"(c) PLAN MAY NOT INCLUDE A STANDBY AUTOMOBILE STICKER SYSTEM.—The plan established under subsection (a) may not include a standby automobile sticker system.

Page 43, strike out line 12 and all that follows down through line 9 on page 45.

Page 27, after line 13, insert the following new paragraph:

"(15) The term 'standby automobile sticker system' means any restriction applicable to automobiles (or classes thereof) which, by means of stickers or other devices, identifies vehicles which are prohibited from being operated on designated days (or other periods of time).

By Mr. STOCKMAN:

—Page 43, after line 11, add the following new subsection:

"(f) PLAN MAY NOT AUTHORIZE RESTRICTIONS ON BUSINESS HOURS.—The Plan established under subsection (a) may not provide for the restriction of the Hours during which any business may operate."

EXTENSIONS OF REMARKS

NATIVE INGENUITY CONSERVES ENERGY, CUTS COSTS

HON. DON FUQUA

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 24, 1979

● Mr. FUQUA. Mr. Speaker, our success in winning the energy war will depend greatly on the individual exercise of inventive ingenuity by citizens faced with everyday problems.

As an example of that inventiveness—and how it can increase profits while benefiting the Nation—I commend to you the story of Bobby Sherrod of Greenville, Fla.

Mr. Sherrod operates a lumber mill which receives rough cut trees and creates finished boards for the construction trade. The final stage in producing that finished product is the drying process which uses large amounts of energy to heat a kiln to 255° F, 24 hours a day, 7 days a week, 52 weeks a year.

Until recently that kiln consumed 1,000 gallons of propane fuel daily at a daily cost of about $400.

A byproduct of the lumber mill is wood shavings created in the planning process. The shavings have normally been sold to a particle board plant for virtually nothing.

Mr. Sherrod saw an opportunity to reduce his kiln heating costs significantly and make more economic use of his wood shavings and contracted with a small manufacturer to install a system designed to create gas for the kiln from the wood refuse.

Working on it personally for more than a year in connection with the manufacturer, he has now developed the system to the point where it can provide total fuel for his kiln for stretches of 10 days at a time before it has to be shut down for cleaning.

On each one of the days the wood gas is used as primary fuel, the Nation saves 1,000 gallons of propane gas and Mr. Sherrod reports that his business saves about $150 a day after paying increased personnel costs. Mr. Sherrod estimates it will take 3 to 4 years to recapture his investment of more than $150,000 in the new process at the current rate of utilization, but he hopes the system can still be refined further for longer burns. But, even at the current utilization rate, Mr. Sherrod is contributing significantly to energy conservation and building himself a competitive advantage in the market by reducing his overhead.

Mr. Speaker, that is the kind of imaginative innovation which has made this Nation great and which will be one of the chief ingredients in our successful battle for energy independence. I commend Mr. Sherrod to my colleagues and the Nation as an example of effective management of personal and national resources.●

WOMEN IN THE WORK FORCE

HON. PATRICIA SCHROEDER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 24, 1979

● Mrs. SCHROEDER. Mr. Speaker, women are joining the U.S. work force at the rate of a million a year. Women wage earners represent 51 percent of the labor force in 1979, whereas in 1870 women wage earners represented only 15 percent of the labor force. More of these women are becoming union members and becoming increasingly influential in the U.S. labor movement at both local and national levels. Female unionists now total 4.3 million or 25 percent of union membership. Women have accounted for more than 50 percent of the growth in union membership over the last 10 years.

Women, however, are not new to the labor union struggles. It was in 1734 that the first women's labor organization was established by maid servants to protest abuses from their mistresses' husbands in New York City. The second recorded strike of factory workers in American history occurred in 1828 in Dover, N.H. by 400 women.

In 1845, because of the poor conditions of workers in the mill industries, mill workers of Lowell, Mass., formed the Female Labor Reform Association. The group started with 12 members—within 6 months it was 500 members strong. One of the first alliances between female and male labor unions in the labor movement was between the Female Labor Reform Association and the New England Workingmen's Association in their effort to lobby for a 10-hour work day.

The first labor organization in the United States to accept women members on an equal basis was the Knights of Labor, which was founded in 1869. A few female leaders attained local and even national leadership. One of these women was Mrs. George Rodgers, mother of 12, who in 1886 was the chairman for the Chicago area of the Knights of Labor. Mother Jones, who is today's featured Minutewoman, was an organizer for the Knights of Labor. Her motto was, "Pray for the dead and fight like hell for the living."

Other women unionists emerged as labor leaders in their specific trades. One of these women was Rose Schneiderman, who helped form the first female local within the United Hat and Cap Makers Union. She was elected to the general executive board, becoming the first woman in the trade union movement to hold such a high position.

It was through the efforts of women like Mother Jones and Rose Schneiderman, as well as the thousands of women who collected dues, obtained charters, formed bargaining committees in their shops, and talked up the need for unionization, that women laid the foundations of unionism in industry.●

TRIBUTE TO MS. FRANCES M. ALBRIER

HON. RONALD V. DELLUMS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 24, 1979

● Mr. DELLUMS. Mr. Speaker, I would like to bring to the attention of my colleagues the outstanding achievements and contributions of a truly magnificent woman, Ms. Frances Albrier. Ms. Albrier, a Berkeley civic leader, has for 40 years persistently fought against racial bias. She has won several honors for her invaluable public service. In 1954, she was given the NAACP's prestigious Fight for Freedom Award. In 1971, she received the California Congress of Parents and Teachers, Inc., Honorary Service Award—their highest honor. This was given to her for her work with the intergroup education project in Berkeley for which she served as membership chairperson for 2 years; for her work since 1960 as a social resource volunteer and speaker on African culture in the Berkeley and Oakland schools; and most particularly for inspiring interest in service to youth through the PTA such that she was able to reactivate a PTA unit at an Oakland junior high school.

Ms. Albrier was born in Mt. Vernon, N.Y., and educated at Booker T. Washington School in Tuskegee, Ala., and Howard University, from which she received a degree in general social services. Her late husband, Willie Albrier, was a bartender on the Southern Pacific's lounge cars. During those years, Ms. Albrier served as president of the Women's Auxiliary of Local 456 AFL, Dining Car Cooks, Waiters, and Bartenders Union.

During the thirties, Ms. Albrier was a social service caseworker for the State.

● This "bullet" symbol identifies statements or insertions which are not spoken by the Member on the floor.

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In 1938, she was elected to a post on the Democratic Central Committee of Alameda County, and served on the committee for 18 years. During World War II, she was a welder at Kaiser Shipyards, and also did volunteer work in the Red Cross, the Motor Corps, the USO, the Fannie Wall Children's Home, the Visiting Nurses Association, and the NAACP.

It was as early as 1938 when she ran for the Democratic Central Committee that Ms. Albrier sought an end to racial bans. In 1939, she worked to stop racial discrimination in the hiring policy of the Berkeley schools. That year, she joined with other concerned women and formed the East Bay Welfare Women's Club, a political nonpartisan group, to urge the hiring of nonwhite school personnel in Berkeley. Ms. Albrier then ran for the city council of Berkeley. Although she was defeated, her campaign and her talks about discrimination in hiring did bring about policy change, enabling black teachers to be employed in the schools. She also organized picket lines at Berkeley business establishments where racial discrimination was practiced in hiring.

Ms. Albrier has served as vice president of the Berkeley Women's Town Council, on the board of directors of the South Berkeley model cities program, and as president of the Northern Federation of Colored Women's Clubs.

In March of 1971, the assembly rules committee of the California Legislature passed a resolution commending Ms. Albrier for her "outstanding record of achievements in public service." In May of this year she was awarded a national award by the Black Caucus Senior Center on Aging. Ms. Albrier has won the respect of numerous people for her unwavering commitment to improve the quality of life in her community. I think it is thus appropriate to honor her, and to thank her, for a job well done. It is my honor to bring the accomplishments of this woman to your attention.●

MERITS OF AIRBAGS

HON. JAMES H. SCHEUER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 24, 1979

● Mr. SCHEUER. Mr. Speaker, my colleagues undoubtedly are aware that there is a vigorous debate ongoing concerning the merits of airbags. One of the more thoughtful considerations of the merits of this life-saving system was offered last week in a letter to colleagues by two of this body's most esteemed Members, Representative JOHN J. RHODES, the minority leader, and Representative BOB ECKHARDT, chairman of the House Commerce Subcommittee on Oversight and Investigations. I am pleased to insert their letter into the RECORD:

WASHINGTON, D.C., *July 17, 1979.*

DEAR COLLEAGUE: Our colleague, John Dingell, has asked you to support an amendment to the Department of Transportation appropriations bill (H.R. 4440) that would prohibit the Department from enforcing its 1977 automobile passive restraint standard in the form in which it was promulgated and approved by the Congress.

The standard currently calls for the manufacture of vehicles capable of protecting their front-seat occupants from injury in frontal crashes of 30 miles per hour, beginning with the 1982 model year. The standard permits the manufacturers to use any technology they wish to meet its performance criteria.

Mr. Dingell's amendment would prevent the DOT from enforcing the standard if the manufacturers chose to use any technology other than belt systems. He is asking you to turn the performance standard required under the National Motor Vehicle Safety Act of 1966 into a design standard, and to rule out the use of the other presently available technology, the air cushion restraint system (or airbag).

We are strongly opposed to Mr. Dingell's amendment. Congress requires the agency to set standards based on broad performance criteria, to permit the highest degree possible of competition and innovation in the market. If the agency should be kept out of the business of designing cars, it is even more appropriate that the Congress stay out of a highly technical judgment on the relative merits of competing passive restraint systems.

The Dingell amendment is, we are afraid, but a prelude to attempts to have Congress outlaw airbags, so that none of the manufacturers will have to compete with each other on the basis of superior safety technology. For this reason, too, we urge you to oppose the amendment. Having told the manufacturers that we want them to produce safer cars, we have no business telling them which technology they must or must not use to comply with the law.

FOB ECKHARDT,
Chairman, Subcommittee on Oversight and Investigations.

JOHN J. RHODES,
Minority Leader.●

SWEET SUGAR DEAL

HON. PAUL FINDLEY

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 24, 1979

● Mr. FINDLEY. Mr. Speaker, an excellent editorial statement appeared in the July 16 issue of the State Journal-Register, a daily newspaper in Springfield, Ill. The editorial was headed "Sugar Producers After a Sweet Deal" and it echos my sentiments regarding sugar legislation soon to come before this body.

The editorial points out the special interest nature of the proposed sugar legislation and its cost to the taxpayer-consumers of this country. I commend this editorial to my colleagues. Its text follows:

SUGAR PRODUCERS AFTER A SWEET DEAL

Politics, it is said, is the system we use to pass out the goodies to the several selfish interests in our society.

And, among these interests, the sugar lobby has always been one of the most successful. Congress now is considering one of the sweetest deals the sugar lobby has ever sought to put over on the American consumer and taxpayer.

The White House has bought the deal and President Carter, unaccountably, has given it his support, despite the fact that his own chief inflation fighter, Alfred Kahn, believes the present sugar program is highly inflationary.

The present sugar program is costing consumers about $2.6 billion a year in higher food costs, Kahn says. The proposal would enrich the program to about $3 billion a year, all at the expense of consumers and taxpayers.

What Congress should do is to provide for the orderly phasing out of the present sugar price support program instead of expanding it.

But key congressmen and senators from sugar-producing states stand guard for their constituents against any attempt to end Uncle Sam's role as their sugardaddy—influential men like Sens. Frank Church and Russell Long, and Reps. Tom Foley and Al Ullman.

The House Agriculture Committee has approved a bill (HR2172) which would increase the sugar price support from 14.73 to 15.8 cents a pound as of Oct 1 and provide for further increases to around 17 cents in 1980 and over 18 cents in 1981. In addition, the bill provides for a half cent a pound payment from the federal government.

The measure would benefit 14,000 farmers, representing less than 1 percent of the nation's farms and less than 1 percent of total crop acreage.

The farmers would benefit at the expense of most other Americans, who are already paying sugar prices that are 30 percent higher than they were two years ago.

It is hard for us to understand how the president of all the people could support such a special interest measure. We cannot see how any legislator not accountable to a special interest constituency can support it.●

TESTIMONY OF A. F. GROSPIRON, PRESIDENT, OCAW, ON THE OIL IMPORTS ACT OF 1979

HON. JOHN CONYERS, JR.

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 24, 1979

● Mr. CONYERS. Mr. Speaker, the distinguished president of the Oil, Chemical, and Atomic Workers International Union, A. F. Grospiron, recently testified in support of legislation sponsored by Representatives ROSENTHAL, ROSE, and myself to create a Federal corporation to purchase foreign oil. The Oil Imports Act of 1979 (H.R. 3604) would provide the effective means to curb the OPEC cartel and the multinational oil companies' market power, which together have brought about the crisis of energy costs we are experiencing today. I recommend that my colleagues read carefully his July 17 testimony before the Ways and Means Trade Subcommittee, which follows:

STATEMENT OF A. F. GROSPIRON

Since the Arab oil embargo of 1973–1974, the United States has become increasingly dependent on imported oil instead of moving toward energy independence. This has taken place because, following the recession of 1975, the U.S. economy has strongly expanded and has been accompanied by a growing utilization of petroleum products, particularly in connection with transportation.

The immediate energy crisis in reality is a crisis only in the supply of oil. Oil, natural gas and coal supply almost 95 percent of the energy consumed in the United States. Natural gas and coal are now in reasonably adequate supply from indigenous sources. However, oil makes up about 45 percent of total energy use in the United States. As imports provide about 45 percent if this nation's oil supplies, this means that 20 percent of total U.S. energy is now imported.

The dependence on imported oil, particularly OPEC oil, makes the United States vul-

nerable to cut-offs of supply such as those which occurred in the Arab embargo and the Iranian political upheaval. Further, the world price of oil is completely controlled by the OPEC cartel. This makes the U.S. subject to arbitrary price rises at the whim of OPEC, such as that which just occurred. The resulting high costs of imports impairs the stability of the U.S. dollar because of growing adverse trade balances.

The key task of this Congress in the field of energy is to deal adequately with the problem of oil imports. This means improving the security of U.S. access to oil supplies. It means bringing into being free world marketplace bargaining in place of arbitrary price fixing by the OPEC cartel. There are two parallel ways of going toward these objectives. Both should be pursued at the same time.

The first is to take steps to reduce the level of oil imports. This would decrease U.S. dependency on OPEC, as the United States is the largest purchaser of international oil. Significant reductions in U.S. imports would place downward pressure on world oil prices. It could convert this year's alleged scarcity of oil into a visible glut. The steps that need to be taken to reduce oil imports are conservation plus the development of domestic alternatives to imported oil.

The second and more direct way of reducing the power of OPEC has received comparatively little attention thus far. This is to take steps to set up free competitive marketplace bargaining conditions in international oil commerce. This is the purpose of the Conyers-Rosenthal-Rose bill, H.R. 3604, which OCAW is supporting.

The current situation is that all buying and selling of oil imported into the United States is carried out by a small group of multinational corporations. These corporations have absolutely no interest in bargaining with the producing nations over price.

One reason that the multinationals are unlikely to oppose the will of the OPEC governments at the present time is because, in their perception, any vigorous stand might imperil their access to OPEC oil.

A second reason for the surrender of the multinations to OPEC is that OPEC price rises cost the multinationals nothing as they are immediately passed through to the final customers. In fact, OPEC price rises are to the actual benefit of the multinationals. OPEC price increases place upward pressure on the prices obtainable for the multinationals' own oil produced in the U.S. and other non-OPEC countries.

The multinationals are so involved in the maintenance of their present status quo that it is impossible for them to effectively represent U.S. interests as bargaining agents in behalf of U.S. consumers.

H.R. 3604 would provide for direct participation of the United States in international trading of oil for U.S. import. This bill would set up a public corporation along the lines of TVA to buy and sell all oil imported into the U.S. after a phase-in period. The corporation would have the latitude to enter into long-term contracts for oil at fixed prices or to accept sealed bids for spot deals. Contract oil is by far the most important, spot dealing normally supplying oil for unplanned exigencies.

It must be conceded that any marketplace buyer is in a poor position in a time of scarcity of supply. The present apparent scarcity of oil in international commerce is probably highly artificial. However, this can not be presently tested because a competitive marketplace situation does not exist. This year's scarcity is likely to be transformed into next year's glut giving any genuine bargaining by a public corporation a fair chance. The reasons for this conclusion are spelled out in the following discussion.

The cost of production of oil put aboard a tanker at Ras Tanura, the main Saudi Arabian port, is officially quoted as 29 cents per barrel. The "official selling price" of this oil is $18. To this is added a 40-cent surcharge. The selling price is 63 times cost. This extraordinary spread between sales price and cost is vulnerable to substantial price cutting even if only a modestly competitive market were to exist. In truly competitive markets, the spread between delivered cost and sales price is only about 1.7 times for commodities.

The historical situation of the world oil industry has always been one of incipient or actual glut except during crisis situations such as World War II and the Arab embargo. Oil gluts have been endemic in the oil industry for over a century. This is in spite of periodic concerns that the United States and the world was running out of oil. The first of these public concerns was expressed by the U.S. government over sixty years ago, shortly after World War I.

The 1920's, however, were a period of uncontrolled oil glut.The glut led to a worldwide price war beginning in 1920 between Royal Dutch Shell and New Jersey Standard (now Exxon). The war was waged in India, the Far East, Europe and then even in the United States, using low priced Russian oil. New oil was also developing at this time in Venezuela, Mexico and Iraq. A nightmare of competitive marketing loomed ahead for the oil companies.

All this was ended by the Achnacarry agreement of 1927 among the Big Three: Exxon, Shell and BP. Through participation in production consortia in the Middle East, California Standard (Chevron), Texaco, Mobil and Gulf became essential partners in the Achnacarry agreement. This agreement divided up participation in world production and markets, ending any moves to marketplace competition.

The maintenance of artificial market prices requires the careful control of the volume produced to avoid disruptive surpluses. It is essential that this control be centralized and well disciplined to prevent overproduction from a country from eroding prices. The late John M. Blair, formerly Chief Economist for the Senate Subcommittee on Monopoly showed in the Control of Oil that from 1950 to 1972, total production in the countries now forming OPEC was remarkably well adjusted to the constant growth rate of demand. This obviously required centralized coordination as the production rates in the individual countries fluctuated wildly during this period in response to changing political and economic conditions in each country.

The situation changed abruptly when the OPEC governments seized control and imposed astronomical increases of oil prices. Previously, the price structure had been preserved by careful control of production rates by the oil companies. Production rates were now in the hands of the individual OPEC members.

The record shows that the OPEC countries have been far less successful in controlling and avoiding surplus production than were the multinationals. While there have been highly conflicting predictions of the extent of the world's oil resources and of the dates that oil resources may run short, there has been virtual unanimity regarding the existence of surplus oil supplies right up to the time of the Iranian revolution.

Larry Auldridge, in the Oil and Gas Journal of August 29, 1977, stated that:

"Record crude-oil production during the first half of 1977 has virtually flooded non-Communist markets.

"Crude stockpiles in the U.S. and Europe are nearly brimming. Tankers are slow-steaming on the high seas to delay oil deliveries, and many are lying idle in or near ports, unable to unload cargoes."

Lee Smith, in Dun's Review of September, 1978, said:

"In recent weeks, a surprising new phrase has been on the lips of Houston oilmen, New York bankers, Arab ministers and Carter Administration strategists. That phrase is, of all things, 'oil glut.' For while the drying up of oil supplies remains one of the world's most pressing long-term problems, a surplus will exist for the next few years."

There were numerous other articles in similar vein appearing in the years between 1975 and 1979.

With the huge difference between the actual cost of OPEC oil and its price, it is important to determine how prices could be maintained in the face of a large surplus of production capacity. Surplus supplies began to mount with the drop in demand because of the world recession which followed the Arab embargo. The maintenance of cartel prices under this condition would seem to imply an extraordinary amount of discipline among OPEC. This discipline does not appear to have been the case.

The fact that surplus oil for sale appeared in substantial quantities in the years between 1974 and 1979 clearly shows that OPEC discipline was lacking. What then maintained the world cartel prices?

The obvious answer is that no countervailing marketplace forces existed. The multinational oil companies with their predominant position in oil buying and selling were perfectly content to maintain the artificial prices even for oil from non-OPEC sources. Their ownership of production capacity in the U.S. and elsewhere provided ample incentive for them to keep up prices.

It may be fairly concluded that the marketing control of crude oil by the multinationals provides a line of defense around the OPEC prices. By selective buying the multinationals have been able to determine how much of, and whose oil, is sold on the international market. This power is limited only by the terms of "lifting agreements" with host countries. These agreements provide for minimum rates of crude oil production in each country.

Thus it was the marketing control of OPEC oil by the companies which succeeded in bringing about a small drop in oil production in the non-Communist world in the first half of 1978. Larry Audridge reported in the August 28, 1978 issue of the Oil and Gas Journal, under the headline "OPEC bears thrust of oil output decline," that global production had dropped just 1.1% but that OPEC oil had plummeted 9.3 percent, 2.65 million barrels per day. (The magnitude of this drop must have brought production levels near the minima prescribed in the various lifting agreements.)

Audridge stated that:

"Stepped up production from the Alaskan North Slope, the North Sea, and Mexico effectively backed out a considerable amount of OPEC crude exports."

The above sources are all non-OPEC and out of any system of control by OPEC. The increases in production from the Alaskan North Slope, the North Sea and Mexico were essentially uncontrollable in terms of any OPEC attempts to regulate the world market.

It should be apparent that the OPEC governments did not welcome and certainly did not initiate the drop in their oil output. The drop cost them collectively $12.6 billion. Only selective buying by the oil companies could have conceivably determined the pattern of oil production and deprived the OPEC governments of this revenue.

We come now to the question of how the Iranian shortfall in production could have created a world shortage of crude oil after the tremendous surpluses of 1977 and 1978. It is concluded here that the effect of the Iranian shortfall on world supplies of crude oil has been greatly exaggerated by the oil companies and OPEC, and that it may simply not exist.

The following is quoted from the Oil and Gas Journal of May 22, 1978:

"About 3 million bbl of crude oil goes up for sale every day in non-Communist countries without finding a buyer.

"And there's an estimated additional 6 million b/d of hooked-up capacity that isn't being produced because of the surplus market.

"W. H. Blackledge, assistant to the president of Gulf Oil Exploration & Production Co., says almost all of the excess crude is controlled by members of the Organization of Petroleum Exporting Countries.

"Blackledge expects non-Communist crude supply to continue in surplus for the next 3–5 years, with capacity sufficient to meet demand through the mid-1980's."

The total surplus capacity cited by Blackledge totals 9 million barrels per day. The normal exports of Iranian oil totaled 5 million barrels per day. Thus shortfalls resulting from the Iranian political upheaval could be replaced by bringing onstream existing surplus capacity.

Between 1975 and 1979, OPEC oil prices had declined slightly in real terms because of the depreciation of the U.S. dollar in which oil prices are reckoned and because of inflation. The stationery price of OPEC oil in this period was due entirely to the admittedly large surplus of production capacity.

The alleged world deficit in production capacity following the Iranian crisis created the necessary backdrop of confusion and hysteria which enabled the OPEC governments to institute their latest round of extortionate increases.

With the expected restoration of Iranian oil production, the large world excess of production capacity will again become highly visible.

A competitive world market in crude oil, however, cannot exist as long as a small group of multinationals, bound together by their mutual holdings in consortia, remain in exclusive control of the buying and selling of international crude oil. A third force such as would be created by H.R. 3604 is necessary for free marketplace bargaining with OPEC, with other oil producing countries and with the multinational corporations. Only then can an excess of oil producing capacity have any commercial meaning in marketplace terms.

It has been generally taken by the public at large that OPEC constitutes an invincible cartel. If this were correct, moves to bargain with individual OPEC members or even with non-OPEC oil producing countries would be simply useless. But this is far from being the case.

The members of OPEC have divergent interests and sharp disagreements. The meetings in 1977 revealed one such disagreement over pricing. At this time, Saudi Arabia and the United Arab Emirates took a 5-percent increase while the other OPEC members raised prices 10 percent.

The OPEC disagreements on pricing this year resulted in an agreement that has been characterized by the Petroleum Intelligence Weekly (July 2, 199) as "New OPEC 'System' Seen as Blueprint for Price Chaos." The "Official Selling Prices" for API Gravity 34 crude now range all the way from $18.00 up to $21.85 including surcharges.

In addition to the above price range for the same kind of oil (API 34), there are even larger disparities and disagreements about different kinds of oil and different geographical locations. To quote the same issue of the Petroleum Intelligence Weekly again:

"But the really big pricing loophole that threatens to undermine the basic two-tier OPEC "system" is the unspecified "normal differential" that each producer is free to add on for quality and location factors. There was virtual deadlock on that point even within the two main camps. OPEC producers have traditionally set such differentials for the major crude oils within a "band" of about $2 a barrel (surrounding the "marker" base). This "band" has been widened to at least $4 a barrel now, and even more if one attempts to justify the basic $2 OPEC surcharge on the grounds of quality and location too.

This price range in a situation with incipient surplus capacity would be a hayday for buyers in a free competitive market. It would put pressures on the prices at the upper end of the range.

In the international market controlled by the multinationals, it may be expected that oil bought at all prices will be sold at prices corresponding to the upper end of the range. The differentials will be simply absorbed into the downstream profits of the companies, with no benefit to the ultimate customers. It may be observed that the differentials in the new 1979 prices are large in terms of consumer prices. A difference of $4 per barrel is equivalent to 10¢ per gallon at the gasoline pump.

H.R. 3604 is designed to remove exclusive control of the buying and selling of foreign oil from the multinationals. To this end, the American Oil Importing Corporation, a nonprofit corporation like TVA, would be established. The corporation would be outside the Administration and insulated from day-to-day political pressures. The sole function of the corporation would be to negotiate directly with producers, shop around the world for oil at lowest prices and resell the oil in the United States. Under the terms of H.R. 3604, the corporation would function as an ordinary business organization with a Board comprising a President and not more than three other officers appointed by the U.S. President for fixed terms to manage the corporation in the same way that industrial corporations are managed.

The corporation would have a number of ancillary benefits. Other than preserving the necessary secrecy of information which might influence or affect the market value of crude oil or petroleum products, which might require the withholding of information for a fixed time, the operations of the corporation would be in public view. This means that it would provide the government and the American people with reliable information about oil purchased overseas, where it is refined and whether shortages or surpluses exist. This information is presently kept as top secret "proprietary" by the multinationals. Its release into the public domain is urgently needed. Only by information about the full facts concerning imported oil can this nation's energy policy decisions be formulated in any meaningful way.

The American Oil Import Corporation would put U.S. refiners on an equal basis. Artificial "transfer pricing" would be ended, with refiners becoming equal in access to imported oil, whether or not they owned foreign oil producing assets or had preferred access to oil abroad. Sales of crude by the corporation would be managed on an equitable basis to promote competition among domestic refiners. Imports of oil products would be managed in a way to insure maximum utilization of U.S. refining capacity.

At this point, some additional remarks about the longer term future of world crude oil availability are in order. There is remarkable diversity of opinion concerning the extent of the potential oil resources of the world. The recent CIA report predicted physical shortages of crude oil commencing in the 1980's. On the other hand, Dr. Bernardo Grossling reported in a study commissioned by the World Bank estimated total world resources as high as 6,000 billion barrels, an amount sufficient for 280 years at the present rates of consumption.

Information about the world's oil resources is exceedingly speculative as practically all the geophysical data obtained by exploratory work is in the hands of the oil companies and closely held as proprietary information. Publicly available information, however, indicates that there is oil potential in many Third World countries.

Not surprisingly, the oil companies oppose serious drilling in these areas. Exxon executive Howard Page once told a Senate Subcommittee investigating the lag in development of new oil resources outside present areas:

"I might put some money into it if I was sure we *weren't* going to get some oil, but not if we were going to get oil because we are liable to lose the Aramco concession". (underlining ours)

The major multinational oil companies are not likely to undertake serious drilling in these areas in view of the dangers to themselves of over-extending the world's oil productive capacity. In any case, if undertaken by the multinationals, the newly developed oil would be subject to the same kind of selective purchasing that the cartel exhibited in being able to back out 9.3 percent of the production of OPEC oil last year. The Third World countries with petroleum resources are just going to have to sit there until the multinationals decide that the cartel needs new oil supplies. In the meantime, potential oil revenues to these countries will have to wait.

There is a way around the reluctance of the major multinationals to undertake exploratory drilling in Third World countries. That way is to provide independent funding to wildcat operators outside of multinational channels. This could be done through the World Bank, the Export-Import Bank, direct U.S. government loans and by guarantees of private loans.

The World Bank announced on January 18, 1979, that it would offer substantial loan assistance to developing nations that hope to exploit oil and natural gas reserves. The Bank estimates that 60 developing countries would benefit from the loans which could amount to $1.2 billion a year by 1982. As might be expected, Exxon opposes this program, contending that it is unnecessary. Most of the other oil companies have been reported as opposing the World Bank Program.

It is clear that an urgent task is to provide funding to independent oil exploration and developments efforts outside the control of OPEC and the major oil companies if the power of the world oil cartel is to be broken. However, it is also true that even were independent oil production developed in Third World countries, free market competition could be crippled if the multinationals remain in complete command of all non-Communist world oil buying and selling. These companies successfully boycotted Mexican nationalized oil in 1938 and Iranian Mossodegh oil in 1951. They could succeed again in the future.

Looking into the possible longer term future of the OPEC multinational oil company control of world oil if the present situation is allowed to drift, the passage of H.R. 3604 will be seen as exceedingly urgent.

Until new international arrangements are instituted, it can be anticipated that OPEC prices will eventually rise to a final "equilibrium" situation. The equilibrium price situation in this instance must be carefully distinguished from the advent of free competitive markets. The equilibrium price of crude oil in this situation will be only reached when people can no longer afford to buy oil products and the volume of demand sinks to the point where producing country revenues and company profits start declining. This is known as the point of diminishing returns. As the demand for oil in the industrial world is relatively inelastic (that is, price increases produce little decline in demand), the final "equilibrium" price of crude oil is likely to be astronomical. While there

is no point to speculations about the precise upper bound of this price, it may exceed any of the current expectations.●

WRONG SIGNAL ON AIRBAGS

HON. JON CLIFTON HINSON

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 24, 1979

● Mr. HINSON. Mr. Speaker, the New York Times of this morning carried an editorial which sets out the issue of passive restraints in automobiles better than anything I have seen in print. I commend the editorial to the attention of the House, and to a letter received today from the Automotive Occupant Protection Association which advocates passive restraint systems in all new cars by 1984.

AUTOMOTIVE OCCUPANT
PROTECTION ASSOCIATION,
Arlington, Va., July 24, 1979.

DEAR MEMBER OF CONGRESS: The Automotive Occupant Protection Association is dedicated to reducing the number of deaths and injuries resulting each year from accidents on our nation's highways.

One of the major tools in this effort is the Department of Transportation's safety standard which requires passive restraint systems in all new cars by 1984.

The attached editorial from today's New York Times addresses the need for the development of effective occupant protection systems, both air bags and automatic seat belts.

More importantly, the editorial presents many good reasons for opposing the Dingell Amendment to HR 4440, the DOT appropriations bill. This amendment would severely hamper the efforts of DOT to make automobiles safer for all motorists.

We feel this editorial raises many points which should be considered before you vote on this amendment. We commend it to your attention.

DAVID LAMBERT,
President.

[From the New York Times, July 24, 1979]

WRONG SIGNAL ON AIR BAGS

Congressman John Dingell of Michigan hopes to deflate the push for air bags in future cars with a mischievous piece of legislation. It would bar the Department of Transportation from spending any money to "implement or enforce" any air bag requirement. The practical effect would be negligible; there won't be anything to implement or enforce until the 1982 model year, and research and development could continue. But the Dingell amendment would send out the wrong signals. It would undermine public confidence in the air bag, raise questions among manufacturers about the worth of air bag investment and, if renewed in future years, eventually make it impossible for the department to enforce its safety standard.

That standard does not specify air bags. It simply requires that all new cars be equipped with devices that automatically protect front-seat occupants from serious injury or death in a 30-mile-an-hour frontal collision into a solid barrier. The added protection is needed because only 14 percent of all drivers bother to fasten their seat belts.

Only two protective devices are likely to be available. One is the automatic belt system, already installed on many Volkswagen Rabbits, which wraps around the occupant as the door closes. The other is the air bag—offered as an option by General Motors in mid-1970's—which inflates at the impact of a crash and cushions the occupant from the dashboard or steering wheel. Most cars would have the cheaper automatic belts, but air bags will most likely be needed on large cars with room for three in front. No automatic belt appears workable for the middle seat.

Mr. Dingell and other opponents have raised legitimate questions about the air bag. Tests with dummies and animals indicate that the rapidly inflating bags might injure a child who is standing or kneeling out of position instead of sitting properly—a problem that needs looking into. Cost is also in dispute. The Transportation Department estimates that air bags will increase the list price of a car by $200; the manufacturers, projecting smaller sales, say $500. And the benefits are unproved. The Transportation Department estimates, conservatively, that automatic restraints will prevent 9,000 deaths and 65,000 injuries a year, with savings of $4 billion in medical and other costs. These estimates are "not fully supported," says the General Accounting Office.

But presumably the practical problems can be overcome and the cost questions should be resolved in the market place. If air bags can't compete with automatic belts in safety or cost, they will disappear—and alternative provisions may have to be made for that small percentage of cars that can't use the belts. But Mr. Dingell's proposal is, at best, premature. It will accomplish nothing positive and it will prejudice the outcome of this technological competition. Air bag development should continue at full speed. Virtually everyone agrees that air bags can save lives.●

TAX BREAKS FOR BUSINESS HAVE A CATCH 22

HON. BRUCE F. VENTO

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 24, 1979

● Mr. VENTO. Mr. Speaker, the recent host of State and Federal tax incentives offered to induce businesses to relocate in specific States or communities have had important effects. The revenue losses persist long after the headlines have faded. The burdens ironically fall heavily upon existing businesses and residents within a community. This competition has not always resulted in the best decisions as far as geographic or practical business considerations are concerned. The Neal Peirce article which follows addresses the unfortunate consequences and realities of States and localities vying against each other for business relocation:

[From the Minneapolis Tribune, July 8, 1979]

TAX BREAKS FOR BUSINESS HAVE A CATCH 22

(By Neal R. Peirce)

WASHINGTON.—Like medieval alchemists who thought they could turn worthless metals into gold, state and local officials are desperately outbidding each other with special business tax abatements and inducements—all at the taxpayers' expense—to lure new factories and offices.

The tax revenues forgone are staggering and appear to be rising as more and more governments join the tax abatement game. The cost in some states has now exceeded $100 million a year. "No economic policy has been more poorly argued and documented, yet so uniformly and warmly supported by special interest lobbyists," according to economists Bennett Harrison and Sandra Kanter. "These business incentives do not produce new output or jobs."

Aside from adding no net wealth to the national economy, state and local tax abatements have unpleasant side effects. Almost invariably, they force all other businesses and homeowners to shoulder an inequitably high tax burden. Or they cause underfunding of schools, highways and other facilities a locality needs to serve its own citizens—and to generate real economic growth.

Name any conceivable tax break a state or locality could grant to business and some government around the country will have tried it. The bag of tricks includes outright abatements of property taxes for up to 25 years, revenue-bond financing to build plants (pioneered in Mississippi in 1936 and now available in 45 states), corporate income-tax exemptions, inventory tax exemptions, sales tax forgiveness on new industrial equipment, accelerated depreciation of industrial equipment—and many others.

Ironically, many officials are now starting to detect the Catch 22 in special business tax breaks: The more they offer, the less impact the breaks have—but the harder it is for any one state or locality to reject using them. "I'm increasingly troubled by the competition among states," says Michigan Gov. William Milliken, former chairman of the National Governors Association. "We're just outbidding each other. Each one is trying to put in more incentives. There has to be some point of marginal utility when it becomes counterproductive within the country."

Yet even Milliken acknowledged that without a special tax abatement it might have been impossible for his state to save a 5,000-worker Chrysler plant in Detroit's inner city.

However widespread, the special industrial tax breaks have run up against a strong wind of critical comment from independent economists. They contend:

State and local taxes account for only a minuscule part of business expenditures, so that abating them can't affect operating costs decisively. For most firms, says Citibank economist Roger Vaughan, labor costs are 20 times as large as state and local tax payments. Cumulatively, labor, transportation, energy costs, marketing conditions and the general industrial and living climate will eclipse local tax factors in any rational corporate location decision.

For the record, many businesses say local abatements are important to them. But with increasing candor, some top business leaders are telling a different story. Says William Sneath, board chairman of Union Carbide: "I do not believe tax breaks or reduced responsibility are at the core of most corporate relocation or investment decisions." Lewis Lehr, president of U.S. operations for the 3M Co.: "The free ride of a two- or five-year tax moratorium while capital costs are recovered is not the solution. Sooner or later, somebody has to pay for state services."

Many firms deceive localities into thinking they will go elsewhere unless an abatement is offered—when in fact their market options leave them little other choice.

Tax abatements can generate serious ill will among a state's own firms and traditional job providers. "It may not be long before such indigenous companies are testing the waters in neighboring states," Illinois Issues reports. "Those states that subsidize new industry are creating unfair competition for their domestic plants, just as if they were directly subsidizing these firms' competitors."

Tax incentives are seldom made available to small firms which, according to pioneering research by David Birch of MIT and others, are creating two-thirds of the nation's new jobs. And political forces usually make it impossible to target the incentives to center-city or poor rural areas that need help the most.

Taxpayers often fail to note the heavy price they pay for industrial captures. To win its celebrated tax abatement war with Ohio for the Volkswagen plant eventually attracted to New Stanton, Pennsylvania had to promise: state outlays of $40 million to buy and refurbish an old Chrysler plant for VW, leasing it back to VW for 30 years (the first 20 years at a laughable 1.7 percent interest rate); floating $25 million in state bonds for highways and a special railway spur; tapping public employees' pension funds for a $6-million loan to VW; and forgoing 95 percent of VW's local taxes for the first two years and 50 percent for the following three years.

For this effort, Pennsylvania now has an auto plant in a rural location, rather than a city where it would alleviate unemployment problems. And the factory is plagued by serious labor problems.

Rather than abatements, Vaughan suggests a balanced and equitable overall state tax system. States should reduce taxes obviously far out of line and reduce clearly counterproductive business taxes. Wisconsin, for instance, in 1973 reduced its high property tax on machinery and business equipment. Industrial activity picked up immediately, despite the state's other high taxes, high factory wages and heavy unionization.

If tax abatements serve any function at all, it's in convincing industry that a state really wants to have it. But a better path to the same end would be to reduce regulatory red tape and other bureaucratic obstacles, instituting such steps as one-stop shopping for environmental and licensing clearance.

A Massachusetts labor leader suggested to me that the only way out of the abatement thicket would be a sort of SALT agreement among the states to eliminate the unnecessary tax incentives. But the complexity of differing state tax codes would make the real SALT negotiations look simple by comparison. The best hope probably lies in states learning—with a hand from skeptical citizens and home-based industries—how self defeating tax abatements usually are. And then, in their own self-interest, they might return to more rational and fair taxation systems.●

APPEAL FOR FAITH

HON. IKE SKELTON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 24, 1979

● Mr. SKELTON. Mr. Speaker, the Lexington Advertiser News had an editorial regarding President Carter's appeal for faith. It is food for thought for all of us, and I attach hereto a copy of the editorial, written by Charles Coy.

[From the Lexington Advertiser-News, July 19, 1979]

APPEAL FOR FAITH

President Jimmy Carter is giving us hope in a strong program to bring unity to America during a time of crisis. The president has told us what must be done by telling us unpleasant truths and showing us the way out of a period of national peril in regard to energy, inflation, recession and faith.

The most devastating peril is the loss of faith in the great American dream that our land is the land of opportunity and our children will be able to live better than we.

Jimmy Carter is ready to lead us. He has told us what must be done and how we must tell Congress and ourselves. He is saying America occupies a place of special danger in the world, but a danger no greater than our forefathers faced on numerous occasions in the past.

The president has pointed out the enemy, and we find the enemy to be ourselves. Only we can take ourselves out of danger by renewing our faith in the great American dream by each sacrificing a little for the well-being of all.●

THE CARBON DIOXIDE PROBLEM: IMPLICATIONS FOR POLICY IN THE MANAGEMENT OF ENERGY AND OTHER RESOURCES

HON. RICHARD L. OTTINGER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 24, 1979

● Mr. OTTINGER. Mr. Speaker, earlier this month four eminent scientists submitted a report to the President's Council on Environmental Quality which details their concerns about the global impacts of continuing to increase the levels of carbon dioxide in the atmosphere. That increase results directly from our continued profligacy in the burning of hydrocarbon fuels.

As the scientists indicate, if the world continues to increase the carbon monoxide levels in the atmosphere, we could—within the next couple of generations—begin to see serious consequences in our global weather patterns and, worse, the beginnings of a "greenhouse effect." As the report states:

If the trend is allowed to continue, climatic zones will shift, and agriculture will be displaced. Such a series of changes would have far reaching implications for human welfare in an ever more crowded world, would threaten the stability of food supplies, and would present a further set of intractable problems to organized societies. The best estimates suggest that there would be the least change in temperature in the tropics but polar regions would grow substantially warmer. With sufficient high latitude warming the ice cap in the western part of the Antarctic Continent could disappear in a period as short as two centuries, causing a 20-foot rise in sea level with resulting inundation of low-lying coastal zones.

Mr. Speaker, as the Congress continues its discussions on energy and the development of synfuels and increasing utilization of coal, carbon dioxide is a serious problem and one which must be considered. I commend to my colleagues the paper prepared for the Council on Environmental Quality by George M. Woodwell, Gordon J. MacDonald, Roger Revelle, and C. David Keeling.

The paper follows:

A REPORT TO THE COUNCIL ON ENVIRONMENTAL QUALITY

I. THE CO_2 PROBLEM

Man is setting in motion a series of events that seem certain to cause a significant warming of world climates over the next decades unless mitigating steps are taken immediately. The cause is the accumulation of CO_2 and other heat-absorbing gases in the atmosphere. The result is expected to be a differential warming of the atmosphere near the earth's surface, a warming that will probably be conspicuous within the next twenty years. If the trend is allowed to continue, climatic zones will shift, and agriculture will be displaced. Such a series of changes would have far reaching implications for human welfare in an ever more crowded world, would threaten the stability of food supplies, and would present a further set of intractable problems to organized societies. The best estimates suggest that there would be the least change in temperature in the tropics but polar regions would grow substantially warmer. With sufficient high latitude warming the ice cap in the western part of the Antarctic Continent could disappear in a period as short as two centuries, causing a 20-foot rise in sea level with resulting inundation of low-lying coastal zones. Enlightened policies in the management of fossil fuels and forests can delay or avoid these changes, but the time for implementing the policies is fast passing.

