand that operate in the free market, and are relatively insensitive to government programs and policies."

"The goals failed to come to terms with the fact that housing priorities cannot be dealt with separately from other priorities, and with the necessity for considering national objectives in terms of their opportunity costs or potential tradeoffs."

"The goals were oriented toward new construction, and failed not only to consider the potential adverse impact of new construction on the existing housing stock, but failed to consider investment in rehabilitation as an alternative to investment in a new unit. (The goals assumed that few substandard housing units that were occupied in 1968 could be rehabilitated; consequently, it was estimated that all of the 6 million housing deprived families would have to be housed in newly constructed units.)"

"The goals did not adequately identify the housing needs that require Federal assistance, or probable changes in those needs over time."

"The goals did not adequately take into account the differences that exist among local housing markets, or likely changes in those markets over time."

Not all of these criticisms are valid. Congress did not intend to establish rigid annual housing goals, but, instead, provided for annual reassessments that would take into account changing conditions. Nor did the 1968 goals fail to consider the need for rehabilitation. The initial goals provided that 2 of the 6 million federally assisted units were to be rehabilitated units, and in addition, identified a need for 2 million privately rehabilitated units.

Some of the criticisms, however, should be taken into account in any revision of the goals. In addition, there is valuable new information available from the annual housing survey conducted by HUD and the Census Bureau which should be used in setting new goals. This information provides a basis for improving our understanding of the changing character of the housing stock, the potential for rehabilitation activity, the changing nature of housing needs, and the differences between local housing markets.

IMPROVEMENTS ON 1968 GOALS

The legislation I am offering would, I believe, significantly improve the earlier statement of goals contained in the 1968 Housing Act:

First. It would broaden the formulation of housing goals beyond production objectives to include housing and neighborhood quality, equal opportunity, home ownership, and reasonable cost.

Second. It would distinguish between goals for Federal housing assistance programs and policies to support national housing production targets.

Third. It would require establishment

of interim goals and targets over a 5-year, rather than a 10-year period. This would permit new goals to be considered when the 1980 census data becomes available.

Fourth. It would provide for an annual reassessment of housing conditions requirements and needs, by regions and areas, as well as for the Nation as a whole.

Fifth. It would make use of annual census information to provide a more detailed analysis of changes in the housing stock over time, and provide a basis for determining the role that rehabilitation can play in achieving decent housing for all.

Sixth. It would require consideration, annually, of the resource requirements to meet housing goals, and include the potential impacts of national monetary and fiscal policies on housing production targets and assistance goals.

The new legislation would also change requirements for reporting on housing goals. Under the new bill, a 5-year housing goals plan would be required instead of a plan covering 10 years, and annual reports to the Congress would be required in January, rather than in February so that Congress will have them earlier in the legislative session. The 5-year plan would include a statement of housing production policy designed to support construction and rehabilitation targets and a Federal housing assistance plan for meeting the housing assistance goals established by the statute. Under the bill, the administration would be called upon to prepare a more detailed assessment of the availability of resources required for housing, particularly mortgage credit, and additional information about the costs of housing assistance programs, their location, and recipients, benefited. The new reporting requirements would also encourage the development of new indicators for measuring progress toward achieving housing related goals.

Mr. President, I ask unanimous consent that the bill to establish national housing goals be printed in the RECORD.

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

S. 2855

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) title XVI of the Housing Act of 1968 is amended by striking out sections 1601, 1602, and 1603 and inserting in lieu thereof the following:

"REAFFIRMATION OF GOAL

"SEC. 1601. (a) The Congress reaffirms that the Nation's housing goal, established in the Housing Act of 1949, is to realize, as soon as feasible, 'a decent home and a suitable living environment for every American family'.

"(b) The Congress further declares that achievement of the national housing goal requires—

"(1) an adequate supply of housing that is free from defects which threaten health or safety;

"(2) stability in the annual volume of home construction and housing rehabilitation, commensurate with national housing needs;

"(3) neighborhoods that provide needed services and are free from blighting influences;

"(4) assurance of an equal opportunity to secure housing in a location of one's choice, regardless of race, creed, sex, physical condition or other personal characteristics;

"(5) provision of homeownership opportunities to the maximum extent possible; and

"(6) access to decent housing at a cost which is not excessive in relation to family income.

"FINDINGS

"SEC. 1602. (a) The Congress finds that realization of the Nation's goal will require the production of _____ million additional housing units (including mobile homes) in the United States during the five year period beginning with 1979, of which _____ million units will be required to replace unsuitable units which are now occupied by lower income families.

"(b) The Congress further finds that at least _____ million existing housing units in the United States require major rehabilitation in order to eliminate deficiencies which jeopardize the health and safety of persons residing in them. Approximately _____ million of the units requiring rehabilitation are lower income households.

"(c) The Congress also finds that continuing deterioration of existing housing and neighborhoods seriously inhibits progress toward achieving the national housing goal, and makes necessary a substantially expanded effort to preserve and improve the quality of the existing stock of houses and community facilities and to reduce the rate of losses from the housing stock.

"(d) The Congress further finds that many American families still face difficult barriers in securing housing of their choice, and that there is, accordingly a need to increase the effectiveness of programs designed to promote fair housing opportunities.

"(e) The Congress also finds that sharp fluctuations in the production and rehabilitation of housing have resulted in serious housing shortages and increases in housing prices and rents, and have contributed significantly to the problems of unemployment and inflation which confront the nation.

"(f) The Congress finds that approximately _____ million American families are burdened with excessive shelter costs, and that this number has been increasing in recent years. Increased housing prices and interest rates have also significantly reduced homeownership opportunities.

"(g) The Congress further finds that the increased cost of housing jeopardizes achievement of the national housing goal, and makes necessary an expanded effort by Government and the private sector to provide a supply of housing that will satisfy the goal of a decent home in a suitable neighborhood at a price that every American family can afford.

"(h) The Congress also finds that the movement of people, business, and industry within the nation may result in persistent shortages of housing in some areas and oversupply in others, and make necessary policies and programs which are structured to resolve the particular problems of local housing markets.

"REPORT ON HOUSING PRODUCTION POLICY AND ASSISTANCE PLAN

"SEC. 1603. (a) Not later than December 15, 1978, the President shall transmit a report to the Congress setting forth the following:

"(1) A Housing Production Policy for realizing the addition of _____ million new housing units and the rehabilitation of _____ million existing units, including federally-assisted units, consistent with the goal of stabilizing building industry activity over the five year period beginning with 1979. The Housing Production Policy shall include annual production and rehabilitation targets; an assessment of the availability of the resources required to expand, upgrade, and

preserve the stock of housing, including lumber and other building materials, land and labor, together with estimates of the supply of mortgage credit under alternative assumptions regarding anticipated monetary conditions and fiscal policies, and such legislative or administrative recommendations determined to be necessary for the efficient operation of the nation's housing markets and the achievement of production targets.

"(2) A Federal Housing Assistance Plan to provide for the production of _____ million new federally-assisted housing units and the rehabilitation of _____ million federally-assisted existing units during the five fiscal years beginning on October 1, 1978. The Federal Housing Assistance Plan shall specify interim assistance goals for each fiscal year, including the projected number, cost, and general location of new, rehabilitated or other housing units to be assisted under each Federal housing assistance program together with pertinent data describing the types of households to be benefited and housing needs to be satisfied.

"(3) An agenda for achieving the goals of conserving and upgrading older housing and neighborhoods, expanding homeownership and equal housing opportunities, and assuring reasonable shelter costs referred to in section 1602."

(b) Such title is amended by adding at the end thereof the following:

"REPORT OF GOALS

"SEC. 1604. On January 20, 1979, and on each succeeding year through 1983, the President shall transmit to the Congress a Report on Housing Goals which—

"(1) reviews the progress made in achieving the Housing production objectives during the preceding year, and in the event that proposed targets are not achieved, identifies the reasons for the failure;

"(2) projects the level, composition, and general location of production and rehabilitation activity during the current year, and reassesses the availability of required resources, referred to in section 1603(a)(1)(B);

"(3) establishes new interim targets for housing production and rehabilitation, and specifies Federal programs and policies to be implemented or recommended in order to achieve the 5 year objectives, and if proposed targets are determined not to be consistent with the achievement of the 5 year goals, or if policies or programs required to achieve the goals are determined not to be implemented, the report shall provide a detailed explanation of the reasons for the determination;

"(4) reviews the program levels achieved under the Housing Assistance Plan, and in the event of a failure to achieve the annual assistance goals, explains the reasons for the failure;

"(5) updates estimates of the housing needs of lower income families, analyzing these needs, in so far as possible, by type of household, housing need, including households with specialized needs, and general location, and in addition, reassesses the capacity of each Federal housing program to serve the needs identified;

"(6) revises interim housing assistance goals for the current year, including the projected number, cost and general location of housing units to be assisted under each Federal housing Program, and the types of households to be benefited and housing needs to be satisfied, and if the proposed targets are determined not to be consistent with the achievement of the 5 year goals, or if policies or programs required to achieve the goals are determined not to be implemented, the report shall provide a detailed explanation of the reasons for the determination;

"(7) reviews the progress made in achieving the goals of conserving and upgrading older housing and neighborhoods, expanding

homeownership and equal housing opportunities, and assuring reasonable shelter costs;

"(8) reports on progress made toward developing new methods for measuring and monitoring progress in achieving these goals; and

"(9) identifies legislative and administrative actions which will or should be adopted or implemented during the current year to support achievement of the goals."

PROPOSED ARMS SALE

Mr. PROXMIRE. Mr. President, I will introduce a resolution of disapproval against the administration's proposed package of transfers of advanced aircraft to Egypt, Israel, and Saudi Arabia as soon as the formal notification comes to the Congress. There is a showdown coming on this issue. Some are arguing that the sale should be approved as a single package. Others recommend splitting off the Saudi and even the Egyptian sale for a separate vote—though the administration threatens to allow the entire package to dissolve if that happens. And still others contend that the sale should be postponed to consider other alternatives, or to reflect on the implications of this sale for a Middle East peace.

Mr. President, I believe all of these courses of action are far less meritorious than one simple, logical choice—disallow the entire package. No sales to either the Arab States or to Israel.

There are four reasons why disapproval is the best alternative.

First, the package deal threatens the security of Israel.

Second, it threatens the security of Egypt and Saudi Arabia.

Third, it endangers the American economy and the economic stability of the entire world by encouraging the idea that we will swap arms for oil.

Fourth, the sale of major defense equipment to three adversaries in the Middle East will only serve to increase the appetite for more and more sophisticated weaponry. We are creating a self-fulfilling prophecy. More arms will lead to greater threats, which require more arms. We have the chance now to cut off this surge. Rejecting the package will confirm the President's arms transfer policy of last May. The President and State Department then could and should bring diplomatic pressure to bear through every channel available to us on France, Germany, and Britain to keep their own planes out of the Middle East.

Turning to the paramount question which concerns all of us in the Middle East.

This sale represents a direct threat to the security of Israel. For the first time the Arab States would have a first line highly sophisticated fighter—the best in the world—to strike deep into Israel. The expanded range of the F-15 and its increased radar capability could be a potent weapon against Israel aircraft and facilities in any future war. Non-transfer agreements seldom are binding during hostilities. They only look good during peacetime.

This sale also represents a direct threat to the security of Egypt and

Saudi Arabia. In the Saudi case, Israeli fears over the use of the F-15's may well result in a preemptive strike during the early days of any hostility. It could well bring the Saudis actively into a war with ground troops and equipment and full financial resources.

Mr. President, so far we have rightly insisted with our relations with other countries that oil should be produced and priced only through market forces and the need to preserve international economic stability. Now, for the first time, we say that an arms transfer is essential to keep oil flowing and its price stable. We should slam the gate on this certain path to economic catastrophe and world conflict.

The end result of this will be a heightened arms race, more anxiety, more instability, and the almost certain prospect of another turn of the upward regional arms spiral in a few months.

How did the administration get into this incredible tangle?

Basically, it did it by rushing to carry out three commitments it had inherited. Two of these were fairly specific promises to provide advanced warplanes—the F-15's and 16's—to Israel and Saudi Arabia, and a much vaguer general promise to Egypt to make up somewhat for its loss of Soviet spare parts and new planes. So long as all three commitments were outstanding, they could be left unfulfilled by telling each party that planes for him would mean planes to the others.

Now there is no denying that the administration had come under some heavy pressures to break up this useful balance—and we in Congress have no small share of the blame for these pressures. First, soon after President Carter's inauguration Israel made the additional F-15's and F-16's, which it believed had been promised for accepting the last Sinai Agreement, a test of the new administration's attitudes toward it. Following that, President Sadat's dramatic visit to Jerusalem make a substantial gesture of recognition and support for him seem urgent.

Finally, anxiety had been building up for a long time over relations with Saudi Arabia when the President made his trip there. Here is where we in Congress have a lot to answer for. First is our outrageous failure to get moving on an energy program. This has further delayed the day when we can begin to reduce our dependence on foreign oil. Next is our carefree contribution to inflation—the spending spree on which we have joined the administration in this session. This has driven up inflation so fast through spending which we could control if we had the will, that there is no room to accommodate external causes of inflation—like foreign oil prices—which we cannot control. So it is no surprise that President Carter went to Saudi Arabia with the helpless feeling that the strength of our economy and the stability of the dollar would depend critically on Saudi Arabia for a very long time. And, of course, in addition to this was the need to keep Saudi Arabia's agreement or at least acquiescence on Sadat's negotiations with Israel.

What about Israel's security if we turn this package down? As things stand now, Israel has clear air superiority and will have it for the foreseeable future. "But," others will argue, "the Saudis will buy advanced planes elsewhere." The most advanced plane from another source that the Saudis are likely to buy is the French F-1. I asked the Congressional Research Service to look into this, and I have a statement from them that even if Saudi Arabia were to acquire 60 F-1's, Israel's air superiority would still be safely ahead of the resources of any Arab country or combination of countries. Without going into classified information, this is because of Israel's superb pilots and its air defense, early warning, and radar systems, which are as advanced as any in the world and far superior to anything of this kind the Arabs have. This assessment of current and projected Israeli superiority is agreed to by our top military leaders.

Mr. President, once this package is seen as unnecessary to the security of Israel, it becomes a clear and horrifying example of the misuse of arms transfers in our relations with other countries. Just for starters, the price tags on this package—about \$4.8 billion—are going to complete the gutting of Carter's arms sales policy by making it virtually impossible to get a fiscal year 1979 level lower than 1978. Even worse than that is the unthinking way we transfer arms. No longer is there even the pretense of any relevance to our view of a country's need for the arms we make available. We transfer arms to create general good will in the government of another country, as disguised rent for bases or intelligence facilities, to help our balance of payments, as a hospitable gesture when a foreign leader comes here, or as a sort of box-of-candy-for-the-host when our President visits another country. Now with this deal, we allow arms transfer to become a part of major economic relations.

To do the Saudis credit, it is we who seem to be doing most of the talking about arms for oil. In the past Saudi decisions on oil prices and production, with the single exception of the 1973 embargo, seem to me to have been based on economic assessments of their impact on the economies of consumers from whom Saudi Arabia buys its technology and equipment, and of the relative value to Saudi Arabia of oil in the ground as compared to investments of oil income. I disagree with many of these decisions, and they are often distorted or changed by OPEC, but they seem clearly to be made basically on economic grounds. So far, there is no evidence whatever that Saudi Arabia will retaliate on the United States through her oil if we do not provide the F-15's. It is the ultimate in folly for the administration to encourage that kind of thinking by telling Congress and the American people scare stories and to imply threats by Saudi Arabia which that country has never made.

Mr. President, no one questions that we have special and important relations with each of the intended recipients of these warplanes. The search for peace in

the Middle East is a common theme in those relations, but our relationship with each country has its own special and separate importance as well. Israel has a unique, unchallenged, and special place in the hearts of all Americans and a special bond of blood and faith with millions of American citizens. Saudi Arabia is a major economic power, now a principal source of oil, a leader of the developing world, a consumer of American skills and technology for more than half a century and a religious center for hundreds of millions of people across the globe. Egypt is the intellectual and political center of that same religion and the largest and most important Arab nation as well as a power and leader in Africa.

Mr. President, no package can express or encompass all these relations; so long as Israel is secure, no renewal of the arms race can lead to peace between these nations. I hope that Congress will reject the package entirely. We must have the courage to disapprove it and turn this country away from the misuse of arms transfers—those so-called symbols of friendship—which kill.

Mr. President, I ask unanimous consent that certain newspaper articles be printed in the RECORD.

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

[From the New York Times, Mar. 11, 1978]

CARTER CAUTIONED BY HOUSE GROUP ON JETS FOR ARABS

(By Bernard Gwertzman)

WASHINGTON, March 10.—A majority of the members of a key House committee told President Carter today that they opposed his decision to link the sale of advanced planes to Israel to similar sales to Saudi Arabia and Egypt.

In what Israel's supporters on Capitol Hill described as a major signal to the Carter Administration, 21 of the 37 members of the House International Relations Committee sent a letter to Mr. Carter only hours before the President met with Defense Minister Ezer Weizman of Israel, who also has been urging the Administration to reconsider its "package" approach to military sales to the Middle East.

Earlier, 12 of the 16 members of the Senate Foreign Relations Committee had indicated unhappiness with the projected sale of 60 advanced F-15 fighters to Saudi Arabia.

PLANE SALES NOT DISCUSSED

Mr. Weizman said at a late afternoon news conference that Mr. Carter had restated a commitment to Israel's security.