The carbon dioxide content of the atmosphere is increasing at an annual rate that is now about 1.5 ppm in a background of about 333 ppm. The increase since 1860 is at least 40 ppm, possibly as much as 70 ppm. Precise data on the increase are available since 1958 when monitoring stations were established on Mauna Loa in the Hawaiian Islands, at the South Pole, and intermittent sampling was intensified elsewhere. The data show that the rate of increase is accelerating as the world use of fossil fuels increases. The rates of both are between 3 and 4 percent annually. This rate means that in each period of between 18 and 23 years approximately twice as much CO_2 accumulates in the atmosphere as accumulated in the previous period.

The problem is that CO_2, in contrast to the major atmospheric components O_2 and N_2, absorbs infra-red radiation, which is the principal outgoing radiation from the earth's surface to outer space. Over any extended period the infra-red radiation emanating from the top of the atmosphere must balance the solar radiation absorbed by the atmosphere, the oceans, and the earth's surface. The increase in the CO_2 in the atmosphere can thus be expected to result in a rise in the surface temperature until the outgoing infra-red radiation comes into balance with the absorbed solar radiation. The extent of the heating that will result depends on many factors and is difficult to predict, but there is reasonable agreement that it will occur and will be conspicuous before the end of this century. The changes in climate that will follow such an increase in temperature are also elusive.

The experience from models of world climate is that the warming may be as much as an average of 2–3° C for a doubling of the CO_2-content of the atmosphere and that the warming will be greater by a factor of three of four near the poles and less in the tropics.

There appear to be very few clear advantages for man in such short-term alterations in climate. The displacement of agriculture in a world constantly threatened by hunger would alone constitute an extremely serious international disruption within the lifetimes of those now living. The warming of the Antarctic could, according to some estimates, result in the disappearance of the West Antarctic ice sheet in a period as short as 200 years. Such a process could be started by an increase in summer temperature in the Antarctic ocean surface waters of 5° C. Such an increase could occur in 50–75 years if current trends continue. A complete disappearance of the West Antarctic ice sheet would raise sea level by as much as 20 feet worldwide.

By itself the increase in atmospheric CO_2 would probably be beneficial for agriculture because the added CO_2 will act as a fertilizer for crop plants. But there is little basis for hope that a decades-long warming of the earth will result in benefit for man. Certain areas now suitable for agriculture will become arid, others, now limited by short season, will become arable.

The cause of the current increase in CO_2 in air is the oxidation of carbon compounds worldwide. Fossil fuels are one, probably the major, source. The harvest of forests and the decay of soil humus are thought by some to be an equally important contemporary source, although its importance will decline with time. The important fact, however, is that the atmosphere is a comparatively small reservoir. It contains about 700×10^{15} g of C. The biota is variously estimated as containing about 800×10^{15} g; the humus, 1,000–$3{,}000 \times 10^{15}$ g; and the oceanic water nearly $40{,}000 \times 10^{15}$ g. Reserves of fossil fuels contain at least $5{,}000 \times 10^{15}$ g. The current use of fossil fuels is releasing $5\text{–}6 \times 10^{15}$ g C annually and the biota and humus are probably contributing an amount of similar order of magnitude. The combustion of fossil fuels has the potential for a greatly increased rate of release over the next years. The most remarkable aspect of the current circumstance is the fact that the CO_2 content of the air is as stable as it is. Clearly, a shift in any of these carbon pools or rates of transfer has the potential for altering the CO_2 content of the atmosphere. This series of shifts is already underway. For this reason, if for no other, the industrialized nations, now scrambling for policies in the management of increasingly scarce supplies of energy, should be considering the implications of their policies for the CO_2 balance of the atmosphere.

If we wait to prove that the climate is warming before we take steps to alleviate the CO_2 build-up, the effects will be well underway and still more difficult to control. The earth will be committed to appreciable changes in climate with unpredictable consequences. The potential disruptions are sufficiently great to warrant the incorporation of the CO_2 problem into all considerations of policy in the development of energy.

II. THE ELEMENTS OF POLICY IN MANAGEMENT OF THE WORLD CO_2 PROBLEM

The challenge is obviously worldwide. The problem cannot be resolved by one nation acting alone. However, the U.S. provides leadership on many international issues. The elements of policy proposed here in outline are for the U.S. They apply as well to the world.

1. *Acknowledgement of the problem*: The CO_2 problem is one of the most important contemporary environmental problems, is a direct product of industrialization, threatens the stability of climates worldwide and therefore the stability of all nations, and can be controlled. Steps toward control are necessary now and should be a part of the national policy in management of sources of energy.

2. *Conservation of fossil fuels*: The first element of any policy that offers the hope of being effective is conservation. Limitation of the rate of exploitation of fuels is possible. The rate is controlled currently by price, taxation, and regulation. It can be controlled as a matter of policy. All actions of government should be reviewed to determine effects on the total use of carbon-based fuels.

3. *Choice of fossil fuels*: The choice of fossil fuels and the use made of them bears heavily on the amount of CO_2 released to produce a unit of energy. The production and consumption of liquid or gaseous fuels from coal (synthetic fuels), for instance, is estimated to release 3.4×10^{15} g C per hundred quads (10^{15} Btu) of energy as opposed to 1.45×10^{15} g C for an equivalent amount of energy from natural gas. The difference in CO_2 released is a factor of 2.3 times greater for the coal route to gas than by using natural gas alone. If the coal is burned directly, use of 100 quads of energy releases 2.5×10^{15} g C. These are merely examples. Details appear in Table 1, below.

Fuel:	*Carbon in 10^{15} g.*
Oil	2.0
Gas	1.45
Coal	2.5
Coal: converted to gas or oil (synthetic fuels)	3.4

Table 1. Carbon released in CO_2 per 100 quads of energy released as heat. (One quad = 10^{15} Btu.) (from MacDonald 1978).

4. *Reforestation:* It seems elementary that we have reached the point worldwide where the CO_2 problem alone dictates a need to balance the harvest and other transformations of forest with some other storage of carbon. The regrowth of forests is the obvious solution: total respiration, including fires, should be less than or equal to, but not more than, total photosynthesis on a regional and worldwide basis. There are many additional advantages in such a program, quite apart from the advantages gleaned from wise management of the CO_2 problem.

It is our conviction that an appropriate reaction to the mounting worldwide squeeze on supplies of energy requires consideration of the CO_2 problem as an intrinsic part of any proposed policy on energy.

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G. M. Woodwell is Director of the Ecosystems Center of the Marine Biological Laboratory and immediate past President of the Ecological Society of America.

Gordon J. MacDonald is Henry R. Luce Professor of Environmental Studies, Dartmouth College, Hanover, New Hampshire. A member of the National Academy of Sciences, he served on the Council on Environmental Quality, Washington, D.C.

Roger Revelle, a member of the National Academy of Sciences, is currently at the University of California at San Diego. He was for eleven years Richard Saltonstall professor of Population Policy and Director of the Harvard Center for Population Studies.

Charles David Keeling is Professor of Oceanography, Scripps Institute of Oceanography, La Jolla, California. ●

RECLASSIFYING DOLLHOUSE MINIATURES AS MODELS

HON. ED JENKINS

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 24, 1979

● Mr. JENKINS. Mr. Speaker, on March 20, 1979, I introduced a bill, H.R. 3110, with my colleagues WYCHE FOWLER and DICK SCHULTZE, that would amend the tariff schedules of the United States to provide a new category for dollhouse miniatures. Our bill was intended to reclassify dollhouse miniatures as models rather than toys.

I have today reintroduced this bill to make technical corrections in the language of the new item number which the bill would cerate. The change is purely technical and a matter of drafting preference and it conforms fully with the intent of the sponsor and cosponsors of the original bill.

There has been a longstanding disagreement between the U.S. Customs Service and the hobby industry regarding the proper classification of various articles used primarily as hobby or craft items. The Customs Service has classified these items under the provision on toys. Several decisions of the Customs Court concerning small scale model trains and equipment has forced the Customs Service to recognize that certain model articles are not classifiable as toys.

The Congress responded to this problem of misclassification in 1962 by revising the tariff schedules of the United States to provide for certain models under a series of "model provisions"—TSUS 737.05–737.15. Simultaneously, Congress broadened the definition of "toy" which has inadvertently exacerbated the toy-versus-model classification problem.

The Customs Service continues to classify various hobby and craft items as toys or parts of toys if those articles are not specifically named in the model provisions or if the articles are not to actual scale of the real article. Items which have notably remained misclassified are miniature construction com-

ponents and furnishings used by hobbyists to construct or furnish collector-quality dollhouses.

The bill which I have today introduced and its predecessor, H.R. 3110, creates a new tariff category for certain dollhouse miniatures and establishes the principle that model and craft articles used by hobbyists and collectors are not toys. To assure workability of the new category and avert ambiguity in the administration of the tariff schedules, the new category would apply only to dollhouse miniature imports that are constructed approximately to one-twelfth scale and that are chiefly used for purposes of collection or decoration.

This week the Subcommittee on Trade of the Committee on Ways and Means will hold public hearings on this bill. I urge my colleagues' favorable consideration.●

DRAFT REGISTRATION UNNECESSARY

HON. BRUCE F. VENTO

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 24, 1979

● Mr. VENTO. Mr. Speaker, this week Members of the House will consider an amendment to the Department of Defense appropriations bill for fiscal year 1980 which calls for selective service registration for all 18 year olds beginning in January 1981.

My distinguished colleague from Minnesota, Mr. OBERSTAR, recently addressed this issue in an article written for the Minneapolis Star. I want to call Mr. OBERSTAR's remarks to the attention of my distinguished colleagues in the House, because he so correctly argues that registration, at this time, is totally unnecessary and will be viewed as a first step toward resumption of the draft.

The larger question, however, raised by Mr. OBERSTAR and with which I completely concur, is that a resumption of registration in peacetime poses serious and disturbing questions regarding our democratic society and the impact such a policy would mean in terms of personal liberties and freedoms in our society.

I commend Mr. OBERSTAR for his statement in opposition to the resumption of registration and hope my fellow colleagues will peruse his comments before voting on this important issue.

The article follows:

CONGRESS SHOULD REJECT REGISTRATION PROPOSAL

(By JAMES L. OBERSTAR)

With little fanfare and less justification, the U.S. Congress is about to consider one of the most potentially divisive issues since the Vietnam War.

In a few days the House will vote on legislation requiring 18-year-olds to register for the draft, effective Jan. 1, 1981. While the legislation before the House does not reinstitute the draft, both proponents and opponents of the peacetime draft see the vote as the first step toward its resumption.

Historically, the draft has been the exception in the U.S., not the rule. Congress approved the first conscription legislation only during the Civil War. Because the rich were allowed to hire substitutes to serve in their place, the burden of conscription fell to the poor. Furthermore, only 2 percent of the Union Army was ever conscripted.

The draft lapsed until the U.S. entered World War I in 1917, and was renewed at the beginning of World War II in Europe. After the war, the peacetime draft was not the product of a conscious decision to restore conscription, but a continuation of the wartime draft at greatly reduced conscription levels.

In 1972 the last American was drafted and we returned to our tradition of an all-volunteer armed force in peacetime.

Standby registration and resumption of the draft are now being considered amid a chorus of dire statements about the all-volunteer force.

Charges that the AVF is a failure have given the current debate a false urgency.

The fact is that the AVF is not a failure.

The Department of Defense (the folks who should know and care), in a study released only seven months ago, stated:

"The AVF has provided the military services with a full-strength, active force equal to, or superior to, that projected by the Gates Commission."

The percentage of high school graduates among recruits has risen since the end of the draft from 68 to 77 percent. Scores on intelligence tests have increased significantly. The percentage of recruits in the lowest mental category eligible for military service has dropped from 17 to 4 percent. Desertion rates and court martial rates are down from their peaks at the height of U.S. involvement in Vietnam.

In addition to these facts arguing against a return to conscription, the very nature of compulsory service in peacetime raises profoundly disturbing questions in a democratic society.

The draft means far-reaching intervention in and control over the lives and freedom of individual Americans. I can imagine no other government action which involves greater coercion or deprivation of liberty. This concern is no idle philosophical point; it goes to the heart of what it means to live in a democracy.

Compulsory service, in the absence of a clear and present national emergency, goes directly counter to the fundamental principles upon which this country was founded.

The 96th Congress has not given the issue of registration and the draft anywhere near the consideration it deserves. Yet, within days we will vote on standby registration as part of a multibillion-dollar defense authorization bill. Legislation dealing with the draft has never come to the House floor as an amendment to a spending bill.

Proponents of standby registration authority argue that it is necessary to speed mobilization efforts in the event of a national emergency. That argument doesn't hold up on closer scrutiny.

Right now the Selective Service, with an annual budget of $7 million, could deliver the first inductees within 65 days of mobilization. The Carter administration feels that's not soon enough, and has proposed spending $9 million in the coming fiscal year to accelerate the Selective Service delivery system. This will cut mobilization time by 40 days, to only 25 days. Adding registration would cut mobilization time by only 13 days more, and would cost another $2 million under the most conservative estimates. Furthermore, registration would mean a massive bureaucracy, keeping records on every young man in this country.

Proponents of registration and the draft have failed to make the case for the legislative proposal facing Congress in the coming days.

I see the responsibility of Congress as clear: We have the duty to reject the ill-considered proposal at this time, subject it to the sanitizing scrutiny of public debate, and resume consideration only when the American people have come to an informed opinion on this major policy issue.●

NEW DETROIT OPPOSES CONSTITUTIONAL AMENDMENT ON BUSING

HON. JOHN CONYERS, JR.

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 24, 1979

● Mr. CONYERS. Mr. Speaker, I want to share with my colleagues a letter I received from New Detroit, Inc., in opposition to the proposed constitutional amendment to prohibit schoolbusing.

New Detroit is the first urban coalition in the Nation, founded in 1967 and the model for so many others across the country. It is a very broad-based coalition that includes the leadership of all groups in the Detroit community, the labor unions, professions, the business community, churches, civic and community organizations, and government. It works closely with all citizens and ethnic groups, and has accomplished a great deal in revitalizing our city.

New Detroit opposes the Mottl amendment to the Constitution. In its opposition it reflects not only a highly diverse range of individuals and institutions, but also long experience at community building. It is, therefore, in a unique position to judge this amendment and the damaging impact it would have.

I urge my colleagues to read New Detroit's statement, which follows:

NEW DETROIT INC.,
Detroit, Mich., July 20, 1979.

Hon. JOHN CONYERS, Jr.,
U.S. House of Representatives,
Washington, D.C.

DEAR JOHN: We are writing to you today because of our deep concern about the matter to be considered by the House of Representatives on Tuesday, July 24, 1979—House Joint Resolution 74, the Mottl Amendment. We know you share our concerns about this Amendment. We are writing you and all other members of the Michigan delegation to express our opposition.

Our concerns about this proposed constitutional amendment are manifold. It places restraints on the ability of the courts to correct injustices by removing busing as a tool to correct de jure school segregation. In effect, the equal protection clause of the 14th Amendment would be partially repealed. We are reminded of the words of Chief Justice Burger in the Supreme Court's unanimous decision in the Swann school desegregation case: "Desegregation plans cannot be limited to the walk-in school."

As Justice Oliver Wendell Holmes pointed out eighty years ago, the strength of our Constitution and a major reason for its endurance rests on the fact that it has rarely been laid open to particular social or economic preferences. Our Constitution outlines the structures by which we govern ourselves and sets forth the fundamental civil rights that government must respect. Slavery is the only social arrangement our Constitution has ever specifically endorsed, and prohibition the only social policy it has ever expressly sought to implement. Those two exceptions surely substantiate Justice Holmes' reminder.

It would be most distressing if the House of Representatives were to observe the 25th anniversary of the Brown vs. Board of Edu-

cation decision by approving an Amendment which would so seriously undermine that which gave a new birth to equal opportunity in America.

This Amendment would not interfere with busing for the purpose of enforcing the 14th Amendment; it would also interfere with the ability of school officials to efficiently use school resources and taxpayers' dollars.

In Michigan, for example, local school districts have the authority, as recognized by state and federal court action, to determine student assignments and school attendance boundaries. This authority allows school officials to make adjustments due to population shifts, overcrowding, declining enrollments, and other unforeseen problems.

Michigan has also been involved in school consolidation efforts since 1963 which creates K–12 school districts by joining two or more small districts providing less than a full 12 year program. In this process, the state seeks to increase efficiency and improve the quality of instructional programs by closing small schools and replacing them with schools that have more comprehensive programs though busing is required for the students to get there. These local and state prerogatives must be maintained.

In short, this Amendment would stop all school busing even though it occurs principally to improve the educational programs offered our children. In Michigan more than one million school children are bussed to school; only a very small percentage of them, less than 5 percent, are bussed for racial balance purposes.

Certainly the Congress should not be sending out to the state legislatures such a "sledgehammer" amendment which would create many more problems than those it presumably is attempting to solve.

We are confident that you will be present on the floor of the House, and that your voice will be heard on July 24, 1979 in opposition to this Resolution.

Respectfully,

WALTER E. DOUGLAS,
President,
FRANK M. HENNESSEY,
Chairman.●

COSTS OF THE DAVIS-BACON ACT

HON. JOHN N. ERLENBORN

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 24, 1979

● Mr. ERLENBORN. Mr. Speaker, I have no doubt we would all agree that the greatest economic problem facing the American people today is inflation. This common enemy, which robs us of the benefits of our work, also has the effect of hampering the efforts of both private industry and Government to plan into the future. As a result, there is an ever-increasing lack of confidence in the strength of our economy.

This overpowering peril shows no sign of abating, however. While economists may differ as to the depth of the situation, all agree that, at the very least, we stand to suffer a recession followed by a poor recovery. The productivity of our economy, once the envy of the world, has plunged to a record low point, and millions of Americans face the personal disaster of prolonged unemployment.

Along with the inflation, itself, is the even greater problem caused by our failure to seize opportunities to fight inflation effectively with bold measures that would restore the integrity of our economic system. I refer in this case, specifically, to the effect upon inflation of the Davis-Bacon Act.

I would like to share with my colleagues the following case history of the application of Davis-Bacon to the construction of a rapid transit system in Dade County, Fla. The Davis-Bacon problem relates to a set of new wage determinations by the Department of Labor for workers on this massive project:

COSTS OF THE DAVIS-BACON ACT—METROPOLITAN DADE COUNTY RAPID TRANSIT

	Heavy construction		
	Prevailing wage Sept. 17, 1976 (decision No. FL 76-1102 University Station)	Prevailing wage June 8, 1979 (decision No. FL 79-1094 concrete girder)	Percent change (+)
Carpenters	$7.60	$11.37	51
Cement masons	6.00	11.73	95
Ironworkers	6.58	11.62	76
Laborers	3.52	4.97	41
Pile driver	5.25	9.73	85
Truck drivers	3.50	4.65	33
Bulldozer operators	7.01	9.26	32
Crane operator	8.20	10.00	22
Grader operator	7.26	9.26	26
Loader	7.01	8.96	28
Mechanic	7.26	6.94	5
Oiler	6.36	6.98	10
Roller	6.36	8.06	27
Scraper	6.66	8.06	21
Trencher	7.11	8.06	13
Average increase			40

As the figures provided by the Labor Department bear out, the percentage increase between one wage determination and the other is a full 40 percent. Even if we consider that the new rates occurred at the end of a 3-year interval, the increase is not justified by the actual increase in the cost of living; and such increases in themselves only add to the seemingly uncontrollable inflation. Furthermore, it seems paradoxical that while the administration has set 7 percent as the tolerable increase in wages and prices in this period of inflation, the Department of Labor would set so high an increase. The overall increase in cost, Mr. Speaker, must be considered in light of the fact that the rapid transit project is in excess of $1 billion and labor costs account for a full third of that.

The Davis-Bacon Act has its origins in the great depression, as a remedy to the payment of exceedingly low wages at a time of exceedingly high unemployment. Furthermore, other forms of wage protection which Americans now enjoy were not in effect when Senator Davis, a former Labor Secretary proposed his bill.

In short, Davis-Bacon was designed to inflate a depressed economy in 1931. Now, in 1979, when we suffer from every conceivable economic ill at once, with inflation being most acute, it is difficult to justify keeping in effect a law that will further inflate the economy.

In conclusion, I ask my colleagues, as they ponder the weighty task of finding an escape from our expected economic troubles to look seriously at Davis-Bacon and its effects, and consider the benefits to our economy of being free from Davis-Bacon caused inflation.●

QUESTIONNAIRE SURVEY IN KENTUCKY

HON. LARRY J. HOPKINS

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 24, 1979

● Mr. HOPKINS. Mr. Speaker, the results are now in from my recent questionnaire survey of constituents in the Sixth Congressional District in Kentucky. The Sixth District is a diverse district in the center of Kentucky. It includes industrial areas, urban, and suburban communities, small towns, and farmland. Its thinking on political issues is likely to be a bellwether of important national trends.

Mr. Speaker, I am grateful to all those constituents who took the time to fill in the questionnaire and put on 15 cents postage to return it.

Mr. Speaker, the results of this survey confirm the idea that there is a mood in the Nation to hold down spending and cut back on Government activity in some areas. The highest percentage of yes votes—84 percent—was recorded as a response to the question:

Do you favor a constitutional amendment requiring a balanced budget except during national emergency?

When asked what they would most like to see Congress do in the near future, 76 percent said:

Reduce Federal spending and the size of the Federal Government.

It appears that the national sentiment in favor of reducing Federal spending is still running very strong.

Mr. Speaker, the poll also reveals, contrary to what some commentators have been saying, that the voters do understand that cutting back on Government spending will require saying no to some potentially attractive Government programs. For example, only 19 percent of the people responded negatively to the question, "Do you think Congress should work harder balancing the budget even if that means cutting some Federal programs?" Only 17.6 percent of the respondents said they favored a tax supported national health insurance program for everyone.

Mr. Speaker, the prevalent attitude in the Sixth District, as in the Nation generally, against the mushrooming growth of Government can undoubtedly be traced to a belief that one of the evil consequences of big government and unbalanced budgets is the seemingly unstoppable inflation which now attacks our Nation. The people are angry about inflation but it seems that they realize that the centralization of power in

Washington, which has created the inflation, cannot be counted on to cure it. Only 25 percent of the voters thought mandatory, across-the-board wage and price controls was the most effective way to reduce inflation. In view of the high level of frustration and anger about rising prices, this ought to be considered a rather low positive response.

It indicates that many people have learned from our past experience that Government controls are ineffective, inequitable, and lead to shortages.

Mr. Speaker, however much the voters may wish to restrain Government spending, there seems to be a general consensus that this should not be done if it will result in sacrificing our vital interest in national security. An absolute majority—57 percent—responded positively to the question.

Should the United States spend more money on national defense?

The people realize that a strong defense capability is absolutely necessary to protect vital American interest.

Mr. Speaker, many constituents have written suggesting that some particular issue should have been covered in the questionnaire. However, limitations of space, plus the need to prepare the questionnaire in advance of its mailing date, resulted in some important issues being left out. I sincerely hope that constituents will continue to write me on any issue which is important to them. Such expressions of voter opinion as are reflected in constituent letters or in the results of this questionnaire are invaluable in letting elected officials, including myself and others in Washington know what is on the voters' mind.

Mr. Speaker, although the total number of voters who participated in this poll cannot be precisely ascertained it is clear that more than 10,278 responses to the questionnaire were tabulated. This total is far in excess of the number of persons polled by the commercial polling organizations. Accordingly, I am encouraged by this broad constituent participation—and I am pleased indeed, to find myself philosophically and politically so closely attuned to those whom I am charged with representing in this great legislative assembly. The questionnaire results follow:

[In percent]

	Yes	No	Don't know
THE SCOPE OF GOVERNMENT			
(1) Should tax dollars be used to help finance congressional campaigns as proposed by some groups such as Common Cause?	18	68	14
(2) Should Congress vote against any attempt to increase the Federal Government's control over the private ownership of handguns?	61	37	2
(3) Some people believe that Congress should create a new agency, a Department of Education, to deal with education matters that are now being handled by the Department of Health, Education, and Welfare. Do you believe we need a new government department?	22	73	5
(4) Should Federal regulatory agencies be required to prepare an "economic impact statement" showing how much proposed new regulations would cost businesses and consumers?	80	12	8
Do you support the use of Federal funds for abortions:			
(5) On demand?	8	81	12
(6) In special cases such as rape, incest, or when there is danger to the life of the mother?	34	45	21
(7) Not at all?	22	35	43
(8) Do you favor a constitutional amendment prohibiting abortions except to save the life of the mother?	32	26	42
(9) Do you support HEW Secretary Califano's campaign to stop cigarette smoking?	26	74	0
AGRICULTURE			
(1) Do you favor the Federal Government raising price supports for farm products to guarantee 100 percent of parity?	8	63	29
(2) Should the Federal Government restrict the imports of foreign agricultural products in order to maintain a fair price for farm products?	61	26	13
(3) Should the Federal Government work to increase exports of American farm products including tobacco?	69	20	11
DEFENSE			
Should the United States spend:			
(1) More money on defense?	59	16	25
(2) Less money on defense?	17	55	28
(3) Should the United States approve the SALT agreement if there are no guarantees that the Soviet Union is complying with its part of the agreement?	37	59	4
(4) Should the United States approve the SALT agreement if it weakens our national defense in relationship to that of the Soviet Union?	28	66	6
TAXES, GOVERNMENT SPENDING, AND INFLATION			
Do you feel American taxpayers need a substantial reduction (10 percent a year for the 3 years) in the amount of Federal income tax they must pay?			
(1) Yes, without qualification	28		
No, without qualification		10	
Yes, if Federal spending is reduced	62		
(2) Do you support Congressman Hopkins' efforts to pass a constitutional amendment which would require a balanced Federal budget except in times of national emergency? (Kentucky and many other States have such a requirement as part of their constitution)	84	15	1
(3) Should Congress allow parents a tax credit for college tuition expenses?	59	39	2
(4) Do you favor indexing personal income tax brackets to the rate of inflation (to prevent Americans from being automatically pushed into higher tax brackets when they receive a pay raise to compensate for inflation, often without actually increasing purchasing power)?	76	6	18
(5) Do you favor new tax incentives for business to expand and create more jobs?	71	22	7
(6) Do you think Congress should work harder at balancing the Federal budget even if that means cutting some Federal programs?	77	19	4
If so, please suggest Federal programs you would eliminate or reduce in size			
(7) Which do you think would be more effective in reducing inflation (check one):			
Cut Government spending and regulation?	75		
Wage and price controls?	25		
FOREIGN AFFAIRS			
(1) This year Congress will be asked to approve funds implementing the Panama Canal treaties. Should Congress refuse to approve these funds and stop the turnover of the Canal to Panama?	68	32	0
(2) Should the United States continue to support the non-Communist government of Nationalist China (Taiwan)?	73	13	14
(3) Should the United States work with the Government of Mexico to increase imports of oil from that country?	65	22	13
(4) Do you feel the United States should reduce its financial support of the United Nations?	60	30	10
SOCIAL SECURITY			
(1) Some people believe that the social security system can be improved by taking nonretirement benefits (such as aid to the handicapped) our of the system and financing these nonretirement benefits with funds from the general treasury. Do you support this approach?	68	14	18
Other plans have been proposed to keep the social security system from running out of money, do you support (check one):			
(2) Increasing social security taxes?	39		
(3) Reducing social security benefits?	33		
(4) Raising to 68 the age a person may receive social security benefits?	26		
HEALTH CARE			
Proposals to implement some form of national health insurance are before the Congress. Which of the following do you favor (check one)?			
(1) The present system of private insurance and health care which includes some Federal programs to aid the poor (medicare), veterans and Indians?	51		
(2) A new tax-supported program to cover everyone?	18		
(3) A new tax-supported program to cover everyone against so-called "catastrophic illnesses" (essentially what is now covered by private major medical insurance programs)?	24		
(4) The efforts of some in the health care field to voluntarily reduce the increase in medical care costs?	45		
POSTAL SERVICE			
Do you favor:			
(1) Increasing postal rates?	12	75	13
(2) Elimination of Saturday mail deliveries?	57	35	8
(3) Closing and consolidating small post offices?	47	33	20
(4) Increasing government subsidies of the postal service?	12	57	31
(5) Allowing private enterprise to compete with the postal service?	69	27	4
ENERGY			
Would you support:			
(1) Raising gasoline taxes?	18	71	11
(2) Rationing gasoline?	33	58	9
(3) Deregulating natural gas production and marketing?	53	24	23
(4) Increasing development of nuclear energy?	44	32	24
(5) Federal development of solar energy and other new energy sources?	57	24	19
(6) Easing environmental restrictions so that coal can play a more important role in solving our nation's energy problems?	71	12	17

NATIONAL PRIORITIES

	Percent
Which 2 of the proposals listed below would you most like Congress to do in the near future: (Please check.)	
(a) Reduce Federal spending and the size of the Federal Government?	76
(b) Increase the defense preparedness of the United States?	39
(c) Help farmers get better prices for their products?	10
(d) Cut taxes?	23
(e) Improve business and employment opportunities for the poor by increasing spending for Federal jobs?	4
(f) Improve business and employment opportunities for the poor by providing incentives for private industry to create new jobs?	18
(g) Provide incentives for domestic energy producers to meet this country's energy needs?	29
(h) Raise taxes on energy to cut consumption?	8
(i) Other	

Note: Many people checked more than 1 for answer. ●

THE STATUS OF INDEPENDENT CONTRACTORS FOR TAX PURPOSES

HON. RON PAUL

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 24, 1979

● Mr. PAUL. Mr. Speaker, Mr. Gilbert Turner, president of the Boring & Tunneling Co. of America, Inc., is one of Houston's great entrepreneurs and a most articulate champion of the free enterprise system.

Recently he testified before Ways and Means on the importance of the independent contractor, and why he must not be put out of business by unconscionable Government rules and regulations.

Because Gil's testimony is so important, I would like to call excerpts from it to my colleagues' attention.

I am proud to have Gil for a friend and a constituent. I urge all the Members of this House to pay attention to his words:

THE STATUS OF INDEPENDENT CONTRACTORS FOR TAX PURPOSES

(Testimony of Mr. Gilbert Turner)

Mr. Chairman and members of the committee, my name is Gilbert Turner. I have been a businessman for the past 30 years. A major part of my experience has been in construction and closely related fields. I got my start in business working nights, weekends, and holidays as an independent contractor in addition to my regular job as an employee.

Today, I am president of the Boring and Tunneling Company of America, Inc. in Houston, Texas. I am here representing the Associated General Contractors of America. Primarily, I am here to speak in behalf of the small businessman in construction requesting amendments to H.R. 3245.

Mr. Chairman, the purpose of these hearings is to clarify the status of as many payees as possible for tax purposes so that wasteful and unnecessary litigation and harassment will be eliminated in the future. We also believe a proper objective of these deliberations should be to provide consistency among the various Federal agencies in their definition of who is and who is not an independent contractor. That is, the law should permit an individual to anticipate with some reasonable certainty whether or not he qualifies as an independent contractor regardless of which governmental agency he is confronting. . . . Finally, we believe these hearings provide Congress an opportunity to protect the common law in this area and to promote private free enterprise by precluding regulations that would not allow the entrepreneurial system to operate.

I want to speak on behalf of the entrepreneurial business people, whether they be large or small, who are working under very difficult circumstances to produce the goods and services the public wants, at a price the public can afford to pay, and at a profit that will enable them to pay the taxes that Washington wants and still stay in business during the rainy days that always seem to come.

Mr. Chairman, we are up to our eyeballs in rules, regulations, directives, procedures, inspections audits and paperwork from an ever-increasing hord of agencies of the federal government. When the agencies of the federal government become bogged down in their own creation of these inhibitors of productive effort, they pass them on down to local governmental agencies as a price for federal grant money. These local agencies in turn, pass all this on to the business community. The business community must then pass on to the consumer this tremendous economic loss of productivity through higher prices for fewer goods and services.

I am appalled that Sec. Lubick proposes that even if it were reasonable for the payor to treat the worker as an independent contractor, and even if the worker has signed a statement electing out of the system, the payor would still be liable for "its share" of FICA and FUTA taxes without any attempt by the IRS to determine whether the worker has paid his SECA taxes. Also, Sec. Lubick has the effrontery to urge that any criteria adopted for determining whether a person is an employee or an independent contractor should "provide certainty by erring only on the side of classifing workers as subject to graduated withholding." It is apparent that Sec. Lubick represents a desire by the IRS and by some circles of government to collect the most taxes possible in the easiest way possible for the government, with little regard for the administrative burden placed on the productive segment of our society. This, coupled with the apparent goal of eventual elimination of the small, independent, free entrepreneurs, to be replaced by more placid, more regimented, and less productive employees is an insidious infringement of our cherished freedoms and a drag on our productivity.

Instead of discouraging the proliferation of the small independent contractor we should do everything in our power to encourage their growth, even to the extent of giving tax incentives. For many present day businessmen, the gray area of employee or non-employee status was the first step in establishing their own business enterprise. In some instances it was full time work, in others it was part time, extra work, at nights and on weekends and holidays. These are fiercely independent people who are trying to get ahead on their own. And I might point out that many of them are minorities who are being encouraged to start their own business by other governmental agencies. They are performing valuable services and fulfilling vital needs which result in substantial economic benefits for our economy.

In another example of erroneous thinking Sec. Lubick made the statement that "in effect, the employee pays the employer's share of the payroll tax in the form of lower gross wages." I don't care what Sec. Lubick says, this simply is not so in the construction industry. In the construction industry the contractor figures each of his elements of cost and arrives at a total cost. To this total cost he adds a hoped for profit in order to arrive at his bid to the consumer. His portion of the social security tax plus that of the employee is included in the total cost and is paid by the consumer in increased contract price for the construction he gets. In fact, when social security taxes are raised substantially, many employers increase their workers' pay so that the take home pay is not reduced. The consumer also pays this added cost. This is pure and simple economics, and nowhere is it more obvious than in the construction industry. No amount of economic pronouncements or bureaucratic rhetoric can make it otherwise.

There seems to be a general agreement in the private sector that independent contractors should be distinguished from employees and exempted from federal withholding tax requirements. The problem exists in defining an independent contractor.

The Gephardt proposal is a sincere effort to simplify the definition of an independent contractor in practical terms, including the independent contractor's control of hours of work, place of business, and fluctuations in earnings. AGC does not see any significant application of the Gephardt proposal to the status of independent contractors on on-site construction. . . .

However inappropriate the Gephardt points would be to construction contractors, they would not appear to be detrimental and, for that reason, AGC would have no objection to enter against them, provided they were accompanied by the following three amendments AGC offers to this legislation:

First, if the individual is not qualified under the five points of the Gephardt proposal, the statute should still give him the opportunity to qualify as an independent contractor under the current IRS common law definition of an independent contractor.

Second, the most common use of independent contractors for on-site construction involves bona fide owner operators of trucks and power equipment. AGC does not believe that the Gephardt proposal or the current IRS definition adequately recognizes the status of this important industry. Therefore, AGC would urge the committee to include a special category of independent contractor for those individuals who qualify as bona fide owner operators of trucks or other equipment in construction and allied industries.

Finally, Mr. Chairman we offer a third amendment to provide a safe harbor for those workers who hold themselves out as independent contractors and who either worked for five or more payors during the previous year, or who anticipate working for five or more payors during the current year.

AGC emphasizes that the committee recognize the special status of owner operators in the construction industry. This definition is not sufficiently recognized under either the Gephardt proposal or the current IRS definition. The status of owner operators in construction is highly important to providing necessary opportunities for minorities and disadvantaged persons to enter the construction industry as entrepreneurs.

AGC's principal recommendations then would be, in summary:

1. The burden of withholding, accounting for and remitting to the IRS should not be imposed upon employers who hire independent contractors.

2. The IRS should be instructed by Congress to refrain from any overt actions that will inhibit the use of independent contractors or reduce their valuable contribution to our economy. Punitive penalties should not be imposed for non-willful violations of code provisions.

3. In addition to the Gephardt safe harbor criteria, alternate safe harbor provisions should be provided for payors of payees providing owner operated power equipment.

(B) Alternate safe harbor provision should be provided for to an independent contractor who holds himself out as independent contractor and who has performed similar services for as many as five payors during the past year, or expects to perform such services for five or more payors during the current year.

4. Payors in addition to all of the above, should continue to be protected by the traditional definition of independent contractor under common law.

Thank you for this opportunity to share this vital information with you.●

PERSONAL EXPLANATION

HON. WILLIAM F. CLINGER, JR.

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 24, 1979

● Mr. CLINGER. Mr. Speaker, on July 23, 1979, I was absent from the floor of

the House of Representatives because I was back in the 23d Congressional District of Pennsylvania. Had I been present, I would have voted in the following fashion:

Rollcall No. 369: H.R. 4440: Transportation Appropriations—The House agreed to resolve itself into the Committee of the Whole, "yea"; and

Rollcall No. 370: H.R. 4034. Export administration amendments—The House agreed to resolve itself into the Committee of the Whole, "yea".●

SUDDEN INFANT DEATH SYNDROME

HON. HENRY A. WAXMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 24, 1979

● Mr. WAXMAN. Mr. Speaker, I was recently contacted by Dr. Norman Lewak of Alameda, Calif., concerning current statistics on sudden infant death syndrome (SIDS).

According to the figures compiled by the National Sudden Infant Death Syndrome Foundation, SIDS is the No. 1 cause of death in infants after the first week of life. Mysteriously, the baby who dies from this ailment often appears healthy prior to death—hence, the disease's chilling name. This disease causes from 8,000 to 10,000 deaths among infants in the United States every year. Similar rates of occurrence are found in Europe, Australia, and Canada.

According to the report of the Senate Committee on Labor and Human Resources to accompany S. 497 (the Emergency Medical Services Systems Amendments of 1979 and Sudden Infant Death Syndrome Amendments of 1979), at the present time, a total of 33 projects in 29 States are being funded to provide information and counseling services, as well as to carry out data-gathering activities. These projects provide services to a population base of approximately 126 million. Specifically, education and training is provided to those who come in contact with the families of SIDS victims to sensitize them to the special needs of family survivors. More than 2,000 educational programs have been conducted during the past year. In addition, the projects work toward improved coordination and development of community resources to deal with SIDS cases. They also assist in the development and distribution of SIDS informational and educational materials. These, materials include films, TV spot announcements, and brochures.

These projects are funded by the Sudden Infant Death Syndrome Act of 1974 (Public Law 93-270)—embodied in title XI.B. of the Public Health Service Act.

The act, extended in 1977, created a system of counseling and information services for the families of SIDS victims, authorized the dissemination of educational materials on crib death, and called for the establishment within the National Institute of Child Health and Human Development (NICHD) of a program of biomedical research into the causes and prevention of SIDS.

I would like to share with my colleagues a pamphlet which is particularly helpful in informing the public of the problem of sudden infant death syndrome, and how its occurrence can trigger a chain of tragic reactions among close family members and friends. I close my remarks by reprinting in the CONGRESSIONAL RECORD this useful brochure compiled by the sudden infant death research team of Children's Orthopedic Hospital and Medical Center and the University of Washington, in Seattle, Wash., and the National Foundation for Sudden Infant Death, Inc.

The information follows:

FACTS ABOUT SUDDEN INFANT DEATH SYNDROME

THE BASIC FACTS ABOUT SIDS

SIDS is a definite disease and is the number one cause of death in infants after the first week of life.

SIDS cannot be predicted or prevented, even by a physician.

The cause is not suffocation, aspiration or regurgitation, although sometimes death certificates use such terms in error.

A minor illness such as a common cold may be present, but many victims are entirely healthy prior to death.

There is no suffering; death occurs within seconds, usually during sleep.

SIDS is not contagious in the usual sense. Although a viral infection may be involved, it is not a "killer virus" that threatens other family members or neighbors. SIDS rarely occurs after seven months of age.

SIDS is not hereditary; there is no greater chance for it to occur in one family than in another.

The baby is not the victim of a "freakish disease." About 8,000–10,000 babies die of SIDS every year in the United States (two or three per 1,000 live births).

SIDS is at least as old as the Old Testament and seems to have been at least as frequent in the 18th and 19th centuries as it is now. This demonstrates that new environmental agents, such as birth control pills, fluoride in the water supply and smoking, do not cause SIDS. Despite increased attention in the literature in recent years, the incidence of SIDS is not rising.

MOST FREQUENTLY ASKED QUESTIONS

What is SIDS?

SIDS (Sudden Infant Death Syndrome), commonly known as "crib death" or "cot death," is a disease which causes from 8,000 to 10,000 infant deaths annually in the United States. SIDS has been with us since Biblical times, but only in recent years has it been recognized to be a "specific disease entity." It is best defined by describing a typical case. An apparently healthy infant, usually between the ages of three weeks and seven months, is put to bed without the slightest suspicion that things are out of the ordinary.

He may have signs of a slight cold. Some time later the infant is found dead. Often there is no evidence that a struggle has taken place, nor did anyone hear the baby struggling. Sometimes, though, the child has obviously changed position at the time of death. An autopsy reveals, at most, a minor degree of inflamation of the upper respiratory tract, but no lesion sufficient to account for death.

Often the autopsy reveals absolutely no evidence of illness. In about fifteen per cent of crib death cases careful examination does demonstrate a previously unsuspected abnormality or a rapidly fatal infectious disease, such as meningitis or pneumonia. A thorough autopsy can put the family at ease about this.

Was it my fault?

Virtually every parent feels responsible for the death of his child, until the facts are known. In untold thousands of cases much needless blame has been placed by one parent upon the other, by relatives upon the parents, upon a babysitter who happened to be with the infant at the time it died, or upon the family doctor who pronounced the infant healthy shortly before it died. We know of families that have been broken up by repercussions arising from this problem.

Therefore, it is important to make clear that SIDS cannot be predicted, and in the light of present knowledge SIDS cannot be prevented. The disease has no specific symptoms and occurs in the best families, to the most competent, careful and loving parents. Indeed, we often feel that the victims of SIDS are unusually robust, healthy and obviously well cared for. Even when the infant has recently shown signs of a slight cold and has been taken to the doctor, nothing has been found that would lead him to anticipate SIDS. Regardless of how thorough the examination or of the treatment prescribed, SIDS cannot be predicted even by a physician. SIDS can occur in hospitals, and many physicians and nurses have lost their own babies to SIDS.

Did my baby suffocate in its bedding?

It is not uncommon for victims to be found wedged into the corner of their cribs or with their head covered by blankets. Sometimes their face is turned down into the pillow or mattress or is discolored. Under such circumstances, it is natural to assume the baby smothered. However, SIDS also occurs under conditions where there is no possibility of smothering.

The baby can be found without any articles of bedding, clothing, toys or pets around or near the face. The autopsy findings are identical in both types of cases. Investigators have found that even when infants are covered by bedding, the amount of oxygen is not reduced to the point of causing suffocation. Thus it is possible to say with certainty that SIDS is not caused by external suffocation.

Could my baby have vomited and choked after his last feeding?