Appearing pleased by the talks, the Israeli defense chief said the Israeli objection to the plane "package" had not come up during the meeting.

Mr. Weizman sought to leave an impression that he was unruffled by differences between Israel and the United States over a number of issues, including the controversy over Israeli settlements in occupied Arab territory and conflicting interpretations of United Nations Security Council Resolution 242, which the United States views as obligating Israel to withdraw from at least part of all the four areas occupied in the 1967 war.

The impact of the letter from the International Relations Committee was to demonstrate that Israel had enough supporters in Congress to assure the adoption of resolutions in key committees in both houses of resolutions opposing sales and to at least force a bitter debate on the Senate and

House floors on the projected \$4.8 billion package sale announced last month.

But Administration officials asserted this afternoon that the number of signers of the letter was not in itself decisive since the debate over the projected sales has not yet formally begun and many of the signers had not had a chance yet to hear the Administration's position in detail on behalf of the package.

"I think a rejection of the sale to Saudi Arabia would be a total disaster to this country," one State Department official said today, noting the close ties this country had with the rich oil-producing country. "I am sure that members of Congress will take all that into account when and if the time comes to vote."

CONGRESS HAS 30 DAYS TO ACT

The Administration has said it would notify Congress formally of the projected sales shortly after the Easter recess. Once Congress gets official notification, it has 30 days to block a military sale. It takes majority votes in both Houses to stop a sale; otherwise it goes through.

Representative Stephen J. Solarz, Democrat of Brooklyn, and an organizer of today's letter, said "It's a signal to the President that his arms sales proposals are in serious trouble and in particular, the sales to Saudi Arabia. It's a shot across the bow."

The organizers of the letter were Israeli backers: Mr. Solarz; Jonathan B. Bingham, Democrat of the Bronx; Benjamin S. Rosenthal, Democrat of Queens, and Edward J. Derwinski, Republican of Illinois.

The Administration has announced plans to sell 60 F-15's to Saudi Arabia, 50 F-5E's to Egypt and 75 F-16's and 15 F-15's to Israel.

Secretary of State Cyrus R. Vance has insisted on Capitol Hill that the three aspects are part of an inseparable "package" and that if Congress blocked one piece, the Administration would withdraw the rest.

In other words, if Israel's supporters blocked the Saudi sale, as they have threatened, the Administration would withdraw its offer to sell planes to Israel.

REASONS FOR OPPOSITION GIVEN

The letter from the 21 Congressmen said, "We are opposed to such an approach" and listed the following reasons:

Under law, each arms sale should be considered separately and not linked.

Under the 1975 agreement with Israel accompanying the 1975 Sinai accord, the United States pledged to supply advanced planes to Israel without any linkage to other sales.

The sale to Saudi Arabia "will have a destabilizing impact" on the military balance in the Middle East and for the first time involve Saudi Arabia in Israel's strategic map, "raising tensions and increasing the likelihood of Saudi involvement in any future Arab-Israel conflict."

The letter also criticized the Administration for cutting back on Israel's request by 50 percent. Israel had originally sought 150 F-16's and 25 F-15's.

"In view of the above concerns," it said "we respectfully urge a re-evaluation of these proposed sales before formal notification to the Congress."

Mr. Carter, Mr. Vance and Defense Secretary Harold Brown have insisted that the package maintains the military balance in the Middle East and that the sales to the Saudis and Egyptians are important for political reasons—to show the American support for the Arabs.

As part of the effort to gain a friendly reception for the Saudi deal, the United States Ambassador to Saudi Arabia, John West, briefed some staff members of the Senate yesterday and told them that the Saudis viewed the sale of the 60 F-15's as a test of American friendship.

A participant in the meeting related that in Mr. West had said it was his opinion that if the sale was blocked, the Saudis might not continue to oppose price increases by the Organization of Petroleum Exporting Countries.

At his news conference, Mr. Weizman repeated the Israeli view that an agreement with Egypt on Sinai was possible. Israeli officials have stated their willingness to negotiate a separate deal with Egypt if there is no progress in efforts to broaden the negotiations for a comprehensive agreement in the Middle East.

A major obstacle to the agreement, however, has been Israel's insistence on retaining settlements in northeast Sinai for security reasons.

Mr. Weizman said the settlements issue had to be discussed further with the Egyptians and that it was negotiable.

The Israeli official did not disclose how much progress he had made in talks here on Israel's defense requests for the next decade, said to total more than \$10 billion. He said he would have further discussions with Defense Secretary Brown over the weekend.

Mr. Weizman will be in Washington next week during the visit of Prime Minister Menachem Begin and Foreign Minister Moshe Dayan.

[From the Washington Post, Feb. 16, 1978]

EXPERTS SAY SALES WOULD NOT ALTER MIDEAST BALANCE OF POWER

(By George C. Wilson)

Air war specialists said yesterday that the warplanes President Carter wants to send to the Mideast would not alter the balance of power there.

Israel, they said, would still have by far the most powerful air force in the area. Its fighters could knock down anything Egypt could put in the sky.

Although Saudi Arabia would get 60 F-15s under the Carter proposal, its planes would not start arriving until late 1981.

In contrast, Israel already has about a dozen F-15s flying and will get 25 more even if the new aircraft package is blocked by Congress. Israel also has such older but still lethal U.S. warplanes as the F-4E Phantom and the A-4 Skyhawk.

Under the Carter deal, Israel would get 15 more F-15s, for a total of 40, plus 75 F-16 fighter bombers.

Not only does Israel have more and better planes today than any of its most likely opponents in another Mideast war, the experts said, but it has the latest in weaponry to go aboard them. Highly skilled pilots are another Israeli advantage.

Egypt, under Carter's proposal, would receive 50 F-5E fighter bombers. Specialists do not consider these planes a match for the F-4E or the F-15, which Israel already has, nor the F-16, which Israel has been promised.

The F-5E could be knocked out of the sky by an F-15 before it had a chance to fire any of its weapons. The F-15 can detect enemy aircraft and shoot them down at a longer range than can the F-5E.

The F-15's more powerful radar outreaches the F-5E's, while its Sparrow missiles outrange the F-5E's Sidewinder missiles. An Egyptian pilot flying an F-5E could be hit by a Sparrow before he got within range of his opponent, according to the experts.

To be more specific, pilots consider the Sidewinder a close-in weapon deadly from about three miles or less behind an enemy aircraft, while the Sparrow is lethal from about 10 miles out, although the maximum ranges are longer for both.

Taking a more alarmed view of the proposed aircraft sales, the American Israel Public Affairs Committee, in a memo circulated yesterday, quoted a magazine report that the F-5Es fought F-14s and F-15s "to a deadly draw" in U.S. Air Force war games. "The F-5E

in Egyptian hands would, therefore, constitute a serious challenge to Israel's air force," the committee said.

However, sources familiar with the Air Force tests said they did not represent the kind of air war Egypt and Israel would wage and did not include the less-sophisticated weapons Egypt would carry on its F-5Es.

The newest Sidewinder missile—one Egypt is not expected to get—can outmaneuver its predecessors. It does not have to be aimed at the enemy's tailpipe. This Sidewinder, the AIM-9L, was used in the Air Force tests.

The Sidewinder homes in on the heat of the enemy plane's engine, flying up the tailpipe and exploding. The longer-range Sparrow homes in on radar beams bounced off the enemy plane by its pursuer.

Even though the experts consider the F-5E no match for either the F-15 or the F-16, they stress that the highly maneuverable fighter would acquit itself well in defending Egypt where pilots could be guided to enemy planes by radar operators on the ground.

During the Vietnam war, the Pentagon fought the F-5E against the Soviet MiG 21 in a paper battle aided by computers. That "TAC-Avenger" study concluded that the F-5E could beat the MiG 21 when the F-5E was under ground control. The F-5E lost its edge when it flew beyond ground controllers, the study found.

Thus, from a home-defense standpoint, Egyptian President Anwar Sadat would be better off with the F-5E than with the MiG 21 he was getting from the Soviets before relations cooled. The F-5E also can carry bombs and rockets to support ground troops.

Defense intelligence sources estimate that Israel now has 160 percent of the military strength it had just before winning the Yom Kippur War of 1973. They estimate that Egypt is still at about 80 to 90 percent of its prewar strength, and Syria at 100 percent.

Shipping 50 F-5Es to Egypt, and 25 more F-15s and 75 F-16s to Israel, would not change those relative percentages, defense officials said.

As for the 60 F-15s for Saudi Arabia, some Israeli supporters contend these planes could end up in Egypt or be flown by mercenaries against Israel. Administration officials insist they will put conditions on the proposed sale to keep this from happening.

Air Force Gen. George S. Brown, chairman of the Joint Chiefs of Staff and a former air commander, has said that "I don't think anyone in their right mind would try and fly an F-5 against either" the F-15 or the F-16.

The F-5 has a combat radius of between 250 and 300 miles, compared with between 600 and 900 miles for the F-15 and the F-16, depending on how much extra fuel and what kinds of weapons are carried and the altitude of the flights.

[From the Chicago Tribune Feb. 15, 1978]

BACKGROUND ON JETS

WASHINGTON.—The F-16 and F-15 warplanes that President Carter wants to sell to Israel, but not to Egypt, have much longer combat ranges than the F-5Es proposed for sale to Egypt.

The Israelis also would have bombing capabilities with the F-16 that the administration proposes selling in Israel, but not to Egypt or Saudi Arabia.

Here is a sketch of the three planes:

F-15 Eagle: Proposed for sale to Israel and Saudi Arabia, it is for dog-fights rather than bombing. It has an operations radius of 900 miles when carrying extra fuel, meaning it can fly 1,800 miles round trip.

F-16: Proposed for sale only to Israel, it is used for both bombing and aerial combat. It has a combat radius of more than 500 miles, according to Air Force figures. However, sources say the plane has an operating radius of 600 to 800 miles, depending on

whether it is on a bombing mission or in aerial combat.

F-5E: Proposed for sale only to Egypt, it is principally a fighter. It can be used in attack missions. The plane has a combat radius of 250 miles for bombing and 300 miles for aerial combat.

EGYPTIAN PLANS CHARGED

He charged that the Egyptians have plans to send 5,000 troops to Somalia before the end of this month. He said that there is "confirmed evidence originating from many sources" that Egyptians are already fighting with the Somalis. [Egypt has denied this claim.]

Colonel Mengistu placed the Somali troops in Ethiopia at more than 70,000. He said they have 250 tanks, 350 armored vehicles, and 40 fighter planes. He said Somali forces had made futile attempts to attack the Ethiopian port of Assab by using missile-carrying gunboats.

The chairman added that Ethiopia has "no aim other than expelling the invading forces from her territory."

INVASION THREAT DENIED

He said speculation that Ethiopia might invade Somalia was inspired by Somalia and was "like someone shouting for help while he is actually doing the beating."

This cry was made by the Somalis because "they want to internationalize the situation."

The chairman disclosed that there is a structure in the Ethiopian Government called the Congress of the Provisional Government, consisting of 80 persons, and that this body, which contains no Soviets or Cubans, makes the major decisions.

On the vital question of the province of Eritrea, which has been trying to secede from Ethiopia, Colonel Mengistu spoke of a nine-point peace plan under which negotiations with the Eritreans were attempted. But he said the Eritreans thought the Ethiopians were showing signs of weakness.

He said Ethiopia would "continue our effort for a peaceful solution" in Eritrea. But he added, "if necessary the war will continue for generations to come. . . . The territorial integrity of Ethiopia will never be a subject of negotiation."

AN UNEQUIVOCAL "NO" ON THE NEUTRON BOMB

Mr. PROXMIRE. Mr. President, it is hard to find a major paper today that has not told the President how wrong he is to consider stopping research on the neutron bomb.

Well, here is one Senator who hopes he will decide against going ahead with the neutron bomb, for the simple reason that this weapon lowers the nuclear threshold—that is, it makes the nightmare of a nuclear war more likely. It is hard to imagine a development more terrible for all the people of this planet than that catastrophe.

The arguments for continued neutron bomb research are indeed very impressive. To begin with, just consider the authorities on the side of going ahead:

The Secretary of Defense, the Secretary of State, the Joint Chiefs of Staff, and outside voices of very considerable wisdom such as the New York Times and the Washington Post, which have previously been unsure about going ahead with research on the neutron bomb, or have actively opposed it but have now come down foursquare for going ahead.

Are the opponents of the President

right? Is there an overwhelming case for deployment of the neutron bomb?

Well, they do have certain arguments that are logic and prudent. There is no disputing the fact that Soviet tanks outnumber U.S. tanks in Central Europe or that these tanks pose a direct threat to NATO defenses. It is this very fact which has led the United States to greatly enhance its NATO anti-tank capability. We now have quantities of crew operated anti-tank missiles on the ground, plus anti-tank missiles on helicopters, and new anti-tank tactics. In addition, we have deployed the tank-killing A-10 to the European theater. Therefore, the Soviet tank threat has not gone unrecognized, and the neutron bomb is not the only alternative.

But is it the best alternative? Is it more efficient than any other combination of anti-tank weaponry? This question has several answers. It is a more efficient weapon in the sense that its lethal range is far greater than any other anti-tank device. And its destructive pattern is less than the deployed nuclear weapons now in Europe. Collateral damage would be far less using a neutron bomb than the current generation of tactical nuclear weapons.

The issue of collateral damage is of great importance to the Europeans. After all, their countries will feel the effects of any U.S. nuclear explosion. If the price of stopping a Soviet Bloc offensive is the destruction of Europe, then there are many European leaders who pause before blindly accepting that military strategy.

Mr. President, it will be noted that there is a presumption underlying this discussion. The presumption is that when or if the Soviets attack through Europe, one recourse will be the use of the neutron bomb.

What is the usefulness of the neutron bomb after deterrence has failed? Let us for a moment grant that the neutron bomb may have a deterrent effect on the Russians—that they may perceive that to invade Europe and face the likely response from NATO of a neutron bomb counterattack would be militarily unsuccessful. If deterrence works in practice as well as theory, the neutron bomb may be a significant addition. But what if deterrence fails? What if the Soviets invade anyway and the United States responds with a neutron bomb counterattack? It is unthinkable that the Russian response could be anything but a nuclear retaliation. At that point, all bets are off.

Or, the Russians might perceive that the United States is placing so much reliance on the neutron bomb that their opening attack must itself be nuclear.

There is a third option of course—a conventional battle during which the nuclear weapons on both sides are deliberately held out of the fighting, each side fearing that first use will escalate into uncontrollable warfare. What good is the neutron bomb then?

The point I am making here is that it is not all that cut and dried that the neutron bomb will either increase deterrence or reduce the use of nuclear weapons during an attack. In fact, there are

legitimate arguments to be considered that the neutron bomb may lower the barriers to nuclear warfare and may increase the chance that U.S. planners or Soviet planners will automatically assume they must go nuclear at the first sign of conventional weakness.

Mr. President, if the neutron bomb is such a clear-cut advantage, then why have months and months gone by without the unanimous endorsement of the bomb by our European allies? Only after constant suggestions, both private and public, did the German Government give a statement in support of the neutron bomb. Surely, the passage of time indicates a degree of reservation among many NATO allies that must be based on factors less obvious than the proponents claim that the neutron bomb will protect Europe from Warsaw Pact invasion.

The real danger in the neutron bomb debate has gone unnoticed, Mr. President. It is the artificial creation of an atmosphere of fear, distrust and opposition to this administration's arms control proposals. If the postponement or turn-down of the neutron bomb is marshalled into a rallying point for opposition to arms control, then the SALT treaty and other bilateral initiatives with the Soviet Union may be the victims of that debate.

IMPLEMENTING LEGISLATION IMPORTANT TO GENOCIDE CONVENTION

Mr. PROXMIRE. Mr. President, one of the objections which opponents of the Genocide Convention have raised is that Senate ratification of the treaty would subject American citizens to trial in foreign countries. This is a very important objection, and one which should be most carefully considered by the Senate. However, as was established during the hearings held on the Genocide Convention by the Foreign Relations Committee, there are no longer any grounds for such a concern.

I do not believe that U.S. participation in the Convention would subject citizens to that danger. But to be absolutely certain of this, the treaty as it now stands has attached to it certain understandings, one of which deals specifically with this issue. Understanding Number 3 states that—

Nothing in Article VI shall affect the right of any State to bring to trial before its own tribunals any of its nationals for acts committed outside the State.

Further safeguards are set forth in the implementing legislation, and Understanding Number 4 declares that—

The United States Government will not deposit its instrument of ratification until after the implementing legislation referred to in article V has been enacted.

The implementing legislation directly states that Congress and the Secretary of State in negotiating extradition treaties shall reserve for the United States the right to refuse extradition of a U.S. national to another country for the commission of genocide.

The terms of the Genocide Convention

are very clear regarding the extradition issue. Article VII states that—

The Contracting Parties pledge themselves in such cases (involving genocide) to grant extradition in accordance with their laws and treaties in force.

As the Members of this body all know, the Senate must give its approval, by a two-thirds vote, to every extradition treaty into which the country enters. Accordingly, even after ratification of the Genocide Convention, the Senate could still act through the extradition treaties to further insure that the Constitutional rights of all Americans would be protected.

As a matter of fact, the treaty would actually give us stronger grounds to request the return of American nationals. Under existing international law, Americans can be tried in any country, and of course, this country cannot insist on their return. However, by ratifying this treaty and approving the implementing language, we would be making genocide a Federal crime here, and would thus be providing the grounds on which we would be able to request the return of an American citizen accused of genocide abroad.