SIDS is not caused by vomiting and choking. Sometimes milk or even blood-tinged froth is found around the mouth or on the bedding. This has been shown usually to occur after death, and at autopsy is found not to block the internal air passages.

Can SIDS be prevented?

There is no known way to prevent its occurrence. No symptoms exist, so extreme anxiety will serve no useful purpose. Although SIDS is not infectious in the usual sense, there are many health reasons why it is better to avoid taking a young infant into crowds of people. This does mean infants should be kept away from small family groups or kept away from others in their family, but unnecessary exposure to crowds can often be easily avoided.

What causes SIDS?

There have been many theories through the years as to the cause of SIDS. None of these have yet been proven and most have been discounted. Years ago an enlarged thymus gland was believed to block off the infant's airway, but this has been disproven. Allergy to cow's milk has been suspected by some to bring on sudden reaction severe enough to cause death.

However, recent studies on antibodies in SIDS cases have failed to support this theory, and many SIDS babies have been entirely breast-fed. Recent research suggests that the developing infant has unusual physiological reflexes during certain phases of sleep, and these may bear a relation to the mechanism of death. Other theories that have been discounted are: bacterial infection, radiation

fall-out, use of modern machines and drugs, smoking, adding bleach to the diaper wash, "whip-lash" injury to the spinal cord, air pollution, and fluoridation. It is important to emphasize that SIDS is not a new disease and is no more frequent now than it was centuries ago.

Did my baby suffer?

SIDS can occur within five minutes, and is probably almost instantaneous. There may be some movement during the last few seconds of life, accounting for the displaced blankets or unusual positions that are sometimes evident. However, the babies do not cry out and very often show not the slightest trace of having been disturbed in their sleep. Therefore, it is safe to conclude that SIDS does not cause pain or suffering to the baby.

Was it something infectious?

Is the immediate family in danger?

SIDS is not contagious in the usual sense of the word. For example, if one of twins in the same bed is taken by SIDS, the other is usually spared. There are seasons during which SIDS is more commonly seen but there is no reason for unusual concern in cases where an infant is exposed to a SIDS case. SIDS virtually never happens after the first year of life, so older children are not at risk. There is no need to be concerned about contamination from clothing, bedding or furniture of a SIDS baby. The common viruses which appear to play a leading role in SIDS do not survive outside living bodies.

Would it have helped if I had breast fed my baby?

Breast feeding does not prevent SIDS. Literature of previous centuries, when nearly all babies were breast-fed, mentions the problems of sudden infant death. Recent research shows SIDS occurs to breast-fed as well as to bottle-fed babies. Breast feeding is recommended to mothers because the breast milk is usually well-tolerated by the baby. Some additional antibodies are received from the mother in the colostrum which is present before the actual breast milk comes in. However, a baby is born with his major supply of antibodies that help him fight infection.

What about babies we might have in the future?

According to the best available data, SIDS is not hereditary, and any future babies in a family will run no more than a one per cent risk of recurrence. More harm than good may be done to a subsequent child by excessive anxiety over SIDS.

A special leaflet on this problem, entitled "The Subsequent Child" by Carolyn Szybist, R.N., is especially helpful. This is available upon request from the NSIDSF.

Is this a new disease? Aren't there more deaths of this kind now?

There is evidence that SIDS has been with us since antiquity. In Biblical times it was referred to as "overlaying." Then, as in some cultures today, mothers slept with their infants. When a mother woke to find her child dead, she assumed she must have rolled over on him and caused his death. Any new mother, however, knows how aware she is of the new baby and how impossible it would be for her to do this.

We do not believe there has been an increase in the number of SIDS cases in recent years, but there is more publicity about them than in the past. Studies in many areas of the world consistently show the figures of two to three SIDS deaths per 1,000 live births. Enlightened communities list the cause of death as SIDS or "crib death;" other areas list them as "suffocation," etc. This is a tragedy for the family as it leaves them with a lifelong feeling of guilt by indicated neglect. This is absolutely untrue and unnecessary. In some communities, confusion still exists about this disease. Only recently have the research facts about SIDS been added to medical school texts.

Do these deaths occur all over the World?

There is evidence that SIDS is an extremely widespread condition. Studies of the syndrome in Europe, Australia, Canada and throughout the United States have all revealed similar rates of occurrence. SIDS occurs as frequently in the southern states as in the cooler climates of the Northwest and the Northeast.

PROBLEMS OF GRIEF—ABOUT PARENTS' GRIEF

After the initial shock and the numbness of the first few days begin to wear off, parents find that they are left with a prolonged depression. There will be "ups and downs" that can be brought on by a thoughtless or innocent remark from someone who doesn't understand the disease or by remembering that it is the same day of the week or date in the month that the baby died. At these low points, it is often very helpful for them to talk to a member of the "parents group." (See section on "Sources of Help and Information.")

Only another parent who has had this same experience can convincingly say that things won't always look as they do today, that time really does make a difference. If there is no such person available, the family physician or minister can be reassuring.

Parents find that it is difficult to concentrate for any length of time. The mind wanders, making it difficult to read, write, or make decisions. Some experience a "whirling around" sensation or pressure in the head. This is very normal and does not indicate that a person is losing his mind. Sleep is difficult, often leaving parents fatigued. If they have a family to care for or a job to get back to, they may need some temporary help from their doctor in the form of mild medication in order to get some rest. Even with sleep, the feeling of exhaustion persists.

Those in grief may experience muscular problems or other physical symptoms centering around the heart or in the stomach. Often there is no appetite, and they eat only because they know they must. They may feel "tied in knots" inside. Mothers nearly always say their arms "ache to hold their baby."

There may be an irresistible urge to get away, a fear or dread of being alone, or unreasonable fears of danger. If there are other children, parents fear for their safety and don't want to let them out of their sight, but at the same time may be afraid of or shun the responsibility of caring for them. Even with this concern about their children, there may be feelings of extreme irritation and impatience with their behavior. Parents rely a great deal on family and friends, but at the same time may resent their help and feel guilty about this. The situation is made even more difficult when the community around them does not understand SIDS. Friends or relatives who are trying to help seem to say the wrong things or do not understand the disease.

The grief reaction of husband and wife may be different.

It is quite normal that husbands and wives express their grief in different ways and this is not always understood. For instance, mothers generally need to "talk out" their grief while fathers tend to suffer more in silence. Husbands are diverted by their work while wives are usually at home surrounded by constant reminders. Very often the loss of the infant is the first grief situation either parent has faced.

Children's reaction to death.

Children will be affected in some way by a death in the family. A small child who is too young for explanations needs mainly to be shown love and affection by his parents for his own security. Little ones may have some very frightening thoughts that they cannot express. They may cling to the parents and do naughty things to get the attention they need.

If there are older brothers and sisters in the family, one can expect special kinds of grief reactions. Children often feel terribly guilty about the death of a sibling. They often fear their own thoughts toward the baby could have caused its death. An older child should be told as much about the facts as he is able to understand. He should feel that this is an open subject in the family and that he can express his thoughts or questions about death as they arise.

Children may not show their grief in obvious ways. Because they cannot deal effectively with tragedy, they may deny it and seem quite unconcerned. It is important to talk with brothers and sisters about the death and to discuss the fact that this was a disease. It is best not to say "the baby 'went away' in sleep." It is important to explain that the reason the baby died is because of a disease that strikes suddenly to only a few infants of that particular age. Brothers and sisters should be assured that older members of the family including themselves are immune. (In cases where there is a surviving twin, the entire family should receive special counseling.)

Many youngsters have been a source of strength for the family. They have written poetry and verse and often have a very simple, unshakeable faith about the pattern of life and death. Some children, on the other hand, because of circumstances or age or emotional make-up, have felt great insecurity after an infant's death. This has manifested itself by nightmares, bed wetting, difficulty in school, and other disturbances. Any such problems should be discussed with the child's doctor.

Close relatives, babysitters, et cetera.

Occasionally the baby is in the care of relatives or babysitters when the death occurred. This is a special problem and counseling should be made available to them also. It is often helpful for them to have literature or talk with the doctor. At first parents may tend to blame the babysitter or to blame themselves for having left the baby at all. On occasion the mother has been blamed by the husband or relatives for the death of the baby. So it is important that everyone understands about the disease. Often giving literature is more helpful than trying to explain.

SOURCES OF HELP AND INFORMATION

National Sudden Infant Death Syndrome Foundation, 310 S. Michigan Ave., Chicago, Ill. 60604, Phone: (312) 663-0650.

This is a national organization with chapters in many areas of the United States. It maintains contact with and makes referrals to other groups and individuals concerned about Sudden Infant Death Syndrome, some of whom are not directly affiliated with it. The purpose of the NSIDSF is to assist parents, educate the community about SIDS, and promote SIDS research.

The Foundation was the first organization to call attention to the need for research and has awarded grants to assist several studies. It promotes and sponsors programs of professional counseling, publishes a quarterly newsletter and distributes literature. It financially supports the mailing of information to various community agencies and medical groups. Many prominent physicians and lay people serve on its advisory board and as officers. It formerly was named the Mark Addison Roe Foundation and was started by the Jedd Roe family whose son Mark was a victim of SIDS when they lived in Greenwich, Connecticut.

Administered by a board of trustees composed at present of eighteen doctors and laymen, the Foundation is a tax-exempt, charitable corporation supported by contributions from the public and from a small number of private philanthropic foundations.

Donations can be mailed to the Chicago address or to any local chapter. (The Foun-

dation sends an acknowledgment card to the donor and to the family of the person being memorialized.)

A Medical Board appointed by the trustees advises them on all medical matters, recommends action on applications for research grants, and sets medical policy for the Foundation. The Medical Board consists of:

Marie A. Valdes-Dapena, M.D., Chairperson; J. Bruce Beckwith, M.D., James Luke, M.D.; Eli Gold, M.D., Lester Adelson, M.D.; Alfred Steinschneider, M.D.; Edward Shaw, M.D.; Larry V. Lewman, M.D.; Elliot Weitzman, M.D.

SCIENTIFIC INFORMATION

Two major sources of scientific information regarding SIDS are: Sudden Death In Infants: Proceedings of the Conference on Causes of Sudden Infant Death in Infants (1963), National Institute of Child Health and Human Development, Bethesda, Md. 20014.

Proceedings of the Second International Conference on Causes of Sudden Infant Death in Infants (1970), University of Washington Press, Seattle, Wash. 98105.

A bibliography of articles, publications and films dealing with SIDS can be obtained from the Chicago office.●

PARALYSIS IN A RISK-FREE SOCIETY

HON. RON PAUL

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 24, 1979

● Mr. PAUL. Mr. Speaker, the search for a risk-free society, through the use of government, is a sign of decadence. Henry Fairlie points out in an excellent article in the Washington Post.

The answer to the spiritual malaise which both the President and Mr. Fairlie see in our country is by cutting back the source of that malaise: overweening Government.

It is Government that debilitates our society and our people. The American people are still a great people. Prune the Government to constitutional size, and we would again demonstrate that. Rid our citizens of a giant bureaucracy, massive taxes, Government inflation, and deadening regulations, and America would lead the world in peace and productivity once more.

The article follows:

[From the Washington Post, July 22, 1979]

PARALYSIS IN A RISK-FREE SOCIETY

(By Henry Fairlie)

When the President spoke of the decline in America's confidence in its future—which all of its anxious but hoping allies regard as a real and ominous phenomenon—my mind fixed immediately on one of its most obvious but almost unmentionable causes. The once rambunctious American spirit of innovation and adventurousness is today being paralyzed by the desire to build a risk-free society.

No other great industrialized society has reacted with what can only be described as such palsy to the accident on Three Mile Island. It is simply beyond the bounds of credulity that the French would halt or reduce their huge nuclear power program—would forego their own chance to be "energy-secure"—in response to the kind of misadventure that is naturally to be expected in any humanly inspired endeavor.

Yet in his television address, the president of the United States did not dare to mention nuclear power, and on the following day he corrected the omission only in a muted and almost strangled voice.

No other country took it into its head to ground the DC-10s for as long as did the United States, and I hope that Sir Freddie Laker and the operators of other airlines will succeed in their suits for damages. After the remarkable record for efficiency and safety that has been set by the American aircraft industry in its fleets of planes which today carry the traffic of the world, one engine falls off one aircraft in circumstances that are unlikely ever to be repeated and the American authorities seem almost to set out to destroy the reputation of as trustworthy a commercial aircraft as is now flying.

But these are only the two most recent and glaring examples. The desire to build a risk-free society runs through the whole of American life today. It is draining the spirit from America's inventiveness and from its hope for the future.

If the American people for the first time no longer believe that life will be better for their children, it is at least in part because they are beginning to think that there will be no food which their children will be able to eat without dying like rats of cancer, no form of transport that will be considered safe enough to get them from here to there and in fact nothing that their children may safely do except sit like Narcissus by a river bank and gaze at their wan and delicate forms as they throw the last speck of granola to the fish.

The desire to build a risk-free society has always been a sign of decadence. It has meant that the nation has given up, that it no longer believes in its destiny, that it has ceased to aspire to greatness, and has retired from history to pet itself.

If many more safety regulations are introduced in the United States, it might as well have men with red flags walking in front of the automobiles. Ralph Nader seems sometimes to be interested in designing not motor cars but baby carriages, and even then the baby probably would be suffocated by air bags. He appears not to be aware that one of the main uses to which cars are put is necking, and that this is very difficult if the yearning couple are held back by a harness of seat belts that would hold down even an unbroken stallion.

In no other country is the *faddishness* of environmentalism so rampant as in America today. If some of the more extreme of the environmentalists had their way, there would have been no industrial revolution, no burst of industrial might in America at the end of the last century, none of the brilliant inventiveness of its technology in the past generation, and as a result millions of Americans would still be living the confined lives of the past, and many more millions in Europe would be enduring existence of mere serfdom, their lives bound within (as Marx put it) the narrowest possible compass.

There is a way in which much of my writing about America as an outsider has turned on these questions. For although I am often cheerfully bemused by the more fanciful and extravagant displays of American technology and gadgetry, and although I think that they are sometimes carried too far, so that people may soon use a Cusinart to scramble an egg before they cook it, I have no doubt that in important ways it is here that lies the genius of the country; for what it all says is that things "ain't necessarily so." Do not Americans now distrust their future because they are being told that the things (including nature) are necessarily so?

Zero population growth is the purest expression of the risk-free society. Preciously and exquisitely "I" am here; there are enough wild berries for "me" at least to live on; let no one else come and spoil it.

Back to Eden: For what was Eden but a garden of zero population growth; and indeed what was it but a risk-free society of two? But whenever I try to imagine the life of Adam and Eve, before their fall, it seems to me that it must have been one of infinite boredom.

But the more one thinks seriously of their boredom, the more one realizes why mankind had to escape into risk. Part of the malaise of the American spirit at the moment seems to me simply an expression of boredom. It hangs like a pall, worse than any pollution, over the lives of the people. There is no ship to board; it has been laid up as unseaworthy. There is no carriage to the stars; it might fall like Skylab. It is dangerous to dream; one might feed in one's sleep on a carcinogen. Feverishly and fretfully, the unused energy is spilling out, into the frenzy of white water and the disco.

I turn from the notion of a risk-free society to the epic of Homer, to the magnificent testimony to a people's will in the Old Testament, to the sagas of the Vikings and the daring of the Elizabethans, and there is not a hint of a safety regulation in one of them. But turn nearer to hand. It was not just the wretched and oppressed who came to America, but the wretched and the oppressed who would risk. It was the strong, and not the weak, who came, and then still came. They did not ask if the Mayflower was seaworthy—it was a miserable hulk even for its times—and into our own century they still got onto tubs that might break apart to cross an ocean. What I feel most in America now is the ever more constricted sinews of a country that was made by such people.

Soft and swaddling are the constraints—do not do this because it might hurt you; even worse, it might make you feel "uncomfortable"—but they are binding the spirit of a great people like a fetter.

This draining pusillanimity runs into personal as well as into social relationships. The American people are being cajoled into talking to each other as I used to think that only a few people talked to their indoor plants. To ask a president to reach so deep into a malaise is to task too much. What is "wrong" with America can be put quite simply. With a Ralph Nader at the head of a wagon train, no one would have made it across the plains, none would have crossed the Rockies and no immigrant would have pushed noisomely out of the gutter.

Risk-free living is sweat, danger and death. From those come the laughter. And curiously, from those comes also the ease of heart.●

PERSONAL EXPLANATION

HON. BILL NELSON

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 24, 1979

● Mr. NELSON. Mr. Speaker, I was absent due to family obligations when the House voted on two procedural motions yesterday. I would have voted aye on Rollcall No. 369, to go into the Committee of the Whole to consider H.R. 4440, making appropriations for the Department of Transportation, and I would have voted aye on Rollcall No. 370, to go into the Committee of the Whole to consider H.R. 4034, the Export Administration Amendments.●

BROOKINGS, S. DAK., CENTENNIAL CELEBRATION SPEECH

HON. ARLEN ERDAHL

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 24, 1979

● Mr. ERDAHL. Mr. Speaker, one of my distinguished constituents, Harold E. Stassen, gave the centennial celebration address at Brookings, S. Dak., on July 4, 1979, entitled "A New American Agricultural Program—A Bulwark for Freedom." I submit the text of his speech for the information of my colleagues. It contains some innovative approaches which should be considered as Congress and the administration develop an agriculture policy aimed at preserving family farms.

The speech follows:

A NEW AMERICAN AGRICULTURAL PROGRAM—A BULWARK FOR FREEDOM

(By Harold Stassen)

Citizens of South Dakota: on this Centennial Day for you; this Declaration of Independence day for all Americans, I bring you the congratulations and the friendly greetings of your Minnesota neighbors.

This is a day to think of freedom, and of history, and, especially, of freedom in the future of America.

As we meet in the beginning years of the third century since the birth of our nation, we are all keenly aware that we are experiencing one of the most serious threats to our future freedom.

Extreme inflation is one of the greatest domestic dangers for a free people. Extreme inflation is like an arsenic poisoning to the internals of a free society.

One of the many bad consequences of extreme inflation is that it makes it very, very difficult to successfully operate a family farm, and even more difficult for sons and daughters to inherit and operate a family farm.

But family farms have been one of the bulwarks of the freedom and independence of our country ever since that first Fourth of July.

On this day, I speak to you forthrightly of my views upon this critical issue of freedom.

I hold, from my long experience, that it is urgent that we adopt a new American Agricultural Policy and Program.

Central to that new American Agricultural Policy and Program should be the establishment of a Federal Farm Family Reserve Board, to do generally for the farmers what the Federal Reserve Bank Board has done for the banks.

This Federal Farm Family Reserve Board would be placed in charge of a substantial fund of money, raised by a small charge on all imports of all products of the land, including coffee, bananas, cocoa, and all other such imports of the land. This Board would also be in charge of the reserves and surplus of farm products, which would first of all be kept in the control of the individual farmers who would be helped financially in providing for the storage holding of crops.

The Federal Farm Family Reserve Board would be authorized and directed to pay to every farm family, from its funds, up to 100 percent parity on the first $100,000 of farm production each year on each farm.

The unlimited guarantee of 100 percent parity would be unmanageable, and would result in more big corporate farms, more controls and less family farms. But the guarantee of making good on 100 percent of parity for the first $100,000 of each farm's products can be and should be done. It would assist in a stability of supply of all farm products. It would contribute to future freedom and security for all. It would be one of many factors to stop inflation.

The Federal Farm Family Reserve Board would also be directed to arrange to keep the national and world markets free and open, to do everything it could do constructively to develop world prices up to 100 percent of parity, to arrange for other countries, such as the oil/rich, food/poor countries to help carry the world food reserves, to oppose hoarding and monopolies, to make credit reasonably available to farm families, to foster research in other uses for agricultural products, such as alcohol for fuel, and fibers for plastics and for clothing and for construction.

This Federal Farm Family Reserve Board would have members of each major crop, from different parts of the country, from both major political parties, and also have consumer representation.

Members of the Board would be appointed for long terms, with approval of the advice and consent of the Senate, and would be rather independent of the Presidents, just as the Federal Reserve Bank Board is and has been.

We need to lift our Americans agricultural policies and programs away from the year-to-year politicking and mistakes of Presidents and their secretaries of agriculture of either party.

We must recognize that agriculture is unique. It is labor, and it is capital, and it is a way of life. It is also more dependent on uncontrollable conditions of the weather, locally and worldwide, than any other activity.

There has been a very bad trend of freezing out and discouraging family farmers and shifting to big corporate farmers. This is not a good trend. It endangers the long term future freedom for America.

We must also make it easier for sons and daughters to inherit a family farm.

It is now very difficult for a farm family to pass the farm along to sons and daughters because of a very heavy inheritance tax burden. This must be changed, and sons and daughters should be able to inherit a substantial family farm with a value of $500,000 without inheritance taxes, if they intend to keep and operate it. The same important principle should apply to the small family businesses. The excessive inheritance taxes are wiping out family farms and family businesses, and this is harmful to everyone.

Throughout every part of our Policies and Programs for 1980's, we should think through the foundations of America's greatness, the fundamentals of maintaining freedom, and reach out progressively for new answers for the future well being of all Americans.

This is only one of the many changes that are needed to safeguard our future freedom by stopping the inflation and stopping it with full employment.

It can be done, and it must be done.

In the days and weeks ahead, leading to the 1980 decisions of the American people, there is no more important use of our freedom, than to use it to talk through and decide the major issues which will affect our future freedom.

In this spirit, I thank you for this invitation to talk with you today, at this Centennial Celebration in Brookings, South Dakota, good neighbor of my native Minnesota.●

MCPL TASK FORCE

HON. BERKLEY BEDELL

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 24, 1979

● Mr. BEDELL. Mr. Speaker, as the debate on ratification of SALT II progresses, we hear repeated claims by opponents of this vital treaty to the effect that the American Military Establishment is opposed to the agreement, that our NATO Allies are unhappy with it, that the United States cannot adequately verify Soviet compliance, and that this is a public relations attempt by the administration to pull a foreign affairs coup to bolster its image. Taking each point in order, I urge my colleagues in both Houses of Congress to note the following:

That the Chairman of the Joint Chiefs of Staff, speaking for the full complement of Chiefs, has said for all who will listen.

. . . all of us judge the agreement which the President signed in Vienna as in the U.S. national interest and merits your support.

That the NATO alliance has unanimously endorsed the treaty as being in the national security interests of Western Europe, and urged us on to SALT III.

That the treaty is most assuredly adequately verifiable, so much so, in fact, that one of its best known critics, Mr. Paul Nitze, concedes the point on Soviet cheating by saying, "what could be gained by cheating would not be strategically significant," and as William Colby, former CIA Director, has said, we would know of any violations long before it could affect the strategic balance.

That the past two (Republican) administrations paved the way for the present culmination of negotiations in SALT II; the Carter administration was in no rush to barter strategic advantages for a politically motivated "quick fix."

As a member of MCPL who has given these matters long and close consideration, I would like to commend the following article from the Washington Post to the attention of my colleagues:

[From the Washington Post, July 23, 1979]

COMMON SENSE ON SALT

(By Clayton Fritchey)

Gerard Smith is a distinguished corporation lawyer-diplomat, who served under President Nixon as director of the Arms Control and Disarmament Agency, as well as chief negotiator of SALT I. He also served in the State Department under President Eisenhower as chief of policy planning. In reference to SALT II, he says:

"While the Senate alone has the constitutional mandate to give its advice and consent to treaty ratification, the collective common sense of the American people, all of whom have a very high personal stake in the outcome, will also be of crucial importance."

It is a timely warning to the public not to ignore the debate on limiting strategic arms simply because it is supposed to be so complicated, so technical and recondite, as to be over the heads of most citizens.

President Carter acknowledges that the details of the treaty are formidable, but he also notes that the fundamentals "are not so complex." And he too says, "When all is said and done, SALT II is a matter of common sense."

The hearings before the Senate Foreign Relations Committee seem to bear this out, for the essence of the conflicting testimony, after being exposed to informed senatorial questioning, is not beyond popular understanding. In the end, it will come down to the public having to decide whose word to

take. That's where common sense hopefully will prevail.

Will the people, for instance, ultimately rely on the advice and recommendations of the Joint Chiefs of Staff, who on balance are unanimously for the treaty, or will they be more impressed by the objections of Lt. Gen. Edward Rowny, who for six years represented the Joint Chiefs on the SALT negotiating team?

The Joint Chiefs are composed of the head of the four services, plus the chairman, Air Force Gen. David Jones. After prolonged study on their own plus the advice of the Pentagon's many experienced arms experts, the chiefs normally told the Foreign Relations Committee that "all of us judge that the agreement which the president signed in Vienna is in the United States' national interest, and merits your support."

Then came Gen. Rowny, who resigned from the Army on June 30. Although supposedly the representative of the chiefs on the negotiating team, Rowny has long been identified with the powerful cold-warrior congressional bloc, whose influence was instrumental in getting him the SALT job in the first place.

Rowny flatly told the senators the treaty was "not in the best interests of the U.S." He would not concede there might be honest differences of opinion. "The emerging treaty," he bluntly charged, "is not in our interests since it is inequitable, unverifiable, undermines deterrents, contributes to instability and could adversely affect NATO and Allied coherence."

The clear implication was that the chiefs and other backers of the treaty were either retarded, or indifferent to the security of the United States, or both. Sen. Edmund Muskie observed that Rowny was making "serious charges."

The Senator asked the general how he alone, among the negotiators, knew the United States could have got a better deal. Rowny's answer was that "the people who negotiated this thing at Geneva at times had their hands tied"—an unsupported insinuation that his colleagues had compromised their convictions.

The Rowny indictment reflected not only on the Joint Chiefs but on all the officials (Republican and Democrat alike) who have been supporting SALT pacts, including the last three presidents of the United States, the various arms-control directors and the several chief SALT negotiators.

Whatever the shortcomings of SALT II, it is generally conceded to be an improvement over SALT I, which was ratified by the Senate by a vote of 88 to 2. Rowny says that new treaty is verifiable, but even Paul Nitze, the super-SALT critic seems undisturbed by this issue "because the limits are so high that what could be gained by cheating against them would not appear to be strategically significant."

Gerard Smith notes the SALT agreements have been in force since 1972 without violations. He also asks: If SALT II gives the Russian all the best of it, as the critics contend, why did they sit on it? In respect to Rowny's charges that the treaty could be a blow to NATO, the best answer is that the NATO defense ministers have already endorsed the agreement.

Larry Smith, a strategic affairs specialist, believes that SALT can make the use of nuclear weapons less likely, but doubts that this can be demonstrated mathematically or through sophisticated war-game analysis.

"But somehow," he says, "we all know deep down in our gut that the simple premise of SALT is the recognition by both nations, indeed the entire human race, that we have a desperate stake in avoiding nuclear war." In short, a matter of common sense.●

FINANCING TREATMENT FOR HIGH BLOOD PRESSURE

HON. CLAUDE PEPPER

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 24, 1979

● Mr. PEPPER. Mr. Speaker, hypertension is a national health problem, directly related to cardiovascular disease, heart attack, stroke, kidney failure, and blindness. An estimated 60 million Americans suffer from borderline or definite high blood pressure. An asymptomatic disease, it has been known as the "silent killer." Unless tested, a person may not be aware that he or she suffers from this condition until one of its serious consequences makes itself known.

Because of the prevalence of hypertension among the elderly, the Select Committee on Aging and its Subcommittee on Health and Long-Term Care, both of which it is my privilege to chair, have undertaken a major initiative in this area.

Last fall, I appointed a Blue Ribbon Advisory Panel on the Treatment of High Blood Pressure in America, composed of Americans distinguished in the fields of medicine, business, labor, and philanthropy to advise the committee on steps we might take to combat this serious national health problem. The panel came before our committee in January of this year with a report which outlined the nature and extent of hypertension, gave an overview of current efforts to combat hypertension, and made recommendations for legislative and administrative action to strengthen our ability to wipe out this insidious enemy of the Nation's health.

Among the distinguished members of this panel was Mr. Michael Gorman, executive director of the Citizens for the Treatment of High Blood Pressure, Inc. Mr. Gorman has a long history of involvement with the health field, beginning with President Truman.

A guest editorial by Mr. Gorman, entitled "Financing Treatment for High Blood Pressure," appeared in the June 1979 issue of Urban Health magazine. In this piece, Mr. Gorman outlines some of the current issues involved in providing treatment for high blood pressure, and I wish to call this very informative article to the attention of my colleagues.

I ask unanimous consent that the text of Mr. Gorman's article be printed at this point in the RECORD.

FINANCING TREATMENT FOR HIGH BLOOD PRESSURE

(By Mike Gorman)

Prior to 1970, there was scant public awareness of the dimensions and consequences of high blood pressure. More than half of Americans who had high blood pressure did not know they were victims of the disease. Of those who had been diagnosed as hypertensive, less than 20 percent were on effective therapy.

The picture has changed dramatically in this decade. The initial impetus came from the creation of the National High Blood Pressure Education Program under the aegis of the National Heart, Lung and Blood Institute. Its assigned task was to educate both health professionals and the lay population on the incidence of high blood pressure and on the measures which could be taken to control what had really become an epidemic.

As the initial statistics began to pour forth highlighting the gravity of the problem, the mission of attempting to contain the disease of high blood pressure in America seemed almost hopeless. The National Center for Health Statistics estimated that there were 35 million Americans who had definite high blood pressure and another 25 million who had borderline hypertension readings which indicated that they should be watched. Most discouraging, however, was the disclosure that only three million of these hypertensives were taking medication and achieving control of the disease.

It was soon apparent that the federal government could not even begin to do a total job in this area. Dr. Theodore Cooper, who was Director of the National Heart Institute when the program was launched in 1972, insisted from the outset that this effort must not be restricted to the federal government alone. It was his contention that the HBPEP must draw heavily upon medical, health and voluntary organizations if it were to succeed.

That it has is evidenced by a 1977 survey which showed that more than 1,800 state and local volunteer organizations were participating in the high blood pressure program. The survey points out that these figures do not include hundreds of thousands of hours of volunteer time contributed by the 130 national organizations which are directly involved in this undertaking. For example, at the January, 1979 House Select Committee on Aging hearings on hypertension in America, Dr. Frank Stanton, president of the American Red Cross, informed the Committee that his organization, through its 3,000 chapters across the country, had screened six million Americans for high blood pressure in 1978 alone.

Dr. Robert Levy, director of the National Heart Institute, has estimated that financial support for the federal High Blood Pressure Educational Program has increased by only about 10 percent per year and remains more or less constant at a level of about three million dollars annually.

"This amount, though," Dr. Levy stressed in a recent interview, "when multiplied by the leverage of volunteers, the use of public service time, the donations of the media, the participation of the entire general community, as well as the use of time, space and staff on the part of professional and lay organizations such as hospital and medical associations, the American Red Cross and Citizens for the Treatment of High Blood Pressure translates into an annual expenditure of between $50 and $100 million for the entire effort."

We now can point to remarkable results in this combined voluntary and governmental effort. The most dramatic example is the reduction of strokes. Hypertension is a major causative factor in 75 percent of all first strokes, which kill some 200,000 persons and disable over one million people each year in the United States. In an editorial in the March 1, 1979 issue of The New England Journal of Medicine, Dr. Levy pointed to a remarkable 36 percent decline in strokes since 1962, with more than two-thirds of that drop occurring since 1972, the year the National High Blood Pressure Educational Program began. In the 1950's, for example, the stroke mortality rate declined less than one percent per year; in the mid-1970's, the mortality rate dropped to an amazing degree—greater than five percent per year.

It would be erroneous to conclude from the above figures that the epidemic of high blood pressure has been contained. At the

hearings this year before the Select Committee on Aging, a panel of 15 of the country's most outstanding authorities on hypertension reported that we had won several important skirmishes, but that the big battle was still ahead. Even if one took the most optimistic estimate that ten million Americans now appear to have their blood pressure effectively controlled, 25 million people are still either unaware that they have high blood pressure or receiving inadequate treatment for it.

The Panel presentation on the economic costs of circulatory diseases and hypertension was equally chastening. For example, a detailed study by the Public Services Laboratory of Georgetown University estimated the cost of these diseases at $50.4 billion, with direct costs of high blood pressure accounting for $10.5 billion of this total. The direct cost to the federal government in noncontrollable expenditures for high blood pressure was equally staggering—$4.2 billion in Medicare costs; $3 billion in Social Security costs, and additional high costs under Medicaid, Supplementary Security Income, and other Federal programs.

Federal response to these overwhelming figures can only be described as minimal. From 1973 to 1975, Citizens for the Treatment of High Blood Pressure put a high priority on the passage of legislation providing hypertension formula grants to states, in hopes that these grants would be catalysts in starting new programs where few existed. Late in 1975, Congress passed the initial legislation authorizing these grants to the states. However, the language governing the grant restricted it to "screening, detection, diagnosis, prevention, and referral for treatment for hypertension." The omission of a clear treatment authority was, from our point of view, totally unjustifiable. As we pointed out in testimony in 1975 and subsequent years, why screen, detect and diagnose, and then refuse to provide funds for the bottom line of the whole endeavor—treatment? Moreover, this formula grant was also funded at a miserably low level. In spite of a legislative authorization of $35 million for the first year of the program—Fiscal 1976—the actual money appropriated was $3,500,000 for all 50 states! This was an amount generous enough to just about cover the hypertension problem in the District of Columbia. In Fiscal 1977, the program was funded at nine million dollars, and in Fiscal 1978, at $11 million. Funding for the current year has remained at last year's level.

As we predicted, when the states began to administer the program, they came smack up against the issue of funding for treatment. Citizens therefore developed a questionnaire, which was sent through the Association of State and Territorial Health Officials, asking its member State Health Commissioners for their opinion on the treatment question. Thirty states responded favorably for treatment authority under the grant; six states were against it on the grounds that if treatment was added as another mandated function under the inadequately funded grant, there would be little money for screening and detection; and six additional states said they wanted treatment authority if the funding level were increased. The controversy came to a head in 1978 when Dr. Robert Whalen, then New York State Health Commissioner representing the Commissioners' organization, told the Congress that "any new legislation should include authority for states to pay for medications where necessary for ambulatory hypertensives. In New York, the need is great enough that the entire formula grant could be usefully expended on medication. We would agree that it appears that 10 to 15 percent or more patients do not initiate or persist with an adequate therapeutic regimen because of the cost factor of medication."

At the hearings of the House Select Committee on Aging, payment for treatment, which includes a few visits to the doctor each year plus drug costs, was the paramount issue during the entire day of deliberations. Dr. Michael E. DeBakey, chairman of CTHBP, pointed out that hypertension is far more prevalent among the elderly, the poor and blacks. The National Heart Institute has estimated that treatment of a hypertensive costs only between $100 and $200 a year. However, answered Dr. DeBakey, "it is still often too expensive for the poor, who are the disease's most frequent victims."

Additional statistics were presented by the Committee staff to underline Dr. DeBakey's point. For example, 25 percent of Americans with family income under $5,000 have high blood pressure, while in the $5,000 to $10,000 bracket, only 12 percent have high blood pressure. The staff also reported that 22 percent of black Americans have high blood pressure, as compared with 15 percent among whites. A number of Panel members regarded this last figure as much to conservative. For example, Dr. Cooper pointed out that in central Harlem the death rate from heart attacks is 42 percent above the rate for New York City as a whole; stroke deaths are 22 percent higher than the city as a whole.

The economic barrier to treatment is even more unyielding among the elderly. Among persons over 65 years of age, 40 percent with family incomes under $5,000 have high blood pressure. In the 75 and over age group, 64 percent have definite or borderline hypertension, with very few able to pay for treatment.

As a result of these hearings and other hearings in July of 1977, the 46-member Select Committee on Aging adopted the following major recommendations: (1) Medicare should be amended to include coverage for the detection, diagnosis and treatment (including drugs) of hypertension; (2) Medicaid should be expanded so that the states are mandated to provide hypertension screening, diagnosis and treatment, including drugs; and (3) Congress should amend the Public Health Service Act to allow treatment under the new hypertension project grants to the states which were authorized in 1978.

In all of these aforementioned endeavors, Citizens for the Treatment of High Blood Pressure has played a key role. At its very first meeting in 1972, the CTHBP Board of Sponsors unanimously passed a motion that Citizens would not apply for any funds from the federal government, depending totally on contributions from individuals, foundations and corporations in the private sector to support its newsletters, publications and legislative activities. The fundamental philosophy guiding our targeted activities is the belief that government can only do so much—that the major portion of the offensive against hypertension will have to be created and maintained by voluntary health organizations, medical and allied health societies, business and labor and, most important, strong citizen participation.

In 1977, CTHBP achieved a long-time goal with the establishment of a Field Office to serve as a catalyst in stimulating activities in the private sector. The ultimate goal of the Field Office is the development of an organized network of citizen groups at state and local levels which can not only influence governmental funding for hypertension but, more significantly, can stimulate volunteer efforts. At the present time. Citizens' affiliates are in varying stages of development in 17 states. In each of these states, we are building a broad based coalition which will eventually become a potent local voice for all activities in the field of high blood pressure control.

Elliot Richardson, who continues to serve as Honorary Chairman of the organization he helped to create, pointed out that "The fight against hypertension is a classic example of the good things that can happen when the private and public sectors and concerned citizens combine their talents, energy and dedication in a common cause."

Dr. Michael Alderman noted just a year ago in an article in this journal: "There is no precedent for successful prolonged treatment of any chronic disease."

We are firmly convinced that we are in the process of creating that precedent.●

TONGUETIED AMERICANS

HON. ROMANO L. MAZZOLI

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 24, 1979

● Mr. MAZZOLI. Mr. Speaker, I regret very much that I can neither speak nor comprehend a foreign language. And, I believe the general lack of foreign language skills is an impediment—though not an insurmountable one—to developing solid international relationships with the leading as well as the developing nations of the world.

I recommend highly to my colleagues the following statement of the United Technologies which appeared recently in several publications on the subject of foreign language skills.

The article follows:

TONGUETIED AMERICANS

Travel abroad and you'll find, almost everywhere, people with enough grasp of English to give you directions, interpret a menu for you, or help with your travel schedule. But a non-English speaking visitor to this country is hard-put to find such help.

Among industrialized nations, the U.S. stands alone in its neglect of foreign language study. In the face of growing world interrelationships—political, diplomatic, economic—Americans' familiarity with the tongues of others is in sorry decline.

Last year the President Commission on Foreign Language and International Study was formed to find ways to live up to international agreements in which the U.S. has pledged to encourage the study of foreign languages and civilizations. The commission's initial findings are dismaying:

Nine out of ten Americans cannot speak, read, or effectively understand any language but English.

About 90% of all colleges have no language requirements for admission. One-quarter of all high schools do not teach any foreign language.

College language enrollments have declined 21.2% in the past decade.

Foreign language enrollments dropped 15% among high school students between 1968 and 1974. Less than one-quarter of high school students now study a foreign language, as against 32% in the mid-1960s.

Only 17% of American foreign language students taught wholly in this country can speak, read, or write the foreign language easily.

The prevailing sense in this country toward those in other lands seems to be: Let 'em speak English.

It's a foolhardy attitude. It ill serves America's interests and objectives in the world community. Unless it's changed, the U.S. will find itself at a disadvantage in grasping economic opportunities and meeting its diplomatic responsibilities around the world.

At a time of detente with Russia and rap-

prochement with China, an appallingly small number of American students are taking up those languages at the advanced levels necessary for fluency. One member of the presidential commission voiced distress on learning that the U.S. Foreign Service no longer requires any foreign language background for new service officers. Because so few Americans study foreign languages, he found, the State Department was forced to drop the requirement.

Much of America's economic growth in the years ahead will come from international trade. More and more people will be needed with skill in foreign tongues. By not pursuing language studies, many young people are cutting themselves off from rewarding careers in international business.

Knowledge of other languages and cultures is indispensable to fruitful international relationships. We in this country would do well to support and stimulate such knowledge, lest we find ourselves standing around with nobody to talk to except ourselves.●

CONSTITUENT SUGGESTS GASOLINE RATIONING PLAN

HON. MICHAEL D. BARNES

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 24, 1979

● Mr. BARNES. Mr. Speaker, this week the House will consider new legislation to authorize the President to activate a standby gasoline rationing plan under specified circumstances. S. 1030, with amendments by the House Committee on Interstate and Foreign Commerce, would provide broad guidelines for the content of a rationing plan which the President might submit, but would not require explicit details to be worked out at this point.

Recently I met with many of my constituents at a town meeting in Sandy Spring, Md., and the whole subject of the gas shortage was the major item discussed. One of those attending, Mr. Frederick E. Wang of Silver Spring, Md., made a number of interesting suggestions about some specifics which the President might include in a gasoline rationing plan. Mr. Wang's proposal appears simple and workable, and I have sent it to administration officials and the relevant congressional committees for examination, I submit a memorandum prepared by Mr. Wang for the information of my colleagues:

A PROPOSAL; GASOLINE CONSERVATION IN THE UNITED STATES

Faced with a nationwide gasoline shortage, I would like to recommend a two-tier-pricing system, not as a perfect solution but, rather as the best possible solution among various alternatives.

The two-tier-prices are to be fixed as follows (figures are given only as an example):

Basic allotment—70¢ per gallon:

Every registered private auto (commercial users are to be considered separately) in this country will be issued coupons (this can coincide with the issuance of car plate) to purchase 800 gallons of gas per annum at 70¢ per gallon at any gas station in the U.S.

Extra allotments—$2 per gallon:

Any motorist can purchase any amount of gas over and above the basic allotment at $2 per gallon. Or alternatively, the motorist can purchase coupons from people who did not use up their basic allotment at a price mutually agreed upon between the buyer and the seller.

MERITS UNDER THE SYSTEM

(a) There would be no wasteful gas-lines. Existing complex formula of DOE fuel allocation would not be necessary. Gas stations will be given as much gas based on the number of coupons they turn in, thus gas supplies will follow the demand wherever they may be throughout the country.

(b) Odd-even day purchase or minimum purchase regulations (which often yield more demerits than merits) will not be necessary.

(c) Individual motorist can be certain what amount he or she is getting (or not getting) throughout the year and can plan on it—thus, there would be no "panic-buying" or "topping."

(d) Built-in economy incentive in the system (70¢ vs. $2 per gallon) will lead people to car-pool and economize in the use of gasoline (particularly if people know that they can sell their unused gas coupons for an extra profit).

(e) Holiday-, vacation-, tourists-oriented industries will not unnecessarily suffer by Saturday, Sunday closing, odd-even restriction, or just a simple uncertainty of gas supplies at the stations.

(f) Gradually decreasing the amount of basic allotment over the span of several years, will allow people time to adjust to a new life style that uses less gasoline.

(g) In general, the pressure of inflation due to gas-price-hike will diminish.

(h) $2 per gallon price will be enough incentive for the "American know-how" to come up with an alternate or substitution to our transportation problem (e.g., synthetic fuel, revolutionary different type of transportation means).

In summary, the system will provide incentives for the general public to save gasoline, and for the energy-related industries to work harder for a long-term solution—and most importantly with least government interference!●

RESCUE THE BOAT PEOPLE

HON. ROBERT K. DORNAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 24, 1979

● Mr. DORNAN. Mr. Speaker, during World War II, stories of unbelievable horror came out of Eastern Europe detailing the mass extermination and incineration of Jews. These stories were greeted with disbelief and inaction. It was only at the end of the war, when the victorious allies were sweeping through Europe, that these horror stories were found to be true. Weak justification can probably be found for allied inaction—all considerations were unfortunately forced to be subordinate to the demands of achieving military victory over Hitler.

Now, in 1979, the world is being confronted with a similar modern horror story, the "boat people." However, in 1979, unlike the World War II years, there is no "great crusade" which permits us the luxury of diverting our attention from the plight of the tragic "boat people." The nightmare of the "boat people" presented in statistical terms is frightening—every month 60,000 Indochinese refugees, many of them ethnic Chinese living in Vietnam, flee their homeland. At present, there are 330,000 refugees languishing in often subhuman conditions all over Southeast Asia. These are the survivors—those who survived starvation, drowning, dehydration, shark attacks, rape and murder by pirates. It has been estimated that as many as 250,000 may have perished by those means.

Last week, I sent an urgent letter to the President and to the then Secretary of the Navy, W. Graham Claytor, asking them to send the Navy on a mission of mercy to the South China Sea to aid in rescuing these people. I made note of the fact that the Navy has performed numerous missions of mercy in the past and that it would be in accordance with its honorable tradition to do so again.

I want to call the attention of my colleagues to a full-page ad in the Washington Post of July 19, 1979, in which we are called, once again, to render assistance to these suffering people, dying at the rate of 1,500 per day. This ad was sponsored by Edward J. Daley of World Airways and Dianne Lawson and Michael Morrissey of Refugees International.

I support the pleas of Mr. Daley, Mr. Morrissey and Ms. Lawson. How can we turn our backs on these people? I would point out that the "boat people" have become "boat people" directly as a result of our policies in Southeast Asia. It is too late to do anything about that. However, it is not too late to repay the debt we owe these people, many of whom served the United States when we were in Southeast Asia.

The Carter administration has stated that the monthly quota of refugees has been raised from 7,000 to 14,000. I applaud this. It is now the responsibility of Congress to appropriate the funds to care for these additional refugees. This in no way violates precepts of fiscal conservatism. To me, this is an issue which transcends politics or ideology. We are directly responsible for the creation of conditions which have led to the flight of these unfortunate souls from Communist tyranny. We have no other choice but to help.

The Washington Post ad follows:

TO THE SENATORS AND REPRESENTATIVES OF THE U.S. CONGRESS:

By pledging to double America's monthly quota for Indochinese refugees and by generously increasing funds for resettlement, President Carter seized the initiative at the Tokyo Summit and, we hope, set an example other nations will follow at the Geneva Conference this week. But much more needs to be done.

America's new monthly quota does not help those refugees in the most imminent danger—those who are crammed onto the beaches of Malaysia, adrift in boats on the South China Sea, stranded on the borders of Thailand, Cambodia, and Laos. They are subjected to robbery, piracy, rape, murder, typhoons, starvation, and disease. For the past month over 500 a day have been towed out to sea: 56,000 were refused landing and 46,000 were pushed back across the border. These displaced people require immediate rescue.

It is therefore with a sense of great urgency that we of Refugees International, a recently formed group of private citizens working individually and with volunteer

agencies to help the refugees of Southeast Asia, respectfully ask the Senators and Representatives of the U.S. Congress to:

Propose and pass legislation allowing immediate emergency entry of 100,000 refugees—beyond the quota of 14,000 refugees to be received each month.

Provide ships and planes for an immediate rescue mission to remove 100,000 refugees from the beaches, boats, and borders.

Re-open housing and processing facilities used during the 1975 evacuation, when 150,000 Vietnamese refugees were rescued and resettled in 6 months. Refugees International will help provide volunteers with multi-lingual and technical expertise to assist.

Volunteer agencies, civic and church groups, and concerned individuals are standing by with secured guarantees of sponsorship for the refugees from Indochina. Refugees International has requested that the leaders of such groups advise you of their readiness to receive these people.

We urge you to act today. Each day of delay now means the death of at least 1,500 Indochinese refugees.

Edward J. Daley, President and Chairman of the Board, World Airways, Inc., Oakland International Airport, Oakland, CA 94614.

Dianne Lawson, Area Director, Refugees International, c/o Grady Mangham, World Relief Corp., Suite 801, 1800 K Street N.W., Washington, D.C. 20006, Tel. (202) 785-4869, Cable: Relief, Wash., D.C.

Michael Morrissey, Director, Refugees International, c/o Environmental Planning Institute, Hirakawa-Chuo Building, 2-4-16 Hirakawa-Cho, Chiyoda-Ku, Tokyo 102, Tel. 239-1651.●

AID FOR PART-TIME STUDENTS

HON. TED WEISS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 24, 1979

● Mr. WEISS. Mr. Speaker, today I am introducing legislation to benefit a group of students who are among the most ambitious, yet are virtually ignored by the grant programs of the Higher Education Act. These students, most of whom support themselves by full-time employment, are enrolled part time in undergraduate programs. While they represent greater than one-third of our entire undergraduate population, they receive less than 10 percent of the educational grants the Federal Government awards to undergraduate students.

Part-time undergraduates fall into two categories: First, those enrolled less than full time but at least half time, classified as halftime students; and those students enrolled less than half time. At present, halftime students are eligible for educational opportunity grants, but for only 4 years, so they are unable to receive aid long enough to earn diplomas. Less-than-halftime students are currently unable to receive any supplemental educational opportunity grants.

The bill I am introducing will address these inequities by extending the period of eligibility for basic and supplemental education opportunity grants—BEOG, SEOG—from 4 to 8 years, and by extending SEOG's to less-than-half-time students. Further it will allow SEOG's of less than $200, and eligibility will continue to be determined by the campus aid officer. The institution will not be required, but rather allowed to use part of its SEOG funds for less-than-half-time students only if it wishes to do so. The bill does not include any increase in authorization for SEOG's.

Ninety-five percent of the less-than half time undergraduates, all of whom are presently ineligible for grant assistance, are financially self-supporting. They are employed full time, many have families, and yet still pursue an education. Almost 80 percent of these students would qualify for Federal assistance if eligible, far more than any other group of students. Their situations vary vastly; many were forced to work full time after graduating from high school because of family financial difficulties; many are middle-aged women who are recently divorced or widowed and must, for the first time in their lives, support themselves and their children; still others are women with small children who would like to enter the job market later in their lives, when less bound by family obligations.

The following are two examples. A 50-year-old woman wishes to attend community college to prepare for a career in order to provide for her family if something should happen to her husband. She has 5 small children, most of whom are still at home. Her educational goal is an associate's degree in business. Even though her husband is a college professor in the $16 to $18,000 salary range, it is not enough to allow her to take even one course when the cost of books, transportation, child care, and other extras are added to that of the tuition. Even if she could afford to attend college at least half time and possibly receive a BEOG, her family responsibilities would not allow her to do so.

A 30-year-old woman in her senior year of her bachelor's degree in sociology is single, with a 6-year-old child and an adjusted gross income of $2,792. She works as a teacher's aid and is hoping that her degree will help her attain a better paying job on a full-time basis. She has no help from welfare for medical needs, and there is no extra allowance in her small income for tuition, books, child care, and transportation for one course a quarter. She is unable to take more than one course per quarter because her job and child consume the rest of her time. So although she would qualify financially for Federal assistance, she is currently ineligible.

It is evident that both of these individuals are enrolled on a part-time basis for very justifiable reason. Yet both are thwarted in their attempts to obtain an education by their ineligibility for Federal assistance.

The second section of this bill which extends the eligibility for BEOG's and SEOG's from 4 to 8 years is in recognition of the change in the nature of the student population. The "typical" student is no longer the 18-year-old, full-time, dependent student. Like the half-time student, those enrolled less than full-time are often working, and have a family. These are the students of today, and of the future; yet under the present system they receive less than 8 percent of all Federal student aid dollars. And these students are committed to their education. In 1975 over 94 percent of all part-time students completed the courses for which they were enrolled. They are not enrolled part-time on a whim, rather they cannot afford the necessary funds, nor the time. In fact, a lack of funds is cited by part-time students as the major reason for discontinuing their education.

The intent of the Congress, and the commitment of this Nation to equal educational opportunities for all students is clear. It is now time not only to reaffirm this commitment, but to carry it out. The legislation that I am introducing today will help to open the financial aid system, and insure an opportunity for all students in need. I strongly urge my colleagues to join me in support of this measure.

A copy of the bill follows:

H.R. —

A bill to reduce certain eligibility requirements for basic and supplemental educational opportunity grants

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

SHORT TITLE

SECTION 1. This Act may be cited as the "Education Amendments of 1979".

EXTENSION OF ELIGIBILITY

SEC. 2. (a) Section 411(a)(4)(A) of the Higher Education Act of 1965 is amended by striking out "four academic years" and inserting in lieu thereof "eight academic years".

(b) Section 413B(b)(1)(B) of such Act is amended by striking out "four academic years" and inserting in lieu thereof "eight academic years".

EXTENSION OF ELIGIBILITY

SEC. 3. (a) Section 413B(a)(2)(B) of the Higher Education Act of 1965 is repealed.

(b) Section 413B(b)(2) of such Act is amended by striking out the first sentence and inserting in lieu thereof the following: "A supplemental grant awarded under this subpart shall entitle the student to whom it is awarded to payments pursuant to such grant only if that student is maintaining satisfactory progress in the course of studies he is pursuing, according to the standards and practices of the institution awarding the grant.".●

DENIAL OF FREEDOM OF HUMAN RIGHTS

HON. EDWARD J. DERWINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 24, 1979

● Mr. DERWINSKI. Mr. Speaker, last week, as the Members know, was the 20th anniversary of Captive Nations Week, which was appropriately observed in the Congress as well as across the country. The importance of this observance is to place emphasis on the denial of freedom of human rights to over 100 million non-Russians held captive by Communist rule.

The conduct of the executive branch's foreign policy and the misdirection of its human rights campaign is the subject of an article appearing in the Chicago Sun-Times of June 27, by the distinguished columnists, Rowland Evans and Robert Novak. I insert their column at this point:

HUMAN RIGHTS FIASCO

(By Rowland Evans and Robert Novak)

WASHINGTON.—Sec. of State Cyrus Vance's sudden cancellation of a private meeting here last Thursday to report Vienna summit progress on human rights in the Soviet Union laid bare this tragic fact: Human rights, the shining emblem of Jimmy Carter's foreign policy, vanished almost without a trace in Vienna.

Aides of Vance note that at 2 p.m. last Thursday Vance was preparing for an emergency session of the Organization of American States, forcing cancellation of the human-rights session with officials of the National Conference on Soviet Jewry. But that simply camouflages the fact that the human-rights meeting had become superfluous. It would have lasted only long enough for Vance to say, "They stonewalled us."

Whether President Carter could somehow have broken through that stone wall when the subject of human rights was on the table at his last session with Soviet President Leonid Brezhnev June 18 is questionable. Talking to the ill and aging Soviet leader was not easy. Brezhnev's aides did not help when Carter, reading from a prepared statement, laid out his case for human rights.

"The whole conversation consisted of two people talking past each other," one participant in the Vienna summit told us. "It was a non-starter." Advisers to Brezhnev quietly instructed Carter's men that this was no time to spoil the party by pressing Brezhnev on human rights.

But acknowledging Carter's difficulty in trying to shame the Communist leaders of Russia on the human-rights issue does not conceal the widening gap between the promise and the reality of the President's languishing campaign for Soviet human rights.

Indeed, not only did Carter blink first when he and Brezhnev clashed on human rights; State Department authors of the modest communique displayed surprising ignorance of the long, careful U.S. effort to contain the Kremlin's use of verbal aggression to thwart U.S. human-rights goals.

"Inexcusable drafting mistakes," one high State Department official candidly admitted to us after publication of the Vienna communique. "Worse than that, just plain stupid."

One glaring mistake was the use of the phrase "All-European Conference" in the section of the communique titled "International Issues." That reference to the Helsinki and Belgrade conferences, and a follow-on session in Madrid next year, used a verbal construction that played right into the 16-year Soviet campaign hitherto resisted by the United States. Moscow has always pushed the idea of an "All-European Conference" to emphasize the outsider roles of the United States and Canada. The proper description is "the conference on security and co-operation in Europe," or CSCE.

The opening of the communique on "General Aspects of U.S.-Soviet Relations" committed graver errors. It emphasized the superpowers' "respect for sovereignty and non-intervention in each other's internal affairs." That Kremlin-style construction was insisted on by the Russians because "non-intervention" is their buzzword against the U.S. human-rights campaign.

Throughout the communique these verbal inflections carry an unprecedented Russian accent. For example, it unquestioningly accepts Soviet-inspired language that the United States and the Soviet Union "noted with satisfaction the positive developments which have taken place in recent years with respect to the situation on the European continent (and) the significance of the Final Act" of the Helsinki CSCE conference.

On the human-rights front, there have been no "positive developments" in the Soviet Union (except increased Jewish emigration). Instead, the dissident movement has been abused, broken up and smashed in the years following the Helsinki conference.

In the Vienna communique, the magic phrase "human rights" appears not once. Nor did the U.S. side obtain even a fleeting reflection of the human-rights verbiage hammered into place after Helsinki and Belgrade.●

FOOD SECURITY ACT OF 1979

HON. BENJAMIN A. GILMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 24, 1979

● Mr. GILMAN. Mr. Speaker, the House Committee on Agriculture and the House Committee on Foreign Affairs recently held a joint hearing on the Food Security Act of 1979, legislation establishing a wheat reserve to be used for emergency international food assistance.

To date, over 90 of our colleagues have cosponsored this legislation, which my friend and colleague, the gentleman from New York (Mr. MCHUGH) and I have introduced. This measure is virtually identical to a bill favorably reported last year by both the House Committee on Agriculture and the House Committee on International Relations.

Subsequent to our introduction of the Food Security Act of 1979, the administration proposed its own version of the measure which was also considered during the joint hearing.

Testifying at that hearing, I stressed that:

The need for a food security reserve will markedly increase, yet, unless the reserve is created in the very near future, it will become increasingly difficult for us to establish this reserve.

Mr. Speaker, in order to share with my colleagues my observations and findings concerning the urgent need for enactment of this legislation, I request that the full text of my statement before the House Committee on Agriculture and the House Committee on Foreign Affairs be inserted at this point in the RECORD:

FOOD SECURITY ACT OF 1979

Mr. Chairman, I welcome this opportunity to appear before the House Committee on Agriculture and the House Committee on Foreign Affairs during these joint hearings on the Food Security Act of 1979.

As pointed out earlier, there are three measures entitled the "Food Security Act of 1979" before these committees: H.R. 3611, legislation I introduced on April 10, 1979; H.R. 3612, a measure identical to H.R. 3611, also introduced on April 10, 1979 by my good friend and colleague the gentleman from New York, Matthew McHugh; and H.R. 4489, introduced on June 15, 1979 at the request of the Administration by Chairmen Foley and Zablocki. To date, 87 of our colleagues have cosponsored H.R. 3611 and H.R. 3612.

H.R. 3611 is virtually identical to legislation these committees favorably reported last year. Unfortunately, last year's measure was placed on the House's agenda late in the last Congress and, caught up in a last minute crush of what was termed "priority" legislation, was not considered by the House.

I submit to you today that H.R. 3611, as testimony before these two committees last year underscored, is "priority" legislation deserving favorable consideration by these two committees, by the House and by the Senate.

H.R. 3611 amends the Agricultural Trade and Development Assistance Act of 1954, Public Law 480, by establishing a 4 million metric ton reserve stock of wheat which may be used when a sufficient quantity of this commodity is otherwise unavailable to carry out Public Law 480 agreements. Last year's measure as reported by the House Committee on Agriculture called for a 3 million metric ton reserve stock. The Committee on International Relations, adopting an amendment I introduced, established a 6 million metric ton level. I am confident that the 4 million metric ton level can meet with the acceptance of both committees, thus enabling the measure to receive quick, favorable consideration by these two committees.

The change in title of this year's measure connotes a leaner, trimmer bill shorn of provisions tying this reserve in any way to an internationally negotiated reserve system. While our hopes were high last year that negotiations to establish such a reserve system would be fruitful, these negotiations collapsed earlier this year and thus, any current attempt to link an American food assistance with an international system would be addressing at best a vague and cloudy area. However, both the President and the Congress should work diligently for a quick resumption of these important negotiations.

In essence, H.R. 3611 plugs into Public Law 480, thus providing a "backup" within our existing food aid administrative system for meeting current and future Public Law 480 commitments. I am hopeful that by plugging this reserve into the existing administrative framework of Public Law 480, the concept of an emergency wheat reserve can more quickly become a reality than if our task were establishing new and complicated institutional apparatus to administer such a reserve. It is my contention that initially any emergency reserve should be incorporated into the tested administrative framework of the Public Law 480 system.

This approach differs from the Administration's proposal, contained in H.R. 4489, providing the President with discretionary powers to dispense up to 300,000 tons of wheat in instances where Public Law 480, as determined by the President, could not quickly enough respond to a "major disaster." As we learned during our consideration of this matter last year, Public Law 480 has responded promptly and effectively to "major disasters," and I seriously question the wisdom of taking this first step outside of the established Public Law 480 guidelines and criteria pertaining to food assistance by increasing the President's discretionary powers.

Last year, I joined with other witnesses before these committees in describing the clear and growing recognition that emergency reserves are crucial to any meaningful food assistance program. While many have long recognized the need for such a reserve, the calamitous world food production shortfalls of 1973/74, reducing U.S. and world food stocks to bare bone levels, dramatically underscored the genuine need to establish emergency reserves. World food stocks, estimated to be at 75 days of world consumption carryover before the crisis, fell sharply by 1975 to approximately 40 days. The United Nations Food and Agriculture Organization (FAO) has roughly established a 65 day supply as the minimum safe level for world food security.

The 1974 World Food Conference, subsequent sessions of the World Food Council, the Seventh Special Session of the United Nations General Assembly, the UN Conference on Trade and Development, and the International Wheat Council strongly endorsed the concept of emergency reserves, stating that if the world food assistance program was not to be again faced with "bare shelves" when faced with a global food crisis (a crisis exacerbating the already grim plight of the world's hungry and malnourished) determined action to establish such reserves was imperative.

The United Nations Committee of the Whole, meeting in New York this past March, urged that food reserves be established at adequate levels and took into account the need for "an internationally coordinated over-all system of national food reserves."

These hearings and passage last year by these committees of legislation to establish an emergency reserve reflect Congressional concern about this matter.

In a December 1978 letter to me, Secretary of Agriculture Bob Bergland gave his assurance of the Administration's strong commitment to establishing an emergency wheat reserve "as an integral part of our strategy to combat world hunger."

The Presidential Commission on World Hunger, of which I am a member, while not yet having issued its initial report on findings and recommendations, has at meetings to date found its members in general agreement that this nation should move quickly towards establishing an emergency reserve.

I wish to emphasize the word *quickly* because the propitious opportunity described last year to establish this reserve could soon evaporate.

U.S. Department of Agriculture projections of May 15, 1979 indicated grain stocks for 1979/80 to be significantly below the levels of last year and quite possibly below any of the last three years.

The New York Times in a June 15, 1979 editorial warns that we should be "Getting Ready for the Lean Years." The Times states that:

"Bumper harvests since 1975 have provided a chance for most nations to acquire reserves at low prices. But time is running out. Wheat prices have risen 40 percent in the past two years. . . . The Soviet Union, forseeing a reduced harvest, is back in the market in a big way. Bad weather could cause food shortages as soon as next year."

A Washington Post article of June 14, 1979, by Dan Morgan, reported that the possibility of a grain shortage was:

"A common theme of global projection issued in recent weeks by the Department of Agriculture, the Food and Agriculture Organization of the United Nations, the International Wheat Council, and private crop analysts."

"Grain stocks in exporting countries," Mr. Morgan observed, are at "about the level that existed in 1971." However, "these stocks may provide a somewhat smaller buffer now because of increases in population worldwide." This article also reminds of the disaster of a sudden, major Soviet intrusion into the grain market.

A July 1, 1979 New York Times article by Seth S. King points discouragingly to a sense of "deja vu," that "among those who buy, sell, and give grain away," "it was beginning to resemble 1972, 1974, and 1975." The article indicates that to the poor nations who depend on Public Law 480 loans to "fill a large portion of their food needs," "wheat and corn already $1 per bushel higher than a year ago . . . means that the amount they're able to buy with this year's loan is now 20 to 25 percent less."

Mr. Chairman, my statement clearly outlines the situation in which we now find ourselves: the need for a food security reserve will markedly increase, yet, unless the reserve is created in the very near future, it will become increasingly difficult for us to establish this reserve.

Our committees were farsighted in their wisdom last year to pass legislation similar to that under consideration today. I am confident that that same wisdom will prevail, and that Congress and the Administration will intensify their efforts towards quick enactment of the Food Security Act of 1979.

I thank the Chairmen of these two committees for the opportunity to testify in support of the legislation Mr. McHugh and I have introduced, and commend them for expeditiously bringing this matter before these committees.●

THE CASE AGAINST PUBLIC INTERVENOR FEES

HON. ELDON RUDD

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 24, 1979

● Mr. RUDD. Mr. Speaker, a major argument against the use of taxpayer dollars to pay for the expenses of selected individuals and public groups who testify before Federal regulatory agencies is that the agencies themselves would abuse such a practice by "stacking the deck" in favor of a predetermined position or policy.

This does in fact happen, as Daniel J. Popeo, general counsel for the Washington Legal Foundation documented today in testimony before the Senate Judiciary Subcommittee on Administrative Practice and Procedure.

Aside from this one convincing reason not to provide what are termed "public intervenor fees," there are ample constitutional and other reasons not to allow taxpayer dollars to be used to pay for the participation of parties and vested interests in Government rulemaking proceedings. Mr. Popeo outlined some of these reasons in his congressional testimony, many of them based upon legal precedents.

I am pleased to be cosponsoring legislation to stop the use of Federal funds to pay so-called public intervenors (H.R. 4827), introduced by the gentleman from Ohio (Mr. HARSHA). For the benefit of Members of the House of Representatives who might not otherwise be aware of this good testimony before the other body, I would like to include the testimony at this point in the RECORD:

TESTIMONY OF DANIEL J. POPEO

On behalf of the Washington Legal Foundation, let me express my appreciation to the distinguished members of the Senate Judiciary Subcommittee on Administrative Practice and Procedure for this invitation to testify on legislative proposals which would provide financial assistance to parties appearing in agency rulemaking who represent the public interest.

The Washington Legal Foundation is a nonprofit corporation organized to engage in litigation and the administrative process in matters affecting the public interest. The Washington Legal Foundation currently has more than 60,000 members and contributors throughout the country. My comments reflect exclusively the interests of our members and the public as a whole, not any organizational interest of the Washington Legal Foundation. The Washington Legal Foundation is currently involved in litigation across the United States regarding government regulation, crime victims, major constitutional issues and other vital public interest legal matters.

Let me stress at the outset that we favor public participation in administrative and judicial proceedings and along with other public interest groups, the Washington Legal Foundation has compiled a record of active participation in such proceedings on behalf of the public interest. As a public interest organization, the Washington Legal Foundation would expect to benefit substantially from this proposed legislation. However after much reflection, we have come to the conclusion that it would not be in the public interest to provide financial assistance at the taxpayer's expense to the already thriving public interest community.

It is the prevailing rule in American law, as stated by the Supreme Court in *Alyeska Pipeline Service Company* v. *The Wilderness Society*, that a victorious litigant is not entitled to recover attorney's fees from the loser.[1] In federal administrative proceedings, as in federal courts, the victorious party cannot recover attorney's fees from the loser.[2] Only one agency, The Federal Trade Commission, is expressly empowered to provide compensation for parties participating in rulemaking proceedings.[3] There is some question as to whether other federal agencies are authorized to extend financial assistance to interested parties whose participation is considered necessary to the disposition of an administrative proceeding.

The conflicting decisions of courts and agencies on the question of government reimbursement for public participation in administrative proceedings clearly indicates the need for Congressional resolution of this issue. On February 19, 1976 the Comptroller General of the United States issued an opinion to the Nuclear Regulatory Commission approving agency assistance to participating parties when their participation is considered essential to a disposition of the proceedings and they lack sufficient funds.[4] Based on this opinion, the Second Circuit Court of Appeals, in *Greene County Planning Board* v. *Federal Power Commission* ruled that the Federal Power Commission was authorized to pay intervenor's expenses.[5] However the Court reversed itself in a later en banc rehearing, holding that it was not bound by the Comptroller General's opinion and denied the FPC the authority to reimburse public participants.[6] The Court based its decision on the principle that "no officer or agent of the United States may disburse public money unless authorized by Congress to do so."[7] Alluding to the *Alyeska* decision, the Court said:

In light of the Supreme Court's very broad language in *Alyeska Pipeline Service Co.* v. *The Wilderness Society*, . . . that "absent statute or enforceable contract, litigants must pay their own attorney's fees", a finding that the Federal Power Commission is empowered to reimburse intervenors for their legal expenses must await appropriate Congressional action.[8]

However in 1978, the United States District Court for the District of Columbia reached a different result in *Chamber of Commerce of the United States* v. *United States Department of Agriculture*.[9] In this case, the Court refused to grant an injunction prohibiting the Department of Agriculture from funding consumer participation in an administrative rulemaking. The decision was

Footnotes at end of article.

based on the broad authorizattion of the Department to expend money in the regulation of meat and poultry products.[10] The Court distinguished *Greene County* by pointing to the reluctance of the FPC in that case to pay an intervenor's fee, whereas in *Chamber of Commerce*, the Agriculture Department supported and wished to finance the consumer study in order to achieve a more balanced record in the rulemaking.[11] In addition, this case involved the funding of a study for the Department by an independent consumers group, which is clearly distinct from reimbursing participants in an administrative rulemaking who represent their own self interest. Perhaps because of these conflicting decisions, most federal agencies have been reluctant to establish programs providing financial assistance to participants in agency proceedings. This uncertainty will probably continue until Congress has clarified the issue by passing or rejecting legislation.

In *Alyeska Pipeline Service Company* v. *The Wilderness Society*, the Supreme Court expressed reluctance to establish a wide-ranging exception to the traditional rule against granting court costs.[12] The Court recognized that to do so would have the effect of overruling a federal statute[13] prohibiting the award of attorney's fees in a suit involving the United States unless the statute specifically provides. The Court realized that determining which statutes to award attorney's fees under is a policy matter best left to Congress for a decision on a case-by-case basis. An analysis by the Congressional Research Service found over sixty separate statutes in which Congress provided for the award of attorney's fees.[14] The Washington Legal Foundation believes the legislation pending before this committee would not be in the public interest, since a similar case-by-case approach should be made in providing federal assistance for participation in agency rulemaking.

In recent years, it has become increasingly apparent that government regulation imposes a substantial burden on the American economy. In addition to the costs of complying with government regulation, delays which result from drawn out administrative rulemaking proceedings also spur inflation. Environmental activists have been able to use administrative and judicial proceedings to delay, sometimes for years, government approval of needed business expansion. The Senate Judiciary Committee should think long and hard about this problem before approving a measure such as this bill which would encourage and even subsidize further delays in the regulatory process. The problem with federal administration today is not a lack of public intervenors, but the inability of regulatory agencies to cope with this increased participation and still provide for a prompt disposition of proceedings. It is our position that the regulatory process would be improved more by internal reforms which haste the completion of proceedings than by an increase in public participation which will further delay them.

As others have recognized, there is a substantial potential for collusion between agency bureaucrats and public representatives in the application of this legislation. Since a ceiling will be placed on the expenditures of each agency, then to the extent there are more qualified participants than funds available, agency bureaucrats will be put in the position of selecting among equally qualified participants. Bureaucrats who support a proposed regulation could arrange for like-minded public participants to be favored in receiving financial assistance. It should be recognized that no matter how stringent the regulations governing such financial assistance, abuses are inevitable. Even a separate, and theoretically independent, office within each agency responsible for payments to participants would not guarantee the absence of improper influence by agency officials.

Federal financial assistance may also destroy the incentive for public interest groups to develop and maintain their own sources of support. Private sources of support. Private sources of funds might dry up if people conclude that public interest groups do not need assistance since they are being financed by the federal government. A dependency on government funds will lead to a bias in favor of the agency viewpoint on many issues.

An example of how this legislation will be implemented can be found in the 1978 hearings held by the EPA on its proposed rule to reimburse expenses of public participants. Skip Laitner, Executive Director of the Community Action Research Group in Ames, Iowa, testified in support of the proposed rule by describing how he was induced to appear at the hearings:

I would not have been here today, even though I received a letter from Kay telling me about this hearing, until a Region VII staff member called me personally and talked to me about it and persuaded me that I ought to come and said, we'll pay your expenses, and that type of thing. I'm here.

Clearly, agency bureaucrats will make a regular practice of stacking the hearings with participants favorable to their point of view.

Furthermore, no evidence has been presented to indicate that public participation in administrative proceedings has been so inadequate as to require government subsidy. Rather the opposite seems to be true. In all proceedings of any consequence, public interest groups have been able to muster sufficient resources to adequately participate and put their views on record. Currently, individuals and groups unable to afford an appearance at hearings are provided with a procedure whereby they may present their views in writing at a fraction of the cost.[15] Furthermore, these public interest groups often have access to substantial funding from local lobbying groups and coalitions whose narrow interests they often represent. There is, in our opinion, no need to further subsidize these organizations with $20,000,000 of the American taxpayer's money.

We also question the value of the sort of "public" participation which this bill seeks to encourage. Many of the so-called public interest groups who appear in judicial and administrative forums are in reality special interest groups claiming to speak for the public. There has, in recent years, been a proliferation of narrow special interest groups who actually work to delay or sabotage necessary economic development which would benefit consumers and provide jobs. By what right should the taxes of all Americans be used to subsidize the operations of such special interest groups which command a minimum of support? Such groups ought to go out into the marketplace of ideas to find support for their actions. Most public interest groups, including the Washington Legal Foundation, have been able to attract sufficient contributions from private citizens to actively represent their view of the public interest. This essentially private function should not be made subject to government interference through selective financial assistance. We have learned that federal aid quickly leads to federal control.

This legislation promises to bestow great benefits on a select group of attorneys who will specialize in representing public interest groups before federal agencies. We seriously doubt whether the rule-making process will benefit by more lawyers and longer delays. What is especially ominous is the failure of this bill to place any limits on the amount of financial aid which may be awarded, either in hourly rates, or total billable hours on a given matter. As currently drafted, the cost of this legislation could far exceed the $20,000,000 proposed. There is substantial potential for abuse in this bill, which may provide extraordinary benefits for a few lawyers, without greatly improving public participation in administrative proceedings.

We would like to recommend several changes in the language of the bill which would decrease the potential for abuse and serve the public interest.

Financial assistance for participation should only be granted when the participating group is essential to the disposition of the proceeding. The bill as currently drafted would grant assistance if the intervention "could reasonably be expected to contribute substantially to a fair disposition of the proceeding." This language is exceedingly broad and would cause unnecessary delays and expense. It is possible that several participants, each representing similar viewpoints, would be given financial support. The language should be changed to provide assistance only for participation "necessary" to the disposition of the proceeding.

The bill should also be rewritten to provide that financial assistance can be granted only when the participating group does not command sufficient resources to appear without government aid. As currently drafted, a group could receive assistance if the economic interest it represents is small in comparison with the cost of effective participation, regardless of the funds it has available. A well financed interest group could therefore apply for and receive federal aid if the economic interest it represents is sufficiently small. If this legislation is passed, it should provide financial aid only for those groups which would be completely unable to participate otherwise.

We would also recommend that financial assistance payments only be made at the conclusion of proceedings, when the agency has had an opportunity to evaluate the contribution made by the participating group. This is the procedure now followed by courts when awarding attorney's fees. If financial assistance is not awarded until the completion of a proceeding, a participating group would be required to demonstrate some degree of public support. Without such a change, a group with no funds or public backing could collect financial assistance from the federal government for an appearance.

Speaking for the Washington Legal Foundation and its 60,000 members, I would like to reiterate my belief that this measure will not advance the public interest while wasting $20,000,000 of the taxpayer's money. I thank you, Mr. Chairman, for this invitation to testify before the Senate Subcommittee on Administrative Practice and Procedure on this proposed legislation.

NOTES

[1] *Alyeska Pipeline Service Company* v. *The Wilderness Society* 421 U.S. 240, (1975).

[2] *Turner* v. *Federal Communications Commission*, 514 F.2d 1354 (D.C. Cir. 1975).

[3] 16 C.F.R. § 1.17 (1978).

[4] In Matter of Costs of Intervention-Nuclear Regulatory Commission, Decision B-92288 (February 19, 1976).

[5] *Greene County Planning Board* v. *Federal Power Commission*, 559 F.2d 1227, 1235 (2nd Cir. 1976) (*en banc*), *cert. denied*, 98 S. Ct. 1280 (1978).

[6] Id, at 1238.

[7] Id. at 1239.

[8] Id. at 1239–1240.

[9] *Chamber of Commerce of the United States* v. *United States Department of Agriculture*, 459 F. Supp. 223 (D.D.C. 1978).

[10] 21 U.S.C. § 469, 680.

[11] *Chamber of Commerce*, supra note 9, at 221.

[12] *Alyeska*, supra note 1, at 271.

[13] 28 U.S.C. 2412.

[14] Proposed Public Participation in Federal Agency Proceedings Act of 1977: Hearings on S. 270 Before the Subcommittee on Administrative Practice and Procedure of the Senate Comm. on the Judiciary, 95th Cong., 1st Sess. (1977) (Congressional Research Service Report by Henry Cohen).

[15] Administrative Procedure Act, § 4, 5 U.S.C. § 533, (1978).●

TRIBUTE TO A LEADING KANSAS CITIAN, DUTTON BROOKFIELD

HON. E. THOMAS COLEMAN

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 24, 1979

● Mr. COLEMAN. Mr. Speaker, on Monday, July 23, 1979 Kansas City, Mo., lost one of its finest citizens, Dutton Brookfield. While never attaining the elective offices he sought, Dutton Brookfield exemplified the style of business and community leadership which has shaped Kansas City into a thriving metropolis.

Mr. Brookfield, 61, was president of the Unitog Co., which manufactures and services uniforms and business apparel that are sold and rented nationwide. His untimely death came as the result of complications that developed after a fire in which he was severely burned.

The loss of Dutton Brookfield leaves a void in the metropolitan Kansas City area which will be hard to fill. His civic contributions were numerous.

A native Kansas Citian, he was president of the Chamber of Commerce of Greater Kansas City in 1973 and the following year was named "Mr. Kansas City," the highest award bestowed by the chamber.

He was campaign chairman of the Heart of America United Way Campaign in 1961, president of the civil council in 1973–74, a trustee of Midwest Research Institute since 1965, president of Kansas City Rotary International in 1954–55, and a director of the American Royal Association and the Starlight Theater Association.

Mr. Brookfield held two gubernatorial appointments: A 4-year term on the Kansas City Police Board; and, the Jackson County Sports Authority on which he served as chairman during the successful $102 million bond issue campaign which culminated in the construction of the Harry S. Truman sports complex.

He lost two bids for mayor of Kansas City, first in 1963 and again in 1971. But, as his activities clearly indicate, he never lost his will to serve his fellow Kansas Citians.

In addition to his presidency of the Unitog Co., Mr. Brookfield was active in other business affairs. He was director of Northwestern Mutual Life Insurance Co., the First National Bank of Kansas City, the Kansas City Power & Light Co., the Southwestern Bell Telephone Co., and American Can Co. He was a member and director of the National Association of Manufacturers.

Dutton Brookfield possessed remarkable qualities of energy and leadership. He was a man who directed his own affairs, and those of his community, with skill and sensitivity. His loss to our city is incalculable. As a friend his loss is a very personal one for me. I ask my colleagues to join me in expressing our deepest sympathy to his family and countless friends.●

REMARKABLE PARENTS

HON. ROBERT T. MATSUI

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, July 23, 1979

● Mr. MATSUI. Mr. Speaker, I would like to bring to the attention of my colleagues two remarkable parents who are constituents of mine. Masao and Sumako Itano of Sacramento have raised a family of four under most difficult circumstances, yet all four children have become outstanding citizens.

Though Masao attributes his children's success to their desire to study, I believe credit must be given to him and Sumako for encouraging their children to obtain an education. Learning had always been important to Masao, who left Japan at the age of 17 to seek an education in San Francisco. After attending high school there, he worked his way through the University of California at Berkeley, and graduated in 1917 with a degree in agriculture.

Masao and his young family moved to Sacramento where he did some farming, and he began an insurance business. However, the family was uprooted after Pearl Harbor, and Masao was forced into an internment camp for Japanese Americans.

Harvey, the eldest son, was a chemistry major at UC-Berkeley during that period. He wanted to come home to help his family, but his father wrote that he should never give up his education, and that Harvey should complete his courses.

Harvey graduated in 1942, but neither he nor his family was able to attend the ceremony because all had been confined to the internment camps. Yet even while imprisoned, Dean, Edith, and Masashi continued their education.

Upon their release, the children completed their formal education. Dean became a banker-lawyer, Edith a dietician, and Masashi a pathologist. Recently, Harvey became the first Japanese American to be named to the National Academy of Sciences.

Masao and Sumako can also take pride in their grandchildren among them including a Ph. D. in physics from Harvard, two fishery biologists, and an electrical engineer.

Such accomplishments by children and grandchildren can only come about by loving and supportive parents. It is fitting then, that Masao and Sumako be honored for all of their efforts.●

THE GASOLINE SHORTAGE

HON. TOM RAILSBACK

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 24, 1979

● Mr. RAILSBACK. Mr. Speaker, I talked with many people in Illinois' 19th District during the Fourth of July recess. Most of the discussions centered on energy, and, particularly, the gas shortage. As you know, many blame the oil companies and the Federal Government for the shortage.

I understand that allocation, pricing, and environmental regulations have adversely affected supplies. However, the extreme drop in crude oil supplies from which the gasoline is made seems strange, and people are having trouble believing that an oil shortage actually exists.

I, too, have questioned the industry's explanation for the shortage and have wondered what, if anything, could have been done to soften or even halt it. While reading the July 1 Chicago Tribune, I came across an article by Donald L. Barlett and James B. Steele entitled "How Blunders Cut Our Supply of Gas." I found the article to be extremely informative, and I think it sheds some light on the issue. I am therefore submitting it for the RECORD so that others may have the opportunity to read it.

The article follows:

HOW BLUNDERS CUT OUR SUPPLY OF GAS

(By Donald L. Barlett and James B. Steele)

Federal Government decisions and American oil industry actions last year guaranteed the shortage of gasoline and other petroleum products that currently afflicts the nation.

What's more, those same actions by industry and government—aggravated by Congress' failure to develop a workable national energy policy after six years of debate—have virtually assured the nation of suffering at least spot shortages of home heating oil next winter.

The severity of shortages will depend upon whether the coming winter is colder than usual, and whether industry and government dramatically step up imports of heating oil in the coming months.

Whether the decisions by government and industry last year were made deliberately to create shortages, or resulted from simple miscalculation, bungling, and inept planning, is unclear.

What is clear is that as recently as early last year, the oil industry was faced with the "problem" of a huge surplus of oil—a surplus that some oilmen feared might last seven years.

In its 1977 annual report, published early in 1978, Gulf Oil Corp. told its stockholders: "The world crude (oil) surplus is expected to continue possibly through 1985. The 1978 surplus . . . is estimated at up to 3.5 million barrels per day."

What is also clear, our investigation has established, is that:

Both the Department of Energy and the oil industry knew last year—or certainly should have known—that they were embarked on a course that would reduce the supply of oil while demand was increasing; and would thereby send prices soaring.

Contrary to the repeated assertions of the secretary of energy, James Schlesinger, and

some oil company executives, that the current fuel emergency was triggered by the shutdown of Iranian oilfields, events leading to the shortage were set in motion by the oil industry and the federal government long before the revolution in Iran.

While the Iranian shutdown did disrupt world-supply patterns, it did not cause the long lines at gasoline stations, weekend closings or rising prices. It only exaggerated the situation.

Simply put, what happened was that an effort by the oil industry—with the Department of Energy idly looking on—to tighten up the oil market went awry.

The not-too-surprising results were skyrocketing prices at the gas pump and at the wellhead in member-nations of the Organization of Petroleum Exporting Countries (OPEC).

The year 1978 began, as Gulf Oil Corp. told its stockholders, "with a world (crude) oil surplus." Indeed, during the first three months of 1978, the Oil and Gas Journal, the industry's authoritative trade publication, reported:

"The international oversupply forced some of OPEC's producers with premium, higher-priced crude to cut prices during the first quarter by between 1 and 30 cents a barrel. . . . More cuts were made to apply to second-quarter sales." (A barrel contains 42 gallons—159.6 liters.)

Reviewing the global surplus of crude oil, the magazine noted that Nigeria was "one of the worst-hit countries with production of about 700,000 barrels daily without a market.

Venezuela had surplus production of 400,000 barrels daily, the magazine said, Iraq, 500,000 barrels, Iran, between 300,000 and 500,000 barrels, and Algeria and Libya, between 400,000 and 500,000 barrels.

In the United States, the market for all this excess petroleum was weak.

From January to April, 1978, the average price of a gallon of gasoline nationwide rose half a penny. And from April, 1977, to April, 1978, the price increase had amounted to just one-tenth of a penny.

By the last week in May, 1978, the price of gasoline in some cities had actually fallen from the same week a year earlier.

In Philadelphia, regular gas was selling for 65.5 cents a gallon, down from 65.9. In Charlotte, N.C., it was 66.6 cents, down from 67 cents. And in Chicago, it was 65.5 cents, down from 66.5 cents.

In response to the soft market, the oil companies began drawing down their inventories of gasoline and crude oil—this, despite the fact that inventories early in 1978 already were below the levels of some earlier years.

At the same time, the companies cut back on imports of refined products—such as residual and distillate fuel oils that are used to heat homes, run diesel engines and generate electricity—and slashed crude oil imports as well.

The decision a year ago to dramatically reduce crude oil imports, even though oil company inventories were already low, coincided with the international surplus that was forcing prices to inch down even in OPEC countries.

This reduction in crude imports meant that during 1978 American refineries received about the same volume of crude oil as they had the preceding year, even though demand—use of gasoline and other petroleum products by consumers—rose 1.7 per cent, from 18.43 million barrels a day to 18.74 million barrels a day, in the same year.

So it was that the United States ended 1978 with drastically depleted inventories, reduced imports of refined products and crude oil, and refineries operating at 88 per cent of capacity, down from 89.6 per cent in 1977.

To make matters worse, the Department of Energy in December of 1978 diverted the largest volume of crude oil ever to something called the Strategic Petroleum Reserve—the federal government's stockpile of oil set aside for distribution only in the case of dire national emergency.