The safeguards of American rights which are continued in the convention, our attached understandings, and the implementing legislation are extensive and effective. Clearly, the benefits of this treaty merit its ratification by the Senate as soon as possible.

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

The PRESIDING OFFICER (Mr. MATSUNAGA). The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

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

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

ORDER FOR RECESS UNTIL 11 A.M. TOMORROW

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that when the Senate completes its business today it stand in recess until the hour of 11 a.m. tomorrow.

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

ORDER FOR RECOGNITION OF CERTAIN SENATORS TOMORROW

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that after the prayer on tomorrow, Mr. HARRY F. BYRD, Jr., be recognized for not to exceed 15 minutes and Mr. MORGAN be recognized for not to exceed 15 minutes.

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

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that either of the two Senators may speak before the other, whichever is convenient to the two Senators.

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

ORDER FOR THE TRANSACTION OF ROUTINE MORNING BUSINESS TOMORROW

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that following the recognition of the aforementioned Senators there be a period for the transaction of routine morning business, as in legislative session, tomorrow until the hour of 12 o'clock noon.

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

ORDER OF PROCEDURE TOMORROW

Mr. ROBERT C. BYRD. Mr. President, at the hour of 12 o'clock noon morning business is to be closed and the Senate will resume its consideration of the treaty; is that not correct?

The PRESIDING OFFICER. The Senator is correct.

Mr. ROBERT C. BYRD. At that time, under the order previously entered, Mr. BARTLETT will be recognized to call up his amendment on which there is a time limitation of not to exceed 3 hours for debate; is that not correct?

The PRESIDING OFFICER. The Senator is correct.

Mr. ROBERT C. BYRD. Mr. President, a rollcall vote will occur in relation to that amendment at some point during the afternoon and no later than the hour of 3 p.m.

COMMITTEE MEETINGS

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the Armed Services Committee be authorized to meet during the sessions of the Senate on Tuesday, April 11; Wednesday, April 12; and Thursday, April 13, to consider the military procurement authorization bill and the military construction authorization bill, both of which must be reported to the Senate by May 15 under the Budget Act.

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

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the Judiciary Committee be authorized to meet during the session of the Senate on Tuesday, April 11, to hear the testimony of Attorney General Griffin Bell in connection with the Justice Department authorization bill, which must be reported to the Senate by May 15 under the Budget Act.

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

Mr. ROBERT C. BYRD. Mr. President, it is my understanding that the nominations calendar, beginning with the Department of State, has been cleared with the other side. May I ask the distinguished acting Republican leader if that is correct?

Mr. STEVENS. Yes, it has. The distinguished majority leader is correct, Mr. President.

Mr. ROBERT C. BYRD. I thank the distinguished Republican whip.

CONCLUSION OF MORNING BUSINESS

Mr. ROBERT C. BYRD. Mr. President, has morning business been closed?

The PRESIDING OFFICER. Is there further morning business? If not, morning business is closed.

THE PANAMA CANAL TREATY

The Senate continued with the consideration of the treaty.

Mr. ROBERT C. BYRD. Mr. President, the Senate is again on the treaty at this point, is it not?

The PRESIDING OFFICER. The Senator is correct.

NOMINATIONS

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of the nominations on the calendar beginning with the Department of State, beginning with Calendar Order No. 105 and going through the bottom of page 2 and through page 3.

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

The nominations will be stated.

DEPARTMENT OF STATE

The legislative clerk read the nomination of Alfred L. Atherton, Jr., of Florida, to be Ambassador at Large.

The PRESIDING OFFICER. Without objections, the nomination is considered and confirmed.

The legislative clerk read the nomination of Harold H. Saunders, of Virginia, to be an Assistant Secretary of State.

The PRESIDING OFFICER. Without objections, the nomination is considered and confirmed.

The legislative clerk read the nomination of Robert L. Yost, of California, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Dominican Republic.

The PRESIDING OFFICER. Without objections, the nomination is considered and confirmed.

U.S. ADVISORY COMMISSION ON INTERNATIONAL COMMUNICATION, CULTURAL AND EDUCATIONAL AFFAIRS

The legislative clerk read the nomination of Olin C. Robison, of Vermont, to be a member of the U.S. Advisory Commission on International Communication, Cultural and Educational Affairs.

The PRESIDING OFFICER. Without objection, the nomination is considered and confirmed.

THE JUDICIARY

The legislative clerk read the nomination of Almeric L. Christian, of the Vir-

gin Islands, to be a judge of the district court of the Virgin Islands.

THE PRESIDING OFFICER. Without objection, the nomination is considered and confirmed.

The legislative clerk read the nomination of Paul A. Simmons, of Pennsylvania, to be U.S. district judge for the western district of Pennsylvania.

THE PRESIDING OFFICER. Without objection, the nomination is considered and confirmed.

DEPARTMENT OF JUSTICE

The legislative clerk read the nomination of Joan F. Kessler, of Wisconsin, to be U.S. attorney for the eastern district of Wisconsin.

THE PRESIDING OFFICER. Without objection, the nomination is considered and confirmed.

NOMINATIONS PLACED ON THE SECRETARY'S DESK

The legislative clerk proceeded to read sundry nominations in the Diplomatic and Foreign Service placed on the Secretary's desk.

MR. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the nominations be considered en bloc.

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

MR. ROBERT C. BYRD. Mr. President, I ask unanimous consent that it be in order to move to reconsider the vote by which the nominations were confirmed.

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

MR. ROBERT C. BYRD. Mr. President, I make that motion.

MR. STEVENS. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

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

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

APPOINTMENTS BY THE VICE PRESIDENT

THE PRESIDING OFFICER. The Chair, on behalf of the Vice President, pursuant to title 14, section 194(a) of the United States Code, appoints the Senator from Connecticut (Mr. RIBICOFF) to the Board of Visitors to the U.S. Coast Guard Academy, and the Chair announces on behalf of the Chairman of the Committee on Commerce, Science, and Transportation his appointments of the Senator from Washington (Mr. MAGNUSON) and the Senator from Alaska (Mr. STEVENS) as members of the same Board of Visitors.

THE PRESIDING OFFICER. The Chair, on behalf of the Vice President, pursuant to 10 U.S.C. 4355(a), appoints the following Senators to the Board of Visitors to the U.S. Military Academy: the Senator from Louisiana (Mr. JOHNS-

TON) (Appropriations), the Senator from New York (Mr. MOYNIHAN) (At-Large), the Senator from Utah (Mr. GARN) (Armed Services), and the Senator from Oregon (Mr. HATFIELD) (Appropriations).

THE PRESIDING OFFICER. The Chair, on behalf of the Vice President, pursuant to title 46, section 1126(c) of the United States Code, appoints the Senator from New Hampshire (Mr. DURKIN) to the Board of Visitors to the U.S. Merchant Marine Academy, and the Chair announces on behalf of the Chairman of the Committee on Commerce, Science, and Transportation his appointments of the Senator from Hawaii (Mr. INOUYE) and the Senator from Alaska (Mr. STEVENS) as members of the same Board of Visitors.

RECESS UNTIL 11 A.M. TOMORROW

MR. ROBERT C. BYRD. Mr. President, if there be no further business to come before the Senate, I move, in accordance with the order previously entered, that the Senate, in executive session stand in recess until the hour of 11 a.m. tomorrow.

The motion was agreed to; and, at 6:28 p.m., the Senate, in executive session, recessed until tomorrow, Friday, April 7, 1978, at 11 a.m.

NOMINATIONS

Executive nominations received by the Senate April 6, 1978:

APPALACHIAN REGIONAL COMMISSION

William E. Albers, of the District of Columbia, to the Alternate Federal Cochairman of the Appalachian Regional Commission, vice George G. Seibels, Jr., resigned.

IN THE COAST GUARD

The following regular officer of the Permanent Commissioned Teaching Staff of the U.S. Coast Guard for promotion to the grade of captain:

Robert L. DeMichiell

The following officers of the U.S. Coast Guard Reserve for promotion to the grades indicated:

Captain

James A. Esposito
Robert A. Kuehnl
John T. Andrews

Commander

John B. Schempf
Terry N. Seaman
Robert N. Ross, Jr.

IN THE AIR FORCE

The following-named officer under the provisions of title 10, United States Code, section 8066, to be assigned to a position of importance and responsibility designated by the President under subsection (a) of section 8066 in grade as follows:

To be lieutenant general

Maj. Gen. Ranald Trevor Adams, Jr., XXX-XX-XXXX, U.S. Air Force.

IN THE ARMY

The following officers for appointment in the Adjutant General's Corps, Army National Guard of the United States, under the provisions of title 10, United States Code, sections 593(a) and 3392:

To be major general

Brig. Gen. John Randolph Phipps, XXX-X-XXXX.

Brig. Gen. Wayne Marvin McDaniels, XXX-XX-XXXX.

Brig. Gen. Carl Douglas Wallace, XXX-X-XXXX.

XXX... To be brigadier general

Col. Junior Henry Burkhead, XXX-XX-XXXX.

Col. Billy Gene Wellman, XXX-XX-XXXX.

IN THE NAVY

The following-named officer for appointment to the grade of rear admiral while serving as Assistant Chief of Naval Personnel for Human Resource Management, in accordance with title 10, United States Code, section 5767(c):

Rear Adm. Fran McKee, U.S. Navy.

IN THE MARINE CORPS

Col. Margaret A. Brewer for appointment to the grade of brigadier general in the U.S. Marine Corps, while serving as Director of Information, U.S. Marine Corps, in accordance with the provisions of title 10, U.S. Code, section 5767(c).

IN THE ARMY

The following-named officers for promotion in the Reserve of the Army of the United States, under the provisions of title 10, U.S.C., sections 3370 and 3383:

ARMY PROMOTION LIST

To be colonel

Bennie, James, Jr., XXX-XX-XXXX.

Bynum, James L., XXX-XX-XXXX.

Corcoran, James C., XXX-XX-XXXX.

Diaz, Roberto, XXX-XX-XXXX.

Dunham, Theo K., XXX-XX-XXXX.

Glod, Stanley V., XXX-XX-XXXX.

Haught, James E., XXX-XX-XXXX.

Hefner, Robert L., XXX-XX-XXXX.

Hemken, Daryl D., XXX-XX-XXXX.

Hogan, Max R., XXX-XX-XXXX.

Hraha, Francis M., XXX-XX-XXXX.

Jones, Robert G., XXX-XX-XXXX.

Kelley, Albert C., Jr., XXX-XX-XXXX.

Krinke, Gordon C., XXX-XX-XXXX.

Roche, Neil J., XXX-XX-XXXX.

Smith, Harry E., Jr., XXX-XX-XXXX.

Turner, Joseph E., XXX-XX-XXXX.

ARMY NURSE CORPS

To be colonel

Benefiel, Mary M., XXX-XX-XXXX.

Dick, Grover C., XXX-XX-XXXX.

Doboy, Emma M., XXX-XX-XXXX.

Flaherty, Agnes E., XXX-XX-XXXX.

Hickman, Joan J., XXX-XX-XXXX.

Jekones, Ann E., XXX-XX-XXXX.

Morisset, Carlyn, XXX-XX-XXXX.

Motherway, Frances, XXX-XX-XXXX.

Succow, Shirley, XXX-XX-XXXX.

Wilson, Dorothy, XXX-XX-XXXX.

DENTAL CORPS

To be colonel

Busch, Albert I., XXX-XX-XXXX.

Carter, Bruce H., XXX-XX-XXXX.

Flohr, Victor R., XXX-XX-XXXX.

Hodge, Joseph, XXX-XX-XXXX.

Kelley, Brown W., Jr., XXX-XX-XXXX.

Klernan, Harry D., XXX-XX-XXXX.

Mann, Charles S., XXX-XX-XXXX.

Michaux, Macon C., XXX-XX-XXXX.

Schwartz, Julius P., XXX-XX-XXXX.

Skelly, Daniel A., XXX-XX-XXXX.

Strader, Robert J., XXX-XX-XXXX.

MEDICAL CORPS

To be colonel

Amadeo, Jose H., XXX-XX-XXXX.

Bobadilla, Rodolfo L., XXX-XX-XXXX.

Carey, Michael E., XXX-XX-XXXX.

Forrest, Robert L., XXX-XX-XXXX.

Jones, Charles H., XXX-XX-XXXX.

Miyazawa, Kunio, XXX-XX-XXXX.

Silverblatt, Charles W., XXX-XX-XXXX.

Thomas, James H., XXX-XX-XXXX.

MEDICAL SERVICE CORPS

To be colonel

Dumont, Roland R., XXX-XX-XXXX.

Hann, William D., XXX-XX-XXXX.

Johnson, Ronald R., XXX-XX-XXXX.
 Jones, Donald L., XXX-XX-XXXX.
 Nowak, Maryan L., XXX-XX-XXXX.
 Pennington, James A., XXX-XX-XXXX.
 Sarcione, Edward J., XXX-XX-XXXX.
 Yoshimori, James S., XXX-XX-XXXX.

ARMY MEDICAL SPECIALIST CORPS

To be colonel

Feldman, Harold, XXX-XX-XXXX.
 The following-named officers for promotion in the Reserve of the Army of the United States, under the provisions of title 10, U.S.C., sections 3367 and 3383:

ARMY PROMOTION LIST

To be lieutenant colonel

Allain, Kent D., XXX-XX-XXXX.
 Allen, Richard F., XXX-XX-XXXX.
 Allen, Williard T., Jr., XXX-XX-XXXX.
 Apostle, Basil N., XXX-XX-XXXX.
 Aubuchon, James M., XXX-XX-XXXX.
 Back, Marvin G., XXX-XX-XXXX.
 Bagley, Donald M., Jr., XXX-XX-XXXX.
 Biscomb, William M., XXX-XX-XXXX.
 Bodenheimer, Jerry M., XXX-XX-XXXX.
 Bohannon, Robert L., XXX-XX-XXXX.
 Bruce, George F., XXX-XX-XXXX.
 Bullis, Lawrence H., XXX-XX-XXXX.
 Burdge, Mervyn L., XXX-XX-XXXX.
 Burton, William P., XXX-XX-XXXX.
 Carlson, James S., XXX-XX-XXXX.
 Chegar, Richard D., XXX-XX-XXXX.
 Clark, John D., XXX-XX-XXXX.
 Coyne, Lawrence J., XXX-XX-XXXX.
 Domico, William D., XXX-XX-XXXX.
 Douglas, Rodney B., XXX-XX-XXXX.
 Doyle, Hayward, Jr., XXX-XX-XXXX.
 Drane, Hal T., XXX-XX-XXXX.
 Druda, Edwin J., XXX-XX-XXXX.
 Ford, Clarence V., Jr., XXX-XX-XXXX.
 Furr, Edward, XXX-XX-XXXX.
 Gant, John B., XXX-XX-XXXX.
 Gant, Richard A., XXX-XX-XXXX.
 Gewet, Francis B., XXX-XX-XXXX.
 Gibbons, Richard B., XXX-XX-XXXX.
 Gonzales, Rodolfo, Jr., XXX-XX-XXXX.
 Gorbea-Frontera, R., XXX-XX-XXXX.
 Griffith, Robert G., Jr., XXX-XX-XXXX.
 Gunderman, George L., XXX-XX-XXXX.
 Hager, Thomas C., XXX-XX-XXXX.
 Hermann, Gideon, XXX-XX-XXXX.
 Hindman, Robert F., XXX-XX-XXXX.
 Hoffmam, William M., XXX-XX-XXXX.
 Hopkins, Cecil R., Jr., XXX-XX-XXXX.
 Howe, Charles B., XXX-XX-XXXX.
 Irving, John W., XXX-XX-XXXX.
 James, Richard H., XXX-XX-XXXX.
 Jones, Jack B., XXX-XX-XXXX.
 Jones, Martin A., XXX-XX-XXXX.
 Kesselring, James A., XXX-XX-XXXX.
 Kolenda, David W., XXX-XX-XXXX.
 Kopcha, Paul J., XXX-XX-XXXX.
 Kulas, James F., XXX-XX-XXXX.
 Lovell, Carmen S., XXX-XX-XXXX.
 MacDonald, Bruce, XXX-XX-XXXX.
 Martin, Kenneth K., XXX-XX-XXXX.
 Maynard, Donald A., XXX-XX-XXXX.
 McCafferty, William J., XXX-XX-XXXX.
 McCluskey, Lawrence H., XXX-XX-XXXX.
 Morris, Kenneth E., XXX-XX-XXXX.
 Mulcahy, Terrence D., XXX-XX-XXXX.
 Newman, Ronald H., XXX-XX-XXXX.
 Nixon, Jack B., XXX-XX-XXXX.
 Norey, Eugene R., XXX-XX-XXXX.
 Olson, Paul S., XXX-XX-XXXX.
 Porch, Eben O., III, XXX-XX-XXXX.
 Pore, Stanley C., Jr., XXX-XX-XXXX.
 Rainey, John W., XXX-XX-XXXX.
 Recher, Ronald R., XXX-XX-XXXX.
 Reisbeck, William F., XXX-XX-XXXX.
 Riccio, Vincent, XXX-XX-XXXX.
 Robel, Gilbert E., XXX-XX-XXXX.
 Rodriguez, Ramirez, Edgar, XXX-XX-XXXX.
 Simmonds, Donald L., XXX-XX-XXXX.
 Slade, George, XXX-XX-XXXX.
 Slaton, James W., Jr., XXX-XX-XXXX.
 Smith, Stanley B., Jr., XXX-XX-XXXX.
 Swetz, Alexander, Jr., XXX-XX-XXXX.
 Taylor, Guy R., Jr., XXX-XX-XXXX.