The oil market in the United States was no longer soft.

Here, step by step, is how it all came about, as reconstructed from interviews and an examination of hundreds of industry and government documents:

During 1978, American oil companies imported crude oil at the rate of 6.048 million barrels a day. This was down 546,000 barrels from the 1977 crude oil import average of 6.594 million barrels daily.

While it is true that oil shipments from Iran dipped in December, for the full year imports of Iranian crude oil, and refined products processed from Iranian crude, were up by an average 9,800 barrels a day over 1977.

In stark contrast, petroleum imports from Saudi Arabia, the world's largest oil exporter and the OPEC country regarded as the United States' strongest ally in the Middle East, were slashed by 244,400 barrels a day from the rate of imports in 1977.

Imports from Nigeria also were cut, by 240,100 barrels a day. Imports from Venezuela were reduced 58,300 barrels daily. Even petroleum imports from Canada were down, falling 53,600 barrels from 516,900 barrels in 1977 to 463,300 barrels in 1978.

When added together, American oil companies actually sliced imports from Saudi Arabia, Nigeria, Venezuela, and Canada a total of 696,000 barrels daily all throughout 1978. At the same time Iranian imports were up by 9,800 barrels.

Interestingly, imports of crude oil into the United States during the first four months of this year—when the shortages were already in place, prices were rising and the nation ostensibly was feeling the brunt of the Iranian shutdown—actually increased 8.7 per cent over the same period in 1978, jumping 499,000 barrels from 5.716 to 6.215 million barrels daily, according to American Petroleum Institute statistics.

In addition to their sharply curtailed purchases of crude oil abroad in 1978, American oil companies also reduced their imports of refined products, such as home heating oil and diesel fuel.

These imports were cut back 211,000 barrels daily from 2.193 million barrels daily in 1977 to 1.982 million barrels last year.

The overall reduction in imports of refined products and crude oil at the very time there was a global glut of oil—totalled 757,000 barrels a day.

That 757,000 barrels a day would have been more than enough to eliminate the current gasoline shortage and avoid the series of events that have sent the price of gasoline soaring as much as 25 cents a gallon in the past six months, to levels of more than $1 a gallon in some cities.

The deliberate slash in imports by oil companies—the slash that brought on the current shortage and high prices—is even more dramatic when measured in historical terms.

In 1973, for example, American oil companies imported refined products at the rate of 2.767 million barrels a day—40 percent, or 785,000 barrels a day more than they brought into the country last year

Oil industry representatives have attributed the lower gasoline inventory late last year to a surge in demand during a warmer-than-usual fall that kept motorists on the highway.

As one industry spokesman put it: "Last fall has become known as the extended driving season."

While it is true that gasoline consumption was up 3.4 percent last year, compared to a 2.9 percent increase in 1977, it was still well below the 4.5 percent increase in demand posted in 1976, when there were no shortages.

What's more, while total demand for all petroleum products increased 5.6 percent during 1977, it rose just 1.7 percent last year.

Despite that modest increase in oil use, by October, 1978, all industry indicators pointed to spot shortages of petroleum products in the weeks and months to come.

Because demand increases each year, inventories of petroleum products must grow also, just to stay even. But inventories of gasoline dropped throughout last year. By October, inventories totaled 213,691,000 barrels—the smallest October volume since 1972.

Measured in terms of days of supply, the oil companies at that time had enough gas to last the country only 29 days—the first time in this decade that gasoline inventories had been allowed to drop below a 30-day supply.

Inventories of distillate—heating oil and diesel fuel—totaled 233,084,000 barrels, the first time since October, 1973, that the supply fell below 70 days.

It was the winter of 1973–74, of course, during the Arab oil embargo, that the United States was hardest hit by heating oil shortages.

Nonetheless, even with those numbers staring them in the face, government and industry late last year remained cheerfully optimistic about prospects of having adequate supplies in 1979 to meet the growing demand for oil products.

Even in December, when Shell Oil Co. announced that it intended to cut back on deliveries of gasoline, there was no undue alarm.

"Gasoline supplies appear adequate despite persistent rumors there may be shortages soon," reported the Wall Street Journal on Dec. 4, 1978. As the Journal spelled out the view of one high-level official in the Department of Energy on the Shell allocation plan:

"This is a corporate problem, not a national problem.

"It boils down to a few consumers who won't be able to buy their favorite brand."

One month later, in January, 1979, Texaco joined Shell in announcing a cutback in gasoline deliveries to its dealers as supplies across the country continued to tighten.

Still, the Department of Energy diverted 204,000 barrels of crude oil a day into the strategic petroleum reserve that month—the third largest shipment in the 17-month history of the project.

At the same time, the Energy Department repeatedly predicted that the price of gasoline would go up just 12.8 cents a gallon from the end of 1978 to the end of 1980 if price controls were removed, and only 9 cents a gallon if controls remained in effect. (In fact, of course, prices have risen by 12 cents a gallon, and more in some locations, just in the last five months.)

In February and March, there were further curtailments of gasoline deliveries to retailers by other major oil companies—including Exxon, Standard of California, and Mobil.

By April and May, the gasoline shortage was full-blown, as long lines at service stations became commonplace in California and stations across the country began closing on Sundays, limiting hours of operation on other days and limiting purchases.

There were shortages of diesel fuel, and business and industry were urged to reduce consumption of distillate fuel oil through conservation measures or by switching to natural gas.

All of this came about even though overall demand for petroleum products during the first four months of the year actually declined by 0.5 percent, falling from 19.470 to

19.366 million barrels daily, according to American Petroleum Institute figures.

By May, the average price nationwide for a gallon of regular gasoline had shot up 16.4 percent, going from 68.7 cents in January to 80 cents the last week of May. It has risen more since.

The 11.3-cent price increase during the four-month period far exceeded projections by the Energy Department of a 9-cent increase over two years.

From the last week in May, 1977, to the last week in May, 1978, when oil companies were awash in crude oil and gasoline—"We're drowning in crude," one oil industry executive put it in the summer of 1977—the average price of a gallon of regular gasoline went up only 0.6 percent, from 63.5 to 63.9 cents.

But from the last week in May, 1978, to the last week in May, 1979, when oil companies had made a conscious effort to reduce supplies of petroleum products, the average price of a gallon of gasoline soared 25.2 percent, from 63.9 to 80 cents.

By June, regular gasoline was selling for 93.9 cents a gallon in California, thereby virtually assuring permanent, $1-a-gallon gasoline before summer's end.

Throughout the weeks of steadily rising prices, both oil industry spokesmen and Energy Department officials attributed the move toward $1-a-gallon gasoline to the shutdown of Iranian oil fields.

But the industry's own statistics show the price increases actually were triggered by the decision to deplete the inventories during 1978—when crude oil was plentiful and comparatively cheap.

Martin Lobel, a Washington lawyer and former congressional aide who has specialized in oil industry policy, summed it up this way:

"Had the companies not drawn down their inventories, we would have had sufficient oil. There would have been little impact on price. There would have been enough cushion to absorb the Iranian cutback with minimum disruption."

Just as the major companies had simultaneously reduced imports all last year, they suddenly began increasing imports early this year. From January through April, imports of all oil were up 4.3 per cent from the same period last year; imports of crude oil were up 8.7 percent. Imports of refined products—gasoline and fuel oil ready for consumption—however still were down, lower by 7.1 per cent than they were in 1978.

But the increase in imports of all petroleum products taken together was enough to alert OPEC. And prices at the wellhead started heading straight up.

This spring, as it became apparent that American oil companies had slashed their inventories to precariously low levels by importing less oil all last year and that they therefore would need to sharply increase their imports in months to come, the Arab countries began adding surcharges to the contract price of their oil—oil that was suddenly in great demand. (The official price for Arab light oil, the bench mark crude, is $14.55 a barrel. Depending on quality, other countries price their oil proportionately higher.)

Kuwait imposed a $1.20-per-barrel surcharge, retroactive on all oil sold during the first quarter of the year. Oman added $1.02 a barrel. Other countries followed swiftly.

Algeria and Nigeria raised prices $2.45 a barrel, to about $21. Libya added $3.01 a barrel, bringing its price to more than $21 a barrel.

In addition to raising their contract prices, some OPEC countries also began setting aside larger quantities of oil for sale in the spot market—that is, sales not previously contracted.

Because of intensive bidding by American oil companies, and by foreign companies more directly affected by the Iranian cutoff, the price on the spot market rose to almost $40 a barrel.

The Energy Department, which had failed to take any action during 1978 when the oil industry was running down its inventories, responded by offering a $5-a-barrel subsidy to American refineries that needed it to buy, and pay for, the high-priced oil on the spot market. This response did bring more oil into the country, but it also helped drive up the prices Arab countries were charging for spot oil—and angered European countries, which now have to pay the new, higher price.

That decision, which served only to push world prices higher, was typical of policies initiated by the Energy Department—policies that not only contributed to the shortage in the first place, but aggravated it once it became a reality.

For several years now, Energy Department regulations have prohibited oil companies from charging higher prices for unleaded gasoline produced by expensive new refineries. Not too surprisingly, the industry has therefore failed to invest in new refinery equipment at precisely the time that such equipment is needed to increase the output of unleaded gas.

At the same time, one set of federal environmental regulations has required that auto companies produce cars that run on unleaded gas while another set of regulations has barred oil companies from using certain additives needed to produce unleaded gasoline in older refineries.

Newer refineries with more sophisticated equipment can produce high-octane unleaded gas without such additives. But it is precisely these refineries that oil companies have been discouraged from building because of federal price controls on unleaded gas.

Other Energy Department regulations also discourage gasoline production—such as various complex formula that permit oil companies to pass through more cost—that is, charge more—for petroleum products other than gasoline than for gasoline itself.

Further compounding the problem, when the lines began forming at gas stations early this spring, the Energy Department finally took note of the industry's low inventories of all petroleum products—and promptly and inexplicably ordered refineries to step up production of distillate fuel oil at the expense of gasoline.

Then, as it has done so many times in the past, the Energy Department a few days later reversed this policy and directed refiners to increase gasoline production.

All that exacerbated the problem. But did not cause it. The conflicting demands of government regulations aside, American oil companies during the five years after the oil embargo not only deliberately failed to increase their inventory levels, but in fact decreased their supplies in storage, as measured by days of supply on hand.

"If we had had decent inventories, the United States could have shrugged off the Iranian oil cutoff," said Dr. Joseph Lerner, a Washington energy economist, and retired Federal Trade Commission official, long active in government oil policy-making decisions.

Meanwhile, the government allocation of gasoline coupled with the panicky reactions of motorists who now keep their tanks full, have further exaggerated the present shortage.

Under Energy Department allocation rules, oil companies are required to set aside gasoline for individual states and priority users.

As for the oil industry, refiners operated at only 85 percent of capacity from January through April, up slightly from 84.3 percent during the same period last year.

But refinery production was held down in 1978, and operations were, and are, well below the peak levels of earlier years, when the utilization rate moved into the 90 percent range.

With U.S. refinery capacity now at about 17.3 million barrels daily, a shift of a single percentage point in operation means a difference in production of 170,000 barrels daily of refined products.

Because refinery utilization remained virtually static and imports of refined products were down, during the first four months of this year, spot shortage of gasoline are assured for the rest of this summer and fall, unless there is a marked reduction in demand.

Early in June, Energy Secretary Schlesinger noted that major oil companies had cut back the refining of gasoline in the last week despite a large increase in imports of crude oil available to refine.

Schlesinger said the Nation's refineries operated at only 84.5 percent of capacity in the week of June 4–11, a significant drop from the week before, when they operated at 87 percent of capacity—even though crude oil imports in the same week rose to 95 percent of last year's mid-June level.

Schlesinger said he found this situation "troublesome, disappointing and irritating," and said his department is pursuing a review along with the Justice Department, of charges that refineries have deliberately held down gasoline production to increase prices.●

REXFORD TUGWELL

HON. HENRY B. GONZALEZ

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 24, 1979

● Mr. GONZALEZ. Mr. Speaker, the news reports bring the sad notice of the passing of a most distinguished American, an original and seminal thinker, a man whose name is now etched indelibly in history. This man was Rexford Guy Tugwell. He was one of the charter members of the Franklin D. Roosevelt brains trust.

I was in school when he was a most active national public figure, but over the misty past clear in my mind. He it was who really saved Puerto Rico. He it was that demonstrated brilliance of mind and unshakeable faith in the American way and dream.

Mr. Speaker, I offer the New York Time's report on this event appearing today, Tuesday, July 24, 1979.

[From the New York Times, July 24, 1979]

REXFORD TUGWELL, ROOSEVELT AIDE, DIES

(By Albin Krebs)

Rexford Guy Tugwell, one of the three original members of President Franklin D. Roosevelt's New Deal "brains trust," died Saturday at Cottage Hospital in Santa Barbara, Calif.

Mr. Tugwell, who was 88 years old, had lived in the Santa Barbara area for a decade, and had been hospitalized with an undisclosed illness since June 19.

Mr. Tugwell was considered a brilliant economist, educator and political theoretician by Mr. Roosevelt and his colleagues. He never shied from controversy, seeming to relish his apparently self-chosen role as a sort of lightning rod to conduct criticism away from Mr. Roosevelt.

Although best remembered for his sometimes stormy New Deal days, Mr. Tugwell

enjoyed a long public career of diverse callings.

RECRUITED FOR INNER CIRCLE IN 1932

He was a 41-year-old economics professor at Columbia University in 1932 when he was recruited, along with two Columbia colleagues, Raymond Moley and Adolf A. Berle, to form the inner circle of Roosevelt planners and advisers. The group, which came to be known as the "brains trust," was charged with charting the quest of the then-Governor of New York for the Presidency.

After four years of service in the Roosevelt Administration, for the most part in the Department of Agriculture, Mr. Tugwell was chief planner for New York City, chancellor of the University of Puerto Rico, Governor of Puerto Rico, an official at the University of Chicago, and, finally a senior staff member of the Center for the Study of Democratic Institutions at Santa Barbara. In the last post he headed the study group that in 1970 proposed a new Constitution for the United States.

He was born July 10, 1891, to the former Dessie Rexford and Charles Henry Tugwell, a well-to-do farmer and cannery owner in Sinclairsville, N.Y., a small town 12 miles from Lake Erie. His father was able to send him to school in Buffalo and later see him through bachelor's, master's and doctoral degrees from the University of Pennsylvania's Wharton School of Finance and Commerce.

"MAGNIFICENCE OF PLANNING"

It was at Wharton that Mr. Tugwell became a passionate believer in what he termed "the magnificence of planning," which he thought could eliminate most economic ills, particularly in agriculture, which had always been plagued by cycles of scarcity and glut.

After teaching stints at Pennsylvania, the University of Washington and in Paris, Mr. Tugwell, in 1922, became an associate professor of economics at Columbia. He succeeded to full professorship in 1926.

The next year, in which the anarchists, Sacco and Vanzetti, were executed, Mr. Tugwell and a group of liberals visited the Soviet Union, and the trip generated a blaze of publicity. None of them were converted to Communism, they later reported, but many in the group, Mr. Tugwell among them, were impressed with what he called "the power of the collective will" in the Soviet Union.

The visit was to plague his political career. In the Roosevelt Administration, editorialists loathe to personally attack the popular President delighted in using the despised "brains trust" intellectuals as whipping boys. To these critics, Mr. Tugwell was "Rex the Red."

Mr. Tugwell, who was often prolix and divagative in his written and oral statements, had an atypically succinct answer to such charges: "Liberals like myself would like to rebuild the station while the trains are running; radicals prefer to blow up the station and forego service until the new structure is built."

Mr. Tugwell held the title of Assistant Secretary of Agriculture in the early years of the New Deal, but he advised Mr. Roosevelt on a wide spectrum of policies for recovery from the Depression.

He was credited with the idea of licensing, and thus limiting, the planting of many major crops in surplus, and of paying farmers for not growing some crops.

He was a zealous crusader for Government regulation of businesses, and his efforts in 1933 to strengthen the Food and Drug Administration delayed his confirmation as Under Secretary of Agriculture.

Mr. Tugwell was named to head the new Resettlement Administration in 1935, which sought to move farmers from worn-out to tillable land. The agency organized several experimental cooperative farms, and Mr. Tugwell also pumped millions of dollars and a considerable portion of his time and talents into the planning of four model "greenbelt" towns, designed to relieve urban congestion. His efforts were attacked by New Deal critics as "collectivist," however, and in the absence of Congressional support, the resettlement projects were liquidated by 1938 at a loss.

That year was an eventful one for Mr. Tugwell. He was divorced from his wife, the former Florence Arnold, with whom he had two children, Tanis and Marcia. He married his secretary, Grace Foulke, with whom he was to have two sons, Tyler and Franklin. And he became chairman of the New York City Planning Commission.

EFFORTS IN PUERTO RICO

In 1941 Mr. Roosevelt sent him to San Juan as chancellor of the University of Puerto Rico, and later that year appointed him Governor of the island. Mr. Tugwell worked vigorously toward achieving economic and social betterment for Puerto Ricans, dismaying powerful sugar plantation owners and bankers by enlisting the aid of Puerto Rican politicians.

When he left San Juan in 1946, Mr. Tugwell was 55, but he remained vigorous, salty and handsome, and refused to take a vacation. He served as director of the University of Chicago's Institute of Planning for four years, then stayed at the university as a professor of political science, retiring in 1957.

In the years that followed he held visiting professorships at a number of universities in the United States and abroad, while continuing to turn out books, many of them based on New Deal experiences. His 1968 volume "The Brains Trust" won the Bancroft prize in history. "In Search of Roosevelt" appeared in 1972, when Mr. Tugwell was 81.

HEADED CONSTITUTION PROJECT

With his well-known irreverence for sacred cows, Mr. Tugwell was perhaps a perfect choice for the task of supervising the drafting of a model new Constitution. When he accepted the post of senior fellow at the Center for the Study of Democratic Institutions, it was with the understanding that most of his time there would be devoted to the project.

A draft of the proposed charter was offered "for discussion" in 1970, and it provided for creation of "The United Republics of America," 20 regional republics carved out of "the former 50 states." It suggested restricting the President to a single nine-year term, abolishing the Supreme Court in favor of various "high and special courts," and converting the Senate into an advisory body similar to Britain's House of Lords.

These recommendations stirred some discussion, but not widespread controversy, in legal and academic circles. The criticism fazed Mr. Tugwell no more than any ever had, and in early 1975, he said he was "still tinkering with, still studying, still revising, still thinking about" Constitutional reform.●

SYNTHETIC FUEL SUBSIDIES: THE PORK BARREL GOES WHOLE HOG

HON. JACK F. KEMP

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 24, 1979

● Mr. KEMP. Mr. Speaker, Americans must question the wisdom of a proposal to cut our reliance on foreign energy imports by levying $140 billion in taxes in the next 10 years on American energy which can be produced more cheaply than imported oil—to subsidize synthetic fuels which cost more to produce than imported oil. Clearly, American consumers would end up paying for the scheme—both for additional imported oil to replace discouraged U.S. production, and to subsidize the uneconomical energy projects.

Yet when the first phase of just such a plan was put to a vote recently, as part of the Defense Production Act reauthorization, only 25 Members of this House opposed it. Representative TOBY MOFFETT's now-familiar statement, that "the synfuel thing is greased," is apt. The legislative lubrication for synthetic fuel subsidies comes straight from the pork-barrel.

In an outstanding article published in Inquiry magazine (August 6 and 20, 1979), Bruce Bartlett reviews the history of this not very new idea. He explains why such an unappealing and costly proposal has received widespread support in Congress, and argues convincingly that the refusal of private companies to build synfuel plants without heavy subsidies should be a warning to the Americans who will have to pay for them. I commend this excellent article to the attention of my colleagues.

The article follows:

SYNTHETIC FUEL BOOTY

(By Bruce Bartlett)

The long gas lines in the Washington, D.C., area and other parts of the country have put renewed pressure on Congress to "do something" about the energy shortage. Having proven itself incapable of, on the one hand, eliminating the price controls that discourage production, or, on the other, adopting restrictive energy conservation measures, Congress has instead turned to a new proposal. It is one beloved by the AFL-CIO, the U.S. Chamber of Commerce, the National Association of Manufacturers, the American Gas Association, and the oil shale industry: a $100 billion crash program to develop synthetic fuels. But the program probably won't work, and the U.S. consumer will be left holding the bag while big companies reap huge profits at no risk.

Synfuel is a broad term for usable oil and gas manufactured from coal, oil shale, tar sands, and other unconventional sources. The basic process through which this transformation takes place is not new. It was first developed by the Germans during World War II and is known as the Lurgi process. At present the South Africans and the Canadians are the only ones making large-scale use of synfuels. The South Africans have been manufacturing oil from coal since 1955 and are at present expanding their facilities, and the Canadians are engaged in making oil from tar sands. In both cases, however, the projects are heavily subsidized by government.

The reason why synfuels have never been developed by private industry in the United States (or anywhere else for that matter) is quite simply the cost. Even with the high OPEC price for oil, it is still about 50 percent more costly to manufacture synthetic oil from coal. And even this cost estimate may be optimistic, for as yet there have been no commercial-scale synfuel plants built in the United States that can yield cost data. Indeed, consistently, the more economists and engineers study the subject, the higher the cost estimates go. As Harry Perry, an engineer with Resources for the Future,

puts it: "The closer you get to building the plant the more you take a real hard look on the ground and the more the costs go up."

In order to get around this fundamental stumbling block, those favoring synfuel development have been trying for at least four years to get the government into synfuels in a big way. Back in 1975 Vice President Nelson Rockefeller first suggested the need for a massive synthetic fuel development program. He proposed a $100 billion package of grants, loan guarantees, subsidies, and price supports, with an Energy Independence Authority largely to launch synfuel and other new energy sources.

Hoping to be able to push the program through, one piece at a time, the administration proposed as a start a $6 billion loan guarantee program to build commercial-scale synthetic fuel plants. The measure was tacked onto the Energy Research and Development Administration authorization bill for 1976 by the Senate after the bill had already passed the House. There were no hearings, virtually no debate, and little opposition to the synfuel amendment in the Senate. The loan guarantee program was approved by a vote of 80 to 10.

Passage in the Senate put opponents of synfuels in the House in a difficult position. Because the synfuel amendment was retained in conference, they had to try to strike that section from the conference report on the House floor, a very difficult thing to do. Nevertheless, thanks to quick work by a coalition of fiscal conservatives and environmentalists opposed to the synfuel loan guarantees, and a timely editorial against the plan by the Wall Street Journal, the synfuel section of the bill was deleted by a vote of 263 to 140.

Undaunted by this setback the Ford administration returned the following year with a new request for a mere $2 billion to build two synthetic fuel plants. The House Science and Technology Committee, under the leadership of its strongly prosynfuel chairman, Olin Teague of Texas, doubled the size of the program and sent it on for additional consideration by the House Banking Committee and the Interstate and Foreign Commerce Committee.

As the loan guarantee bill moved through the committees the opposition increased. Environmentalists like Representative Richard Ottinger of New York argued that large-scale development of synfuels would be a disaster for the environment because such production will necessitate large-scale surface mining for coal and oil shale. They also argued that cleaner, more economical, second-generation synfuel processes are in the offing and that money invested in currently available synfuel technology would be wasted. Lastly they expressed fear that a heavy investment in synthetic fuels would close off development of solar energy and other alternative sources.

On the other hand, fiscal conservatives were largely concerned about three things: existing government policies such as price controls that discourage the development of conventional oil and gas, the use of government loan guarantees to finance the project, and the fact that synfuel is uneconomical to produce. Typical were the comments of Representatives James Broyhill, James Collins, Samuel Devine, and John McCollister, in dissenting from the Interstate and Foreign Commerce Committee report on H.R. 12112: "Such programs as H.R. 12112 will weaken the free enterprise system by artifically supporting the development of industries which are being stifled by overregulation. These same industries would most likely flourish in a free market environment. . . . The loan guarantee program is essentially a government subsidy to pay for government regulation."

Unfortunately for the supporters of synfuels, the General Accounting Office supported the critics on almost every point. In a report issued on August 24, 1976, the GAO said flatly that "government financial assistance for commercial development of synthetic fuels should not be provided at this time." The GAO report had a devastating impact on the synfuel bill, but what may have been the final blow was delivered by Representative Ray Madden of Indiana, chairman of the House Rules Committee. On September 23, 1976, the House took up consideration of a rule to provide for floor debate on the synfuel bill. In an unprecedented action Madden urged his colleagues to vote down the rule, which would effectively kill the bill. "This is not only a turkey, it's a gobbler," he said. The House then proceeded to vote it down by a one-vote margin, 192 to 193.

Nothing more was heard about synfuels during the Ninety-fifth Congress, but now, like a phoenix, the synfuel bill is back again. This time however the synfuel supporters are being much more clever and have successfully disarmed the opposition by selling the program as a defense measure.

For some reason, when the Defense Production Act of 1950 came up for reauthorization earlier this year it was referred to the House Banking Committee. There it was referred to the Economic Stabilization subcommittee chaired by Representative William Moorhead of Pennsylvania. Moorhead has long been a staunch supporter of synfuels and by coincidence among his constituents is the Koppers Company. The Koppers Company is heavily involved in coal gasification and has strongly backed earlier government synfuel proposals. Thus the Defense Production Act was linked to a new synfuel bill that included an open-ended loan-guarantee authority for the building of at least five synfuel plants capable for producing 500,000 barrels of synthetic crude oil per day by 1984.

The Moorhead bill moved quietly through the Banking Committee and was reported out on May 15 with only one dissenting vote. Apparently the combination of gas lines and alleged national security implications demolished the opposition. Moorhead's hometown paper, the *Pittsburgh Press*, for example, likened his bill to a necessary wartime measure. So closely was synfuel associated with American defense that Jack Anderson quoted one commitee member as saying. "By turning this into a defense bill I had to vote for it even though I'm dead set against it." This view seems to be widespread. Even Ottinger, who led the opposition in earlier years, has now climbed on the bandwagon.

The relative ease with which the synfuel bill seems to be advancing, in contrast to earlier years, has encouraged its supporters to push for even more. Thus Representative Jim Wright, House majority leader, pushed on the House floor for a massive expansion of the synfuel program. This action authorized an increase from a target of 500,000 barrels per day to 2 million per day. Since the Congressional Budget Office estimates that the Moorhead bill may cost as much as $22 billion, this puts the Wright plan in the $88 billion range at least. In addition, Senator Henry Jackson has come up with his own energy bill that would, among other things, authorize $5 billion to build fifteen synfuel plants. In order to spread the wealth around and attract cosponsors Jackson made a point of specifying the following projects:

$500 million for the Solvent Refined Coal I project in Kentucky (supported by Senators Wendell Ford and Walter Huddleston);

$700 million for the SRC II project in West Virginia (supported by Senator Robert Byrd);

More than $1 billion for high- and low-BTU coal gasification projects in Ohio and Louisiana (supported by Senators Howard Metzenbaum and Bennett Johnston);

Geothermal plants now tentatively set for Idaho, California, and New Mexico locations (supported by Senators Frank Church, Alan Cranston, and Pete Domenici);

$300 million in loan guarantees for an urban and industrial waste conversion plant (supported by Senator Bill Bradley of New Jersey); and

$250 million for a new fuel-cell demonstration program pushed by United Technologies Corporation of Connecticut (supported by Senator Lowell Weicker).

A rather ominous section of the Jackson bill would essentially abolish what protection from pollution we have now. Section 204 of Senator Jackson's bill gives the secretary of energy authority to classify a proposed energy facility as a priority project. When such determination is made the project becomes exempt from portions of environmental laws, and the right to challenge such action in court is severely limited. Certainly petty environmental rules have hampered energy production on numerous occasions, but giving Jim Schlesinger the sole power to authorize pollution or override environmental safeguards would hardly seem to be the best approach. Moreover, Senator Domenici and ten others have introduced a $75 billion synfuel plan to produce five million barrels of oil equivalent per day by 1990. And Representative Carl Perkins, who is from a coal-rich district in Kentucky, has rammed through the House Education and Labor Committee—of all places—a $200 billion synfuel program that would make extensive use of coal.

In order to build support for the Jackson-Moorhead-Domenici-Perkins energy plans a sophisticated public relations effort is being geared up. The same week that Jackson's bill was introduced, major articles and editorials in favor of synfuels appeared in the *Washington Post* (which had opposed synfuel editorially in previous years), *Newsweek*, and the *New York Times*. One proposal in particular that received wide attention was authored by three influential Washington, D.C., veterans: Paul R. Ignatius, former secretary of the air force; and Lloyd N. Cutler, senior partner in one of Washington's biggest law firms. Each piece essentially repeated the same line: Synfuels may be expensive but it is better to pay the price than to be dependent on OPEC any longer. As the *Times* put it:

The arguments against a crash program for synthetic fuels are strong, and until recently they would have been persuasive. Much of the money is likely to be wasted, since no one is sure which production techniques are cheapest or how best to manage their development. The opportunities for pork-barreling and corruption would be plentiful. . . .

But five years of dissension and half-measures have changed that outlook. Americans bitterly resist solutions that require them to face the limits of their influence over foreign energy suppliers. Synthetic fuels offer a way out that fits the nation's image of itself and allows the inevitable economic sacrifices to be seen as the consequences of American strength, not weakness.

One can have sympathy for the view that OPEC should not have the control it does over world fuel prices, without sinking $100 billion into questionable energy technologies. The arguments against the first two synfuel bills are still valid. It makes no sense to rush headlong into developing synthetic oil at a cost of $30 to $40 per barrel when the wellhead price of lower-tier domestic crude is held down to $5.75 per barrel and foreign oil can be purchased for about $20 a barrel.

The fact that loan guarantees would be

used to build these synfuel plants in no way diminishes their actual economic cost. As Assistant Secretary of the Treasury Gerald Parsky testified on an earlier synfuel loan guarantee program:

"Any type of federal financial assistance resulting in the undertaking of energy projects which would not otherwise have been undertaken will lead to some redirection of resources in our capital markets. Such incentives increase the demand for capital while, having little or no effect on the overall supply of capital. They tend to cause interest rates to rise and channel capital away from more economic uses to less economic uses. In short, the proposed program of Federal incentives will direct capital away from other areas of our economy into synthetic fuels production."

Many argue for this kind of redirection of capital as if there were a legitimate national-security factor involved, or as if we were dealing with businesses somehow barred from access to capital markets. Yet the military uses only about 2 percent of U.S. crude oil consumption, so it cannot be claimed that national security is involved. In fact, Department of Defense officials who testified on the Moorhead bill refused to endorse it as necessary for national defense. Moreover, the companies involved with synthetic fuels are among the largest, such as Gulf, Shell, Exxon, Amoco, and Occidental Petroleum.

It would appear, in the final analysis, that companies that might be interested in synthetic fuel development, especially as the price of foreign crude goes higher, may well hold out for government loan guarantees and price supports because they expect Congress will provide them. It would be foolish for a company contemplating the building of a synfuel plant to do so on its own when the government stands ready to assume all the risk. This is what primarily bothered the lone dissenter on the House Banking Committee, Representative Ron Paul of Texas, about the Moorhead bill.

"As a proponent of free enterprise capitalism," Paul said, "I find it quite disturbing that we are continuing on a course of subsidizing private corporations and creating government corporations to achieve the goals of the Defense Production Act. In view of the fact that the government, that is, the American taxpayer, is assuming the risks of both the lending institutions and the corporations themselves, this bill might better be called the 'Corporation Welfare Rights Act of 1979'. . . Beside HR 3930, the bailouts of Lockheed and Penn Central pale into insignificance. What we see in HR 3930 is a blueprint for the combination and collusion of big government and big business to exploit the American middle class, the American taxpayers."

Unfortunately, it seems very unlikely that Representative Paul's view will prevail. On June 26, the House of Representatives approved the Moorhead bill by the lopsided vote of 368 to 25. Conspicuously not among those who voted nay were such environmentalists as Ottinger, Patricia Schroeder, and Andrew Maguire, and such fiscal conservatives as John Ashbrook, Philip Crane, and Robert Dornan. The twenty-five dissenters, almost evenly divided between Republicans and Democrats, were a small but heroic band of the most resolute environmentalists and fiscal conservatives. Apparently Representative Toby Moffett was guilty of gross understatement when he said before the House vote, "The synfuel thing is greased. You've never seen such a locomotive."

The Senate's response now remains unclear. The Defense Production Act was passed by voice vote on June 20 without the synfuel section. On June 27 the Senate decided to hold additional hearings on the synfuel section of the Defense Production Act, but since the section was referred jointly to the Senate Energy Committee, the Governmental Affairs Committee, and the Banking Committee, this could turn into the biggest "Christmas tree" bill of all time, with every senator attaching his pet energy program as an ornament.●

HEALTH CARE IN RURAL AMERICA

HON. RICHARD NOLAN

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 24, 1979

● Mr. NOLAN. Mr. Speaker, I would like to take this opportunity to alert my colleagues to a recent report released by the Department of Agriculture entitled "Health Care in Rural America."

The report, prepared by the Department's Economics, Statistics and Cooperatives Service, concludes that the health needs of rural citizens are not being adequately met. The report reveals that the major reason rural Americans have inadequate access to health care services is poverty.

Clearly, the time has come for the Federal Government to construct and implement a comprehensive rural development policy, which would recognize the special needs and problems of rural citizens. A key component of this policy should be a national strategy to eliminate rural poverty and thereby improve rural health care delivery.

I am inserting the press release from the Department of Agriculture announcing the release of the report.

The release follows:

USDA SAYS HEALTH CARE LAGS IN RURAL AMERICA

WASHINGTON, July 20.—Rural areas continue to have greater unmet health needs and "fewer health resources than any other area of the United States," says Mary C. Ahearn, an economist with the U.S. Department of Agriculture.

A report issued here today says every 100,000 metropolitan dwellers are cared for by 157 doctors, while every 100,000 nonmetropolitan Americans are served by only 71 doctors. In addition, rural areas have only about a third as many medical specialists per 100,000 population.

Ahearn said while distribution of hospital and nursing home beds per capita is more nearly equal between the two areas, rural facilities are generally older, are less likely to be accredited and often lack specialized services, such as respiratory, therapy and psychiatric services.

The recent reversal of the rural-to-urban population migration has increased the strain on the health care system in totally rural areas because the increase in the number of physicians in these areas between 1970 and 1975 did not keep up with population increases.

The report, "Health Care In Rural America," says poverty is a major obstacle to improved health care in rural areas since a disproportionately larger number of rural residents live in poverty.

According to Ahearn, "Poverty increases the incident of disease through its relation to poor nutrition, housing and sanitation, and as family incomes decrease, the average number of disability days per person per year tends to increase. Poverty also decreases an individual's ability to buy needed care, both directly, and indirectly through insurance plans."

The report, issued by the department's Economics, Statistics, and Cooperative Service, describes other special rural area health problems and some of the major government programs for dealing with them.

Single free copies of "Health Care in Rural America" (AIB-428) are available from ESCS publications, room 0054-S, U.S. Department of Agriculture, Washington, D.C. 20250. Please include your zip code.●

SURVIVAL OF U.S. LEATHER INDUSTRY

HON. PETER W. RODINO, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 24, 1979

● Mr. RODINO. Mr. Speaker, later this week we are scheduled to consider the Export Administration Act Amendments of 1979. At that time an amendment will be offered to restrict cattle hide exports under certain conditions.

I have joined in cosponsoring this amendment, for I believe action is urgently needed if we are to prevent the demise of our domestic leather using industry and employment it generates. It is unconscionable to me that we should continue export policies that are causing irreparable damage to this industry and the thousands of jobs it provides while other countries refuse to cooperate in achieving an equitable trade arrangement.

The July 1 issue of Retailweek contains an excellent article outlining the problem and I ask that it be included in the RECORD for the information of my colleagues.

The article follows:

ON THE TRAIL FOR CATTLEHIDES

The recently launched Hide Action Program may turn out to be the domestic leather industry's last stand. Unless export controls are imposed, the U.S. leather industry won't be able to afford the price of U.S. cattlehides.

Time was, the leather industry—from tanning to turning out the finished product—was a major U.S. industry ranking right up there along with the likes of the steel industry. Today, those who are still left in the U.S. leather industry are finding it necessary to band together and attempt to impress upon Washington that this industry is in danger of becoming as extinct as the buggy whip.

Yes, everyone in Washington already knows that the shoe people in particular have been living with a knife in the back known as imports. But what the entire leather industry is trying to explain to Washington is that as difficult as it is to compete with imports of finished goods, the manufacturers of footwear as well as handbags, luggage, outerwear, sportswear *et al.* might as well throw in the sponge if they cannot buy the U.S. hides needed to make U.S. products because the majority of them are being sold to those same countries which produce the finished products, which come back to the U.S. to haunt the industry for the second time around.

The irony of the situation is that the United States is the major supplier of cattle hides to the world, representing about 15% of the world supply. But the majority are sold abroad with these exports repre-

senting about 75% to 80% of the world supply. This world-wide demand for U.S. cattlehides is exacerbated by the fact that other countries with substantial herds—such as all the South American countries—totally prohibit the export of hides; preferring to keep them at home to develop and protect their own leather industries. These restrictions create an inordinately high demand for U.S. cattlehides that has been abetted by the cattlemen's restrictions in the size of the cattle slaughter.

This combination of foreign demand, South America's refusal to sell hides, and a reduced U.S. cattle slaughter have caused the price of U.S. hides to skyrocket. The domestic industry's dilemma began in 1972 when Argentina cut off its sale of hides, eliminating about 12-million hides from the world market. Hide prices then jumped from 14 cents to 32 cents a pound, then stabilized in the area of 38 cents a pound. At that time the U.S. exported about 48% of its hide supply.

But between 1975 and 1977 U.S. cattlemen began to reduce the size of their herds. Cattle slaughter peaked in 1976 when 43.2-million hides were available, but it is estimated that the number of hides available in 1979 will be down to 34.2-million. While supply has been dwindling, however, world demand for U.S. hides has been escalating; exports are expected to take 24.5-million of the 34.2-million in 1979. This means that the U.S. in 1979 will be exporting 71.6% of its hide supply and supplying 75% to 80% of the world hide trade. This export level also means only about 10-million hides will be left for U.S. producers when domestic requirements for hides are between 18- and 20-million a year.

This shortage has created price levels that the industry cannot afford to pay, even if enough hides were available. The jump from 14 cents to 38 cents in the early 1970s looks like the good old days. By December 1978 prices reached 58 cents a pound; but between December 1978 and May 1979 prices zoomed to more than $1 a pound.

Neither declining supply nor higher prices have dampened the foreign appetite for U.S. hides. Where else are the Far Eastern and Eastern Bloc countries—anxious to build a business in finished leather goods but without a cattle supply of their own—to go for hides? The U.S. is virtually the only country left with both a large cattle supply and freebuying access to this supply.

The country taking the greatest advantage of U.S. policy is Japan. Though it closes its doors to U.S. finished leather products, Japan, nevertheless, has an insatiable appetite for U.S. hides; buying 35.9% of U.S. hide exports in 1978. The purchases of Japan and Korea combined account for more than 50% of exports with 30 other countries accounting for the rest. Due to an exchange rate advantageous for Japan, the price of U.S. hides has not deterred Japanese purchases. On the contrary, the Japanese have been buying more.

The upshot is that neither Brazil, Argentina, Uruguay, Mexico, India nor Pakistan—countries with substantial herds—will sell hides in the open market. They want to protect their domestic industries. Japan, Korea and the Eastern Bloc will buy almost all the hides the U.S. has to sell, but they will not take finished leather goods. They want to protect their domestic industries. That leaves countries such as Canada, Australia, New Zealand and those in western Europe as world markets for the sale of hides; but it is the U.S. that has the greatest supply. Now the U.S. leather industry is saying—enough is enough. It is saying it doesn't object to operating within the traditional laws of supply and demand; but it cannot survive when, in reality, this means only the U.S. has the supply and every other country makes the demand.

That is why several trade associations in the industry have banded together to launch what is called the Hide Action Program (HAP). This program is an attempt to bring the plight of the industry to the forefront through demonstrations in cities hosting leather-using industries and by blitzing members of Congress and President Carter with letters and personal visits. The program's goal is to convince Washington that action is needed now in the form of export controls on U.S. hides that would both bring down the price of hides and make more of them available to U.S. producers.

HAP's message is that the alternative to action from Washington is the ultimate extinction of the domestic leather industry with the resulting loss of thousands of jobs or, at best, price increases in leather products that the industry estimates could cost customers over $1-billion a year. Given the high U.S. hide prices and the fact that foreign countries are dependent on these hides, customers switching to imported leather products is no longer a viable alternative in an effort to economize. Neither U.S. nor imported leather goods may be affordable by U.S. consumers.

Unfortunately, this recent mobilization by the industry has only a slim chance of producing results. Though it has been aware of the hide situation since 1972, Washington has never displayed any great sense of urgency in alleviating the problem. In 1972, following Argentina's action, the concept of export controls was entertained and then quickly dropped. Since then, despite preferential tariff treatment for the so-called developing countries, these same countries have ignored Washington's efforts to persuade them to sell their hides on the open market. And, negotiations with Japan have extracted only an unofficial promise that it will reduce purchases of U.S. hides by 10 percent. But, even if Japan were to honor this 'promise'—which it hasn't—this 10 percent figure is meaningless since U.S. cattlehide supplies have decreased by much more than this 10 percent figure.

Leather industry members claim that it is only their current desperate plight and past failures in attempting to resolve the problem through negotiations with foreign countries that have left no choice but to push for export controls. If this means that the U.S. leather industry is going to have to explain this 'protectionist' move—so be it. The industry prefers free trade in hides but has been unable to achieve it. Understandably, the industry is now tired of being "the unwitting patsy in the international free trade game". So it is shooting for export controls because all else has failed.

Unfortunately, there is another and more powerful lobby in Washington; they know how to use a sixshooter, too. This lobby consists of the cattlemen, or as the leather industry prefers to call them, the cowboys. They have already made it clear to Congress and the Administration that they don't hanker for hide controls. They like things just the way they are. Evidently their message has been heard, for the Administration has already also declared itself against export control of hides.

But, never fear, Washington will concoct a solution, even if it is the wrong one. Right now Washington has suggested that it might be willing to provide subsidized loans to enable U.S. industry members to afford U.S. hides. Unfortunately, Washington has overlooked the fact that loaning money to U.S. manufacturers for the purpose of buying hides at already inflated prices will merely drive the price of hides ever higher, insuring that more and more of the domestic leather industry will surely go down the drain.

It is now high noon for the domestic leather industry. The HAP program is, at least, a sure sign that it intends to go down fighting.●

SPANISH SURNAMED WOMEN OF YESTERYEAR

HON. PATRICIA SCHROEDER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 24, 1979

● Mrs. SCHROEDER. Mr. Speaker, my State of Colorado and other Southwestern States are particularly enriched by the influence and heritage of Hispanic peoples. Colorado's Hispanic women honor the historic cultural ties which bind them together. Today's active Chicanos, speaking out for their people, know well the stories of their mothers and grandmothers. Marcella Trujillo, in her article, "The Colorado Spanish Surnamed Woman of Yesteryear," shares the legacy of a past which continues to nourish the present.

The article follows:

THE COLORADO SPANISH SURNAMED WOMAN OF YESTERYEAR

(By Marcella Trujillo)

The history of the Spanish surnamed in Colorado has survived in our communities through the oral tradition or preservation of the archaic speech in Colorado dialect. If the older generation of the state were to compile autobiographies, we would have recorded a rich history of tradition, lifestyle and customs going back to the seventeenth century. In this preface to the contemporary Chicanos, I would like to offer some aspects handed down to me through oral tradition going back so far, it is untraceable, except to say that I am fifth generation, born in the San Luis Valley of Colorado.

My father has said to me as it was said to him, that Del Norte lost by one vote in becoming the state capitol. I often wonder if Del Norte had been the state capitol, our history might have been similar to that of New Mexico, with more emphasis on the Spanish speaking and our Indo-Hispanic culture.

I would like to comment on the earlier generations of women in the Valley, emphasizing this area since it was the oldest settlement in Colorado. Southern Colorado with northern New Mexico was the first European settlement in the United States. Although we can speak of earlier expeditions, we cannot talk of settlements because the earlier Spaniards such as Coronado returned, and did not settle here. Since there were not state boundaries at that time, to talk about northern New Mexico and southern Colorado is to speak about the same region even today. This Valley is 7,000 feet high, in a basin surrounded by mountains, causing an isolation that has caused this area to be exploited economically, causing the population to migrate into the larger cities. It is well known that politicians have not put industry into this area, one of the most picturesque in Colorado, with the end result that today, this area is economically depressed and the largest percentage of Chicanos on welfare rolls are from this area.

It is said that the Spanish who explored this area in the 16th and 17th centuries chose it as the site for settlement because the valleys, streams and mountains reminded them of the area they had come from. In 1598, Juan de Oñate with 300 families and Tlaxcaltecan Indians came into this area to homestead. While waiting in Mexico for permission to enter the territory, he had married a mestiza and brought her with him.

Both cultures, the Indian and the Spanish-American learned much from each other. From the Indians, the woman learned how to bake bread outdoors in adobe hornos, how to dry meat (charqui), today, called 'jerky,' and learned how to store the meat in sacks

for the winter. The Indians also showed how to make dyes for blankets and how to cure, using herbs.

The area was agricultural and included some land grants. In these tightly knit communities, neighboring farmers and their families helped each other harvest the crop. It was a communal and cooperative system, and up to 1968, the people in San Luis owned a common ejido where they grazed their cattle. At that time, there was a gun battle between the people of the ejido, and the New York anglo who put up a fence around it, claiming that the land was his through a recent sale.

It was common to have large families in earlier times so that each family could supply their own farmhands. As the people begin to lose their land through taxation or illegal manipulations of the gringo, they continued to have large families so that the whole family could provide an economic base of survival. Also, many children died in childhood, so having large families guaranteed that enough would survive to provide for the family and to take care of the parents in their old age since nursing homes were unheard of. It was not unusual to find three generations in one household. Later after the second World War, as we migrated to the urban cities, Pueblo or Denver, we kept contact with the relatives behind, renting houses in the neighborhood as they became available for those who were to follow the migration pattern.

In my own childhood, I remember that the women spent the summer drying fruits and vegetables, as well as canning before refrigerators came into use. It was common to have a casita for food and meat storage. Sometimes walk-in-holes were dug in the earth, called "subterraneos," which served as a cold storage area. Almost everyone in the neighborhood has a "huerta" in their yards, and water was supplied from artesian wells which irrigated the lawns and gardens. I remember that among my relatives and neighbors, it was a rare occasion for anyone to buy at the store since food was provided for by the garden, and meat from killing hogs, sheep or chickens was shared by all the relatives and the immediate neighbors. Dairy products were sometimes supplied by relatives living on the farm.

Curanderismo and the parters (Midwives) were common in my grandmother's day. My own grandmother, Martina Rendon Lucero, born in 1864 and died in 1950, had never been to the hospital in her life, except to die at the age of 86. Women had a knowledge of home remedies. Today, the herbs they planted still grow wild in the mountains and valleys by a generation of women who were used to caring for their own families, relatives and neighbors in their communities, rather than going to doctors.

The same beliefs that gave rise to the Penitents, a religious cult, produced legends about brujas (witches) and true stories about the gypsies who traveled in the Valley and were much feared because they had the reputation of stealing children.

The food that we ate was Indian and Spanish. It was Indian in the types of chili that we ate, some peculiar to this day to Colorado and New Mexico, such as the long green chili. Other regional foods include the chicos, pinon, panocha, cheese made from goat milk, requeson, sweet rice, corn, lamb, beef, capirote called "sopa" and flour tortillas, different than the thin kind made today, but which were thick and puffy.

The dating and marriage customs of earlier times were much different than today. Often, marriages were arranged between the families. If a suitor was rejected, it was customary to give him pumpkins. If he was accepted, he would read a long poem of eulogy, to the new lineage. In my grandmother's time, dating was not permitted, and even with the noviazgo (engagement) women were often chaperoned much as they were in Mexico or Spain.

Weddings generally lasted three days. Prior to the wedding, there were banquets hosted by each of the families. The gown and rings were paid for by the groom, the wedding by the bride's parents and the dance by the padrinos. During the wedding, the "versero" would sing the traditional coplas about marriage. These were verses handed down by oral tradition and performed at weddings. They remain alive in the Valley with the older generation and will probably die with them unless recorded. It was customary for the mothers of the bride to cry when the versero sang the copla starting with the line, "ya no hay madre, ya no hay padre . . ." The versero would also compose poems about the guests present and this would call for money to be thrown at his feet while he sang.[1]

During the wedding, the bride and groom's parents gave the "bendición"—blessing before the newly married couple left on their honeymoon. The wedding reception was full of ritual and ceremony, including the wedding march which was usually marched to the song, "Zacatecas."

Interestingly enough, the dialect which had persisted since the 16th and 17th century tells us something about Spanish surnamed women. They called their dresses "tunicos," a term that is old as Roman times—the tunic. "Downtown" was "la plaza" which tells us that the towns were constructed around squares. Beds were called "camaltas" (camaaltas) which tells us that the earlier beds must have been built higher than today's, since "camalta" means high bed. The mattresses were often made of goose feathers or sheep's wool.

Proverbs which are found in Don Quijote are still in use today. The fact that the dialect has persisted, but which is slowly dying out, tells us that another concept of the 16th Century lifestyle may still be eltant. I am referring to the 16th Century concept of honor which originated in Europe. "Honra" and "honor" were the 2 points of honor (pundonor) which governed the family institution. "Honor" was what a man thought of himself—"My name is my fame, i.e., reputation," and "Honra" was what others thought of him. As in Spain and Mexico, the women of the family were considered the repositories of that honor. If their behavior stained the family name, it was a "pundonor" and the men of the family were required to cleanse the family name by duels. While this was not the case in Colorado, it did put emphasis on the fact that it was a man's duty, husband, father or brother to watch carefully over the young women of the family. Hence a woman's activities were restricted so as not to provoke the men's machismo.

Whether this concept of honor reinforced machismo as we know it today, it is a fact that the ballad "Rosita Alvirez" is well known and perpetuated among the Chicanos of Colorado. The men identify with the young men in the ballad, Hipolito, the macho, and the women sympathize with Rosita, the victim of that machismo, killed for rejecting him publicly at a dance.

—Rosita, no me desaires
la gente lo va a nortar.
—Pues digan lo que digan
contigo no he de bailar.[2]

This concept of honor also manifested itself with the initiation of La Raza Unida Party in Colorado in 1970. The Democratic party had challenged the signatures of Raza Unida prospective voters because these people hadn't wanted to swear to God, but rather on their honor. We were even called "atheists" by the press, because the Anglo community didn't realize that honor was as sacred to us as the concept of God.

Corky Gonzales and I took the stand in court to explain this cultural difference, and ended with a quote from Pedro Calderon de la Barca's, concept of honor play, El Alcalde de Zalamea:

Con mi hacienda;
pero con mi fama no.
Al Rey la hacienda y la vida
se ha de dar; pero el honor
es patrimonio del almo.
y el almo solo es de Dios.[3]

After his testimony, having explained this cultural difference which dated back to the Siglo de Oro in Spain (ending c. 1682), La Raza Unida was granted admittance as a third party and the signatures of those who had sworn on their honor were accepted.

Although the Valley has often been called a culture of poverty by well meaning sociologists, this was not so in earlier times. The Spanish surnamed ancestors under the Spanish and Mexican dominion had prestige and wealth. A remnant of that prestige was noticeable in the use of "don" and "doña," titles of respect and used by everyone up the decade of the 40s.

Education was limited in the Valley, so the girls were sent to Loretto Heights Academy in Denver, or to the business schools in Denver. Boarding was provided by the nuns at St. Rose's home, formerly at 8th and Champa Sts. This was true in my mother's generation. She finished business school in Denver in the 20s, and this may have been the last generation to do so before the economic depression created the educational gaps between the 30s and 40s. The careers then sought were secretarial and nursing.

Knowing the English language was often the only qualification needed for the women to teach school, and these women were the teaching faculty for all grade levels in the Valley.

Nurse's training in the Valley sometimes meant internship at a doctor's office or traveling with him on his cases, as was the case of Gertrude Manzanares of Alamosa in the 30s as a Public Health nurse. While traveling in Texas, she was approached by an agent for a soda pop manufacturer for permission to use her picture on a soda pop bottle. She declined the offer because her mother told her that decent girls didn't do such things. The interpreters of the community were often drawn into fighting for social issues and cause because of their intermediary position.

Truly the Colorado women of the past were more repressed by families and society. The effects of that repression have been felt by today's Chicano.

It would be naive to think that only those women engaged in feminist organizations are activists for a social change. The mother in each family serves as a motivating factor for the whole family's success and only their children can speak to that and give credit where credit is due. Each family has an unsung heroine, but who must surely be praised individually, and not just on Mother's Day which is daily in our Colorado communities, wherever Chicanos live.●

[1] As an aside, the youngest verser I know is in his 40s, Paul Pacheco, of Monte Vista, Colorado, and being this young could well make him one of the last of the versero tradition.

[2] "Rosita, you have no right to reject me in public." "Well let them say what they want, I am not going to dance with you."

[3] "I will give the king my life and my property but not my honor since honor belongs to the soul and the soul belongs only to God."

THE DRAFT AND NATIONAL SERVICE

HON. RON PAUL

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 24, 1979

● Mr. PAUL. Mr. Speaker, the draft and national service are wrong morally, and on this ground alone should be opposed.

But they are also bad ideas economically, as a recent article in Reason magazine demonstrates.

We need a stronger, more effective national defense; compulsion would not achieve it. Nor will it increase public service by young people.

I would like to draw this article to my colleagues' attention. It contains information that we all should ponder carefully.

The article follows:

THE COST OF CONSCRIPTION

(By William P. Field, Jr., and Donald J. Boudreaux)

(NOTE.—Besides being immoral, forcing people into military or national service is not cost-effective.)

There is a great deal of disquieting talk in the United States these days about reverting to conscription of the nation's youth. This conscription is to be used not only to fill the military ranks but also, under the dubious title of "national service," to fill federal government jobs or jobs designated as desirable by the federal government.

Libertarians thought the battle against conscription had been won, but statists almost never give up on any possibility for increasing their power. Today, an alliance of conservatives (who want the military draft) and liberals (who want mandatory national service) has created a very real possibility that a proposal combining both could obtain the congressional votes necessary for passage.

Obviously, such a proposal is even more repulsive and immoral (if degrees of immorality are possible) than a proposal for a military draft alone. The technical skills of a philosopher are clearly not necessary in order to reject it on purely moral grounds. Our purpose here, however, is not to restate the moral arguments against this draft-national service proposal but rather to explain the economic falacies involved. Even these provide ample reason for opposition to the proposal.

NO MONEY MAGIC

Those wishing to reinstitute the draft (mostly conservatives) mainly emphasize the enormous and exploding costs of military manpower. They argue that these costs make it much more difficult for the United States to finance all its needs for military hardware and technology. This difficulty, in turn, makes it more likely that the United States will eventually fall behind the Soviet Union in both areas. Obviously, with a draft, wage rates for military personnel could be lowered and outlays for manpower reduced. This is what conservatives mean by their claim that use of the draft would lower defense costs. Thus, they conclude that "the military problem" could be solved, or at least substantially alleviated, by a return to military conscription.

This argument seems to have a kind of superficial validity, but it falls apart completely when subjected to economic analysis. Contrary to the claim of the conservatives, the reinstitution of the draft would not result in the true cost of military personnel being magically lowered from the cost of the present all-volunteer force. The true economic cost of having an individual in the military is not the wage he is paid but rather the goods and services he could have produced in the private economy—the opportunity cost, as it is called by economists.

The wage rate an individual earns in the private economy is a minimum indication of his productivity there. No businessman who expects to continue in operation can afford to pay a worker more than the value of his output. With an all-volunteer army, individuals must be paid at least what they could have earned in the private economy to induce them to volunteer. Thus, the taxpayer has to pay the true cost of having these individuals in the military.

The result of the use of the draft to obtain military personnel would be that the economic burden of the military, rather than being *reduced*, would simply be *shifted* from the general taxpayer onto the shoulders of the conscripted individuals. A tax break would be given to civilians at the expense of the draftees, who would pay a tax in the form of forgone wages and benefits. Obviously, this would reduce the size of the reported military budget, but it would not reduce the cost of the military to the society as a whole.

But the situation is actually much worse than this. The true economic cost to society of armed forces obtained through conscription would inevitably be much greater than the cost of an all-volunteer force, for at least two reasons.

GREATER COSTS

First, under an all-volunteer system, individuals with the poorest alternatives (the lowest opportunity cost) tend to be the ones who volunteer. Thus, the nation obtains military manpower at the least cost in sacrificed private output. With a draft, individuals would be forced by a set of arbitrary rules to join the military. Many of these individuals would have very high opportunity costs (some would have particular skills, either latent or already developed, in athletics, art, business, science, etc.). Consequently, the cost of obtaining the same amount of military personnel, in terms of lost private-sector output, would inevitably be much higher.

Another factor that would increase economic costs of the military if a draft were used to obtain personnel is the misuse of resources that would occur within the military. Since under a draft the explicit cost of manpower would be artificially lowered, those officers making decisions about how various tasks should be performed would think of manpower as a relatively cheap resource. This would lead to the overuse of manpower relative to machinery, as draftees would be used to perform all sorts of menial tasks. Consequently, more draftees would be needed, each costing the private economy much more than his military pay and each suffering the loss in the form of reduced wages.

The same argument can be extended to the decisionmaking process concerning appropriate battlefield techniques. Military commanders must choose among an almost infinite number of possible combinations of planes, tanks, ships, other equipment, and manpower. Inevitably, if the cost of one of these items is held down artificially, military decisionmakers will tend to overuse that item. Thus, with a draft, all planning for potential wars would tend to involve an overuse of manpower, and in an actual war inflated casualties would result. Notice that we are not assigning evil motives to anyone but rather simply pointing out that relative prices inevitably affect decisions.

In short, then, the draft, far from reducing the true economic cost of military operations, would only serve to substantially inflate that cost while imposing large, inequitable burdens on the unfortunate draftees. Those who wish to reinstitute the draft will find no support for their argument in economic analysis.

Turning now to the "national service" aspect of the current proposal (that portion appealing to liberals), we find that it is even more disastrous in economic terms than is the draft aspect. The implied assumption of the "national service" proposal is that every individual should have to do something for other Americans during at least some short period of his life and that only those individuals who work for the federal government or in jobs designated as desirable by the federal government do anything of benefit to their fellow citizens.

SERVICE FALLACIES

Those who accept this argument are obviously blind to the process that enabled the great wealth of the United States today to be created—the free market. They are obviously blind to the beneficial social effects of voluntary individual actions. Their argument implies that individuals working on a farm, in a factory, in a fast-food restaurant, or in any other form of private employment are performing no services of value to their fellow citizens.

As totally fallacious as that argument obviously is, think of the other side of it for a minute. According to the advocates of "national service," if we take millions of young Americans and force them to become federal government employees or to accept those jobs designated for them by the federal government, they are somehow to become highly productive individuals providing huge benefits to their fellow Americans. After all, if the Department of Energy just had another 20,000 employees, especially 18- to 24-year-olds with high school diplomas, just think how much more efficient it would be and what benefits it could offer Americans!

The economic fallacies here are so obvious that the temptation is to simply ridicule the proposal. Unfortunately and unbelievably, many politicians and citizens are taking the proposal quite seriously. Thus, it is essential that the economic arguments against compulsory national service be spelled out clearly.

THE EFFICIENT HAND

These arguments all revolve around the central point that the "invisible hand" of the free market is a more efficient allocator of resources than the "visible hand" of government. This one conclusion stands out unmistakably in even the most cursory study of economics. Whether you approach economics from theoretical, historical, or empirical perspectives, it is impossible to reach any conclusion but that the market almost always works and government planning almost never works. Different approaches to economics may involve different methods of reaching it, but the conclusion is crystal-clear. And why is the "invisible hand" superior to the "visible hand"?

First, as so eloquently explained time after time over the last 50 years by F. A. Hayek, there is no way for government planners to obtain all the information necessary to run the entire economy. The government cannot come close to gathering and analyzing all the relevant specific knowledge needed to enable it to act as an efficient allocator of human resources. With respect to compulsory national service, it would be impossible for government to figure out the most productive use of millions of young people, especially since they would all differ in skills and interests.

Second, even if the information problem could be solved, James Buchanan and other economists of the "public choice" school have pointed out that it is out of touch with reality to think that government decisionmakers are even concerned with taking whatever ac-

tion will most benefit all individuals in the United States. Those involved in government decisionmaking—whether they are politicians, bureaucrats, or special-interest groups—act in their own self-interest just as individuals in the private economy do. The traditional distinction between a selfish private sector and a selfless public sector is toally fallacious.

Decisions about what to do with all these "national service" workers would be made on the basis of the self-interest of the decisionmakers. Politicians would want the workers used in such a way as to maximize the number of votes they would obtain from the services provided. Bureaucrats would want the workers used to increase the size and power of their particular agencies. Special-interest groups would want their own pet projects carried out. How could anyone believe that such a struggle for advantage could end up making efficient use of national service workers?

Other arguments could be marshaled against the "visible hand." We could look at past experience with programs creating government jobs and how they tend to become simply make-work projects. We could talk about how difficult it is to get rid of such programs once they are established, even if they were originally supposed to be temporary in nature. We could talk about specific cases of failure of the "visible hand" such as the postal service, public schools, urban renewal, and zoning. But surely the two arguments already discussed in some detail are sufficient to explain why government planning is inherently inefficient and "national service" would inevitably be disastrous.

There is only one conclusion to be drawn from economic analysis—any form of conscription is economically unwarranted and undesirable. The economic effects that necessarily accompany the use of conscription, whether for military manpower or national service, are undeniably harmful, rather than beneficial. The economic evidence is overwhelming—individual choice is much more efficent than government compulsion.

Of course, those who advocate conscription do not draw only from economics. Arguments based on morality and patriotism also appeal to many Americans. Economic arguments can be used to clear up some of the misunderstandings that make conscription seem attractive, but clearly the moral arguments must be attacked directly. The basic immorality of force and the absurdity of the idea that patriotism can be encouraged by the use of conscription must be emphasized again and again. In this case as in others, libertarians must continually restate the central point that individual liberty not only yields the most efficient economic results but also is the only truly moral system.●

AIRBAG DEBATE

HON. MATTHEW J. RINALDO

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 24, 1979

● Mr. RINALDO. Mr. Speaker, when this body debates the appropriation for the Department of Transportation, an amendment will be offered by the gentleman from Michigan (Mr. DINGELL) to prohibit the National Highway Traffic Safety Administration from using any of the appropriate funds to implement and enforce an airbag standard during the upcoming fiscal year. There has been intensive lobbying on this issue and the Members have heard many arguments, both pro and con, on the issue of mandatory installation of airbags in this country's automobile fleet. After listening to both sides of the argument, I reached the conclusion that we just do not have enough information about the effectiveness of airbags to require their installation in all new cars. Therefore, I plan to vote for the amendment when it is offered on the floor.

There is, however, one argument which I find particularly persuasive which has not been widely discussed by the Members of this body and this is the product liability implications of mandating airbags at this time without sufficient real world knowledge of their effectiveness. The Consumer Protection and Finance Subcommittee, on which I serve as ranking minority member, is currently holding a series of hearings to examine the product liability problem now facing this country's manufacturers. We have seen that the incidence of product liability litigation has been rapidly increasing to the point that many manufacturers find it difficult to even obtain product liability insurance. Installation of airbags at this time would present unique product liability problems for this country's automobile manufacturers and I think that we need to be well aware of these problems before we agree to mandate airbags on this country's automobile fleet.

These problems were recently discussed in a study done by Harbridge House, Inc., a Boston, Mass., consulting firm under contract to the National Highway Traffic Safety Administration. Harbridge House concluded that:

> Current trends in the tort litigation system, working on the high expectations likely to be aroused by compulsory passive restraint systems, will cause a considerably higher frequency of product liability suits to be launched against the auto makers and, very likely, a higher product liability related cost. The magnitude of this incremental cost remains virtually impossible to forecast.

To support this conclusion, Harbridge House made the following statement:

> Although the treatment of product liability differs in the 50 different U.S. jurisdictions, in the past decade there has been a growing shift away from the concept of manufacturer negligence toward one of strict liability. As this has occurred defenses of abnormal use, assumption of risk, and contributory negligence have been diminished. According to Professor Richard Epstein of the University of Chicago Law School, a widely acknowledged expert in liability law, the tenor of the times is in favor of the plaintiff's recovery with the burden of proof on the defendant. This change in the interpretation of liability has been accompanied by the retroactive application of new interpretations. In addition, some jurisdictions are permitting the awarding of punitive damages.
>
> The passive restraint systems to be implemented under MVSS 208, no matter what their degree of actual reliability in performance, are likely to arouse even higher levels of performance expectation. Because of the technical limitations of both air bags and passive seat belts, we believe that these expectations are likely to generate a high frequency of litigation. This appears to be already foreshadowed by the 1976 experience of General Motors in its ratio of lawsuits to air bag deployments. Concern about the unpredictability of the air bag product liability risk has been cited by Eaton Corporation as a principal reason for abandonment of its air bag program.
>
> The uncertainty present in the rapidly shifting definitions of liability in many states presents a variety of issues in which risk forecasting becomes uncommonly difficult. The following are just a few illustrative hypothetical instances:
>
> The owner of a car equipped with a passive seat belt system is injured and claims the use of deficient technology (i.e., the choice by the manufacturer of belts rather than air bags) because of the resultant cost saving.
>
> The owner of a car equipped with an air bag is injured, primarily because that person did not affix the lap belt, but nonetheless claims manufacturer liability.
>
> The owner of a car equipped with a passive restraint system disconnects the system, is injured, and claims manufacturer liability on the grounds that system should not have been so easy to disconnect.
>
> Although passive restraint systems will generate fewer bodily injury claims, they also seem certain to generate many more product liability claims. Without major changes in the tort litigation system of the sort proposed by the Department of Commerce Interagency Task Force on Product Liability, the financial impact could reach massive proportions and hold broad implications as an issue of public concern.

Mr. Speaker, it would be sheer foolishness for the Members of this body to approve mandatory installation of airbags without thinking through all the ramifications of such action. By supporting the Dingell amendment, we will guarantee that needed research and development into any unanticipated problems with airbags will continue.●

STATEMENT ON THE EDUCATIONAL TESTING ACT

HON. TED WEISS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 24, 1979

● Mr. WEISS. Mr. Speaker, I am today introducing the Educational Testing Act of 1979, also known as the truth in testing bill, along with Congresswoman SHIRLEY CHISHOLM and Congressman GEORGE MILLER.

This bill addresses the growing concern among parents, students, teachers, academic administrators and the general public about the appropriate uses of standardized tests in the admission process for postsecondary schools. The legislation is an extension of measures enacted in California last October and in New York 2 weeks ago.

Colleges and graduate and professional schools rely heavily on standardized test results in deciding which students to admit. These examinations have a profound impact on the educational and occupational future of millions of Americans.

Serious criticisms regarding the reliability and objectivity of standardized tests have been raised from many quarters in recent years. Studies have shown, for example, that the examinations are poor indicators of achievement in school and are marked by cultural, racial, and

geographic bias. A 1977 study by the California Postsecondary Education Commission demonstrated that the scholastic aptitude test (SAT), which is widely used as a criterion for admission by undergraduate institutions, discriminates against students from lower-income backgrounds. The study found that "the average family income for students who earned 650 or more points (out of 800) on the SAT was $26,400. Students in the lower range—below 350 or more—had a mean family income of $14,500."

A 1975 University of California at Berkeley study offers a similar conclusion. Students whose family income was below $6,000 scored 92 points lower on the SAT than did students whose family income was $30,000 or higher, the study said.

Another Berkeley report found that high school students with high grade point averages but low SAT's did as well in college as those students with high SAT's. In fact, according to study author Dr. Harrison Gough, "they were more apt to take the BA degree within 4 years."

Equally crucial is the admission by the testing industry itself that the standardized exams cannot measure creativity, judgment, determination, experience, or idealism—characteristics which will influence academic accomplishment and which should be considered as pertinent admission criteria.

It is not, however, the purpose of this legislation to tell the testing industry what questions to ask on the exams or to tell schools what weight to assign to test results. Instead, the bill is designed to alleviate bias inherent in the tests, to improve public accountability and to mandate financial disclosure.

One section of the legislation requires testing companies to send the U.S. Commissioner of Education studies or reports they compile on the tests and their results. This provision will foster a better understanding by institutions and the public of the uses and limitations of the tests. The bill also directs the Commissioner to assemble data on the income status and background of test takers in order to determine the fairness of the exams.

Another section of the legislation stipulates that students be given basic information before they take the test so that they will have a better understanding of the exam's purpose and the meaning of its results. The bill states that the registration form for the tests must state the following: the purpose of the exam; its subject matter; the knowledge or skills on which students will be tested; the predictive value of the test; the margin of error for the exam and an explanation of the scoring scale; the ability of preparation courses to improve scores; the test taker's privacy rights; the length of time for which results will be kept by the companies; the date on which a student will receive results; and testing facilities available to the handicapped.

The bill also mandates disclosure of the test questions and correct answers after an exam has been given if a test taker requests such information. Research on the validity of the tests and public discussion of the merits of the exams will be encouraged by this provision. This feature will likewise reduce the risk of computer error causing a test taker to be incorrectly scored.

It should be stressed that some students already have access to the questions used on previous tests. Companies specializing in preparation courses for the standardized exams routinely send employees to take the tests and to memorize or copy questions. Those students who can afford to enroll in these expensive coaching sessions then receive the benefit of taking practice tests that contain actual questions used on earlier exams.

The testing industry objected strongly to inclusion of the question and answer disclosure provision in the recently enacted New York legislation. Testing company lobbyists argued that this feature would increase the cost of preparing the tests. Indeed, administrators of national standardized tests for dental and medical schools are now threatening to stop giving the exams in New York State unless they are given a special exemption from this provision of the new law. Law school admission test administrators are likewise reported to be considering such a boycott of New York.

This is not only outrageous arrogance on the part of the testing companies, it is also a gross distortion of the true costs involved in preparing the tests.

The cost of exam development is actually quite small, and the development of new tests which may be necessitated by the answer-disclosure provision should not result in any significant increase, if any, in the fees for test taking. In 1976, for example, less than 3 percent of the income of the admissions testing program (SAT and achievement tests) was spent on test construction, according to information provided by the New York Public Interest Research Group (NYPIRG). A 1972 "activity analysis" prepared by the Educational Testing Service showed that less than 10 percent of total test cost is attributable to test development. According to NYPIRG study of Educational Testing Service data, question writing accounted for only 23 cents of the fee charged takers of the 1971 SAT exam, only 34 cents for the law school admission test, 56 cents for the graduate records examination and 34 cents for the graduate management admission test.

It should also be noted that between 1974-75 and 1976-77 the amount of revenues in excess of expenditures for the SAT exam ranged from $3,028,178 to $3,541,000, according to a NYPIRG study. Since the SAT and most other standardized tests are prepared by nonprofit companies, any additional costs could easily be absorbed through use of excess revenues.

The legislation likewise directs testing companies to disclose basic financial data concerning income and expenditures and to explain the way in which fee scales for the tests are determined. Students taking the law school admission test must, for example, pay a registration fee to the Law School Data Assembly Service, an arm of the Educational Testing Service, and pay a separate fee to ETS for the test itself. In return, ETS will send the results to no more than three law schools. A student must pay an additional $5 for each additional law school to which test results are to be sent. Perhaps disclosure of the fee scale information will help explain why $5 is charged for what would seem to be a rather inexpensive procedure.

Mr. Speaker, I believe for all these reasons that the Educational Testing Act of 1979 meets a clear and vital public need. I urge my colleagues to join us in moving toward prompt enactment of this bill.

A summary of the bill and a copy of the bill itself follow:

SECTION-BY-SECTION SUMMARY OF THE EDUCATIONAL TESTING ACT OF 1979

Sec. 1. States title.

Sec. 2. Findings and Purposes.

Sec. 3. Information to Test Subjects and Postsecondary Educational Institutions

States that each test agency shall provide to any test taker in clear and understandable language a minimum of information that should accompany the registration form.

Purpose of test;

Subject matter of test and knowledge and skills being tested;

Correlation of certain data concerning students' grades and test score and career performance and test score; margin or error and explanation of scoring scale;

Ability test preparation courses to improve students' scores;

How score will be reported;

How background information on student will be reported;

Privacy rights of students;

How long student scores will be kept;

Time period in which student will receive score;

Services for handicapped students;

Comparison of test score performance of students and major income groups;

Notice that upon request the student can receive a copy of his answer sheet with the answers revealed and the appeal or review procedure if student wishes to question his/her score;

Also requires that if scores of test subject is delayed over 10 days, the test subject and institution where score is sent will be notified of delay.

Sec. 4. Reports and Statistical Data and Other Information

Requires the Commissioner of Education to be provided the following:

Studies, evaluations or statistical reports pertinent to a test which are prepared by test agency. Requires specific names within studies, etc. to be protected;

A copy of contract for services between test agency that produces test and another test agency that sponsors or administers the same test;

Requires a report within a year by Commissioner on the above and other info. Requires all data submitted to Commissioner to be public record; and

The Commissioner must also include an evaluation of available data concerning relationship between test scores and the completion of test preparation courses.

Sec. 5. Promoting a Better Understanding of Tests

This section requires additional information to the Commissioner in order to promote a better understanding of standardized tests and stimulate independent research on such tests.

Each test agency must provide:

A copy of standardized test within 30 days after the results of such tests are released.

A copy of all test questions used in calculating test score (raw score).

Corresponding acceptable answers to those questions.

All rules for transferring raw scores into scores reported to the test subject and postsecondary educational institutions with an explanation of such rules.

Similar information should be made available to students if requested. The test agency should provide individual answer sheet of students as well if so requested.

The information submitted to the Commissioner shall be made available to the state education agencies or commissions and will be public record.

Sec. 6. Privacy of Test Scores

Clearly states that no test score of an individual can be released to anyone without a specific authorization from individual test subject.

Sec. 7. Testing Costs and Fees to Students

In order to ensure that tests are being offered at a reasonable and affordable costs to test subjects, certain financial information will be provided to the Commissioner by test agency.

Sec. 8. Regulations and Enforcement

Sets out that the Commissioner shall promulgate regulations for bill within 120 days after effective date of the Act and that failure of regulations to be promulgated in a timely fashion will not stop the bill from becoming effective.

Also sets a penalty for noncompliance with the Act and expresses severability.

Sec. 9. Definitions

Contains all key definitions of terms used in the Act.

Sec. 10. Effective Date—180 days after date of enactment.

H.R. —

A bill to require certain information be provided to individuals who take standardized educational admissions tests and for other purposes

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

SHORT TITLE

SECTION 1. This Act may be cited as the "Educational Testing Act of 1979".

FINDINGS AND PURPOSE

SEC. 2. (a) The Congress of the United States finds that—

(1) education is fundamental to the development of individual citizens and the progress of the Nation as a whole;

(2) there is a continuous need to ensure equal access for all Americans to educational opportunities of a high quality;

(3) standardized tests are a major factor in the admission and placement of students in postsecondary education and also play an important role in individuals' professional lives;

(4) there is increasing concern among citizens, educators and public officials regarding the appropriate uses of standardized tests in the admissions decision of postsecondary education institutions;

(5) the rights of individuals and the public interest can be assured without endangering the proprietary rights of the testing agencies; and

(6) standardized tests are developed and administered without regard to State boundaries and are utilized on a national basis.

(b) It is the purpose of this Act—

(1) to ensure that test subjects and persons who use test results are fully aware of the characteristics, uses, and limitations of standardized tests in postsecondary education admissions;

(2) to make available to the public appropriate information regarding the procedures, development, and administration of standardized tests;

(3) to protect the public interest by promoting more knowledge about appropriate use of standardized test results and by promoting greater accuracy, validity, and reliability in the development, administration, and interpretation of standardized tests; and

(4) to encourage use of multiple criteria in the grant or denial of any significant educational benefit.

INFORMATION TO TEST SUBJECTS AND POSTSECONDARY EDUCATIONAL INSTITUTIONS

SEC. 3. (a) Each test agency shall provide to any test subject in clear and easily understandable language, along with the registration form for a test, the following information:

(1) The purposes for which the test is constructed and is intended to be used.

(2) The subject matters included on such test and the knowledge and skills which the test purports to measure.

(3) Statements designed to provide information for interpreting the test results, including explanations of the test, and the correlation between test scores and future success in schools and, in the case of tests used for post baccalaureate admissions, the standard error of measurement and the correlation between test scores and success in the career for which admission is sought.

(4) Statements concerning the effects on and uses of test scores, including—

(A) if the test score is used by itself or with other information to predict future grade point average, the extent, expressed as a percentage, to which the use of this test score improves the accuracy of predicting future grade point average, over and above all other information used; and

(B) a comparison of the average score and percentiles of test subjects by major income groups; and

(C) the extent to which test preparation courses improve test subjects' scores on average, expressed as a percentage.

(5) A description of the form in which test scores will be reported, whether the raw test scores will be altered in any way before being reported to the test subject, and the manner, if any, the test agency will use the test score (in raw or transformed form) by itself or together with any other information about the test subject to predict in any way the subject's future academic performance for any postsecondary educational institution.

(6) A complete description of any promises or covenants that the test agency makes to the test subject with regard to accuracy of scoring, timely forwarding or score reporting, and privacy of information (including test scores and other information), relating to the test subjects.

(7) The property interests of the test subject in the test results, if any, the duration for which such results will be retained by the test agency, and policies regarding storage, disposal, and future use of test scores.

(8) The time period within which the test subject's test score will be completed and mailed to the test subject and the time period within which such scores will be mailed to test score recipients designated by the test subject.

(9) A description of special services to accommodate handicapped test subjects.

(10) Notice of (A) the information which is available to the test subject under section 5(a)(2), (B) the rights of the test subject under section 6, and (C) the procedure for appeal or review of a test score by the test agency.

(b) Any institution which is a test score recipient shall be provided with the information required by subsection (a). The test agency shall provide such information with respect to any test prior to or coincident with the first reporting of a test score or scores for that test to a recipient institution.

(c) The test agency shall immediately notify the test subject and the institutions designated as test score recipients by the test subject if the test subject's score is delayed ten calendar days beyond the time period stated under subsection (a)(8) of this section.

REPORTS AND STATISTICAL DATA AND OTHER INFORMATION

SEC. 4. (a)(1) In order to further the purposes of this Act, the following information shall be provided to the Commissioner by the test agency:

(A) Any study, evaluation, or statistical report pertaining to a test, which a test agency prepares or causes to be prepared, or for which it provides data. Nothing in this paragraph shall require submission of any reports or documents containing information identifiable with any individual test subject. Such information shall be deleted or obliterated prior to submission to the Commissioner.

(B) If one test agency develops or produces a test and another test agency sponsors or administers the same test, a copy of their contract for services shall be submitted to the Commissioner.

(2) All data, reports, or other documents submitted pursuant to this section will be considered to be records for purposes of section 552(a)(3) of title 5, United States Code.

(b) Within one year of the effective date of this Act, the Commissioners shall report to Congress concerning the relationship between the test scores of test subjects and income, race, sex, ethnic, and handicapped status. Such report shall include an evaluation of available data concerning the relationship between test scores and the completion of test preparation courses.

PROMOTING A BETTER UNDERSTANDING OF TESTS

SEC. 5. (a) In order to promote a better understanding of standardized tests and stimulate independent research on such tests, each test agency—

(1) shall, within 30 days after the results of any standardized test are released, file or cause to be filed in the office of the Commissioner—

(A) a copy of all test questions used in calculating the test subject's raw score;

(B) the corresponding acceptable answers to those questions; and

(C) all rules for transferring raw scores into those scores reported to the test subject and postsecondary educational institutions together with an explanation of such rules; and

(2) shall, after the test has been filed with the Commissioner and upon request of the test subject, send the test subject—

(A) a copy of the test questions used in determining the subject's raw score;

(B) the test subject's individual answer sheet together with a copy of the correct answer sheet to the same test with questions counting toward the test subject's raw score so marked; and

(C) a statement of the raw score used to calculate the scores already sent to the test subject if such request has been made within ninety days of the release of the test score to the test subject.

The test agency may charge a nominal fee for sending out such information requested under paragraph (2) not to exceed the marginal cost of providing the information.

(b) This section shall not apply to any

standardized test for which it can be anticipated, on the basis of past experience (as reported under section 7(2) of this Act), will be administered to fewer than 5,000 test subjects nationally over a testing year.

(c) Documents submitted to the Commissioner pursuant to this section shall be considered to be records for purposes of section 552(a)(3) of title 5, United States Code.

PRIVACY OF TEST SCORES

SEC. 6. The score of any test subject, or any altered or transferred version of the score identifiable with any test subject, shall not be released or disclosed by the test agency to any person, organization, association, corporation, postsecondary educational institution, or governmental agency or subdivision unless specifically authorized by the test subject as a score recipient. A test agency may, however, release all previous scores received by a test subject to any currently designated test score recipient This section shall not be construed to prohibit release of scores and other information in a form which does not identify the test subject for purposes of research leading to studies and reports primarily concerning the tests themselves.

TESTING COSTS AND FEES TO STUDENTS

SEC. 7. In order to ensure that tests are being offered at a reasonable cost to test subjects, each test agency shall report the following information to the Commissioner:

(1) Before March 31, 1981, or within 90 days after it first becomes a test agency, whichever is later, that test agency shall report the closing date of its testing year. Each test agency shall report any change in the closing date of its testing year within 90 days after the change is made.

(2) For each test program, within 120 days after the close of the testing year the test agency shall report—

(A) the total number of times the test was taken during the testing year;

(B) the number of test subjects who have taken the test once, who have taken it twice, and who have taken it more than twice during the testing year;

(C) the number of refunds given to individuals who have registered for, but did not take, the test;

(D) the number of test subjects for whom the test fee was waived or reduced;

(E) the total amount of fees received from the test subjects by the test agency for each test program for that test year;

(F) the total amount of revenue received from each test program; and

(G) the expenses to the test agency of the tests, including—

(i) expenses incurred by the test agency for each test program;

(ii) expenses incurred for test development by the test agency for each test program; and

(iii) all expenses which are fixed or can be regarded as overhead expenses and not associated with any test program or with test development;

(3) If a separate fee is charged test subjects for admissions data assembly services or score reporting services, within 120 days after the close of the testing year, the test agency shall report—

(A) the number of individuals registering for each admissions data assembly service during the testing year;

(B) the number of individuals registering for each score reporting service during the testing year;

(C) the total amount of revenue received from the individuals by the test agency for each admissions data assembly service or score reporting service during the testing year; and

(D) the expenses to the test agency for each admissions data assembly service or score reporting service during the testing year.

REGULATIONS AND ENFORCEMENT

SEC. 8. (a) The Commissioner shall promulgate regulations to implement the provisions of this Act within 120 days after the effective date of this Act. The failure of the Commissioner to promulgate regulations shall not prevent the provisions of this Act from taking effect.

(b) Any test agency that violates any clause of any provision of this Act shall be liable for a civil penalty not to exceed $2,000 for each violation.

(c) If any provision of this Act shall be declared unconstitutional, invalid, or inapplicable, the other provisions shall remain in effect.

DEFINITIONS

SEC. 9. For purposes of this Act—

(1) the term "admissions data assembly service" means any summary or report of grades, grade point averages, standardized test scores, or any combination of grades and test scores, of an applicant used by any postsecondary educational institution in its admissions process;

(2) the term "Commissioner" means the Commissioner of Education;

(3) the term "postsecondary educational institution" means any institution providing a course of study beyond the secondary school level and which uses standardized tests as a factor in its admissions process;

(4) the term "score reporting service" means the reporting of a test subject's standardized test score to a test score recipient by a testing agency;

(5) the term "standardized test" or "test" means—

(A) any test that is used, or is required, for the process of selection for admission to postsecondary educational institutions or their programs, or

(B) any test used for preliminary preparation for any test that is used, or is required, for the process of selection for admission to postsecondary educational institutions or their programs,

which affects or is conducted or distributed through any medium of interstate commerce, but such term does not include any test designed solely for nonadmission placement or credit-by-examination or any test developed and administered by an individual school or institution for its own purposes only;

(6) the term "test agency" means any person, organization, association, corporation, partnership, or individual which develops, sponsors, or administers a standardized test;

(7) the term "test preparation course" means any curriculum, course of study, plan of instruction, or method of preparation given for a fee which is specifically designed or constructed to prepare a test subject for, or to improve a test subject's score on, a standardized test;

(8) the term "test program" means all the administrations of a test of the same name during a testing year;

(9) the term "test score" means the value given to the test subject's performance by the test agency on any test, whether reported in numerical, percentile, or any other form;

(10) the term "test score recipient" means any person, organization, association, corporation, postsecondary educational institution, or governmental agency or subdivision to which the test subject requests or designates that a test agency reports his or her score;

(11) the term "test subject" means an individual to whom a test is administered; and

(12) the term "testing year" means the 12-calendar months which the test agency considers either its operational cycle or its fiscal year.

EFFECTIVE DATE

SEC. 10. This Act shall take effect 180 days after the date of its enactment.●

CELEBRATION OF WEIRTONIAN LODGE NO. 183, ORDER OF THE ITALIAN SONS AND DAUGHTERS, EXPRESSES TRUE MEANING OF AMERICA AS LAND OF OPPORTUNITY

HON. JENNINGS RANDOLPH

OF WEST VIRGINIA

IN THE SENATE OF THE UNITED STATES

Wednesday, July 25, 1979

● Mr. RANDOLPH. Mr. President, the cohesive strengths of America far outweigh the divisive elements of our society. Those who decry the workings of our democratic system give too much credence to the strident voices of self-interest. A common bond of patriotism rests on our diverse heritage. There is a general recognition that the United States—with all its problems of inflation, energy shortage, unemployment, and poverty—is still the best country on Earth to enjoy freedom and seek greater opportunity. To properly assess the present, we must review our past.