Thompson, Llewellyn E., II, XXX-XX-XXXX.
 Walgreen, John A., XXX-XX-XXXX.
 Wells, Albert L., XXX-XX-XXXX.
 West, Norvel P., XXX-XX-XXXX.
 White, Gerald J., XXX-XX-XXXX.
 Wilshire, Roy L., XXX-XX-XXXX.

CHAPLAIN

To be lieutenant colonel

Miller, Ronald D., XXX-XX-XXXX.
 Molnar, Peter A., XXX-XX-XXXX.
 Poage, Bennett D., XXX-XX-XXXX.
 Sanders, Paul R., XXX-XX-XXXX.

ARMY NURSE CORPS

To be lieutenant colonel

Alston, Ruby C., XXX-XX-XXXX.
 Blake, Louise E., XXX-XX-XXXX.
 Gibbs, Margaret D., XXX-XX-XXXX.
 Roberts, Frances, XXX-XX-XXXX.
 Tolbin, Colum, XXX-XX-XXXX.
 Waterman, June E., XXX-XX-XXXX.

DENTAL CORPS

To be lieutenant colonel

Bakland, Leif K., XXX-XX-XXXX.
 Dedeaux, Paul J., XXX-XX-XXXX.
 Gorman, Raymond S., XXX-XX-XXXX.
 Graffeo, Charles J., XXX-XX-XXXX.
 Henry, Clay A., XXX-XX-XXXX.
 Massealink, William J., XXX-XX-XXXX.
 Newkirk, Robert W., XXX-XX-XXXX.
 Pearson, Harold, Jr., XXX-XX-XXXX.
 Turner, Nicolas A., XXX-XX-XXXX.

MEDICAL CORPS

To be lieutenant colonel

Ajans, Zaki A., XXX-XX-XXXX.
 Baumann, John A., XXX-XX-XXXX.
 Butz, Roger H., XXX-XX-XXXX.
 Curtright, Lewis, XXX-XX-XXXX.
 Faller, William, XXX-XX-XXXX.
 Geist, Richard E., XXX-XX-XXXX.
 Mark, Eugene J., XXX-XX-XXXX.
 Passmore, James A., XXX-XX-XXXX.
 Ridenhour, Clarence E., XXX-XX-XXXX.

MEDICAL SERVICE CORPS

To be lieutenant colonel

Bonner, Marvin E., XXX-XX-XXXX.
 Brooks, William S., XXX-XX-XXXX.
 Crain, Alvin W., XXX-XX-XXXX.
 Detwiler, Clarence J., XXX-XX-XXXX.
 Hollowell, Edward E., XXX-XX-XXXX.
 Kittrell, Herbert O., XXX-XX-XXXX.
 Loudis, Rocco A., XXX-XX-XXXX.
 McBryde, Johnny P., XXX-XX-XXXX.
 Moran, John J., XXX-XX-XXXX.
 Paulson, Robert L., XXX-XX-XXXX.
 Penalosa, Joseph M., XXX-XX-XXXX.
 Robb, Thomas, XXX-XX-XXXX.
 Robinson, Jesse R., XXX-XX-XXXX.
 Stringfellow, Thomas L., XXX-XX-XXXX.
 Vanderbilt, Samuel J., XXX-XX-XXXX.
 Volante, William, Jr., XXX-XX-XXXX.
 Wynder, Charles A., Sr., XXX-XX-XXXX.
 Zuehlke, Frank R., XXX-XX-XXXX.

The following-named officers for appointment in the Reserve of the Army of the United States, under the provision of title 10, U.S.C., sections 591, 593, and 594:

ARMY PROMOTION LIST

To be colonel

May, Joseph G., XXX-XX-XXXX.
 Perkins, Andrew D., Jr., XXX-XX-XXXX.

MEDICAL CORPS

To be colonel

MacPherson, Donald J., XXX-XX-XXXX.

DENTAL CORPS

To be lieutenant colonel

Allen, Robert J., XXX-XX-XXXX.
 Flynn, Harry E., XXX-XX-XXXX.
 McNeal, Donald R., XXX-XX-XXXX.

MEDICAL CORPS

To be lieutenant colonel

Altuzarra, Luis F., XXX-XX-XXXX.
 DeWitt, James E., XXX-XX-XXXX.
 Poliakoff, Claude S., XXX-XX-XXXX.

Schroeder, Vernon R., XXX-XX-XXXX.

Verhey, Joseph W., XXX-XX-XXXX.

Whaun, June M., XXX-XX-XXXX.

MEDICAL SERVICE CORPS

To be lieutenant colonel

Latteri, Joseph A., XXX-XX-XXXX.

ARMY MEDICAL SPECIALIST CORPS

To be lieutenant colonel

Bakken, Suzanne G., XXX-XX-XXXX.

The following-named officers for appointment in the Army of the United States, under the provisions of title 10, U.S.C., section 3494:

MEDICAL CORPS

To be lieutenant colonel

Caldwell, Eston R., Jr., XXX-XX-XXXX.
 Debellis, Joseph A., XXX-XX-XXXX.
 Eldred, Wilfred J., XXX-XX-XXXX.
 Franklin, Lawrence C., XXX-XX-XXXX.
 Kehoe, John E., XXX-XX-XXXX.
 McGuire, Arthur M., XXX-XX-XXXX.
 Puls, Jerry L., XXX-XX-XXXX.
 Rice, Lee E., XXX-XX-XXXX.

The following-named Army National Guard officers for appointment in the Reserve of the Army of the United States, under provisions of title 10, U.S.C., section 3385:

ARMY PROMOTION LIST

To be colonel

Baird, Douglas A., XXX-XX-XXXX.
 Baker, Donovan J., XXX-XX-XXXX.
 Burton, Donovan L., XXX-XX-XXXX.
 Cole, John C., XXX-XX-XXXX.
 Colwell, Richard J., XXX-XX-XXXX.
 Day, Richard K., XXX-XX-XXXX.
 Deyo, Donald J., XXX-XX-XXXX.
 Farrell, Carl G., XXX-XX-XXXX.
 Freeman, John E., XXX-XX-XXXX.
 Gerke, George L., XXX-XX-XXXX.
 Hall, Russell C., XXX-XX-XXXX.
 Hickey, James C., XXX-XX-XXXX.
 Holleger, Bayard, XXX-XX-XXXX.
 Huddleston, Charles R., XXX-XX-XXXX.
 Hyatt, Ronald W., XXX-XX-XXXX.
 Kinon, Marion H., XXX-XX-XXXX.
 Kone, Charles H., XXX-XX-XXXX.
 Mann, Dean D., XXX-XX-XXXX.
 Matthews, John W., XXX-XX-XXXX.
 Mazzone, Thomas W., XXX-XX-XXXX.
 Myers, Oliver W., XXX-XX-XXXX.
 Nau, James J., XXX-XX-XXXX.
 Nutt, Harold W., XXX-XX-XXXX.
 Peterson, Leslie L., XXX-XX-XXXX.
 Rebeor, William G., XXX-XX-XXXX.
 Schober, Frank J., Jr., XXX-XX-XXXX.
 Sullivan, Gilbert J., XXX-XX-XXXX.
 Tripp, Howard S., XXX-XX-XXXX.
 Valentine, Robert G., XXX-XX-XXXX.
 Wallace, Raymond R., XXX-XX-XXXX.
 Wiest, Raymond E., XXX-XX-XXXX.
 Wilson, Harlan Y., Jr., XXX-XX-XXXX.
 Yearout, James L., XXX-XX-XXXX.
 Zimmerman, Donald A., XXX-XX-XXXX.

MEDICAL SERVICE CORPS

To be colonel

Frye, Ronald S., XXX-XX-XXXX.

ARMY PROMOTION LIST

To be lieutenant colonel

Alm, Dennis C., XXX-XX-XXXX.
 Barton, Billie R., XXX-XX-XXXX.
 Berry, James R., XXX-XX-XXXX.
 Biondi, Philip J., XXX-XX-XXXX.
 Bishop, Ralph L., XXX-XX-XXXX.
 Boatman, Howard, XXX-XX-XXXX.
 Bradshaw, Philip L., XXX-XX-XXXX.
 Brill, Joseph N., XXX-XX-XXXX.
 Brock, Clifton H., Jr., XXX-XX-XXXX.
 Broome, James C., XXX-XX-XXXX.
 Cantrell, Jerry L., XXX-XX-XXXX.
 Carte, Dale W., XXX-XX-XXXX.
 Caruth, Paul S., Jr., XXX-XX-XXXX.
 Casto, Eldridge R., Jr., XXX-XX-XXXX.
 Cheek, Forrest H., Jr., XXX-XX-XXXX.
 Collins, William W., XXX-XX-XXXX.
 Cseri, John M., XXX-XX-XXXX.
 Curnow, Lester S., XXX-XX-XXXX.

Decker, John C., XXX-XX-XXXX.
 Downs, Charles A., XXX-XX-XXXX.
 Duclos, John J., XXX-XX-XXXX.
 Faulkner, John J., XXX-XX-XXXX.
 Filiault, Edgar D., XXX-XX-XXXX.
 Grabowski, Walter J., XXX-XX-XXXX.
 Haley, Alvin J., XXX-XX-XXXX.
 Haslam, Terry M., XXX-XX-XXXX.
 Hill, Howard D., III, XXX-XX-XXXX.
 Husby, Paul W., XXX-XX-XXXX.
 Hutt, William V., XXX-XX-XXXX.
 Jackson, Robert L., XXX-XX-XXXX.
 Kallenbach, Richard F., XXX-XX-XXXX.
 Keeton, Jerry M., XXX-XX-XXXX.
 Korechis, Paul H., XXX-XX-XXXX.
 Kuhn, James W., XXX-XX-XXXX.
 Ledet, Jerry P., XXX-XX-XXXX.
 Lee, Harry J., Jr., XXX-XX-XXXX.
 Lemay, Francis J., XXX-XX-XXXX.
 Lemieux, Raymond J., XXX-XX-XXXX.
 Litschke, Jerome C., XXX-XX-XXXX.
 Loftus, John T., XXX-XX-XXXX.
 Lyater, Ronald L., XXX-XX-XXXX.
 Lynn, Donald W., XXX-XX-XXXX.
 Mader, Francis J., XXX-XX-XXXX.
 Madison, Charles D., XXX-XX-XXXX.
 Martin, James R., XXX-XX-XXXX.
 Martin, John E., XXX-XX-XXXX.
 Martin, Marion C., XXX-XX-XXXX.
 Matteson, Gerald R., XXX-XX-XXXX.
 McKee, Howard B., XXX-XX-XXXX.
 McKenney, John B., XXX-XX-XXXX.
 McKnight, John T., XXX-XX-XXXX.
 Mercuro, Peter T., XXX-XX-XXXX.
 Miranda, Louis N. H. M., XXX-XX-XXXX.
 Moore, Tebbs S., XXX-XX-XXXX.
 Moss, Bruce E., XXX-XX-XXXX.
 Mullenix, George C., XXX-XX-XXXX.
 Mullin, Mark B., XXX-XX-XXXX.
 Murphree, Carl E., Jr., XXX-XX-XXXX.
 Neal, John N., XXX-XX-XXXX.
 Norman, Carl S., XXX-XX-XXXX.
 Parker, Joseph M., XXX-XX-XXXX.
 Pearce, Kay B., XXX-XX-XXXX.
 Pieraldi, Luis F., XXX-XX-XXXX.
 Preacher, Richard B., XXX-XX-XXXX.
 Raper, Francis E., XXX-XX-XXXX.
 Riess, Jack D., XXX-XX-XXXX.
 Ritchey, Howard N., XXX-XX-XXXX.
 Rupple, Harry D., XXX-XX-XXXX.
 Rutledge, Charles O., XXX-XX-XXXX.
 Ryan, Paul T., XXX-XX-XXXX.
 Sammon, Eugene E., Jr., XXX-XX-XXXX.
 Schmidt, Richard K., XXX-XX-XXXX.
 Sentman, Robert L., XXX-XX-XXXX.
 Shearin, James M., Jr., XXX-XX-XXXX.
 Shunatona, Baptiste B., Jr., XXX-XX-XXXX.
 Slyter, Damon E., XXX-XX-XXXX.
 Smith, Vernal J., XXX-XX-XXXX.
 Strickland, Robert D., XXX-XX-XXXX.
 Sullivan, John S., XXX-XX-XXXX.
 Tack, Thomas N., XXX-XX-XXXX.
 Tucker, Terry G., XXX-XX-XXXX.
 Walker, Wallace L., XXX-XX-XXXX.
 Ward, John R., XXX-XX-XXXX.
 Wedinger, Robert H., XXX-XX-XXXX.
 Wilson, Bobby D., XXX-XX-XXXX.
 Wootten, Charles W., XXX-XX-XXXX.
 Wright, John R., XXX-XX-XXXX.

CHAPLAIN

To be lieutenant colonel

Bundenthal, Theodore K., XXX-XX-XXXX.
 Kelin, Daniel A., XXX-XX-XXXX.

DENTAL CORPS

To be lieutenant colonel

Marshall, Kenneth, XXX-XX-XXXX.
 Morrison, Alvin S., XXX-XX-XXXX.

MEDICAL CORPS

To be lieutenant colonel

Barnes, Warren M., XXX-XX-XXXX.
 Bartol, Carl R., XXX-XX-XXXX.
 Brown, Dwight H., XXX-XX-XXXX.
 Chan, Wallace L., XXX-XX-XXXX.
 Evans, James T., XXX-XX-XXXX.
 Howshar, Edward G., XXX-XX-XXXX.
 Jones, Clarence L., Jr., XXX-XX-XXXX.
 Maras, Zvonimir I., XXX-XX-XXXX.
 Miller, James A., XXX-XX-XXXX.
 Nault, Burton A., XXX-XX-XXXX.

Peterson, Ralph E., XXX-XX-XXXX.
 Petteruti, Joseph L., XXX-XX-XXXX.
 Rozanski, Thomas I., XXX-XX-XXXX.

MEDICAL SERVICE CORPS

To be lieutenant colonel

Krumhaus, Paul A., XXX-XX-XXXX.
 Matsubu, John M., XXX-XX-XXXX.
 Richardson, Eugene L., XXX-XX-XXXX.

IN THE NAVY

The following-named lieutenants commanders of the U.S. Navy and Naval Reserve for temporary promotion to the grade of commander in the various staff corps, as indicated, pursuant to title 10, United States Code, sections 5773 and 5793 (Medical Corps), subject to qualification therefor as provided by law:

MEDICAL CORPS

Ascarelli, Emanuel D.* Larsen, Mark A.
 Balsam, Marion J.* Moore, Vernon J., Jr.
 Barbie, George H.* Nutt, Richard L.
 Benedict, Joseph C. Rathbun,
 Bernhardi, Louis Lawrence A.*
 A., II.* Reyes, Antonio F.*
 Broadhead, Daniel D.* Rodis, Steven L.
 Chesson, Ralph R. Schrantz, William F.*
 Clubb, Robert J.* Settle, Charles S.*
 Connors, Paul J. Shantinath,
 Emarine, Charles W.* Kangavkar.
 Fajardo, Jesus E. Syverud, James C.*
 Humphries, Thomas, Frank A.
 Thomas J.* Wilson, David B., Jr.
 Juels, Charles W.* Yauch, John A.*

SUPPLY CORPS

Adelgren, Paul W. Hildebrand, Jarold R.
 Andrews, Ernest L., Jr. Hogan Brian T.*
 Atkinson, Larry R. Holland, Donald L.
 Auerbach, Eugene E. Hooker, James S.*
 Baldwin, Seth Hundt, George R.
 W., II.* James, William D.**
 Bano, Edward J., Jr. Kaufman, James D.*
 Bartel, Joseph R.** Kerr, Harold L., Jr.
 Biggins, James A. Kizer, John L.
 Blondin, Peter W. Kosch, Charles A.*
 Boalick, Howard R. Krehely, Donald E.*
 Bradley, James S. Lafianza, Bernard J.*
 Burnham, John K.* Lebel, Robert F., Jr.**
 Butler, Joel L. Leeper, James E., Jr.
 Cangalosi, Davis S.* Lenga, James R.
 Carroll, John P.* Leon, Albert*
 Cole, Chester B. Lewis, James J.
 Cook, Kendall R.* Correll, Charles D.
 Crocker, Charles D. Lutz, Gerald G.**
 Dahm, Eugene E.* Macaulay, Charles P.
 Danner, Glenn R.* MacMurray,
 Davis, Fredric C.* Michael M.
 Deane, Thomas J., Jr. Mastrandrea,
 Dieterle, Edward R.* Gary A.**
 Driskell, James, D. III McDermott, John E.
 McGraa, John R., III Eadie, Paul W.
 Meneely, Frank T.** Earhart, Terry L.
 Endzel, Edward W.* Monroe, James L., D.*
 Evans, George A. Monson, Jon P.**
 Fisher, Gary C. Moore, Thomas J.
 Flint, Ralph Q. Moran, Thomas A.*
 Foster, Donald G. Morgan,
 Frassato, Robert C.* George P., Jr.*
 Frieberg, Leonard S., Jr. Morris, John G.
 Galligan, David R.** Musgrave,
 Gallion, Robert Z.* Alvin W., Jr.
 Gee, Charles D.** Nichols, Clifford J.
 Geroe, Marvin K. Oberle, Michael J.
 Grant, Robert D.* Oehrlein, William P.
 Grichel, Dietmar F. Olio, John F.
 Groves, William D.** Owens, Joseph F.
 Habermann, William F.** Owens, Robert K.**
 Hagerty, William O. Parks, Leonard C.*
 Hanson, Harold C. Parrott, Ralph C.
 Harrington, Phillip H.* Parsons,
 Hawthorne, Richard L. Donald S., Jr.**
 Hering, Joseph F. Peiffer, Robert H.
 Hickman, Donald E. Perry, James H., Jr.
 Price, Robert F.*

Footnotes at end of article.

Rasmussen, Kenneth H. Summers, John H.
 Rasmussen, Paul D.* Sussman, Richard M.
 Ringberg, David A. Szalapski, Jeffrey P.*
 Ruble, David R. Terwilliger, Bruce K., Jr.
 Sapera, Leonard J.* Thomas, Gary L.
 Schiel, William A., Jr. Treanor, Richard C.
 Schultz, Robert A. Ullman, Robert C.
 Scott, William C. Vincent, Leonard, Jr.
 Sewell, John B. Wagner, Gregory L.**
 Shannon, William N. Waldron, Andrew J., Jr.
 Shields, Edward J. Wallace, William W.
 Siburt, Forrest N., Jr. Wells, Paul D.
 Smith, Charles E. West, Karl P.
 Smith, Richard M. Standish, John A.* Williams, Richard H.
 Stocker, Vernon D. Williams, Robert J.*
 Stone, Charles W., Jr. Wootten, John F.*
 Sulek, Kenneth J. Yaney, Donald L.

CHAPLAIN CORPS

Anderson, Kevin L. Luebke, Robert B., Jr.
 Bartholomew, Carroll Matthias, Robert W.
 E. McCloskey, Joseph W.
 Bergsma, Herbert L. McCoy, Charles J.
 Bruggeman, John A.** McMahon, Gerard T.
 Collins, John M., III* Mellett, Robert C.*
 Cook, Elmer D. Moffitt, Robert G.
 Coughlin, Conall R. Munenzier, Leroy E., Jr.*
 Dorr, Charles E. Murray, Edward K.
 Dunks, Max E.* Noble, Charles C., Jr.
 Fiorino, Alfred L. Nobles, Bryant R., Jr.
 Flick, Carl W. Page, David G.*
 Fuller, Ivan R.* Rafnel, William G.
 Gates, Edwin A.* Read, Gordon A.
 Germano, Vincent F. Richards, Gerald T.*
 Gill, Francis Riley, Robert J.
 Goode, James G.* Rogers, Theodore J.
 Haskell, Peter C. Roy, Raymond A.*
 Jones, Harry T. Smith, Jerry R.
 Kirstein, James F. Snow, Edward E.
 Knight, Norvell E. Stewart, Lisle E.
 Krulak, Victor H., Jr.** Treibel, Albert R.
 Kuhn, Thomas W. Van Frank, Charles P., Jr.
 Lovejoy, Bradford Winnenberg, John O.

CIVIL ENGINEER CORPS

Andrews, Richard E. Mehlhorn, Peter F.*
 Bare, James C. O'Connell, Brian J.*
 Beuby, Stephen C. Pearson, Rufus J., III
 Bookhardt, Edward L., Renzetti, Joseph L.
 Jr.* Robertson, William E., Jr.*
 Crane, Thomas C. Rohrbach, Richard M.
 Dillman, Robert P. Rumbold, William W., Jr.
 Edmiston, Robert C. Shaw, Arthur R.
 Everett, Ernest J. Sheaffer, Donald R.
 Glenn, Danny E. Griffith, Harry G.
 Hansen, Robert E.** Smith, Homer F., II
 Harris, William F.** Smith, Ray A.
 Hathaway, James L. Stewart, Allen J.*
 Heine, Richard F., Jr. Stewart, Stephen E.
 Hull, David N. Truesdell, Richard C.*
 Kelley, Kenneth C. Wood, James A.*
 Larsen, Laurits M. Zimmerman, Gerard A.*
 Leap, Joseph B. McCullagh, Paul W.**

MEDICAL SERVICE CORPS

Anderson, Francis G. Gillespie, Franklin D.
 Beckner, William M.* Gooch, Roy L.*
 Bond, James C. Green, Charles M.
 Carroll, Jake R.** Gregoire, Harvey G.
 Clarke, Norman B. Hartman, Carl H.
 Coan, Richard M.* Hutchins, Charles W., Jr.
 Cunningham, Robert Kozik, John R.*
 S., II* Lane, Norman E.
 Curran, Patrick M. Newell, Richard L.*
 Doll, Richard E.* Payton, Richard A.
 Ferris, William A. Fingerett, Sheldon N.
 Peterson, Robert V. Funaro, Joseph F.
 Rosplock, Jerome D. Furr, Paul A.*
 Self, William L.** Gannon, John H.*
 Shaughnessy, Mary K. Gibson, Richard S.
 Thomsen, Paul D.*

JUDGE ADVOCATE GENERAL'S CORPS

Armstrong, Arthur, Jr. Bohaboy, Howard D.
 Jr. Brown, Michael A.
 Boasberg, Robert, Jr. Burke, Charles R.*

Cohen, William D.
Cromwell, James H.
Dalton, William H.**
Davey, James A. G., Jr.*
Derocher, Frederic G.
Durham, Joe B.
Edington, Donald E.
Erickson, John F.
Furdock, Ronald M.
Gall, William D.
Gerszewski, Melfred T.

NURSE CORPS

Ancelard, Madeline M.*
Armstrong, Kathryn A.
Armstrong, Susanne R.
Arnold, Mary A.*
Brenahan, Joan C.*
Campen, Kathryn E.
Cote, Clarence W.*
Dunn, Glenda G.
Foreman, Evelyn N.**
Geraghty, Rosemary B.
Glass, Joan E.
Langley, Ann
Leadford, Bonnie A.
Lee, Elaine E.
Loughney, Juel A. M.
McKown, Frances C.
Medina, Elida D.

The following-named woman lieutenant commander of the U.S. Navy for permanent promotion to the grade of commander in the Supply Corps, pursuant to title 10, United States Code, section 5773, subject to qualification therefor as provided by law:

Judd, Paula M.

IN THE NAVY

The following-named lieutenants of the U.S. Navy for temporary promotion to the grade of lieutenant commander in the line, pursuant to title 10, United States Code, section 5769, subject to qualification therefor as provided by law:

Ables, Kenneth C., III
Abshier, Randall O.
Acton, Randall L., Jr.
Adams, Bruce C.
Adams, James L.**
Adams, William E.
Adamson, John C.*
Addison, Christopher L.
Adler, Gary A.*
Ahlstrand, Donald C.
Akin, Michael A.
Albertoli, William R.*
Alexander, George E., Jr.*
Alexander, Michael W.
Allie, Robert G.*
Allen, Dannie H.*
Allen, John W.*
Allen, Mark E.
Allison, Harry K.
Almgren, Malcolm*
Alpeter, William C.
Ammerman, Larry R.
Amos, Barry M.
Antower, James F., Jr.*
Amundson, Robert J.
Anderson, Christopher C.
Anderson, David W.
Anderson, Dennis J.
Anderson, George E.
Anderson, John F., Jr.*
Anderson, Jonathan L. Barrett, Michael D.

Gormley, Patricia M.
Hosken, Edward W., Jr.
Kauffman, Robert K.*
Keating, Timothy D.
Landen, Walter J.**
Manning, Edward F.
McLeran, Robert H.*
Norgaard, Kenneth R.
Rowe, Larry R.
Sinor, Morris L.
Turner, Patrick C.

Barry, Brian J.
Barton, James D.*
Baskerville, James E.
Bass, George L.
Batzdorf, Richard E.
Bates, Charles K.*
Bathgate, John C.
Battell, James J., Jr.
Bauer, Carl T.
Bauman, Ronald B.*
Baxla, Robert E.
Beakley, James E.*
Beam, Alan R.*
Beason, Nathan H.
Beauchesne, Charles L.
Beaugureau, Denis F.
Beck, Arthur T., Jr.
Becker, John J., Jr.*
Beckwith, Donald C.
Beduhn, Jerry R.
Bell, James M.
Bell, John F.*
Bell, Stuart W.
Bell, William A.*
Bellemer, Gordon A.
Bonner, Stuart C.*
Bennett, Albert E., Jr.
Bennett, Richard W.*
Bentz, John R.
Bergner, Jon C.*
Bergo, Dennis M.
Betha, William D., III
Bever, Jerry D.
Bevers, Richard E.
Beyer, Carl W.*
Blanco, Bernard M.
Bicknell, Robert S.
Biddle, Henry N.*
Bleda, George E.
Bieliik, John P.
Blierbower, William B.*
Bilski, Anthony
Bishop, Grover C.
Bishop, Kenneth R.*
Bishop, Peter B.*
Bixler, Kenneth G.
Blackburn, William R.*
Blackwell, William A.
Blake, Frank J.*
Blanchard, James J.
Blatt, Norman W.*
Blaue, John W.
Blecker, James M.
Blessing, Peter E.
Blomquist, James H.*
Bloyer, Stanley F.
Bluethman, John D.
Board, George R.**
Bogle, William T. R.*
Bohannon, Edward L.
Bohn, Michael K.
Boland, James A.
Bolt, Billy F.
Bolton, Peter K.
Bonnett, David E.
Booker, Royston T.
Boorom, Robert F.**
Booth, David H.
Borowec, Richard R.*
Bosley, Dale E.*
Bostic, Larry W.
Boswell, Charles M.*
Bouchoux, Donald R.
Bower, Duane B.*
Bower, Phillip W.
Boykin, William S., Jr.*
Boylan, Harold G., Jr.*
Boyle, David W.*
Boynton, Robert W.
Braden, Richard F.
Bradley, John E., Jr.*
Brady, Donald R.*
Brady, Mark L.
Brady, Michael F.*
Branan, Phillip H.
Branch, Malcolm P.
Brandon, William R.

Brasher, Stephen J.
Bratsch, Roger D., Jr.**
Braun, Gerald P.
Braunstein, Wayne J.
Breeden, George L., II*
Bremhorst, Joseph H.
Brennon, Roy L., Jr.*
Brewer, Roger D.
Briggs, Steven E.
Bright, David L.*
Brigman, Charles E.
Brink, Gale D.
Brodie, Glenn T.
Brooks, Randolph M.
Brophy, James M., III
Brotherton, James D.*
Brown, Fred D.
Brown, Gregory C.
Brown, James M.*
Brown, Paul R.
Brown, Richard M., III*
Brown, Robert E.
Brown, Robert E.*
Brown, Ronald F.
Brown, Thomas J., Jr.
Broyles, Ned A.
Bruce, Robert G.*
Brunet, Gerard J.
Bryant, Stanley W.
Bub, Frank L.
Bucelato, John C.
Buelow, John P.
Bugarin, Temotio E., Jr.
Burin, James M.*
Burks, John S.*
Burnham, Johnny W., Jr.
Burns, Joseph D.
Burns, Richard J.*
Burr, Richard H.
Busby, John C., III*
Busching, William
Bushnell, Gregory A.
Butler, Charles T., III
Butterworth, William J., Jr.
Buttina, Richard A.
Buzhardt, Harry O., Jr.*
Byles, Robert W.
Callahan, Thomas E.
Callan, Leonard J.
Callan, Patrick F.
Campbell, Craig V.
Campbell, Fred P.
Campbell, Jon R.
Campbell, Robert S.*
Campbell, Victor H., III
Cannady, Charles R.*
Capansky, Mark A.
Caparelli, Richard F.
Carde, Freeland H., III*
Carden, Carl E.
Carey, Wayne T.
Carlson, Charles R.
Carlson, Robert S.*
Carlson, William G.
Carmichael, Hubert M., Jr.
Carpenter, Harold F.*
Carpowich, David J.
Carrig, Michael F.
Carroll, Dennis J.*
Carroll, James C.*
Carter, Dennis C.
Carter, John C.
Carter, John M.
Carter, Lynn, II*
Cassidy, John A., Jr.

Castle, William M.
Cavaiolia, Lawrence J.
Cavender, John B., III
Cech, Kenneth C.
Chalfan, Richard D.
Chalke, George P., Jr.*
Chaloupka, Allan B.*
Chamberlain, Carl W., Jr.
Chase, Dudley H.
Check, Martin L.
Cheney, Martin J.
Chepenik, Stanley B.
Cheshire, John R.*
Chiarolanza, Michael J.
Childers, Richard D.
Chisholm, Christopher I.*
Christenson, Ronald J.
Christian, Richard L.
Church, Albert T., III
Cima, William M.
Clabaugh, Cecil A.*
Clapsadl, Michael R.
Clark, James S.*
Clark, Michael B.
Clark, Philip S., Jr.*
Clark, Robert A.
Cleverdon, Thomas F.
Coane, Casey W.
Coates, Robert V., Jr.*
Cobb, William W., Jr.*
Cobel, Melvin A.*
Cochran, Larry L.
Cochrane, John M.
Cohlmeyer, Chris H.*
Cole, Frederick B.*
Cole, Richard W.*
Coleman, Richard G.
Coleman, Richard L.*
Colie, Timothy B.
Comer, Thomas A.*
Conley, Edward G.*
Connelly, Ralph W.*
Conner, Harry M.
Conrad, Emerson S., Jr.
Conrad, James H.
Consaul, Harry P., III
Conway, Joseph V., Jr.*
Cook, Larry W.*
Cook, Virgil G., Jr.
Cooper, Roger S.*
Corn, Richard III
Corsev, John W., Jr.
Costarino, F. Thomas
Cote, Daniel N.
Cottle, Joseph A., Jr.
Counts, Steven L.
Courville, James D.*
Covington, Clifford C.
Cowper, Richard G.
Cox, Richard S.
Craig, William C.
Crawford, James W.
Crawshaw, Robert O.*
Creed, Andrew I.
Creekman, Charles T., Jr.
Crespo, Howard L.*
Crim, George N., Jr.
Crisp, Dale W.
Cronk, Phillip J.*
Cross, Allen M.*
Crowley, John J., Jr.
Culbertson, James L., III*
Culpepper, James C.
Culwell, Joe M.
Cummings, Walter J.
Cummins, Eugene J., Jr.*
Curran, Joseph L., Jr.
Curry, Dennis P.
Curtin, John W.

Curtis, James A.*
Curtis, Richard M.*
Custer, Howard B.
Custer, Laurence D., Jr.
Dahl, Donald L.
Daly, Denis F., Jr.
Danaher, Thomas P.
Darezzo, Richard A.
Davy, Bruce C.
Davies, Robert W.*
Davis, Edward L.*
Davis, John P.*
Davis, Larry T.
Davis, Robert B.
Davis, Russell E.*
Davis, Thomas C., Jr.
Davis, William A., Jr.*
Dawson, James C., Jr.
Day, Robert W.
Dean, Thomas R.
Delaney, Michael L.*
Demlein, John J., Jr.
Dennis, Jackie L.*
Denogean, Rudy*
Despain, William M.
Detchement, Edward*
Devlin, Joseph V.*
Dewey, William A.
Dews, Edwin W.
Cleaver, Thomas F. Dibiase, Gene F.*
Dibble, Ronald A.
Coates, Robert V., Jr.*
Dickerson, Robert W., Cobb, William W., Jr.*
Dickover, David G.*
Didier, Henry N.
Diekemper, Jerome V.*
Dillon, David L.
Dinorma, Gerald
Dionizio, Augusto J., Jr.
Dodge, Kenneth E.
Dolquist, John D.
Domurat, Benjamin W.
Donovan, Gerald M.
Donovan, Mark A.
Dormer, James W.*
Douglas, Charles T.
Douglas, Robert E.*
Dow, Larry A.
Dowd, Andrew S., Jr.
Dowgiewicz, Michael A.
Doyle, Larry S.
Drossel, Craig
Drucker, John R.*
Duchesneau, Robert E.**
Dudderar, Raymond A., Jr.*
Duesi, Frank W.
Duffy, Timothy W.*
Duggan, Robert F.*
Duke, Russell A., Jr.
Duncan, Michael J.*
Dundics, Marton J.
Dunne, Robert R.
Burgin, Harlan M.*
Durst, Robert S., II.*
Dusa, Ronald J.*
Dwyer, Kevin R.*
Dwyer, Stephen M.*
Dyer, Edward W.
Dysart, Barry J.
Eagle, James N., II
Easterling, Lael R.*
Eastman, Guy A.*
Eastwood, George H.
Eckerman, Lawrence I.
Eckhardt, Bruce K.
Edwards, Bruce B.
Edwards, Daniel D.
Edwards, Gilbert S.
Eldred, William L.*
Eller, Douglas D.
Ellin, Charles R.
Elliott, Lawrence B.*

*Ad Interim. Recess 16 December 1977 through January 1978.