Recently, it was my pleasure and privilege to attend the 25th anniversary celebration of Weirtonian Lodge No. 183, Order of the Italian Sons and Daughters of America in Weirton, W. Va. Chester Grossi is president of the Weirtonian Lodge.

It was an inspiring event. The descendents of immigrants proudly pointed to the successes of their peers. Their awareness that hard work, determination and, yes, a sense of gratitude for being a citizen of this land, was pervasive.

"We of the Weirtonian Lodge feel blessed to be citizens of a wonderful country," summed up former lodge president and program chairman Michael Sinicropi, "where anyone may walk in God's sunlight, or moonlight, with head erect, without rancor, distrust, or without fear."

The tide of millions of struggling immigrants helped to make this promised land richer, greater, and more beautiful, he stressed to the 400 persons present. Often they gave their lives in hard work, in the construction of bridges, highways, and down in treacherous mines. They were highly instrumental in the wonderful creation of the gigantic cities and powerful fleets, the greatest pride of the Americans, he continued.

Everytime America championed the cause of justice, freedom and right, the sons and daughters of Italian immigrants were the first and the most numerous to fight in America's wars. In World War II, 800,000 Americans died. Of these, 120,000 were sons of Italian immigrants. "This pure and inspiring love of both countries should be for every Italian an incentive to greater conquest in the future," he concluded.

This theme was extended by the remarks of two outstanding speakers, Representative MARIO BIAGGI and Guy V. Mendola, national president of the Order of Italian Sons and Daughters of America. I ask that their words be printed in the RECORD, so that my colleagues and other readers can share in the feeling of ethnic pride and patriotism of these good Americans.

The addresses follow:

STATEMENT BY MARIO BIAGGI

It is indeed a pleasure for me to be in "Almost Heaven—West Virginia." This term does in deed have a basis in fact. It has been a singularly distinct honor to be introduced by the illustrious senior senator of your state, Jennings Randolph, a man who for decades has distinguished himself in Washington as one of the preeminent legislators of this century. We have worked together over the years on issues related to the handicapped and occupational diseases such as black lung, to name but a few. He is highly respected by his colleagues in the Congress and is adulated in Washington.

It is also nice to be with my friends from the Wiertonian Lodge No. 183, Italian Sons and Daughters. This is a milestone event—the 25th anniversary dinner dance. It marks a quarter century of community involvement, of services to the Italian-American community. This is the very essence of the greatness of this nation, the dedication and power of the small organization and the club. You are to be congratulated on this momentous occasion and a special commendation goes to Michael Sinicropi, a leader in his own right and a man dedicated to the ideals which make the Italian-American community in this nation so vital. Again, I am most honored to be here with you on this joyous event.

To remember the words at the beginning of that classic novel, Tale of Two Cities, "It was the best of times, it was the worst of times." So it was with the millions of immigrants who flocked to America in the 19th and early 20th centuries. The best of times was reflected in the fact that many had escaped oppression, denial of opportunity and dire economic conditions. Yet for others, it was the worst of times. The golden dream was tarnished—defamation and abuse, all the attendant evils which made this such a dark era in American history.

Yet American immigrants triumphed despite adversity. They endured stoically, they sacrificed, they persisted and they built this nation. Happily, with the passage of time and the advancement and accessibility of education, this land became enlightened to a substantial degree. Later, immigrants and their descendants for the most part were not subjected to stereotype and abuse.

Yet in 20th century America, the perception of immigrants has changed—for the better. Blacks, once depicted as lazy and slovenly, are no longer subjected to this. The Irish, portrayed as inordinate consumers of alcohol are no longer seen in this light. Those of the Jewish faith, burdened over the years with the portrayal of being wily and conniving, happily are no longer characterized in this derogatory fashion.

All of the aforementioned groups and others have been successful in correcting this condition in all areas, especially in the vitally important area of media portrayal. I highlight this development to emphasize the plight of the Italian immigrant and the Italian-American of today. The problems today still exist, perhaps not to the same degree, but exist nonetheless—hardships, impediments, in the pursuit of careers.

It is a burden. The persistence of defamation and discrimination continues to burden the Italo-American community. Of course, there are some among us who were fortunate enough not to be affected. Hence, they choose not to regard it as their problem. However, it is incumbent upon all of us to address ourselves to the pursuit of a solution. Those who have experienced and have been burdened by the normal vicissitudes of general living could be and are as a result, demoralized. They are the ones which we have an obligation to act for. As one ancient Hebrew scholar once noted, "If I am not for myself, who will be for me? But if I am for myself alone, what am I? And if not now, when?"

Yes, ladies nad gentlemen, we must recognize the inherent power of the media in the area of portrayals and images. Let me recount a personal story. In my travels, I met a woman who had been told in advance that I was a New York City policeman for 23 years with many decorations and more than a dozen injuries incurred in the fight against crime. This woman revealed to me that I was the first Italian that she had ever met. The very first question she asked—was I a member of the Mafia? I threw up my hands in futility and realized that this woman was only reacting to a perception that had been developed by the media over the years in its depiction of Italo-Americans in a consistently negative light. This heightened very dramatically the power of the media and its subsequent responsibility to correct this deficiency.

The question is, What do we do? The answer is that much is being done. I have raised the issue of discrimination against ethnic Americans to new dimensions in this Congress. In this year, a real push is being directed at the media—why—because their bread and butter—the Communications Act of 1934 is coming up for Congressional reauthorization. Already, I have met with the President and senior officials of the ABC Television network to register our objections to some of their programming and choice of sponsors, both of whom often serve to depict Italian Americans in a disparaging light. A similar meeting was held with NBC officals. The remaining network will be met with later.

What is the objective? Fairness in media—a recognition of the inherent worth of ethnic Americans in this nation—a fervent initiative to remove the vestiges of discrimination from the shoulders of immigrants and their descendants. In light of past abuses, we have a right to expect positive portrayal of Italo-Americans by the media. Discrimination so runs against the grain of our nation—the greatest democracy in the world. Its solutions must be viewed as one of this nation's most overriding and compelling concerns.

STATEMENT BY GUY V. MENDOLA

It gives me great pleasure to be here tonight with the members, guests, and friends of Weirtonian Lodge to help them celebrate the 25th anniversary of one of the most vibrant lodges in our Order.

We are proud of the public service Weirtonian Lodge has extended to the community at large and of the fraternal service it is rendering to its members as a viable unit of our Order.

In writing about its history in the program book issued at the Order's 17th biennial convention in 1964, when the lodge was only 15 years old, their historian wrote:

"Weirtonian Lodge No. 183 does not have a motto. If it did, it would probably read 'Participation, Promotion, and Progress' or 'Service above self,' for this lodge has become one of the most respected organizations in Weirton, W. Va. for its leadership in civic affairs."

The resolution passed by the city officials of Weirton declaring the week of June 3 "Weirtonian Week" re-emphasizes that public service role.

I join with the Weirton city officials in expressing the price of the Order of Italian Sons and Daughters of America in the achievements of Weirtonian Lodge. We extend to the officers and members of this lodge—our fraternal brothers and sisters—our congratulations and best wishes during this celebration of their 25th anniversary. We salute them for bringing honor and distinction not only to themselves but to the Order of Italian Sons and Daughters of America as well.

Our Order was in existence 25 years when Weirtonian Lodge came into being. This year, as Weirtonian Lodge marks its 25th anniversary, the Order is celebrating its Golden Jubilee. During both these celebrations, Weirtonian Lodge and the Order are holding fast to the ideals of our founders—ideals which have not diminished in importance with the passing of the years.

Down through the years, ISDA has been dedicated to certain ideals—ideals which have provided us with the finest concepts of life and which have influenced us in aspiring for the pinnacle of achievement.

We are not an aged and decrepit fraternity whose usefulness has passed. Our growth has not slowed down with the passing of the years. In fact, it has increased. This fact alone provides us with dramatic proof that there very definitely is a place for ISDA in today's world—that the ageless ideals proclaimed by our founders still have merit.

In our programs to create cultural awareness and ethnic identity, ISDA is not trying to establish a superior ethnic role for American Italians. Into the rich tapestry of American life has been woven the story of the Italian immigrants who came to these shores to add their blood and their sweat to the building of a great nation. Our founders shared one thing in common with all Americans: belief in the greatness of our country. They always dared to dream great dreams, and their eyes sparkled as they envisioned the roles they and their children would play in making those dreams come true.

During our Golden Jubilee Celebration, while we salute our forebears and laud the accomplishments of the past, our sights are fixed on the progress we can achieve in the future. As we look forward to the start of a new half century in our Order's history, we call upon all Americans of Italian descent to join with us in the important work which still lies ahead. Now is the time for new leaders and new ideas to further enrich the Italian American dream of the future.

We still have a vital role to play in the building of a better America. As the leading fraternal organization of Americans of Italian descent in the nation today, ISDA is committed to achieving that objective in a very special way during our Golden Jubilee Celebration.

We cannot live in the past. We must live in the present. And we must live for the future as each of us brings out the best in ourselves so that America may be better for the coming of our fathers and our mothers and for the contributions we make to our society.

America is what we make it—in our communities—in our homes—in our hearts.

America means the living, striving dreams in the souls of men and women—the men and women who give it the wisdom of their heads . . . the skill of their hands . . . the beliefs of their hearts.

They dream of homes that are the very foundation of human society. They are homes where love and peace may reign. They plan for families where children can be taught tradition and the truth and the way. They designed a land where youth can stretch forth its arms to opportunity.

This was the American dream of our Italian mothers and fathers. They made that dream come to life for us. They nourished it in love. They preserved it in loyalty. They made a place of respect for us in our neighborhoods. They made a place of honor for us in our communities.

Tonight we acknowledge our debt to the fathers and mothers out of whose dreams we are here—Americans all.

They came here in the dawn of their American day perhaps with empty hands. But their hearts were filled with the hope of

opportunities here to be found. With their very hands they helped to fashion the earth of this—their adopted land. And they fashioned their children in fidelity to home—to faith in God—and to love of country.

Tonight—we pledge our love to those mothers and fathers if they are living. We pledge our loyalty to them if they have passed away and are remembered in cherished memories.

In the spell of this wonderful night—let our prayer for them—and let our pledge from ourselves—rise from our heart of hearts.

We must not—we shall not fail them.

God bless them.

And God bless the America which was good to them—which they taught us to love—and which now invites each of us to make the unique contributions only we can make as American Italians.●

INFANT FORMULA: PROBLEMS AND SOLUTIONS

HON. RONALD V. DELLUMS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 25, 1979

● Mr. DELLUMS. Mr. Speaker, it is with great pleasure and relief that I announce today that the Infant Nutrition Act, H.R. 4093, a bill which I introduced 2 months ago, now has 50 cosponsors. I say relief because the need for this legislation is so urgent, and the more ardent supporters we have, the sooner that need can be allayed. The Infant Nutrition Act would, if passed, regulate the sale of infant formula to indigent nations, and put a halt to the overpromotion of that product which has been largely responsible for the death or near-death of some 10 million infants every year. If the U.S. Congress will only recognize the magnitude and urgency of this problem, I believe we can go a long way toward solving it, and toward setting an example for the other industrialized nations of the world to follow in terms of defining the role of corporate responsibility in a changing world.

Mr. Speaker, I note with interest that representatives of several infant formula companies—and indeed one Representative here in the House—have been referring widely to an article entitled "Babies in Poverty" by Mr. Lee Edson, which appears in the Lactation Review, volume IV, No. 1. They describe the Edson piece as a "well-balanced and objective treatment of this complex problem."

The frequency with which infant formula companies refer to the current Lactation Review article and to a previous study conducted by the Human Lactation Center—publishers of the Lactation Review—raises questions in my mind. Is the Human Lactation Center truly impartial? Do its publications really offer a "balanced" view of the infant formula controversy?

Very recently a copy of a memo written by Ms. Dana Raphael, the Lactation Center's director, and addressed to its board of directors, came into my possession. In this memo, dated November 20, 1978, Ms. Raphael discloses that she had recently consulted on a film prepared by the Nestle Corporation, the major distributor of infant formulas in the Third World.

In addition, the concluding paragraph in Ms. Raphael's memo reads as follows:

Lee Edson, a New York Times Magazine writer, has agreed to write the history of the breast/bottle controversy for us and we will put that out in a Lactation Review. I am guessing that the formula companies will want to buy this and distribtue it widely.

Mr. Speaker, my mind is still open on this subject, but I must say frankly that the preceding paragraph suggests a very strong possibility of a compromising conflict-of-interest situation. I would like to know more about the extent of Ms. Raphael's consulting work for the Nestle Corp. and any other infant formula maker with which she might have similar arrangements. I would like to know more about how many copies of the Lactation Review article and of the Center's previous publications have been purchased by infant formula manufacturers, and at what price.

To clarify my concern, I see nothing wrong with Ms. Raphael serving as a consultant for any or all of the infant formula makers or for anyone else. I see nothing inherently wrong with companies such as Bristol-Myers or Abbott Laboratories purchasing and distributing copies of the Lactation Review. Yet I have a very substantial objection when these companies and their consultants cloak their advocacy efforts with characterizations of "impartiality" and "well-balanced views."

I have asked my staff and several internationally recognized nutrition and health experts—two of whom resigned from the board of the Human Lactation Center because of its advocacy role—to prepare for me a detailed critique of the center's various publications on the subject of infant feeding. My colleague GEORGE MILLER is also involved in this effort, and has some further comments in today's CONGRESSIONAL RECORD. We will be pleased to share the result of this work today and in the near future. In essence, it is Ms. Raphael's contention that infants living in chronic poverty in less developed countries must have supplementary bottle feeding by the age of three months or they will die, and that formula makers are actually trying to save the lives of children fed by undernourished mothers. I am certain that executives of these companies do indeed have a humanitarian motive in promoting use of their products, but I am equally as certain that they wouldn't be in these countries unless it meant profits. If adequate nutrition were, as they claim, their main concern, they would focus on feeding the mother—at half the cost of infant formula—so that her milk would give the full nutritional benefits so superior to artificial feeding products.

What follows is an excerpt from a letter written by Ms. Raphael to our former colleague, Michael Harrington when he successfully offered an amendment to the 1978 foreign assistance appropriations bill:

EXCERPT

W.H.O. has begun an extensive study of breastfeeding. To my knowledge (we were together in New Delhi last month), they have just completed their first survey. The published reviews of the literature by the director of the W.H.O. Maternal and Child Division, Angel Petros-Barvazian, suggests that the data on the whole breast/bottle issue is what we call "soft" evidence. Researchers in England (Thomson and Black) also reviewed all the material that is easily available on breastfeeding and come to a similar conclusion. The Human Lactation Center made a comprehensive review of the same data and *we too have concluded that there are no studies which support (or deny) the claims that bottle feeding is damaging babies or that breastfeeding saves them.* (Emphasis added).

Chemical research of breast milk shows unqualified benefits of breast milk over cow's milk in laboratory studies. Equivalent studies on human babies have not been made. In fact, though we at the Center are the first group to do in depth studies of breastfeeding in the women's home environment, even we cannot make the statement that women are breastfeeding less.

The real problem is that babies in the LDCs born of mothers who are undernourished must have supplementary foods by three months along with breast milk or they stop growing. Very soon they weaken and become susceptible to diseases. Only well nourished Western women can feed their infants exclusively on breast milk for five or six months.

It is our fear that this information is not known to those who have the power to withhold export rights of critically necessary food. We therefore continue to offer further evidence.

Our field studies in Egyptian and Indian villages show that where breastfeeding women are too poor to supplement their infants' diet, mortality is highest (up to 60% despite breastfeeding). In more affluent groups everywhere, women have sufficient funds to buy supplementary foods, and the added nutrition is fed along with their breast milk. Most babies survive in such circumstances.

The remarkable research done for PAHO by Puffer and Serrano on the related "causes" of morbidity and, mortality in Latin American children bears out this finding. *The data show quite clearly that illness and death in children of poverty level parents are directly related to impure water supplies, lack of effective sanitation and an inadequate supply of supplementary food.* (Emphasis added.)

Please understand that I am not saying that breast-feeding is no good, nor should be stopped and replaced by bottle feeding. (Emphasis added.) Breast milk is essential for most infants in this world as is supplemental food. They complement each other.

In your committee's Report to the Congress there is an underlying assumption that children would not die if transnational products were removed from the view of poor women. This is far too simple a solution. For example, officials of the Amul Corporation, the huge Indian dairy cooperative, say only one percent of all the milk used in India to supplement breastmilk is commercial processed milk. They claim to have the major share of these sales. (The other 99% is fresh milk from bullocks, goats and cows.) The current price of each can of milk is about $2., and the average annual income of most Indian families is about $75. So this processed dairy milk is out of the question even though mothers know full well that, next to human milk, the milk of other mammals is by far the best supplementary food. What is feasible, though admittedly only a stopgap measure, is to reinstate or continue shipment of free or subsidized food.

I urge you to consider how much the information on this issue has become politicized, emotional and unfactual. For instance, we are asked to believe that women don't know how to use this Western invention. They don't clean bottles. They dilute the milk because they can't read the labels. Non-

sense. How can that be when mothers have been giving their children dry milk for thirty years (P.L. 480)? *They know all too well the dangers, the worst of which is not having anything to feed.* (Emphasis added.)

Take another example. There is a statement in the Report that "reliance on bottle feeding has contributed to a sharp rise in infant malnutrition (page 32)." Contradictory evidence exists on this claim. Once again, the data used to substantiate the rise in malnutrition is based on personal conversations or interviews with mothers of sick children in the hospital without proper safe guards to assure the validity of the questions or the reliability of the answers. For three decades during the period when these studies were made, infant mortality actually declined (U.N. Demographic Data) due in large part to greater availability of food combined with improved health care.

You can see why we urge your Committee to make sure no counter productive measures result from your work which reduce access to any foods, or tie policies about the export of foods to developing countries with the sentiments of government people about breast-feeding. Hunger should leave no room for paternalism, self-interests or lobbying for or against transnational food corporations.

If you are truly interested in protecting the basic human rights of parents to keep their children alive, you should consider amending Section 113 of your Report on Infant Nutrition so that (1) any causal relationships between infant food distribution and infant morbidity are spelled out, not just assumed; (2) any impression that our government's food export policies are tied to acceptance by other nations of breastfeeding as the only alternative must be eliminated; (3) a "strong" invitation is extended to the U.S. multinational food corporations to work cooperatively with government to help reduce the costs and increase the availability of supplemental food; (4) data on changes in feeding behavior are examined within the context of economic, political, health, educational environmental and social norms in these countries.

I would welcome communications with anyone on this issue by phone: 203-259-5995 or in Washington.

DANA RAPHAEL, Ph. D.,
Director.●

MORE ON INFANT NUTRITION

HON. GEORGE MILLER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 25, 1979

● Mr. MILLER of California. Mr. Speaker, my colleague from California, Mr. DELLUMS, has inserted in the RECORD today a letter written by Dana Raphael, the director of the Human Lactation Center. Statements in this letter have come under serious criticism by many well-respected medical and health professionals in the field of infant nutrition. I would like to share with you a letter responding to the concerns raised by the Human Lactation Center. The letter follows:

THE POPULATION COUNCIL,
New York, N.Y., May 4, 1978.

Representative MICHAEL HARRINGTON,
U.S. House of Representatives,
Washington, D.C.

DEAR REPRESENTATIVE HARRINGTON: We have recently had occasion to read the letter of January 5, 1978, addressed to you from Dana Raphael of the Human Lactation Center. We feel that the assertions made in this letter require a strong response from professionals who share an interest in issues of infant nutrition and health problems in the developing world. Dana Raphael does not document the alleged "grave errors of fact in the amendment" of your sub-committee, yet she herself commits grave errors of interpretation of existing data. The January 5 letter is thus a most misleading document which, unfortunately, purports to serve as technical advice to your committee.

It seems to us that several points require comment:

1. Ms. Raphael cautions against accepting the UNPAG's assertion of "documented adverse nutrition impact" of the substitution of bottle for breastfeeding. She asserts that no studies have proven such an association and that the International Pediatrics Association and the PAG do not conduct research. In fact, these two organizations are in a very strong position to review existing data, which is what they have done. While they have not mounted research programs, the PAG and International Pediatrics Association have performed a very valuable research service to the scientific community by looking at a range of existing evidence and forming sound conclusions based upon many studies, not just one. Raphael may be right that there are no experimental studies in which babies have been deliberately exposed to different types of feeding under controlled conditions, but there are an overwhelming array of studies done throughout the world[1] (using historical as well as contemporary data) which, regardless of methodology, all point in one direction: the best way to feed an infant to insure optimal health is breastfeeding alone for the early part of the first year. There are no studies which come to the opposite conclusion, i.e. that bottle-feeding would be a preferable practice from the point of view of the health of babies. A recent 2,000 mother prospective study conducted over two years in the Philippines once again establishes a bottle-milk/infant mortality linkage.[2]

2. It should be noted that the "well-meaning professionals" referred to in page one, paragraph three of Ms. Raphael's letter are also exceptionally well-informed. She herself, on the other hand, does not seem to be quite so well-informed. She noted that there are no studies where the "actual eating patterns of infants prior to hospital admission has been observed." This is misleading. There are many studies which document the "eating patterns of infants prior to admission" although these patterns may not have been observed by a study team in the home environment of the infant before the onset of illness. By this quibble does the author of the letter mean to discount entirely mothers' statements on whether their infants were being bottlefed or breastfed?

3. In the paragraph that refers to WHO's studies (page 2, paragraph 2) Ms. Raphael states that the data on breast/bottle feeding is "soft evidence." We agree that in some aspects of research on breastfeeding and breastfeeding trends, the evidence is "softer" than in other areas. For example, although it is widely accepted that there has been a decline in breastfeeding in developing countries, the pattern and nature of this trend remains largely unquantified by hard data. All attentive professional observers will agree, however, that a decline exists, albeit with differing patterns and proceeding at different rates in different environments. On the other hand, evidence on the health advantages of breastfeeding is quite firm—and evidence exists in widely divergent socioeconomic and environmental conditions.[3]

4. In the third paragraph on page 2, Ms. Raphael asserts that there are "unqualified benefits of breast milk over cow's milk in laboratory studies," but that "equivalent studies on human babies have not been made." What does this mean? Laboratory studies have demonstrated the reasons that breastfed babies are immunologically and nutritionally better protected from illness than non-breastfed babies: the immunoglobulins, active lymphocytes and other protective substances in human breast milk are ingested by babies who are breastfed. Scientists believe that these factors help to explain the better resistance to disease demonstrated by breastfed babies. The evidence for the immunologic protection comes from the better health status in the real world—where mothers and babies exist. What kind of "equivalent" studies in a laboratory does Ms. Raphael propose are necessary using human babies?

5. In the same paragraph, Ms. Raphael asserts that although the Human Lactation Center is doing in-depth studies of breastfeeding in women's home environments,[4] their researchers cannot state that "women are breastfeeding less." Of course! They are studying extremely small numbers of women who are, in fact, breastfeeding. Concerned professionals are worried about societal trends in breastfeeding: many women seem to be abandoning breastfeeding either altogether or very early in their infants' lives. These trends are clear to those who have spent many years working in health programs abroad, and who view with alarm the rapidity of decline in breastfeeding, especially in urban and periurban areas. The serious problem is caused by a change in patterns of behavior in large population groups; one can always find and study individual women who are breastfeeding as extensively and intensively as women in their mother's generation.

6. We agree with Ms. Raphael that a critical nutritional problem exists when infants who need supplemental food are either not given such food or given inappropriate dietary supplements (page 2). This is one of a number of very real and very serious nutritional problems which imperil the health of young children in developing parts of the world. It is not, as Ms. Raphael maintains, *the only* problem. The problem of inadequate and/or inappropriate supplementation of infants is *not the same problems* as the problem of decreased breastfeeding. Furthermore, there is no substantiation for Ms. Raphael's assertion that three months should be chosen as the optimum age for commencing supplementation. Khanjanasthiti and Wray[5] showed that Thai women, for example, are perfectly capable of fully nursing their babies for at least six months, with no supplementation needed to maintain adequate growth. Physicians disagree on details as to the *exact age* at which an infant needs supplementary feeding; in fact, the right time for supplementation probably varies somewhat in differing health and nutritional environments. The evidence to date, however, indicates that the age at which supplementation becomes necessary nutritionally is probably later than three months: five or six months are frequently suggested, and this conforms with our knowledge of infant development and maturation. Also, the earlier introductions of supplementary foods increase the risk of often lethal weanling diarrhea. In any event, *it is dangerous to confuse the issue of supplementation with the issue of breastfeeding.* Even when supplementation becomes necessary, breastfeeding can remain a significant part of the infant's diet and still provide an incomparable source of nutrition for the growing child.

The implication in Ms. Raphael's letter is, of course, that the infant formula feeds marketed by American international corporations stand as optimal supplements when babies are no longer able to derive all their nutrition from the breast. It is clear, however, that these infant formulas are probably *less* desirable as supplementary feeds than many indigenous products, already part of the family's diet, which could be used by

Footnotes at end of article.

mothers at far less cost and with more safety. Food from the spoon is less likely to be bacteriologically contaminated than milk in a bottle, and the mother may be more likely to continue breastfeeding if she is feeding her child a cereal supplement, instead of another milk product.

7. Ms. Raphael claims to know of a study that shows breastfed infants have a 60% mortality rate (page 2 last paragraph). This sounds, on the face of it, incredible. What study is she citing and how was the evidence compiled? If such a study exists, it must refer to very special population groups under extraordinary conditions of deprivation. Of course, as Raphael notes, the nutritional status of young children is better in more affluent groups—and so is survival. But affluence implies a host of important advantages aside from supplementary feeding. (In the United States, in fact, it implies a greater likelihood of breastfeeding!) Certainly, it is unscientific to state that the reason that affluence is beneficial to health is that babies in higher socioeconomic groups are supplemented with formula feeds. They also have cleaner environments, better housing, more available medical services, and healthier parents.

8. On page 3, Raphael states that the data of Puffer and Serrano from Latin America show that childhood morbidity and mortality are "directly related to impure water supplies." It is perhaps difficult to understand exactly what Ms. Raphael means by a "direct relation" between death and impure water supply. Clearly, poverty implies less adequate sanitation and less adequate water supply, both of which are potentially noxious to health. But the extent of the health injury imposed by such environmental conditions depends also upon the resistance factors in the host organism (in this case, the baby), and it is quite clear that one of the key determinants of resistance is nutritional status.[6] Good immunological defenses will help to keep to a minimum health problems from a noxious environment. In a very threatening environment, breastfeeding offers the best protection for an infant. This is borne out by the Puffer and Serrano study: the data show a very strong correlation between lack of breastfeeding and early infant mortality.

9. Raphael (page 3, paragraph 3) uses the simplistic and misleading argument that the extreme expense of commercial supplementary products will keep such supplements out of the hands of poor people who are unable to use them properly. Supplementary products, advertised to poverty groups, become desired objects and are used within the economic and environmental constraints of those groups. This means, stated simply, that the products are used, but used improperly and become real health hazards in themselves. High prices become incentives to use expensive products sparingly—not to abandon their use.[7]

10. Raphael asserts that the issue of breastfeeding has become politicized, emotional, and unfactual (page 3, paragraph 4). We agree. The issue has become politicized because there are deep, important vested economic interests involved. It is emotional because it involves the lives and deaths of small children. It has become unfactual because of arguments such as Ms. Raphael's. To wit, Raphael makes the incredible argument that because women in the LDC's have been exposed to American donations of dried powdered milk they could not possibly be misusing infant formula. This is illogic at its best. Ms. Raphael must have seen herself, in her travels, the extent to which unclean bottles with over-diluted formula are offered to infants. For Ms. Raphael to deny the serious problem of improper use of formula on the assumption that PL480 aid magically protects against misuse of milk products, casts doubt on the relevance and accuracy of all her other assertions.

11. At the bottom of page 3, Ms. Raphael asserts that contradictory evidence exists on the claim that bottle-feeding contributes to a rise in infant malnutrition. As stated above, we are not aware of any evidence which contradicts the claim or shows that infant malnutrition has been decreased by an increase in bottle-feeding. All of the data, to the present, seem to point in the same direction: that increased early use of bottle-feeding increases the extent and makes earlier the onset of infant malnutrition.

The fact that, worldwide, infant mortality rates have declined is often put forward in answer to the charge that bottle-feeding has caused infant malnutrition to increase. Yet, this decline in mortality rates is *irrelevant* to the bottle/breast controversy. Improved standards of living—better housing, water supplies, food and, in some cases, extension of health services and preventive health measures—can account for the lowered early mortality. The overall mortality statistics come from a data base very different from the breast/bottle studies and reflect powerful, macro-trends in society. These overall rates cannot separate out the individual effects of many positive and negative influences which, in combination, produce a societal infant mortality statistic. Finally, it is simply not true that infant mortality has declined everywhere. Brazilian data, for example, show that infant mortality has *risen* in the cities of Sao Paulo and Belo Horizonte, attributable most probably to increased malnutrition in periurban groups.[8]

12. We agree with Ms. Raphael (page 4) that your influential committee should continue to be vigilant in avoiding counterproductive recommendations. "Sentiments of government people about breastfeeding" (page 4) are not the issue, however. Facts are the issue, and the facts which are available point in one direction most strongly: breastfeeding is the optimum way to nourish human newborns and protect them from the ill effects of unhealthy environments; appropriate supplementary food must be introduced somewhere around the middle of the first year of life; and policies designed to promote healthful infant feeding patterns must be developed in concordance with socioeconomic realities in diverse parts of the globe. Sometimes, the choices for health are clear: the superiority of breastfeeding to any other mode of early infant nutrition is demonstrable and trends towards its abandonement should be combatted with vigor.

We hope that your committee will examine the issue of infant feeding carefully, taking into account the considered opinion of the scientific community and the weighty evidence on the benefits of breastfeeding in early infancy, as it continues to seek ways of protecting the health of infants in developing countries from deleterious social and economic trends.

Yours truly,

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FOOTNOTES

[1] R. R. Puffer and C. V. Serrano, *Patterns of Mortality in Childhood* (Pan American Health Organization-World Health Organization, Washington, D.C. 1973); J. B. Wyon and J. E. Gordon, *The Khanna Study: Population Problems in the Rural Punjab* (Harvard University Press, Cambridge, Mass. 1971); S. Plank and L. Milanesi, "Infant Feeding and Infant Mortality in Rural Chile," *WHO Bulletin* 48:203–210, 1973; J. Knodel, "Breast-Feeding and Population Growth," *Science*, 198, pp. 1111–1115, Dec. 16, 1977; also references cited in T. H. Greiner, "Infant Food Advertising and Malnutrition in St. Vincent" (thesis), Cornell University, August 1977.

[2] Barry M. Popkin, personal communication. Study done by Dr. Trinidad Osteria, currently with the Cholera Research Laboratory, Dacca, Bangladesh.

[3] Well-known beneficial aspects of breastfeeding include the provision of immunological protection to the infant, the stimulation of a desirable emotional linkage between the mother and the child, the supply of a low-cost nutritionally adequate diet for the infant, and the prolongation of the period of postpartum amenorrhea. Cunningham, *Journal of Pediatrics*, 19 May 1977; Goldman, *Journal of Pediatrics*, 1977; Hambraeus, *Pediatric Clinics of North America*, 1977; Klaus and Kennell, *Maternal-Infant Bonding: The Impact of Early Separation or Loss in Family Development*, Mosby, 1976; D. B. Jelliffe and E. F. P. Jelliffe, *Human Milk in the Modern World* (Oxford University Press, 1978).

[4] Incidentally, the Human Lactation Center is *not* unique in its in-depth studies of women who breastfeed. INCAP (in Guatemala) and Popkin et al. (in the Philippines) have also conducted such research. Other references to breastfeeding studies are cited in W. H. Mosley (ed.), *Nutrition and Human Reproduction* (Plenum Press: New York, 1978).

[5] P. Khanjanasthiti and J. D. Wray, "Early Protein-Calorie Malnutrition in Bangkok Slums, 1970–1971," *J. Med. Assoc. Thailand* 57:468–476, 1974.

[6] Scrimshaw et al. (N. S. Scrimshaw, M. Behar, M. A. Guzman, and J. E. Gordon, "Nutrition and Infection Field Study in Guatemalan Villages, 1959–1964," *Archives of Environmental Health* 18:51–62, January 1969) showed that nutritional supplementation was more effective in reducing mortality in a rural Guatemalan village than was a program of environmental sanitation and the provision of medical care.

[7] In fact, it is clear that foods which are expensive per calorie will lower nutritional intake in a poor population, because they displace cheap staple foods. Popkin ("Economics and Nutritional Policy," *Arch Latin de Nutr* 25:7, 1975) showed this with simulations, and it is discussed by Popkin and Latham ("The Limitations and Dangers of Commerciogenic Nutritious Foods," *Amer J Clin Nutr* 26:1015, 1973). If the mother uses scarce family cash to supplement breast milk with formula, one bottle a day will cost more than all the extra calories needed to produce breast milk for the baby. The entire family's nutritional status is likely to decline, and the baby is likely to get sicker than ever from a contaminated bottle.

[8] C. H. Wood, "Tendencias de Mortalidade Infantil e Distribucão de Renda: Estudio Sobre Belo Horizonte e Sao Paulo" (mimeographed paper), Cedeplar, Faculty of Economics, Federal University of Minas Gerais, Brazil.●

Footnotes at end of article.

NELLIE BLY: LADY JOURNALIST

HON. PATRICIA SCHROEDER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 25, 1979

● Mrs. SCHROEDER. Mr. Speaker, today's Minutewoman is Ida Wells Barnett, a Memphis newspaper publisher, who spoke out against lynching and mob violence. Nellie Bly was another female journalist of the late 19th century. She, too, was a truthseeker with a compulsion to expose social injustice. Bly broke all the rules of the male-dominated newspaper world, thus changing the course of American journalism. I submit the following article by Edward C. Norton (from the summer 1979 issue of Nieman Reports) which describes the life and work of this most uncommon woman:

NELLIE BLY: LADY JOURNALIST

(By Edward C. Norton)

Nellie Bly's Sunday column was an innovation in newspaper publishing in 1893.

When she walked into the city room of The New York World that first day, half the derbies there must have swiveled to follow her voyage through the big, dusty, disheveled news factory.

Every few feet there were spittoons, targets for the cigar smokers and tobacco chewers. According to reliable historical reports it was not unknown for reporters and editors to swig a bit of whiskey while they worked in their all-male domain. The bottle was as much part of the trade as a wad of folded copypaper shoved into a reporter's coat.

But here was this young woman: she had checked and noticed that no receptionist barred entry to the newsroom. Publishers in 1887 didn't see any merit in paying someone just to sit outside the editorial department. The idea then was to lure news through the portals, but not necessarily in the form of a young lady.

The lass was fair-skinned, dark-haired and had a most straightforward pair of brown eyes. She wore a Paris dress, the best she could afford. She was on a most serious mission. She wanted Joseph Pulitzer to hire her as a reporter, and let her cover a balloon flight.

Elizabeth Cochrane, twenty-two, of Pittsburgh, was politely ushered out of the newsroom that first day, and was asked to put her request for a job in writing to Pulitzer. A few days later she received a note rejecting her application.

The World did not know Miss Cochrane, then. Donning another expensive dress, and realizing that she had to succeed this time because she had lost her purse with most of her savings, the young woman walked into The World's newsroom a second time, and barged into a meeting being conducted by the ailing, and noise-sensitive Pulitzer. A batch of stunned rewritemen and copy editors tried to bar her way, but it was impossible for them to give the bum's rush to a young lady.

Finally, an editor knocked at the press magnate's door, and told him he had an unannounced visitor. "The lady's name is Nellie Bly. She says she's a newspaperwoman and a good one. Maybe she is. She doesn't give up easy, I'll say that."

Pulitzer and his managing editor spoke with the attractive applicant. She plunked a batch of newspaper clippings on the desk before them. The clips were of stories she had covered in Pittsburgh and in Mexico. She had written about tenement life, millworkers and their families. In Mexico she wrote about peons, prisons and corruption in government.

Miss Bly—the name she chose in Pittsburgh to mask her real identity—was not one of the few women newspaper workers whose specialties were recipes or poetry. She was an honest-to-God street reporter who had covered mayhem in a tough American city, and in a neighboring nation where the sound of gunfire was common.

The young Pennsylvanian was hired. She suggested that her first assignment be an investigation of conditions in New York City insane asylum on Blackwell's Island. She would pretend to be insane and have herself committed as a destitute patient.

And that's what happened. Within three months Nellie Bly was a household name among New York newspaper readers. Within two years she became a worldwide figure for besting Jules Verne's fictional eighty-day circumnavigation by actually going around the world in seventy-two days.

Miss Bly knocked 'em dead, in an age when young women were expected to be "ladies" (the demarcation line was sharp), to be married by twenty-five and to be mothers, in that order. Any deviation from the program was not appreciated. And, while women could write discreet novels, their efforts were not expected or welcomed in the hurly-burly world of journalism. Like most other facets of late nineteenth century American life, newspapers were strictly a male preserve.

Nellie Bly single-handedly changed that.

Who was she? She was the daughter of an Irish immigrant who pulled himself up by his own work to become a judge. She was a straight-standing, no-nonsense young woman who left scores of stunned young men in her wake.

Nellie Bly went into the insane asylum, taking on faith that Mr. Pulitzer would remember her, and get her out. Nellie Bly found conditions to be scandalous, and even though she acted normally while inside the locked doors, no one paid any attention to her. About the time Nellie felt that she would really lose her mind, a lawyer arrived to spring her from the cage. The subsequent articles were, to use an over-worked word, a sensation.

Afterward Nellie looked around the throbbing city, crowded with daily boatloads of immigrants. For one article she played the role of stage performer. She interviewed the wives of Presidents, and she sought the big story. She was all of twenty-two.

After her escapades in the Blackwell's Island asylum, Miss Bly had become the story. She was a certain circulation booster for The World. She was fortunate in that the paper was able to use only line drawings of her face and figure. Thus she was able to pursue her stories without fear of being instantly recognized. When she would identify herself, many men and women refused to believe that such a youthful person could be the hard-nosed reporter.

What really put Miss Bly on the map was her trip around the world. She carried all she needed in a satchel, and wore a checkered floor-length coat and a peaked cap which afterward set a fashion. Before she left, on October 10, 1889, along with forty-two year old Thomas A. Edison, she attended the dedication of the new World tower on Park Row. According to a biography of Nellie by Mignon Rittenhouse, the building was demolished in 1956—its era had passed—and the workmen who tore down the structure found the box which had been set in the cornerstone. It contained a copy of The World for October 9, 1889, and on its front page was another Nellie Bly interview, this time with a murderess in state prison.

Nellie's trip around the world was a stunt, pure and simple. When she started from a wharf in Hoboken there was much skepticism in the competitive press that she had actually left. Some press people even felt that Pulitzer had hired a squad of male reporters whose combined work was identified as that of Nellie Bly. The public was loyal, however, and wanted to believe in her.

Nellie found that travel in 1889 was hard work: rough ocean crossings, unwanted attention from would-be suitors, and rail and steamship connections that were haphazard at best. She met Jules Verne at his home and charmed him. She rushed off, through the Suez Canal, to Ceylon and on to Japan, the only pleasant stay on her voyage. She arrived home to be greeted with adulation from people, coast to coast, and for the better part of a year afterward she toured the lecture circuit and wrote a book. She was truly a media star and a darling, except that in those days it was "medium" star.

Nellie returned to the newsroom, but as the years rolled by she found the stories repetitive. There wasn't much difference in interviewing poor folks in the slums of the Lower East Side or the prairie state farmers wrecked by the Panic of 1893. In 1895 she married a seventy-two year old millionaire New York factory owner. Her husband died nine years later, in 1904, leaving her a thirty-seven year old widow with responsibility for a hardware business. She tried, but bad luck and thieving employees pushed the business to bankruptcy. Nellie went to Europe, returned in 1919, a legend in her own time, and in need of a job.

Arthur Brisbane, Hearst's editor-columnist remembered the pert young woman with whom he had worked on *The World*. He put her on *The Journal*, and gave her a column in which she wrote about homeless children. Nellie had done everything but have children. On January 22, 1922 in New York City she died of pneumonia. She received modest obituaries, but *The Journal* said she was considered to have been the best reporter in America.

After her passing, Nellie left a cliché phrase in the language, and added to journalism jargon, "Who do you think you are? Nellie Bly?" became a regular query to ambitious women editorial workers, and the term "sob-sister" came into the language, based partially on the emotional reportage of the woman who had broken all the rules.

In recent times Nellie has been forgotten by the public. A few years ago, the men and women of a New York press club contributed a new headstone for Nellie's grave, so she is still remembered by some in the news business.●

TWENTY-FIRST OBSERVANCE OF CAPTIVE NATIONS WEEK

HON. CLEMENT J. ZABLOCKI

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 25, 1979

● Mr. ZABLOCKI. Mr. Speaker, it is a privilege to join my colleague in the 21st observance of Captive Nations Week—an event in which I have participated since its inception.

As the principal sponsor of House Joint Resolution 373, recognizing the anniversaries of the Warsaw uprising and the Polish resistance to the invasion of Poland during World War II, I am reminded once again—as are other Members of this Chamber—of what the concept of liberty means to those who have so long been denied it.

I support this observance as one who does not seek confrontation with the Soviet Union but as one who has long supported efforts, both by this administration and previous administrations, to negotiate meaningful agreements with other nations, including those nations who disagree with us, on a variety of issues involving our national security. Such support, however, should never be interpreted to mean that I, or my colleagues, condone repressive actions by the Soviet Government in other areas.

Mr. Speaker, there is an evident need to approach this subject responsibly and realistically—recognizing that progress in the human rights field will come in stages, if at all, and will require all of the perseverance and steadfastness of purpose which the nations of the free world can muster.

The year 1979 has, in fact, been an important milestone for Eastern Europe: The visit of Pope John Paul II to Poland had an uplifting effect on the human spirit—not only in that country but beyond its borders and around the world. I have already commented at some length about that historic visit and have specifically commended both the Vatican and the Government of Poland for the restraint which was generally exhibited on both sides—thus insuring its overall success. I should also mention at this time that Polish authorities have recently made important concessions in easing restrictions on emigration in specific cases. These are welcome gestures, indeed, and should contribute toward a more stable and positive relationship between Poland and the United States.

At the same time, it should be noted that ominous, darker clouds have recently appeared on the horizons of Czechoslovakia, where a renewed campaign against so-called dissidents appears to be in the offing. This wou'd clearly be a retrogressive move—leading inevitably to universal condemnation by the American people and increased tensions between our two nations. It is a situation which all freedom-loving peoples and especially we should monitor closely and react to with appropriate firmness and censure.