**Ad Interim. Recess 10 February through 21 February 1978.

Elliott, Patrick W.
 Elliott, Robert R.*
 Ellis, James O., Jr.
 England, Don R.
 Englebretson, Ronald E.
 Englehardt, Cleveland D.
 Engler, Brian D.
 Engstrom, George H.
 Ensminger, Gerald D.**
 Erb, Robert S.*
 Erickson, David P.
 Ertner, James D.
 Escajeda, Ruben**
 Eseman, Thomas S.
 Etter, Thomas H.
 Euliss, James P.
 Eustis, Harold R.
 Evans, George W.*
 Evans, John O., Jr.
 Evert, Richard D.*
 Ewan, Lawrence K.
 Fages, Malcolm I.
 Fahy, Thomas E.
 Fandrei, Dennis E.
 Faraldo, David D.
 Fare, Freddie E.
 Faris, Charles C.
 Farley, John F.
 Farrar, James S.
 Fawcett, Peter F.*
 Feder, John H.
 Fedoryszyn, Robert J.
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 Violette, Richard G. Williams, John F.
 Vivoli, John B. Williams, Kenneth L.*
 Vosseler, Paul K. A. Williams, Pharis E.
 Vosseteig, Craig E. Williams, Robert J.
 Vtipil, Donald S.* Williamson, Paul B.
 Wade, Jack M. Wilson, George M.
 Waldbesser, Terry W. Wilson, Herbert M.
 Walker, Ronnie E. Wilson, Jay R.
 Walker, William L. Wilson, Robert L., Jr.
 Wall, John R.* Wallace, David W.*
 Wallace, Donald S.* Samuel E., III
 Wallace, James Y., III Wilson, Thomas R.
 Wallace, Richard T. Wilt,
 Walsh, Neil P.* Thornton W., Jr.*
 Walters, Lynford Wiltzus,
 S., III Lawrence N., Jr.*
 Wanner, Terry S. Winchell,
 Warburton, Frederick Donald L., Jr.
 T., Jr.* Windeguth,
 Ward, Clement H. Richard B.
 Warren, David F. Wolfe, Charles D.
 Warren, John W. Wood, Bruce K.
 Wassel, Ronald A.* Wood, Gregory J.*
 Waterman, Bradford Wood, Scott A.*
 B., III* Woodman,
 Waters, Lance A. William D.*
 Watson, Anthony J. Woods,
 Watson, Jerry C.* Bennett R., Jr.
 Watters, Paul A. Wooley, Millard J.
 Watts, Harry F., Jr.* Woolston, Peter C.*
 Weber, Charles L., Jr. Woomer,
 Weber, Ronald B. Charles W., III
 Webster, Donald R. Wooten, Charles E.
 Weigand, Karl R., Jr.* Wray, Donald M.*
 Weisberg, Neal W. Wright, Gary E.*
 Weiss, Donald A.* Wright, Jay L.*
 Weiss, Douglas L. Wright, John T.*
 Weiler, Ronald E. Wright,
 Wells, Eugene A.* Sherman E., Jr.*
 Wells, Robert R. Wright, Thomas B., Jr.
 Westray, Richard H. Wright,
 Whaley, Glenn R. William E., Jr.
 Wheat, Luther W.* Wyatt, Randall E.*
 Whitco, Denis J.* Wyckoff,
 White, James B. William W., II
 White, Robert D. Wynne, Harold B.*
 White, Thomas W.* Yankolonis, Barry L.*
 Whiteway, Roger N. Yatras, Dennis A.
 Whiting, Geoffrey A. Young, James A.*
 Whitney, David M. Young, William K.
 Whitton, Harry W.* Yount, George R.
 Wicklander, Edwin Zavadil, John L.*
 R., Jr.* Ziemer, Robert T.
 Wight, Terry M. Zinser, Harry J.
 Wilcox, Ronald J. Zorbach, Gregory M.
 Wilde, Michael K. Zuniga, Fred J.
 Wildermuth, Zweerink, James E.
 Ronald E.

The following-named women lieutenants of the U.S. Navy for permanent promotion to the grade of lieutenant commander in the line, pursuant to title 10, United States Code, section 5771, subject to qualification therefor as provided by law:

Abruzzo, Dianne M. Lloyd, Connie L.
 Anderson, Mary F. Manning, Lorraine F.
 Brown, Cecilia M.* Matheson, Eleanor S.*
 Butler, Shannon R. Matthews, Victoria S.
 Cook, Kathleen C.* McAuley, Janet M.
 Cowan, Patricia A. McCasland, Mary A.
 Donnelly, Rachelle A. McGalin, Janice G.
 Engelhardt, Sandra L. Morrison, Elizabeth L.
 Ford, Carolyn S. Perry, Janet M.
 Funkhouser, Pinkney, Sandra L.
 Lenore M. Pope, Diane J.*
 Gauthier, Elaine A. Rosenthal, Nikki L.
 Hatch, Marilyn J.* Stevens, Marjory M.
 Herbst, Michael A. Stewart, Jane L.
 Holloway, Kathleen G. Tate, Betty J.
 Katschke, Mary L.* Winters, Margaret L.
 Krohne, Kathleen A. Youngstrom, Judith J.

IN THE NAVY

The following-named lieutenant commanders of the U.S. Navy for temporary pro-

motion to the grade of commander in the staff corps, pursuant to title 10, United States Code, section 5793, subject to qualification therefor as provided by law:

DENTAL CORPS

Anderson, Joseph H. Herring, Ronald F.
 Arnold, James D. House, Ronald C.
 Burkey, Richard W. Hwang, William S.
 Butler, Lee M. Johnson, Jerry K.
 Campbell, Larry G. Jones, Harold L.
 Cochran, Michael A. Keller, John J.
 Davis, Melvin L. Krueger, Frederic
 Eckstein, Robert E. Lauth, Dennis W.
 Ferguson, Charles D. Matheson, John D.
 Fleming, James G. Mellonig, James T.
 Funk, Edward A. Nettelhorst, Ralph E.
 Gartner, Richard R., Jr. Neuner, Robert F.
 Gear, Robert D. Tooker, Darrell T.
 Glass, Ernest G. Tremann, Charles F.
 Vosskuhler, Robert J. Grantham, Gary B.

The following named lieutenants of the U.S. Navy for temporary promotion to the grade of lieutenant commander in the various staff corps as indicated, pursuant to title 10, United States Code, sections 5793 (Medical and Dental Corps) and 5773 (other staff corps), subject to qualification therefor as provided by law:

MEDICAL CORPS

Allen, Hoyt E. McBride, Jeffrey P.
 Berryhill, Richard E. McNichols, Kennard D.
 Clayton, Robert M., Jr. Meyer, Vern E.
 Davis, John M. Ober, Vincent H., Jr.
 Ebbing, William L. Page, William R.
 Florey, James B. Reader, August L., III
 Gerrie, Marshall J., Jr. Robb, Geoffrey L.
 Gessler, James A. Schneider, Jonathan
 Gillespie, Cameron A. A.
 Gilliard, Lawrence M. Sessions, William H.
 Hedges, John C. Snyder, David A.
 Hofmann, Robert F. Sutphin, John E., Jr.
 Howard, Douglas C. Tate, Emmett L.
 Hutton, Patrick M. J. Vilches, Napoleon O.
 Knapp, Foster A. Wagner, Glenn N.
 Kopp, James R. Werner, Kurt E.
 Lapenta, Michael J. Williams, John H.

SUPPLY CORPS

Aaronson, Brian D. Guyer, Dean C.
 Allen, Randall C.* Hargrave, Bevard E.
 Andrew, Michael R. Harris, John W.
 Bailey, John R.** Harris, Robert E.
 Basso, Joseph M. Hayes, Edward F., Jr.*
 Benecke, Jay R. O.* Hayward, Daniel S.
 Boas, Raymond A.* Helgerson, Philip A.
 Bobulinski, Robert A. Herbst, Howard P.
 Bogard, James M. Hetherington, Jerry F.
 Bohm, Dwight K. Hickman, William A.*
 Bonna, Ralph A. Hill, Ronald L.
 Brown, Phil J. Hofmann, Arnold R.
 Carbone, James, Jr. Hooth, Michael D.
 Cohen, Jay M. Horstman, Donald
 Coker, Norman L. M.**
 Cole, Anthony L. Huban, George H., Jr.*
 Conner, James R.* Janssen, Clark J.*
 Culver, Joseph E.* Johnson, Delmont S.*
 Cunningham, Lawrence M.* Johnson, Ronald T.
 Dashiel, Robert G.* Jones, Joseph M., Jr.
 Davenport, Bill T., Jr.* Karns, Larry N.
 Derrico, Michael T.* Kelley, Joseph P.*
 Dorries, Robert A.* Kelly, Thomas A.*
 Drum, Eugene R.* Kesselring, Steven
 Dunn, Christopher A.* D.*
 Dupree, Daniel M. Kimball, Daniel W.*
 Durnan, Robert E. Kline, Jack C.*
 Ewing, Richard A.** Knight, Robert C.,
 Forde, Duane L. Jr.*
 Forney, Robert A. Krupp, Robert J.*
 Gannon, Thomas C. Landerkin, Edward J.
 Gedney, John W. Leonard, Robert P.
 Gernert, Thomas J. Lewis, Albert M.*
 Gilbert, Robert R. Lippert, Keith W.
 Gonick, Timothy J.* Maguire, Benedict J.
 Gould, Jeffrey P. Malone, John M.*
 Graf, Albert J. III* Matthews, John C.
 Gray, David B. McKeithan, Timothy
 Griffin, Roland L. S.
 Griswold, Raymond B. McNutt, Jerry W.*

McWherter, Marvin E. Rutledge, Michael R.
 Meeker, Richard S. Schaezel, John G.
 Mercogliano, Anthony Schildwachter, Martin
 Miller, Michael J.* J.*

Minton, David S. Schmitt, Michael K.
 Morrissey, Daniel P. Shepherd, Robert M., Jr.*

Moser, Daniel E., Jr.* Smith, Stephan L.
 Moser, Paul D. Stewart, Edmund H., Jr.

Neub, John G.* Oberman, Marvin D.*
 O'Neal, Floyd W.** Straight, Ronald L., Jr.*

Owens, James D.* Taylor, Charles F., Jr.*
 Palanuk, Joseph L. Parry, Dennis S.

Ferguson, Charles D. Pearce, Richard L.*
 Matheson, John D. Petersen, Gary R.
 Mellonig, James T. Pingel, Richard D.

Nettelhorst, Ralph E. Poole, Francis X.*
 Nettelhorst, Ralph E. Pretulak, Ronald T.*
 Tooker, Darrell T. Qualls, David W.*

Tremann, Charles F. Rawlings, David G.
 Vosskuhler, Robert J. Reed, Ernest T.
 Grantham, Gary B. Richmond, Robert H., Jr.

Rivers, Charles S., Jr. Rieve, Roy C.
 Roach, Leonard T. Roper, Darcy W., III
 Zeiler, Robert W., III*

CHAPLAIN CORPS

Craycraft, John D. Kemper, John E.**
 Fitzgerald, John L.** Manning, Robert J.*
 Flick, Richard H. Mattie, Richard M.
 Gilbert, Leroy Sharpe, Jack L.
 Halley, Michael D.** Smith, Victor H.
 Hill, Robert S., Jr.

CIVIL ENGINEER CORPS

Allen, Charles E. Kovalcik, James P.*
 Bechard, Thomas P. Martz, Stephen J.
 Britt, William B. McNeil, Oscar N., Jr.
 Bruckner, William L. Messick,
 Jr. Frederick S., Jr.*

Burns, Dennis R. J.* Neibert, Jerry S.
 Collins, John P. Penell, Joseph C.*
 Corsano, Arthur Pollard, Charles H., Jr.
 Cosgrove, Donald M. Pringle, Alec T.
 Delker, James L. Puncke,
 Dempsey, John G.** Frederick D., Jr.
 Dempsey, Richard M. Rampe, Thomas R.*
 Devescovi, Daniel J.* Reichmuth,
 Duke, Jonathan B. William E., III

Ellis, Howard D.* Rispoli, James A.
 Faunce, John R. Saltoun, Sammy*
 Givens, Larry R.* Schramer,
 Guild, Christopher J.* Mathias C., III*
 Gunn, Thomas E.* Shultz, Robert L.
 Hagge, Thomas M.** Sims, John G., III
 Hein, Gary W. Spencer, John E.
 Holen, Douglas J. Stevens, David L.*
 Huguelet, Thomas L. Szuttenbach,
 Johnson, James K. Lawrence**
 Kaleb, Frank J. Tanner, Thomas J.
 Kannegieser, Andrew A.* Tzavaras, George N.
 Keith, Donald R.** Vogel, Kenneth*

DENTAL CORPS

Andrews, Paul A. Judkins, James T.
 Bamberger, Lawrence J. Kippa, Terry L.
 Barna, Gerard J. Kuhel, Raymond F.
 Berude, John A. Kvaska, Gregory J.
 Breuleux, Philip S. Lane, Jeff A.
 Caron, John V. Larson, Mark P.
 Cave, Robert S. Lockwood, Jeffrey L.
 Creal, Albert F. Lutskus, Joseph H.
 Currier, James L. Marshall, Edward C.
 Delany, Gael M. Mason, John D.
 Dembinski, Massler, Charles F.
 Thomas H., II** McCall, Robert W.**
 Dizinno, William J. Mitchell, Douglas E.
 Dziurdzik, Richard F. Mullen, Michael P.
 Faull, Thomas W. Nelson, Gregory G.
 Fitzharris, Tim P. Quintero, George
 Flatley, James P. Ralls, Stephen A.
 Freeman, George W.** Roahen, James O.
 Goode, Robert K. Rounsville, George A.
 Hadley, Raymond B. Schindles, Bruce W.
 Harrison, Vernon P. Simpson, James W.
 Hempel, Ronald P. Spillman, Kent J.
 Hermann, Donald W. Walton, Martin L., III
 Hey, Ernest G. A. Watto, Terrence L.

Weaver, Carl C. Whitehouse, Michael
Weeda, Lawrence W. J.
Westover, Bruce E. Zambon, Joseph J.

JUDGE ADVOCATE GENERAL'S CORPS

Abbate, Guy R., Jr. McCall, Thomas W.
Babington, William L., Jr.**
Barrett, Danny P.* McCracken, Joseph B.
Beachy, Ronald J. McPartlin, Paul E.
Beall, Bradley S. Jr. Mitchell, Thomas W.
Bowman, Marion E. Monteith, Richard A.
Brown, Richard S.* Morrison, Thomas A.
Carroll, Steven J.** O'Connor, Phillip P.
Clifford, William J. Jr.**
Dombroski, John E.** Ottie, Frederick N.**
Drukker, William R.** Reerer, Christopher J.*
Finch, Milton D. Scully, John J.
Fortino, Paul T. Seiders, Marlin D., Jr.*
Froman, Floyd D. Showalter, John S.**
Grant, William F., Jr. Smith, Ronald S.
Hill, Donal M.* Hinckley, Robert C.
Kusiak, Patrick J.* Thompson, Paul B.*
Mandsager, Dennis L. Trask, Gordon W., II

MEDICAL SERVICE CORPS

Adams, Robert W.** Lambert, William J., Jr.*
Aliff, William R.** Land Clarence E.**
Apgar, Richard R. Lane, Coy B.**
Baker, Charles W.** Lindsay, Richard J.**
Baltimore, Daniel L. Masterson, Francis W.
Beach, Larry L. Jr.**
Beasley, William J. McClintock, Thomas W., Jr.**
Benson, Milton J.** McKee, Roland E.**
Bolton, Herbert T. McKenzie, Darrel D.
Boyce, Richard** Brennan, Edward C.
Casper, Arthur W., Jr. Monaghan, William P.
Chapman, Raymond N., Jr. Mueller, Eric J., II
Christiansen, Richard Mullins, Frank A..
Collins, Jimmy R.** Ollenburg, Walter A.
Contreras, Thomas J., Jr. Pakowski, Lawrence F.**
Davis, Leslie A.** Parkansky, Ralph E.
Debell, Robert M. Patee, Jerry C.
Delviks, Uldis A.** Petersen, Henrik V.**
Ehrhardt, Douglas A. Pointer, Charles H.
Farnham, John B.** Power, Danny E.
Flor, William J. Prucino, Joseph F.**
Foro, Bradley R.** Rand, Bruce P.
Fraser, Llewellyn M.** Renner, Vernon M.
Ganz, Neal R. Rittmeyer, Terry L.**
Gentry, Murray, Jr.** Roy, Robert T.**
Gerhard, John C., III**
Gibson, Robert W., Jr. Russnagle, Robert L.
Gordon, Charles V., Jr.** Ryder, Richard G.**
Greenfield, Donald E. Sandall, Vernon P.**
Grisham, Onis H.** Shibley, David R.**
Gross, Elizabeth S.** Simmons, Larry O.**
Grout, Edward J., Jr. Skurja, Michael, Jr.
Harris, William B.** Sparks, Buddy T.**
Helley, John A.** Stefanyshyn, Andrew A.**
Henderson, Charles, III Huddleston, Greg-
ory.**
Hilderbrand, Richard L.**
Kelley, David B. Wilson, Don D.**
Kelley, John P. Wood, Charles M.
Knight, James D.** Zeman, Gary H.
Kubal, John L.**

NURSE CORPS

Anderson, Sandra V. Figgins, David E.
Ault, Sally B. Foster, Barbara J.*
Beduhn, Michele A. Fuller, Gae M.**
Biffar, Irene M. Goetz, Mary E.
Bloodworth, Maritha O. Gotch, Sandra A.**
Brake, Barbara D. Grant, Kristina M.
Cisneros, Thomas L.** Haskins, Carol C.**
Craft, Donna L. Hess, Catherine P.
Cronin, Dorothy R.** Hyatt, Carol S.
Dahlgren, Sarah S. Jackson, Donna J.
Deprima, Alicia G. James, Eva N.
Edgar, Marilyn A. Johnson, Joe H.
Elliott, Iris A. Jones, James E.**
Feris, Michael L. Karrat, Victoria J.

Lanterman, Gail A. Scheve, Lawrence G.
Lewis, Shirley D. Smith, Kate I.
Lukey, Frankie.** Snow, Sandra A.
McLaurin, Elizabeth A.** Snyder, Gilbert C.
Morris, Louise M. Spillane, Susan J.
Norton, Suzanne M. Sturrock, John R.
Pattinson, Judith A.** Taylor, Mary N.
Peck, Edith D. Thomas, Barbara J.**
Peterson, Carol A. Thomason, Janice K.
Prather, Caren J. Underwood, Earma J.
Rowell, Margaret E. Vonrump, David C.
Wooldridge, Robert T.

IN THE NAVY

The following-named ensigns of the U.S. Navy for permanent promotions to the grade of lieutenant (junior grade) in the line and staff corps, pursuant to title 10, United States Code, section 5788a, subject to qualification therefor as provided by law:

LINE

Amelon, Richard R. Crocker, Michael D.
Ament, Joseph W. Crow, David L.
Ament, Marion D. Crowe, Richard C.
Anthes, Ernest S. Cuaderes, Ricardo A.
Antony, Edward T. Culver, David R.
Archer, Paul L. Culver, Walter C.
Atkins, Thomas B. Currier, Charles R.
Atwood, Daniel L. Curry, Kenneth W.
Baker, James M. Dalton, Jerry W.
Banus, Markham D. Davidson, Gary R.
Barber, Nelson W. Davis, William T., Jr.
Bary, Charlene A. Day, Margaret E.
Baughman, Lynn D. Debs, Brian T.
Bayma, Denis, David A.
Benjamin A., Jr. Denton, James S.
Beatty, Florence E. Devane, Benjamin L.
Beersdorf, Jerry W. Deyke, Thomas M.
Beimborn, Susan M. Dickason, Clarence W., Jr.
Benavidez, Ralph L., Jr. Dillow, Robert G.
Bender, Gregory L. Dilmore, William D., Jr.
Beres, Dennis P. Ditewig, William T.
Bewley, John M. Dixie, Wilmer B.
Black, Margaret A. Douglas, Rex R.
Blevins, Jerry L. Downing, Julie A.
Bloom, John M. Duncan, James L.
Bloomer, James W., II Duncan, Ralph E.
Boschert, Gregory H. Dupaul, Gilbert A.
Boswell, James H. Dyer, Lawrence C.
Braisted, Stanley W. Edwards, Kenneth R.
Briley, Jo Egbert, Jean L.
Broadway, Michael W. Evans, John D.
Brown, Janice R. Ewing, Ronald J.
Brown, Robert C. Farver, Mary
Bubula, Richard A. Fellows, Larry A.
Buck, Caryl E. Fenzi, David P.
Burger, Rolf J. Ferris, Joyce M.
Burgess, Leslie A. Field, John G.
Bushong, Anne L. Flammang, Harold J., Jr.
Butler, John D. Flynn, John E.
Cable, Larrie G. Foley, Patrick J.
Caddell, Marvin R. Fonnesbeck, Robert W.
Callier, Robert D. Cameron, Wallace R., Jr.
Carlson, Craig D. Foster, John I., III
Carpenter, Edward J. Foureman, Ariadna R.
Carpenter, Timothy E. Fowler, Harold E., Jr.
Cassias, Jeffrey B. Friction, Robert K.
Chaloupka, Joy L. Furman, Thomas M.
Clark, Frank N. Gahran, Brian H.
Clary, Michael D. Gates, Gregory F.
Cloyd, James D. Generoux, Donald E.
Cole, Walter B. Gertz, Dwight L.
Coles, Bryan D. Giese, William C.
Comer, Kenneth W. Gilchrist, Lorri P.
Comi, Patrick M. Gillespie, Richard D.
Cooke, Terrence A. Gilliland, Manuel A.
Coulard, Mary V. Gilmore, James R.
Coulter, Stephanie L. Gilson, Robert L.
Cowley, Kevin J. Gimma, Joseph A., Jr.
Cowley, Robert E., III Gladmen, Riley J.
Crawford, Billie E. Graf, Joseph G.

*Ad Interim. Recess 16 December 1977 thru 19 January 1978.

**Interim. Recess 10 February thru 21 February 1978.

Graham, Sheila A. Maurer, Michael L.
Grant, Michael C. Maybaum, Susan C.
Granucci, Richard A. Mayhue, Frank M., III
Grause, Jerome E., Jr. McCannel, Gregory J.
Graves, William B. McCauley, Karen L.
Green, Norman K., Jr. McClelland, Roger C.
Guenther, Siegfried McEwan, Llewellyn P.
Gullick, Jerry W. McHugh, Robert J.
Guth, James D. Menocal, Serafin G.
Haas, James E. Messersmith, Roger J.
Haas, Robert C. Mettskas, Michael A.
Haefner, Gregory G. Meyers, Michael J.
Hagin, James M. Miller, Donald R., Jr.
Hales, Randolph F. Miller, James J.
Hambrock, Paul E. Miller, James R.
Hanrahan, John M., Jr. Miller, Michael C.
Hansen, Cindy A. Miller, Ronald I.
Hardy, Thomas E. Mills, James G.
Harrell, Ronald R., Jr. Mingle, Leo L.
Harris, Ernest A., Jr. Mitchell, Michael P.
Hayden, Ernest N. Morris, Joel L.
Hays, Charles E. Morse, Ronald B.
Heard, Maurice E., III Mosley, Harold, Jr.
Heffley, John M. Moss, Alice M.
Helsell, Peter F. Mueller, Robert D.
Henry, Candyce S. Murphy, Vincent L., Jr.
Hessey, John H. V. Naumann, James W.
Hillier, David G. Neal, Thomas S.
Hirabayashi, Donna M. Neff, James R.
Holloway, Stanley J. Nelson, Howard K.
Holmes, Douglass M. Newton, Wayne J.
Hopkins, Arni T. Niland, John F., Jr.
Howard, Andrew J. Noonan, Ruth S.
Hutcheson, Chester J., P. Nowakowski, Michael
III
Jackson, Andrew E. Oker, William R.
Jaap, Joseph B. Olson, Carl D.
Jagoe, Donald A. Opitz, Martin E.
Jahnke, Larry D. Orouke, John T.
Jenkins, Robert E. O'Shaughnessy, John L.
Johnson, Darrell J. Paha, Edmund J.
Johnson, Douglas A. Pannell, Thomas B.
Johnson, Kirk E. Pappanfus, Patrick A.
Johnson, Ralph B. Patterson, Robert F.
Johnson, Richard A. Paulewicz, Frank W., Jr.
Johnson, Warren H. Peyronel, Sharon A.
Johnson, William W. Phillips, Stephen W.
Jones, James O. Pierce, Burt W.
Jones, Richard L. Plato, Gayle J.
Jones, Ronald E. Plouse, Henry S.
Jones, Steven A. Poulos, Terrence P.
Jones, Thomas D. Pratt, David L.
Kaeser, Dana S. Pritchard, Nolie D., Jr.
Keeler, James J. Provenzano, Joseph G.
Keene, Donald L. Prymak, Peter G.
Kelly, Scott H. Rantanen, Robert W.
Kent, Tycho L. Redmon, Danny R.
Knapp, David A. Rhinesmith, Gary R.
Kruschke, Dale E. Ricketts, Steven D.
Kruse, Marcia A. Rider, Maradee
Kuehnle, Donald W. Rindler, Mark S.
Labaw, Richard A., Jr. Rix, William H.
Landis, Jerry D. Robinson, William R.
Langford, John D., Jr. Rocheleau, Karen D.
Langley, Conrad A., Jr. Rosenberg, Joan R.
Larrabee, Robert A., Jr. Ross, Thomas J.
Larson, Kathleen E. Sales, Christopher A.
Larson, James W. Sampson, Thomas N., II
Lavigne, Barry A. Saunders, Charles C.
Leighly, Melinda J. Schoultz, Robert P.
Levedahl, William K. Schueneman,
Lindamood, Edgar V. Frederick W.
Lisak, Keith S. Scott, David A.
Liss, Stanley M. Sharp, Michael A.
Locke, Rodney M. Sheffield, James W.
Luoma, Stephen R. Sindlinger, William J.
Lutes, Frank A. Singer, Donald R.
Luther, Ronald J. Single, John M.
Lynch, Anne Sipe, Alan M.
Manion, Mark M. Skurka, Dale G.
Marks, Harry E. Smedberg, Richard A.
Martin, Clifton C., Jr. Smith, Billie L.
Martin, Edwin H., Jr. Smith, Norman K., II
Martin, Richard L., Jr. Sneed, Brandon M.
Masten, Joseph T. Sokolowski, John A.
Matheny, Leonard R. Sondergaard, John M.
Mathison, Robert C. Spatafore, Gene A.
Stanley, William B.

Starzy, Virginia L. Vonk, Martin J.
 Stephenson, Richard Walter, Ainslie B.
 D. Watson, Judith A.
 St Pierre, Larry Wedoff, Steven D.
 Streeter, Paul J. Welmer, John C.
 Sullivan, Mark P. Wells, William A.
 Tesch, Thomas G. West, Robert T.
 Thompson, Judy H. White, Donald D.
 Thorn, David J. Whymers, Michael L.
 Tilotson, Robert N. Wicks, James H., Jr.
 Todd, James A. Wiggers, Raymond P., Jr.
 Tournier, Johanne L. Wilken, Dennis R.
 Towne, James B. Wilson, Joseph D.
 Tracy, Robert E., Jr. Withrow, John F.
 Trasoras, Edward C. Whittenberg, Charles
 Turner, Dick W. F.
 Uhal, Howard T. Worst, Terry J.
 Uhlig, Phillip C. Vanderford, William D. Wydier, Nancy K.
 Vanduyne, George S. Yantis, Kathleen M.
 Jr. Yeager, Merle E.
 Vannatter, Richard P. Zambrano, Steven P.
 Vittitoe, Barbara J. Zebrowski, Christine
 Vollimer, Leo W., Jr. A.

SUPPLY CORPS

Apple, Chris L. Kiggins, Richard A.
 Appelquist, James S. Kokosinski, Mark E.
 Ballard, Susan W. Maguire, William J.
 Benson, Nanette E. McGarrett, William J.
 Bente, John T. Mondiek, David A.
 Bristow, William D. Morgan, Everett M.
 Brooks, Stephen B. Munson, Timothy O.
 Brown, Gregory A. O'Connor, Vincent T.
 Burns, Shirley J. Oller, Arthur G.
 Corbitt, John C. Russell, Robert M.
 Dixon, Jeffery A. Ryan, John F., Jr.
 Easton, Gregory B. Siebeneschuh,
 Fargo, Keith B. Frederick R.
 Finney, Thomas G. Simcich, Michael A.
 Flanagan, Patrick J. Sperry, Charles K.
 Graham, John M. Stanton, Marjorie J.
 Quion, Stephen W. Stephens, Thomas L.
 Hartman, Douglas M. Stroupe, John B.
 Hendrickson, Robert C., III Townsend, Paul J., III
 Hess, Donald W. Westlake, Edward L.
 Higgins, Guy M., Jr. Winstead, William G.
 Holcomb, Carl D. Tomlin, Henry B., III
 Huntress, Diana E. Watson, Peter W.
 Johnson, Michael D. Williams, John A., Jr.

CIVIL ENGINEER CORPS

Bertsche, Arnold E. Carver, Gary F.
 Curd, Andrew T. Frey, Kenneth P.
 Knudson, Daniel F., Jr. Ludwig, Kurt J.
 Ross, Steven R. Titus, George H.

MEDICAL SERVICE CORPS

Bosshard, Nancy L. Dillingham, Joe G.
 Gregory, Gary D. Hart, Gene D.
 Stein, Cynthia A. Walsh, Richard J.
 Williams, Peter N.

NURSE CORPS

Butzow, Robert E. Dixon, John A.
 Felix, Kate G. Kelly, Marie E.
 Pasbrig, Catherine P. Rusnak, Diane L.
 The following-named lieutenants (junior grade) of the U.S. Navy for temporary promotions to the grade of lieutenant in the line and staff corps, pursuant to title 10, United States Code, section 5769 and 5773, subject to qualification therefor as provided by law:

LINE

Jury, Jayson L. Lumsden, John C., Jr.
 McBarnette, Curtis Skjoldager, Jack O.
 W.

SUPPLY CORPS

Foster, Robert L.

IN THE NAVY

The following-named midshipmen (Naval Academy) to be permanent ensigns in the line or staff corps of the Navy, subject to the qualifications therefor as provided by law:

Ronald L. Aasland Vance H. Adams
 Carl H. Abelein Jack B. Adolph
 Thomas S. Abernethy Donald W. Aiken, Jr.
 John J. Aclim, Jr. John M. Alford III

Thomas S. Algeo Joseph A. Alvite
 John M. Amicarella James K. Andersen
 John P. Anderson Richard D. Anderson
 Steven P. Anderson Joseph T. Arcano, Jr.
 Gregory F. Atchison Brett D. Ayotte
 David A. Babcock Robert E. Backus, Jr.
 Steven W. Bacon Bernard T. Boetzel
 Alan T. Baker David A. Balestrieri
 George R. Ball Ramon A. Baltera, Jr.
 Richard R. Barth Steven W. Bartie
 Michael S. Basford Kenneth C. Bates
 Kenneth C. Bates Dale R. Batey
 Charles G. Batt III Howard S. Bayes, Jr.
 Howard S. Bayes, Jr. Bradford H. Baylor
 Daniel V. Bearss William J. Beary, Jr.
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 Robert E. Backus, Jr. Jeffrey D. Carpenter
 Steven W. Bacon John R. Carpenter
 Bernard T. Boetzel James M. Carr III
 Alan T. Baker Bruce W. Carter
 David A. Balestrieri John S. Casey III
 George R. Ball Anthony M. Cato
 Ramon A. Baltera, Jr. David L. Cawthra
 Richard R. Barth Nelson M. Cayabyab
 Steven W. Bartie Richard E. Cellon
 Michael S. Basford Russell M. Chang
 Kenneth C. Bates Dale R. Batey
 Charles G. Batt III Howard S. Bayes, Jr.
 Howard S. Bayes, Jr. Bradford H. Baylor
 Daniel V. Bearss William J. Beary, Jr.
 Frank J. Behm Charles B. Behrend
 Charles W. Bell, Jr. Vincent A. Bellezza
 David G. Bennett Keith L. Bennett
 Thomas A. Bennett John R. Benson
 Dominick P. Berenato Dirk E. Berry
 Vance D. Berry, Jr. Donald C. Beverlin
 Glen R. Beyer Corey D. Bickmore
 George H. Billy James F. Bland
 Robley L. Blandford James T. Bly
 James E. Bowdoin Kenneth D. Boensel
 John H. Bowling III Joel E. Bohlmann
 Raymond W. Bracy Richard W. Borchardt
 Donald P. Bruckwicki Scott H. Burns

Robert S. Dirickson Loren C. Divers

Carl J. Jensen III
Christopher H. Jensen
Herbert G. Jensen, Jr.
Richard E. Jesmonth
Michael R. Johnson
Michael R. Johnston
Thomas A. Johnston
Charles W. Jones
James A. Jones, Jr.
Stephen E. Jones
Gregory A. Jubert
Randolph T. Kahn
Eric A. Kaliski
Michael L. Kalnoske
Edward F. Kamradt
James L. Kantner
Roger E. Kaplan
Andrew T. Karakos
Gerard L. Katilus
John V. Kauffman
Eddy D. Kee
Elton M. M. Kelley
Raymond P. Kempisty
Neil F. Kennedy
George W. Kersten
Daniel T. Keuhlen
William J. Kihm II
Lanny L. King
Marvin E. King
Steven D. Kinney
Brian E. Kirk
Frank A. Klepacki, Jr.
Leo L. Klikier
Stephen B. Kloppmann
John P. Klose
Jeffrey C. Knauer
Bobby L. Knight
Dennis L. Koehl
John K. Koljesky
Gregory C. Kolodziejczak
Alvin F. Kolpacke
Leif H. Konrad III
Stephen J. Koronka
James R. Koslow
George M. Koucheravy
John R. Kovalcik
Allan S. Kowadla
Michael J. Kozlarek
William H. Kramer
Warren S. Krull
Donald J. Ksiazek
John M. Kulesz
Donald A. Kuntz
John M. Kurowski
Jon B. Kutler
Henry J. Kuzma
Raymond R. Kwong
Stanley J. Labak
Wayne D. Lachowicz
John F. Lademan
Duane M. Lafont
Christopher J. Lagemann
William E. Landay III
Scott A. Langdon
William H. Larimore, Jr.
Scott L. Laser
Stephen B. Latta
David T. Lauriat
Thomas A. Lauzon
Kenneth M. Law
Charles T. Lawson
Michael S. Lax
Gary R. Leaman
Michael P. Leary
Horace M. Leavitt III
Rand D. LeBouvier
Charles J. Leidig, Jr.
Daryl A. Lengel
Wayne W. Leong
Todd S. Lesh
William Lewis
Michael C. Lewis
Kevin G. Liddy

Craig A. Lile
Sale T. Lilly III
Carl E. Lindstrand
Mark V. Lindstrom
John R. Link
James F. Lippard, Jr.
Bryan K. Livingston
James G. Loeffler
Gregory R. Long
Bruce A. Lord
Charles R. Love
Ronald M. Lovelace
Gary W. Lovgren
Richard S. Lowell
Frederick W. Lucci
Fafaal V. Luvano II
Scott W. Lutterloh
Joseph M. Lynch
Kevin E. Lynch
Paul K. Lynch
Carl F. Lyon
John W. Lyver IV
William F. McCabe
Jeffrey T. McCabe
Robert L. McCabe, Jr.
Michael E. McCaffrey
William D. McCain III
James P. McCann IV
James W. McClean
James R. McClelland
Sean K. McCloskey
Brian J. McCormack
Patrick J. McCormick
John F. McCourt
Michael H. McCrabb
Larry S. McCracken
Daniel D. McCready
Thomas F. McElwee
Michael A. McEntee
Glenn A. McGarvey
Michael B. McGee
Timothy J. McGee
Kevin G. McGhee
James T. McInerney
William O. McKeag
Scott A. McKee
Thomas L. McKeon
Duncan G. McLean
Thomas D. McLeod
Thomas M. McMahon
Robert L. McMasters
Thomas G. McNamee
Robert D. McNaughton
Ronald J. McNeal
Michael J. McNish
Michael J. Makowicz
Michael G. Malinick
Stephen E. Malone
Gregory A. Mankey
Paul B. Mansfield
Mark C. Manthey
Guido A. Manzo
Bryon F. Marchant
John M. Marinucci
Gregory J. Martin
John W. Martin, Jr.
Joseph R. Martin
Paul W. Martin
Tony G. Martin
William R. Martin, Jr.
Ricardo Martinez
Charles W. Martoglio
Dean R. Marzetta
Randall A. Masters
Michael G. Matacz
Peter F. Mathews
John M. Mathe
Christopher W. May
Floyd J. Meadows
David J. Mercer
Aris P. Metrakos
Douglas R. Meyer
John E. Miesner
Charles A. Miller III
Leon E. Miller
Mark C. Miller
Scot A. Miller
Thomas H. Miller, Jr.
Ray C. Milton

Steven R. Minnis
Raymond M. Miskowski
Lawrence D. Mizak
Arthur S. Mobley, Jr.
Richard A. Mohler
Paul E. Monaghan
Mark D. Mooney
Richard J. Mooney
Michael M. Moore
Daniel J. Mori
David W. Moris
David B. Morrison
Thomas W. Morse
Drew R. Mulhare
Mark A. Munson
Robert J. Myers
Mark S. Nault
Elmer J. Nelson, Jr.
Eric K. Nelson
Larry D. Newby
John F. Newcomb
Christopher T. Nichols
Charles G. Nickell
Frederick M. Nielsen
Andrew M. Nienhaus
David E. Nix
Kiel L. Norris
Morris L. Norton
Robert E. Novak, Jr.
Alfred S. J. Nugent III
Herbert J. Nyberg
Brent J. Obenour
Eugene T. O'Brien
Thomas O. O'Bryant
Jr.
John M. O'Dwyer
Daniel M. O'Keefe
James E. Oldham
Stephen M. Olechnowicz
Everett H. Oliver II
James D. Oliver III
Kevin R. Olsen
Larry B. Olsen
John A. O'Neill III
John C. Orzalli
George M. Oslovar
Dennis S. Otoshi
Donald K. Owen
John E. Painter
Steven S. Painter
Matthew S. Pasztaian
Stephen J. Paternoster
Michael G. Patton
Richard A. Paulsen
William B. Pearce, Jr.
Gregory W. Peet
Steven E. Petersen
John S. Peterson
Joseph C. Peterson, Jr.
Mark H. Peterson
Steven W. Petri
David L. Philman
Paul M. Pietsch
Renaldo P. Pili
John G. Plencner
Barry J. Pochron
Steven G. Podawitz
James L. Pointer
Richard J. Polek
William M. Poole, Jr.
Dennis M. Popiel
Arthur R. Porcelli, Jr.
Christopher L. Powers
David E. Price
Larry D. Price
Lester L. Price
Dennis M. Pricolo
Lloyd O. Prince, Jr.
Bruce N. Proctor
Scott M. Provow
Henry L. Pruitt, Jr.
Anthony J. Quatrocine
Patrick J. Quigley
Jerome P. Rakel, Jr.
Matthew G. Rausch
Kevin C. Rawson
Douglas A. Ray
Morrison W. Ray
Herman P. Reddick, Jr.

Steven C. Redvick
Edward P. Reid
Dennis J. Reilly
James T. Reilly
James M. Rennie
Thomas R. Rentz
Robert E. Richards, Jr.
Robert J. Richards
Benjamin E. Richter
Luther H. Ridenhour
Jr.
David B. Rigdon
Ronald W. Robbins
David M. Roberts
Mark J. Roberts
Walter T. Robinson, Jr.
Warren T. Robinson
Albert Robredo
Brian M. Roby
Brian G. Rochon
H. Scott Rodgers
Philip L. Rodgers, Jr.
David J. D. Rodriguez
Kenneth P. Roey
John G. Rogers
John H. Rogers
John L. Rogitz
Robert R. Romaine, Jr.
Gerard D. Roncolato
James F. Root, Jr.
John S. Rosa
Timothy N. Rose
Eric R. Rosenlof
Michael R. Ross
Paul P. Ross
Robert M. Ross
Vincent S. Rossitto
Sietze J. Rottion
Richard T. Roustio
Thomas G. Rubenstein
John C. Rudder
Paul J. Russo
Michael S. Ruth
Kevin P. Ryan
Patrick W. Ryan
Robert W. Ryan
Michael R. Saddler
Ramon R. Saenz, Jr.
Michael J. Sagness
Gus Sambrano, Jr.
Philip E. Sanchez
Christopher M. Sattler
Mitchell K. Sauls
Craig R. Savant
Ralph P. Scafidi
John J. Scarpulla
Richard E. Schieben
James E. Schlagheck
Robert P. Schermund
Joseph E. Schmitz
Donald R. Schneider
Duane D. Schoon
Douglas L. Schultz
David F. Schuman
Robert L. Schwanek
Ralph K. Schwartzbeck
James D. Scola
Jonathan E. Sears
Darryl M. Secord
Howard C. Seeger, Jr.
Chad A. Seizert
Steven C. Sellner
John H. Semcken III
Daniel D. Serfass
Christopher A. Serio
Chester J. Seto
Anthony D. Shadix
Frederick J. Sheehan
Jr.
Earnest L. Sheldon
Jr.
Marc Sherman
Michael Shinego
Robert H. Shinskie
Michael R. Shumaker
Anthony A. Shutt
Garry N. Simpson
John P. Skopsberg
Herman P. Reddick, Jr.

Christopher D. Slack
James F. Small, Jr.
Richard H. Small
Danny J. Smith
Michael W. Smith
William W. Soer
Mark D. Soha
Charles A. Sotomayor
Robert S. Sowell
Timothy P. Sprague
Scott L. Stafford
John D. Stalnaker
Steven J. Stamos
Joseph T. Stanik
Dirk L. Stanley
Timothy J. Stark
Floyd L. Steed, Jr.
Charles O. Stephan
Robert J. Stolle
Robert S. Stoner
John D. Storwick
Alex R. Stowe, Jr.
Mark C. Strasser
Robert M. Stuart II
John B. Sturges III
David M. Surgent
Paul K. Susala
Steven H. Sutton
Jerry C. Swartz
Edward P. Szeligowski, Jr.
Kimber J. Tageson
Shawn R. Tallant
Wade C. Tallman
Sam J. Tangredi
William J. Terry, Jr.
George R. Tufel
Bradley G. Thomann
Larry B. Thompson
William C. Throne
Kurt W. Tidd
Barry M. Tilden
Richard A. Tillman
William G. Timme
Robert J. Tobey
Maurice B. Tosc
Todd D. Tracy
Benjamin M. Trapnell
Tom C. Trudell
Lance N. Tucker
Robert U. Tuohy III
George D. Tyree
Ronald J. Uglow
Donald L. Urovidez
Martin R. Valenstein
Darrell Y. Van Hutton
Henry P. Van Oss
Hall G. Van Vlack IV
Donald E. Vance II
James E. VanDerKamp, Jr.
Edgar Vaughan IV
Jordan A. Vause
Robert A. Vogt
Frederick G. Von Ahn

The following-named Navy enlisted scientific education program candidate to be a permanent ensign in the line of the Navy, subject to the qualifications therefor as provided by law:

James Robert Kirk

The following-named temporary Chief Warrant Officer to be appointed a permanent Chief Warrant Officer, in the U.S. Navy, subject to the qualifications therefor as provided by law:

Clarence W. Creighton

The following-named Navy enlisted candidates to be appointed permanent Chief Warrant Officers, W-2, in the U.S. Navy, subject to the qualifications therefor as provided by law:

Virginia B. Ciborowski

Suzanne Morgan

The following-named Navy enlisted candidates to be appointed temporary ensigns in the U.S. Navy, for limited duty, for temporary service, in the classification indicated,

George M. Wadzita
Frank K. Walindle
Kenneth E. Waldie
John P. Wallace
Kenneth M. Wallace, Jr.

Lester A. Wallace
Thomas L. Walston

III
Kevin R. Walter
Kenneth T. Wammack
Michael E. Warner
James P. Warren
Roger D. Watkins
John H. Watters
Aaron D. Watts

Francis M. Webster
Whitehouse, Jr.
Larry E. Whitmeyer
Buck Wicklund
Paul A. Wiedorn
Jacob P. Wilkins
Jonathan E. Will
Alden G. Williams
David A. Williams
Melvin G. Williams, Jr.
Christopher S. Willson

Bradley T. Wilson
David S. Wilson
Anthony L. Wiggins
Philip A. Winters
Arnett J. Wise

Patrick A. Witt
Charles S. D. Witten
Christopher M. Wode
Lewis J. Wolfrom
Daryl L. Wood

Terry E. Wood
Glen O. Woods
Harry M. Woods
John L. Woodward, Jr.

Keith L. Wray
Richard B. Wren
Robert J. Wuestner

Edward M. Wynne
Richard J. Yasky, Jr.
William E. Yeager, Jr.

John F. Young
Orrin W. Young
Michael J. Yurina
Robert M. Zalaskus

Stanley N. Zehner

Brice E. Zimmerman

subject to the qualifications therefore as provided by law:

John L. Farmer, Electronics-Surface.
James W. Tyner, Administration.

The following-named Navy enlisted candidates to be appointed temporary Chief Warrant Officers, W-2, in the U.S. Navy, subject to the qualifications therefor as provided by law:

James L. Harris. Donald E. Lins.
Philip A. Jaquith. Frederic P. Pokrant.

The following-named (U.S. Navy officers) to be appointed permanent commanders in the Medical Corps in the Reserve of the U.S. Navy, subject to the qualifications therefor as provided by law:

Cdr Seth E. Anderson, Jr., MC, USN.
Cdr Walter W. Huirman, MC, USN.
Cdr Joseph L. Izzo, MC, USN.
Cdr Peter T. Kirchner, MC, USN.
Cdr Robert B. Lewis, MC, USN.

The following-named (U.S. Navy officer) to be appointed a permanent commander in the Dental Corps in the Reserve of the U.S. Navy, subject to the qualifications therefor as provided by law:

Cdr David L. Tagge, DC, USN.

The following-named (U.S. Navy officers) to be appointed temporary commanders in the Medical Corps in the Reserve of the U.S. Navy, subject to the qualifications therefor as provided by law:

Cdr Igor Z. Drobicky, MC, USN.

Cdr Henry J. Fisk, Jr., MC, USN.
Cdr Carl W. Huff, MC, USN.
Cdr Lee J. Melton, III, MC, USN.
Cdr Roscoe F. Sutor, MC, USN.

The following-named (U.S. Navy officers) to be appointed temporary commanders in the Dental Corps in the Reserve of the U.S. Navy, subject to the qualifications therefor as provided by law:

Cdr Ralph E. Beyersdorf, DC, USN.
Cdr Russell J. Stratton, DC, USN.

The following-named (U.S. Navy officer) to be appointed a temporary commander in the line in the Reserve of the U.S. Navy, subject to the qualifications therefor as provided by law:

Cdr John M. Ringelberg, USN.

CONFIRMATIONS

Executive nominations confirmed by the Senate April 6, 1978:

DEPARTMENT OF STATE

Alfred L. Atherton, Jr., of Florida, a Foreign Service officer of the class of Career Minister, to be Ambassador at Large.

Harold H. Saunders, of Virginia, to be an Assistant Secretary of State.

Robert L. Yost, of California, a Foreign Service officer of class 1, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Dominican Republic.

UNITED STATES ADVISORY COMMISSION ON INTERNATIONAL COMMUNICATION, CULTURAL AND EDUCATIONAL AFFAIRS

Olin C. Robison, of Vermont, to be a member of the U.S. Advisory Commission on International Communication, Cultural and Educational Affairs for a term of 1 year.

DEPARTMENT OF JUSTICE

Joan F. Kessler, of Wisconsin, to be U.S. attorney for the eastern district of Wisconsin for the term of 4 years.

The above nominations were approved subject to the nominees' commitments to respond to requests to appear and testify before any duly constituted committee of the Senate.

THE JUDICIARY

Almeric L. Christian, of the Virgin Islands, to be a judge of the district court of the Virgin Islands for a term of 8 years.

Paul A. Simmons, of Pennsylvania, to be U.S. district judge for the western district of Pennsylvania.

DEPARTMENT OF STATE

Diplomatic and Foreign Service nominations beginning Kathleen Bruguire Anderson, to be a Foreign Service officer of class 4, a Consular Officer, and a Secretary in the Diplomatic Service of the United States of America, and ending Marvin A. McCallister, to be a Consular Officer of the United States of America, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD on March 23, 1978.

HOUSE OF REPRESENTATIVES—Thursday, April 6, 1978

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

Rabbi Dov Bidnick, Sky Lake Synagogue, North Miami Beach, Fla., offered the following prayer:

Universal Father, Supreme Author of Liberty, who grants salvation unto nations, courage and strength to governments:

... שׁוב לְהַדּוֹת

Tov L'Hodos L'Hashem.

It is good to give thanks unto the Lord. Help us unite all the citizens of our Republic by a bond of genuine brotherhood. May we never forget that freedom is indivisible; that the world cannot long endure half free and half slave. Inspire us to raise our voices fearlessly in behalf of our fellow man regardless of race, color, or creed. Teach us to be concerned with the welfare of each other. We pray Thee to bless, protect, and watch over the Members of this esteemed body and all of the constituted officials of our Government. Grant them wisdom and understanding in order to lead our Nation in righteousness and truth. Strengthen the warm bond of understanding which unites America and Israel and all freedom-loving nations that search for peace. Sanctify our love of country and devotion to the American way of life and let all nations resolve to toil for peace, for us and all mankind. Amen.

THE JOURNAL

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

Without objection, the Journal stands approved.

There was no objection.

MESSAGE FROM THE SENATE

A message from the Senate, by Mr. Sparrow, one of its clerks, announced that the Senate had passed without amendment a bill of the House of the following title:

H.R. 2540. An act pertaining to the inheritance of trust or restricted lands on the Umatilla Indian Reservation.

The message also announced that the Senate had passed with amendments in which the concurrence of the House is requested, a bill of the House of the following title:

H.R. 7744. An act to amend the acts of August 11, 1888, and March 2, 1919, pertaining to carrying out projects for improvements of rivers and harbors by contract or otherwise, and for other purposes.

The message also announced that the Senate had passed bills of the following titles, in which the concurrence of the House is requested:

S. 1568. An act to name the lake located behind Lower Monumental Lock and Dam, Washington, "Lake Herbert G. West"; and

S. 1633. An act to provide for the extension of certain Federal benefits, services, and assistance to the Pascua Yaqui Indians of Arizona, and for other purposes.

RABBI DOV BIDNICK

(Mr. LEHMAN asked and was given permission to address the House for 1 minute.)

Mr. LEHMAN. Mr. Speaker, Rabbi Dov

Bidnick is the spiritual leader of Sky Lake Synagogue in North Miami Beach, Fla. He is a graduate of Johns Hopkins University, was ordained at the Ner Israel Rabbinical College in Baltimore in 1963, and received his masters degree in education from the Ferkauf Graduate School of Yeshiva University in 1974. He is married to the former Judi Levin of Harrisburg, Pa., and they have three sons.

Rabbi Bidnick is in the forefront of community activities involving not only the Jewish community, but the community in general. He is a lecturer and educator for the Central Agency for Jewish Education's Judaica High School as well as having taught for the Hebrew Academy. He is the educational director of Hinenu of Florida's Leadership Training Seminar. He was formerly the principal of the Hillel Community Day School of North Miami Beach.

Rabbi Bidnick is one of the founders of the Torah Academy of South Florida and serves on the Human Resources Committee of the city of North Miami Beach. In addition, he hosts a radio program, "Judaism Speaks," and serves on the boards of the Mesivta High School, the Hebrew Academy, and the National Conference of Synagogue Youth.

For many years Rabbi Bidnick has been involved with those national and local organizations that have helped him to best dedicate his life to helping people.

NEUTRON BOMB MUST BE DEVELOPED

(Mr. COUGHLIN asked and was given permission to address the House for 1