Mr. Speaker, Captive Nations Week serves as a reminder to all Americans of the goals and principles upon which this Nation was founded, as well as the basic human aspirations of others who are less fortunate but equally dedicated to them. It reminds us also that the cause of freedom requires patient and persistent effort, as well as "eternal vigilance."●

HONORING THE MORMON PIONEERS

HON. STEVEN D. SYMMS

OF IDAHO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 24, 1979

● Mr. SYMMS. Mr. Speaker, July 24 is an important date in the settlement of the West. It was on that date 132 years ago that the Mormon pioneers first arrived in the Salt Lake basin, after a long journey to escape religious persecution.

Today members of the Church of Latter-Day Saints, the Mormons, observe July 24 as "Pioneer Day" in remembrance of their ancestors who forged a flourishing society out of the desert wilderness.

Led by Brigham Young, the new president of the church, the pioneers started to build a new city as soon as they arrived in the valley.

The land was vast and untamed. Lorenzo Young, brother of Brigham Young, described the valley in the journal he kept to recount the trip west:

> The foothills skirting the valley yielded no timber except several scattered scrub cedar and pines. There were a few cottonwoods and a clump or two of willows along City Creek. The valley afforded no cooling forest shade, no green savannahs relieved the monotony of desolation. The most prominent varieties of vegetation were wild sunflowers with large yellow blossoms, and species of dwarf thistle peculiar to the uplands which grew thin on the dry benches, contending with the wild sage for the scanty nourishment afforded by arid soil.
>
> These plants were loaded with hideous crickets, their black and brown bodies forming anything but a pleasing contrast with the yellow tint of the sunflower blossoms.
>
> The air was almost painfully clear and the ground dry and parched. There was none of the haziness of lower altitudes to modify the sun's rays, and there was no shelter from them except under tents and wagon covers; still the heat was not as exhausting as in the lower regions.

Despite the many problems encountered by the settlers, Brigham Young promised:

> As the Saints gather here and get strong enough to possess the land, God will temper the climate and we shall build a city and a temple to the Most High God in this place. We will extend our settlement to the east and west, to the north and south, and we shall build towns and cities by the hundreds, and thousands of Saints will gather in from the nations of the earth. This will become a great highway of nations.

Brigham Young's vision of the future has largely been fulfilled. The Mormons settled throughout the West and played key roles in establishing many Idaho communities. Liberty, Bennington, Paris, Montpelier, Ovid, St. Charles, Soda Springs, Lemi, Cambridge, and many others were strongly influenced by the Mormon pioneers who settled there.

The church has grown and now has a membership that spreads across the globe.

The Mormon pioneers who settled in the Salt Lake basin displayed an independent spirit, a strong belief in God, their families, and the country, and a determination that saw through the hardest of times.

The traits shown by those pioneers are needed today as the American people tackle new problems and new challenges.

One of the most inspiring aspects of the Mormon faith is the strong emphasis on individual initiative and private solutions. The Mormon faith exemplifies members of a religious community providing for each other's needs, instead of asking the Government to do it.

It is important that we pause and remember these traits as we honor the pioneers who helped settle the West. Their strong heritage can play an important role in the future of our country.●

COURT-ORDERED BUSING NOT DOING THE JOB

HON. WILLIAM HILL BONER

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 25, 1979

● Mr. BONER of Tennessee. Mr. Speaker, after much research, consultation with many constituents and a conscientious review of the effects of court-ordered busing in Davidson County, Tenn., over the past 7 years, I will vote to send to the States this constitutional amendment to end mandatory busing.

Court-ordered busing in Davidson County has resulted in an erosion of support for public education, the loss of community cohesion and spirit, and the placing of the greatest burden on black pupils at their tenderest ages, in grades one through four.

High school students have been forced to ride the bus at 6 o'clock in the morning and elementary school students, during the winter months, have had to walk several blocks from their bus stops to their homes after darkness has fallen.

I would like to address the matter of the right of the American people to have a voice in this critical issue. I believe our citizens should have that voice. Passage of this amendment by the House and Senate will give the people a voice, through the participation of their State legislatures, in the ratification process. The crisis of confidence in government can be combated by involving citizens more directly in the democratic and governmental processes.

Mr. Speaker, underlying the busing question is a far more vital issue we must all address and that is insuring that all students in the Fifth District of Tennessee and across the Nation are able to receive the highest quality of education available to them within their communities.

I believe the highest quality of education must be provided to every student wherever he or she lives and wherever he or she attends school. Moreover, this education must be provided in an environment that accurately reflects the community in which our students live. As adults, we must meet a most critical need of our children by helping them to adjust to the society they live in. We must do this by assuring that they attend school with other children of all economic and ethnic backgrounds.

Mr. Speaker, I support an integrated school system in Davidson County. I believe such a system can best be achieved through the strategic placement of new schools and the proper and careful clustering of schools within the community. In voting for this amendment, I feel the need for a greater exercise of commitment and leadership throughout the entire community to finding new ways to

insure the best possible education for every student.

In conclusion, Mr. Speaker, I would like to underscore the underlying issue of providing our children with the highest quality of education, wherever they may live or go to school. We must seek policies that will contribute to the achievement of this high standard. I think we have found that busing has not made a positive contribution and that new alternatives must be developed.●

THE AGONY OF VIETNAM REFUGEE BOAT 0105

HON. FORTNEY H. (PETE) STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 25, 1979

● Mr. STARK. Mr. Speaker, I commend to my colleagues' attention the following article from the New York Times titled "The Agony of Vietnam Refugee Boat 0105." In graphic terms it describes why it is so necessary for all civilized nations to take immediate steps to end this tragedy.

THE AGONY OF VIETNAM REFUGEE BOAT 0105

(By James P. Sterba)

PASIR BAYAT, INDONESIA, July 19.—They threw their dead overboard with enough regularity to attract a constant escort of sharks.

Altogether, 20 people died during the two and a half months it took Boat No. 0105 to get from Vietnam's Mekong Delta to this sandy cove in Indonesia's Anambas Islands. But death, which has been the fate of thousands trying to make the same journey, is only one reason other refugees here refer to No. 0105 as the "unlucky boat."

Boat 0105 left Kien Giang on April 4 with 380 people in 66 families. About half were ethnic Chinese and half were Vietnamese who had adopted false Chinese names and identification so they could leave with the Government's blessing from an unofficial exit center.

PRICE RISES DURING DELAY

Arrangements began in November, but before Boat 0105 could leave, local cong an, or security agents, said they had received orders to halt the unofficial exits temporarily. The freeze was lifted in March, but it took three weeks for would-be passengers to accumulate enough gold to pay the cong an. Between November and March the unofficial exit fee had risen to 10 taels of gold, from 8, or to about $3,000, from about $2,400.

Since only ethnic Chinese were allowed to leave this way, additional bribes had to be paid to keep the cong an from checking the passengers of 0105 too carefully.

About 10:30 P.M. on April 4, Boat 0105, which was designed to carry river cargo, pulled out of Kien Giang with a Government patrol boat escorting it. The next morning, in the South China Sea, the escort boat turned around and its crew waved goodbye.

Bac Minh Chai, a 39-year-old former teacher, said the engine stopped two days later and Boat 0105 bobbed through an overnight storm that left most of the people aboard terrified and sick. Some of their food and water was washed overboard.

The next morning, another boat approached. The refugees waved and smiled, said Mr. Bac, and so did the crew of the other boat, who turned out to be Thais. As soon as they were lashed alongside 0105, they brandished a pistol and several knives, axes and screwdrivers. They took the men from the refugee boat onto their own and took their watches and rings and the gold some of them had hidden in their clothing.

NIGHTMARE IS REPEATED

The Thais took necklaces, watches and rings from the women. The men, said Mr. Bac, tried to arrange a deal to pay off the pirates, but they could not communicate because of the language barrier.

While several Thais guarded the men on their boat, six others took Vietnamese girls below the deck of 0105 where, as children and other women looked on, they raped them. Then the Thai guards on the other boat switched places with those on 0105 and the acts were repeated.

It was the first of 23 boardings by Thai fishermen-turned-pirates as Boat 0105 floundered helplessly with an engine that would not run.

"Every day two or three boats came up," said Lam Quantri Toi, a 33-year-old electrical engineer from Ho Chi Minh City. "We tried to tell them we had nothing left, but they searched anyway. They took clothes and tools and even pencils."

Freighters passed, but they were always too far away and never stopped. After the sixth day, people started dying. There was no more fresh water. Food was all but exhausted. The first to die was an infant, then the elderly and young children.

ARRIVAL IN MALAYSIA

By the time all the valuables on board were gone, some of the Thai pirates who came aboard apparently felt sympathetic and gave the refugees a little food and water. One group even tried unsuccessfully to fix the engine.

On April 27, a small Malaysian fishing boat towed Boat 0105 to the Malaysian coast in the state of Kelantan, where the refugees were given food and water but confined by police to a holding camp and not allowed to communicate with the local people. They stayed there until June 17. In the interim, their Malaysian guards solicited and received sexual favors from girls in the holding camp. It was the only thing of value the members of Boat 0105 had left.

On June 17, the survivors of Boat 0105 were ordered back on board. For the next two days and nights, they were towed by a Malaysian Navy patrol boat. The navy crewmen then cut the tow rope and told the Vietnamese they were 18 miles from the Anambas Islands. Their engine ran for an hour, then quit again.

On June 23, they sighted Mubur Island, and an Indonesian fishing boat towed them to this refugee camp.

With no money or other valuables for food or shelter, the survivors of Boat 0105 stand out from the other refugees here in their poverty. Unlike many of the others, they do not criticize the relief supplies of food, paid for by the United Nations, when they arrive without cooking oil or fish. They smile more than the others and are much more courteous to the Indonesian hosts. And they do not complain.●

BELIEVES H.R. 7 WILL SOLVE PROBLEM

HON. DAVID W. EVANS

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Friday, July 20, 1979

● Mr. EVANS of Indiana. Mr. Speaker, it has been only a few days since the House passed H.R. 7, the Monetary Control Act of 1979. Support was overwhelming and hardly because it was a noncontroversial issue.

From the onset the problems were identifiable—the erosion of member banks from the Federal Reserve System and the commensurate lack of ability to control the money supply. It was only when the Banking Committee considered the possible solutions that the end became less fathomable.

Nevertheless, the struggle that commenced a year ago has finally culminated in a bill that I believe will solve the problem of Fed attrition and at the same time deal with the inflationary implications of lack of monetary control.

I commend Chairman HENRY REUSS and ranking minority member BILL STANTON for their stewarding of the ship. I wholeheartedly admire the chairman's diligence for not abandoning the cause even when it appeared we were headed for the Bermuda Triangle. But for those who know our distinguished chairman, the end hardly could have been otherwise. At times it was his sheer will to resolve this problem that kept it alive.

I would also like to recognize the diligence and perseverance of Chairman Miller and all the banking organizations. Many thanks also, to the experienced bankers in my own district who continued to monitor our progress in the Banking Committee and make their practical considerations known so that we could work out real concerns which they initially held.●

CAPTIVE NATIONS WEEK

HON. JOSEPH M. McDADE

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 18, 1979

● Mr. McDADE. Mr. Speaker, this week marks the 20th Anniversary of "Captive Nations Week," observed in commemoration of those people still subject to the oppressions of tyranny. Although we, as American citizens, live in a society dedicated to the concepts of freedom and democracy, it is important to remember that all people do not exist in such an atmosphere. Millions of Americans today live and work in this free society, while in their native lands others continue to endure oppression.

I feel that "Captive Nations Week" is particularly important as it gives us time to reflect on our own hard won liberty. Too often, we take for granted or fail to exercise those rights and privileges which our forefathers fought so hard to obtain. And too often, we fail to remember that as a nation, we must work together to preserve those liberties to which we have grown so accustomed.

America is dedicated not only to freedom within its borders, but to freedom for all peoples everywhere. The atrocities we are still experiencing in the corners of the world serve as a reminder that Americans must continue to vigilantly defend and advocate the cause of free-

dom in the hope that "Free World" and "world" will someday become synonymous.●

LUMPKIN CITIZENS DO NOT QUIT

HON. ED JENKINS

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 25, 1979

● Mr. JENKINS. Mr. Speaker, I would like to share the following article which appeared in the Gainesville Times with my colleagues. The article tells about the unsinkable spirit of the people of Lumpkin County, an area nestled in the heart of the north Georgia mountains.

The article follows:

THEY DO NOT KNOW MEANING OF QUIT

(Alma Bowen, Times News Editor)

Don't ever tell Lumpkin County citizens they can't do something. That county apparently doesn't know the meaning of can't.

Consider, for example, the Lumpkin County Hospital. The hospital sits atop Crown Mountain off Highway 60, and passers-by can't tell that its walls are glued together with frazzled friendships, ulcers and mammoth headaches. Against all odds, the hospital was built because Lumpkin Countians refused to give in.

Money for the hospital was donated by practically every citizen in the county because they said they didn't want to speed down the winding highway to Gainesville with a loved one dying on the back seat. So battling tooth and toenail, they got a hospital which today is coming into its own as a good medical center drawing patients from surrounding counties.

Consider also that Lumpkin County doesn't have a manmade lake like so many other counties in North Georgia. The U.S. Corps of Engineers once mentioned putting a reservoir in southern Lumpkin County and started a fire in the hearts of Lumpkin's people that still blazes.

The lake would have supplied water for Atlanta and would have had an up-and-down water level. Dahlonegans quickly dubbed it the yo-yo lake and fought it so dramatically that months later a member of the Corps was overheard to say to another member of the Corps at an Atlanta meeting, "Oh, Lord, don't mention that Lumpkin lake. Don't even think about it. I don't want to get those people up there upset again."

Whatever the Corps had been thinking, the Lumpkin County people stopped, and they are ready to go to war today if anyone is thinking of putting a yo-yo lake in their vicinity.

Have you ever noticed a big green highway sign on Interstate 85 in downtown Atlanta that points tourists to Dahlonega. The sign has been there for years and looks out of place where it is located, but it didn't just happen there. The story is told that the sign was put there at the insistence of Dahlonega citizens who wanted tourist trade. A town that will tackle the barracuda that is the U.S. Corps of Engineers would find the Georgia highway department to be a piece of cake.

And consider Dahlonega and Georgia's capitol building. While the rest of the state may see Georgia's capitol as simply a building necessary to house Georgia lawmakers, if citizens elsewhere consider the building at all, Dahlonegans regard the capitol dome as their very own. Those who know the history of the gold roof on Capitol Avenue cannot view its gleam without thinking of the little mountain town and its citizens.

Dahlonega not only provided the first gold to cover the dome, but took it to Atlanta in a wagon train. After it covered the hemispheric roof with gold from their own ground, Dahlonega citizens become concerned with its preservation.

During the administration of Gov. Carl Sanders, 1960–64, they became alarmed about the starlings roosting on the precious metal. The late Ben Fortson, who served for so many years as secretary of state, had frightened the stubborn birds out of the trees with a gun, but the gun method didn't seem appropriate for a golden dome.

Dahlonegans knew there was more than one way to shoo a starling. They knew of a moonshine still which had produced a people-killing liquid, and they figured that anything that killed people could surely do in a bird. At least that's the way George Dover tells the story.

They put that whiskey still in a truck and hauled it to Atlanta. There wasn't time for a wagon train, and anyway, it was in the dead of winter. The Georgia State Patrol met them outside of town and escorted the citizens and their illegal still to the capitol. There on the snow-covered ground underneath their own regal dome the Dahlonegans cranked up their illegal moonshine still and proceeded to produce a brew guaranteed to kill people and hopefully starlings.

It isn't known if the brew worked, but the starlings had to have been impressed with the ingenious method. Those birds probably talked about the downright stubbornness of Dahlonegans when they set out to do something, and then took wing to easier times.

No doubt Dahlonega's latest project will be accomplished—the project spearheaded by the Dahlonega Jaycees to regild the old capitol dome. There's no record of Dahlonegans ever starting something, then giving up.●

LA PALMA RUNNING CELEBRATION

HON. JERRY M. PATTERSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 25, 1979

● Mr. PATTERSON. Mr. Speaker, the impact of proposition 13 has been felt in Orange County cities in numerous ways since last June. Among budget cuts exercised by the city of La Palma was the decision to discontinue their Fourth of July parade and fireworks display. In seeking an alternative program to honor the birth of this country and to provide their residents with the traditional celebration they have come to anticipate, the city has come up with an innovative citywide event.

This event, a 5K and 10K running celebration, will be cohosted by the La Palma Police Association, the city of La Palma, and Automatic Data Processing, Inc. Beginning runners and families are being encouraged to enter into the events, which will also include wheelchair athletes.

The actual run course which parallels the four main streets of the city will be incorporated into the La Palma Fitness Loop, a permanent recreation facility. This marked fitness loop will be available to residents as a permanent facility and as a sign of the city's commitment to physical fitness.

Mr. Speaker, I feel this event has captured the spirit of the Fourth of July. Civic organizations, local businesses, industry, and city staff have all worked together to create this event for La Palma and they have contributed to the development of a permanent facility for the better health and enjoyment of their residents.

I ask my colleagues to join with me in honoring the city of La Palma and the planners of this event for their innovative program, and the effective way in which they have maintained the Spirit of '76 in their Fourth of July celebration.●

ENERGY CONSERVATION

HON. AL SWIFT

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 25, 1979

● Mr. SWIFT. Mr. Speaker, when I was in my district during the most recent district work period I met with the chamber of commerce of my hometown, Bellingham, Wash. It boasts an exceptional group of community leaders and I was extremely pleased to find that this group of businessmen had joined together to form an energy conservation task force. While this action was no doubt prompted by our most recent gasoline shortages, it still reflects substantial leadership because it took place at a time when a great many Americans believed there was no real shortage and were loath to consider conservation measures.

This type of leadership at the local level is essential if the United States is to meet the twin goals of energy conservation and expanded energy production.

As a suggestion to others who may be interested in developing this kind of local program I would like to insert in the RECORD at this point a brief description of several of the projects that have been suggested by the task force:

Establishment of park-and-ride programs for the Bellingham Transit System and encouragement and support of the local mass transit programs.

Prepare a car pool model for the urban core of the city.

Focus attention on conservation programs of the several utility companys which serve our area.

Provide the local news media with information concerning energy consumption and ramifications of unlimited demand for energy supplies locally.

Organize public forums to inform and enlighten the business community and the general public.

Draw upon the expertise of industry, Western Washington University and other sources to prepare information that is of immediate use by local people.

Sponsor promotions that focus attention on energy conservation and how it can benefit the individual consumer, local business and industry.

Explore ways to mitigate the impact of the gasoline shortage and inevitable shortages of other energy resources by plannig now and seeking alternatives.

These are interesting and innovative projects evolved at the local level that can be carried out at the local level to assure one community and one area's

business interests can be doing their part in a national energy conservation effort.

It might also be useful to state this task force's philosophy and objectives. In a memorandum to me they stated it this way:

As representatives of business and industry, the task force holds steadfast to its faith in the strength, innovation and courage of private enterprise to find answers to the so-called energy crisis. We believe that in partnership with government the problems we face can be turned instead into challenges awaiting our conquest. The result, we believe, is the continuation of an America that provides the maximum opportunity for every individual to share abundantly in the life, liberty and pursuit of happiness we presently enjoy.

In Bellingham, the task force is moving ahead under the sponsorship of the chamber, under the leadership of the chamber's president, Fielding Formway and the chairmanship of Chuck McCord. While I think these men, the other members of the task force and this effort are to be commended, it is more important that it be recommended to other communities throughout America. Conservation is only one of the two legs we need in order to meet our energy goals in the future. But it is the leg that will bring the most immediate relief from the problems we will be facing in the years immediately ahead while efforts to increase production of petroleum and electrical energy continue.

This is one community's effort. This is a very good beginning.●

TRIBUTE TO PAUL F. RIETZKE III

HON. JAMES A. COURTER

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 25, 1979

● Mr. COURTER. Mr. Speaker, the American people have always placed special pride in the unique human qualities of courage and tenacity. Today I would like to recall an act of bravery and unselfish commitment to human life which can be cherished by all Americans.

Paul F. Rietzke III was an Air Force veteran, volunteer fireman, and resident of Lake Hopatcong, N.J. On his 45th birthday, Mr. Rietzke was working near the Raritan River when he suddenly heard the hollowing sound of six drowning voices. He turned toward the river and committed his life to rescuing the helpless waders. Five persons were saved; Mr. Rietzke died while trying to save the sixth, a young child.

Mr. Speaker, Paul Rietzke was a rare human being. His fearless action along the Raritan can only be described as valiant, bold, and courageous. It was an act dedicated to the sanctity of life.

The poet William Thackeray said a long time ago: "Bravery never goes out of fashion." This thought, more than anything else, must have been the personal credo of Paul F. Rietzke. Without concern for his own life, Mr. Rietzke plunged into the Raritan River to save the lives of others. He gave to us a visible definition of the word "valor."

To the widow and family of Mr. Rietzke, I offer my deepest condolences. Paul Rietzke loved his fellow man. His act of heroism will not easily be forgotten. The memory of the action itself, rather than the words I speak here today, will be the final tribute to Paul F. Rietzke.●

EMPLOYMENT FOR HANDICAPPED

HON. JOE MOAKLEY

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 25, 1979

● Mr. MOAKLEY. Mr. Speaker, I rise to speak of a tragic problem our Nation faces that is both unfortunate and unnecessary: This is the plight of our qualified handicapped workers who are unable to find a job.

There are millions of disabled Americans who are well qualified to fill many productive jobs but are unable to find employment because of unfounded myths and misunderstandings which influence many employers' decisions concerning the hiring of the handicapped.

Fears of increased insurance rates, lower job performance and job stability, poor attendance, and the required physical adjustment turn employers away from hiring the handicapped.

However, a study conducted by the Du Pont Co. on their 1,452 employees with physical handicaps disproves all of these assumptions.

The survey established that there was no increase in compensation costs and no lost time injuries, there were minimal physical adjustments required, 96 percent rate average or better with respect to on and off the job safety, 91 percent rated average or better with respect to job performance, 93 percent rated average or better with respect to job stability, 79 percent rated average or better with respect to attendance.

It went on to add that there seemed to be a direct relationship between job performance and the severity of the ailment. Amputees, blind persons, and paraplegics were at the top of the job performance list. It is obvious that given the opportunity the handicapped can be an asset.

An article in the May 1979 issue of Nation's Business, entitled "Disabled Workers Are No Handicap to Business," emphasized that "[the handicapped] as employees are absent less, produce more and stay longer."

Many individuals interviewed in this article underscored the growing acceptance of employers of the handicapped worker and their potential service to business. The president and founder of Richmond Combined Enterprises, Inc., which employs 55 production employees of which 52 are disabled, said that the handicapped,

Are the best people on earth to hire. They take great pride in the quality of their work. Many of them feel this is the first time they have had the opportunity to do quality work and they also have a chance to be independent.

Donald S. Goering, general manager and part owner of GPK Product Inc. says his disabled employees are good business.

The handicapped are time and again faced with the dilemma of being discriminated against in employment opportunities because they are evaluated on the basis of false generalizations, misconceptions, and misinformation about their handicaps and not on the basis of their job skills, productivity, or performance. Our handicapped deserve the opportunity to be evaluated and hired on the basis of their ability and not their handicap.

When the problems of the handicapped are discussed, many people envision wheelchairs, and blind or deaf persons. But the term "handicapped" encompasses many other problems, such as heart disease, emphysema, arthritis, and even alcohol abuse. We must be aware of large differences between the types of handicaps and not assume all disabilities are incapacitating.

Today there are over 54 million Americans who are considered disabled throughout our country. This amounts to a startling 25 percent of our population. But what is more shocking, is that 40 percent of the disabled who have job skills and are employable cannot find work. This is a terrible waste of our country's human resources and talent.

We cannot allow this to happen. This great Nation has a commitment to helping those in need of assistance. We cannot turn our back on the handicapped. We must demonstrate this Nation's willingness to fight for the needs of all our people.

Mr. Speaker, I hope my colleagues will join with me in this vital struggle to give the handicapped an equal opportunity in employment.●

SUPPORT FOR AMTRAK

HON. THOMAS A. LUKEN

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 25, 1979

● Mr. LUKEN. Mr. Speaker, it is important that Congress throw its full support behind the development of a passenger rail system which will meet our growing needs for an alternative to the use of the passenger car.

As a member of the Interstate and Foreign Commerce Committee, I can assure the other Members of the House that this bill gives Amtrak its first real chance to make a national passenger rail system work by giving it the business and financial tools it has not had before. For example, it gives Amtrak its first multiyear authorization, more flexible ridership criteria, and allows States to help the Federal Government fund Amtrak lines.

The bill also sets up a new route system for Amtrak that is more expansive than the drastic and unreasonable cuts proposed by the Department of Transportation. For example, there is $20 million included which will allow the continuation of five major trains, including one, the Shenandoah, which goes through my city of Cincinnati, Ohio.

I believe that we need to pass this bill as a signal to the Nation and the world that we are serious about doing something about our restricted ability to move people around with means other than automobiles during an energy crisis. We do not yet know to what extent we are going to have to rely on our passenger rail system in the future but we have had a vivid demonstration in the last few months that we are running short on fuel for cars, trucks, and planes and that people are willing to turn to the trains. In fact during June alone, 1,400,000 requests for space on Amtrak were denied because all the seats were filled. We have a strong responsibility to develop an excellent rail passenger system in this country to take care of our current need, and our future expanding need for good interstate mass transit.

I urge my colleagues to take meaningful action to restore the strength of our rail passenger system by passing this bill.●

A STRUCTURED FRAMEWORK FOR SALT DECISIONMAKING

HON. IKE SKELTON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 25, 1979

Mr. SKELTON. Mr. Speaker, John M. Collins, Senior Specialist in National Defense of the Library of Congress Congressional Research Service, recently addressed a symposium here in Washington regarding the strategic arms limitation treaty. I found his remarks to be most informative, and I urge the Members to read them. They are as follows:

A STRUCTURED FRAMEWORK FOR SALT DECISIONMAKING

(By John M. Collins)

SALT II is so complicated and such an emotional matter that salient issues consistently get lost in the shuffle.

Still, the task confronting our Senate is straightforward, when defined in the following terms: should the pact signed by Presidents Carter and Brezhnev be approved in its present form?

I support Congress, which provides my paycheck. That inhibits me from publicly espousing a position, either pro or con, so my purpose at this symposium is simply to demonstrate a structured framework for decisionmaking. I'll stick strictly to military considerations, in conformance with my assigned topic, leaving political input to foreign policy experts.

There are fifty different ways to fill out Figure 1, depending on personal persuasion. Paul Warnke would postulate one set of problems, responses, and implications, Paul Nitze another. All sorts of shades are possible in between.

I've put my presentation together using composite viewpoints of SALT opponents, liberals along with conservatives, to show how the severest critics, even cynics, just possibly could arrive at unexpected conclusions, if they keep open minds.

INTERCONTINENTAL BALLISTIC MISSILES

Let me walk you through this sample assessment, starting with ICBMs.

Practical problem

Problem one, on the upper left hand side of the list is both pressing and practical.

Its cause is no secret. U.S. strategists stress a Principle of War called Economy of Force. The Soviet side stresses Mass. Those incompatible principles, applied to ICBMs, spawned diametrically different policies over the past two decades.

We chose quality instead of quantity. The Soviets chose both. We chose missile accuracy instead of size. The Soviets chose both. SALT II institutionalizes consequent U.S. inferiority in fixed-site ICBMs, especially "heavy" models with many large MIRVs that will soon be a Soviet specialty.

The payoff was predictable. Most students of the subject seeem to agree that a Soviet first strike could smother America's Minutemen by the mid-1980s. No SALT proposal over the past seven years would have prevented that predicament.

So what's the prognosis? Follow the figure from top to bottom and left to right to trace the present pact's influence.

SALT II, to start with, leaves us in the lurch, but it's better than nothing, because it limits the level of Soviet launchers and the stock of Soviet warheads with single-shot hard target "kill" potential. Put a check in the "SALT Helps" column.

U.S. abilities to verify the quantities and characteristics of Soviet ICBMs have always been imperfect at best, even with Iranian listening posts in place. SALT II, however, improves our prospects, because it prohibits deliberate interference with national technical means. It also simplifies surveillance, by insisting that some telemetry remain "in the clear," and so on. Chalk up a second plus for SALT.

Pre-launch survival for U.S. ICBMs would be better if we substituted mobile models for missiles in silos. The SALT II Protocol forbids flight-testing from mobile platforms before 1982, but lead times to produce components will take at least that long, so it doesn't make much difference.

The Soviets, however, may yet contend that U.S. systems under study, including "shell games" and trenches, are incompatible with the pact, because they depend on deliberate concealment for success. Acceptance of the Treaty, skeptics say, consequently should be contingent on public reconciliation of Soviet reservations. Otherwise, all bets should be off. Meanwhile, the spread sheet lists SALT II influence as a murky "Unknown."

Active defense plays almost no part in this country's deterent plans. Second-strike U.S. ICBMs depend entirely on silos for protection. That exposed posture, coupled with comparatively low U.S. force levels, makes Soviet missiles most dangerous.

SALT II, however, permits us to change our policy. SALT I is the only barrier to ballistic missile defense.

Perceptual problem

Problem Two, left-center on the slide, suggests that U.S. steps to duplicate Soviet countersilo capabilities, in conformance with our quest for "essential equivalence," might shore up perceptions of this country's strength, but would poorly serve practical purposes.

Disciples of that school concede that SALT in no way would keep the United States from installing large MX ICBMs in silos. Mobile missiles with the same wallop may also prove acceptable. Still, U.S. powers would by no means match Moscow's, even if our force equalled theirs exactly in quantities and characteristics.

This country, you see, is committed to a second-strike strategy. Cosmetic abilities to crack Soviet silos would lack much meaning, these seers say, if Soviet first strike missiles took flight before SAC's force arrived.

Countersilo inequities, caused by Soviet SS-18s and SS-19s, for which we have no counterparts, are consecrated by SALT. That shortcoming can be condoned, in this clique's opinion, provided the Administration swaps Minuteman in silos for some mobile model—not necesarily a semi-mobile system like multiple shelters or miles of trench.

Bonus effects could be considerable, because masses of Soviet MIRVs serve an important purpose only as long as U.S. ICBMs present static targets. Moscow's missiles would lose much of their practical punch if we went mobile. Real force reductions conceivably could result in the long run, since relatively few Soviet warheads would be required to cover U.S. cities and other countervalue targets. That's how the story goes.

HEAVY BOMBERS

So much for the land-based ballistic missile leg of the beleaguered U.S. triad. What about heavy bombers?

Something like 75 B-52Ds were delivered to SAC in 1957. The last B-52H models entered service in 1962. Those aging aircraft suffer from fatigue, and penetration probabilities are hard-pressed to keep pace with improvements in Soviet air defense.

Two possible solutions, singly or in combination, are most often posed.

We could deploy air-launched cruise missiles (ALCMs) in sufficient quantities to saturate Soviet air space. The most restrictive SALT II limit would allow 2,400 on 120 bombers which, so equipped, could cover many more targets than 300-odd B-52s in their present configuration. SAC could strike with well over twice that quantity on a combination of cruise missile carriers, as long as American ballistic missiles with MIRVs remain at present levels, which are well below allowable limits.

Alternatively, or in addition to ALCMs, we could develop and deploy superior manned penetrating bombers as a substitute for B-52s. The overall SALT II ceiling on launchers is the only control, and it wouldn't stop us. Budgetary limits are more likely.

SUBMARINE-LAUNCHED BALLISTIC MISSILES

U.S. ballistic missile submarines face no serious problems in the foreseeable future, with or without SALT II. Their survival at sea still seems assured. Our stock of 40 KT Poseidon warheads is sufficient to cover 200 Soviet cities, with many remaining for "soft" military targets.

That part of the Soviet population and production base in blast shelters would probably survive if we struck, but surface installations would suffer severely from SLBMs until Soviet active and passive protective measures degrade U.S. retaliatory powers more drastically than they do at present.

Higher SALT levels would do less to counter possible progress in Soviet civil defense than hard target capabilities for our SLBMs, a course that is technologically feasible and is not SALT constrained.

CONUS DEFENSE

No consideration of SALT would be complete without a look at strategic defense, a forgotten quantity in U.S. deterrent equations.

The Continental United States (CONUS) at this stage is nearly naked to nuclear attack. There is little protection of any kind for second-strike U.S. systems, the American people, or our production base. Collateral casualties and damage could be colossal, even in a carefully controlled counterforce war with the Soviets.

SALT II places no prohibitions on any steps to improve U.S. active or passive defense posture.

The SALT I antiballistic missile (ABM) Treaty of 1972, with its subsequent Protocol, would permit U.S. scientists and technologists to push research in that field to the fullest extent possible, confined solely by the state of our art. It does, however, exclude development of exotic systems and deployment, which is pay dirt. U.S. decision-

makers could abrogate the Treaty if America's "supreme interests" were deemed in jeopardy, but political repercussions would likely be immense and the military spinoff unpredictable. SALT I consequently shows as a culprit.

CONUS DEFENSE A DILEMMA FOR U.S. ALLIES

The absence of CONUS defense also creates dilemmas for this country's friends overseas, as the left hand column indicates.

The so-called "nuclear umbrella," which U.S. leaders still promise to allies, has leaked like a sieve since we lost nuclear superiority during the last decade. Massive Retaliation against the Soviet Union would no longer be a rational response for this unprotected nation if Moscow tried to seize NATO territory or struck U.S. consorts in other countries. That fact of life also dilutes deterrent powers of U.S. tactical nuclear weapons, because we cannot control escalation by threatening to strike the Soviet homeland with our Sunday punch.

No changes in SALT II ceilings to ensure "equality" could cure that situation. The crucial requirement is for CONUS defense, which is constrained by SALT I, not SALT II.

SOVIET MEDIUM-RANGE BOMBERS AND MISSILES

Some critics fault SALT II for failing to control theater nuclear systems, but not everyone considers those findings well founded.

Sophisticated Soviet Backfire bombers and SS-20 intermediate-range ballistic missiles (IRBMs) with MIRV warheads are basically problems for U.S. allies and associates along the Soviet periphrey, not the United States, according to the U.S. intelligence community. Our arms controllers have struggled unsuccessfully to limit "theater" systems of that sort since 1965, when we seriously started to pursue Mutual and Balanced Force Reductions (MBFR) in Europe. SALT II conferees struck the same stone wall, partly because of complications caused by U.S. forward-based fighter aircraft, which we have not considered negotiable for SALT purposes.

SALT II, however, does not restrain U.S. and allied strategists from creating comparable capabilities by installing MRBMs and more medium bombers (such as FB-111s) on allied soil. Intermediate-range ground-launched cruise missiles (GLCMs) would also be acceptable, once the Protocol expires in December 1981, provided development is complete.

The question, therefore, is not whether we can station new nuclear systems in Western Europe, with the express purpose of striking the Soviet Union. The question is whether we should.

Finally, better air defenses for U.S. allies are perfectly permissible as a means of balancing the Backfire menace. An ABM shield for friends remains beyond reach, because SALT I restrictions forbid us to pass them present or future technology in that field.

CONCLUSIONS

The foregoing summary of SALT implications culminates with seven conclusions concerning this country's nuclear strategy and force requirements, if the illustrative input suits your fancy, and you accept the procedures:

SALT II, in and of itself, does very little to enhance or undercut U.S. security. Almost every notation says "Neutral."

Serious U.S. problems prevail, with or without the proposed pact, but all can be solved without scrapping SALT.

SALT II constraints on the Soviets, however slight, would help curtail future U.S. force requiremnets and conserve costs.

SALT II verification clauses, however incomplete, would simplify intelligence estimates of Soviet strength and U.S. courses of corrective action.

Some form of mobile ICBM is essential to a U.S. triad with three dependable legs.

Allied problems are not soluble by SALT at this stage.

SALT I ABM restrictions should be reconsidered.

DECISION: Approve the SALT II pact in its present form, provided a mobile ICBM system of our choice is admissible, and the Administration takes immediate steps to install it.

CODA

The assessment I've presented is, of course incomplete. Many other military matters might be mentioned. Economic and political linkage, if you like, is missing.

I've made no attempt to sell SALT or scuttle it. The spread of opinion used for expository purposes was pulled from a broad spectrum. I could have drawn on a dozen other perspectives. My pitch, I repeat, was to demonstrate a decisionmaking technique, trying to show in the process that calculations concerning SALT can lead to sound conclusions only in context with strategies. Playing a simple "numbers game" is simply not enough.

FIGURE 1

Strategic nuclear problems (present or impending): Potential responses	SALT I, II Treaty influence			
	Helps	Hinders	Neutral	Unknown
U.S. Problems:				
Intercontinental ballistic missiles:				
Practical problem:				
Pre-launch vulnerability:				
Limit Soviet hard target capabilities	II			
Verify those limits	II			
Deploy mobile ICBM's				II
Deploy ABM		I	II	
Perceptional problem:				
Superior Soviet countersilo capability:				
Equality in ICBM silos		II		
Deploy MX in silos			II	
Deploy mobile MX				II
Heavy bombers:				
B-52 post-launch vulnerability:				
Deploy sufficient cruise missiles and/or			II	
Bomber replacements for B-52			II	
Submarine-launched ballistic missiles:				
None serious:				
Planned improvements			II	
Conus defense:				
No protection for U.S. population, production base, or 2d-strike systems:				
Improve air defenses			II	
Improve civil defense			II	
Press ABM/ASW R. & D			I, II	
Deploy ABM		I	II	
Problems of U.S. Allies:				
U.S. nuclear umbrella leaks:				
Improve Conus defense		I	II	
Deterrent value of TAC nukes declines:				
Improve Conus defense		I	II	
Backfire bombers:				
Restrain deployment		II		
Improve allied air defense			II	
Soviet IRBM'S/MRBM's:				
Restrain deployment		II		
Deploy United States or Allied IRBM's/MRBM's			II	
Deploy GLCM's			II	
Deploy allied ABM		I	II	

TO AMEND THE INTERNAL REVENUE CODE OF 1954 TO EXCLUDE FROM GROSS INCOME THE INTEREST ON DEPOSITS IN CERTAIN SAVINGS INSTITUTIONS

HON. DON BONKER

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 25, 1979

● Mr. BONKER. Mr. Speaker, today I am introducing a bill to exclude from gross income the interest on deposits in certain savings institutions.

We in Congress must do what we can to encourage savings on the part of the American public. The United States has one of the worst savings records of any of the major industrialized nations. There are many reasons for this, but one is clear: Our tax laws penalize the saver.

This bill would attempt to address that penalty. It is not complicated—gross income for tax purposes would not include amounts received as dividends or interest on deposits up to $500. The limit would be $1,000 in the case of a joint return.

As it stands now, our savers are being hurt twice. They are hurt by the ravages of inflation, which outstripes the interest rates banks can afford to pay, and they are hurt by the tax laws, which imposes another penalty on that interest.

I believe this legislation could go a long way in addressing both problems. It would encourage savings, thereby strengthening our lending institutions, which make home mortgage loans available for our American families.

A good savings plan has always made good sense for a family. It makes good sense for a nation as well. We in Congress should do what we can to support and encourage sound financial practices. I urge my colleagues to support this legislation.●

TONGUE-TIED AMERICANS

HON. PAUL SIMON

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 25, 1979

● Mr. SIMON. Mr. Speaker, I sometimes read "public service ads" put in by various companies which in fact are very self-serving.

Very much an exception to that rule is an ad which has appeared in some

American newspapers placed by United Technologies regarding our need for further knowledge in the field of foreign languages.

I hope my colleagues will take the time to read the ad of United Technologies.

The ad follows:

TONGUE-TIED AMERICANS

Travel abroad and you'll find, almost everywhere, people with enough grasp of English to give you directions, interpret a menu for you, or help with your travel schedule. But a non-English speaking visitor to this country is hard-put to find such help.

Among industrialized nations, the U.S. stands alone in its neglect of foreign language study. In the face of growing world interrelationships—political, diplomatic, economic—Americans' familiarity with the tongues of others is in sorry decline.

Last year the President's Commision on Foreign Language and International Study was formed to find ways to live up to international agreements in which the U.S. has pledged to encourage the study of foreign languages and civilizations. The commission's initial findings are dismaying:

Nine out of ten Americans cannot speak, read, or effectively understand any language but English.

About 90 percent of all colleges have no language requirements for admission. One-quarter of all high schools do not teach any foreign language.

College language enrollments have declined 21.2 percent in the past decade.

Foreign language enrollments dropped 15 percent among high school students between 1968 and 1974. Less than one-quarter of high school students now study a foreign language, as against 32 percent in the mid-1960s.

Only 17 percent of American foreign language students taught wholly in this country can speak, read, or write the foreign language easily.

The prevailing sense in this country toward those in other lands seems to be: Let'em speak English.

It's a foolhardy attitude. It ill serves America's interests and objectives in the world community. Unless it's changed, the U.S. will find itself at a disadvantage in grasping economic opportunities and meeting its diplomatic responsibilities around the world.

At a time of detente with Russia and rapprochement with China, an appallingly small number of American students are taking up those languages at the advanced levels necessary for fluency. One member of the presidential commission voiced distress on learning that the U.S. Foreign Service no longer requires any foreign language background for new service officers. Because so few Americans study foreign languages, he found, the State Department was forced to drop the requirement.

Much of America's economic growth in the years ahead will come from international trade. More and more people will be needed with skill in foreign tongues. By not pursuing language studies, many young people are cutting themselves off from rewarding careers in international business.

Knowledge of other languages and cultures is indispensable to fruitful international relationships. We in this country would do well to support and stimulate such knowledge, lest we find ourselves standing around with nobody to talk to except ourselves.●

COMMITTEE ON ENERGY

HON. TOBY ROTH

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 25, 1979

● Mr. ROTH. Mr. Speaker, our Nation has no higher priority than the development of an effective, comprehensive national energy program.

Energy is the lifeblood of our economy. The future of this Nation depends in large part upon the policies Congress adopts on energy.

Passage of the National Energy Act last year was an important measure. But other steps are required if we are to reach our energy goals.

Even now, Congress is considering energy legislation related to President Carter's July 15 speech, in which he outlined several key proposals and called for early action.

Despite the importance of energy, legislative jurisdiction is fragmented like no other subject in the House of Representatives.

JURISDICTION OVER ENERGY

Later this week, I will introduce a resolution providing for the creation of a Standing Energy Committee in the House of Representatives.

The new committee would have jurisdiction over all energy policy matters including those related to production, conservation, research and development, and energy regulation.

Passage of this resolution would, for the first time, place in a single committee responsibilities for energy that are now scattered among several committees of the House.

ENERGY COMMITTEE OVERDUE

There is an understandable and natural tendency among committees with responsibility for energy matters to schedule activities in order to have a piece of the action and to share the public spotlight.

As long as this situation prevails, energy policies and programs will suffer. So, too, will prospects for a solution to our energy problems.

Establishment of an energy committee in the House is long overdue. Congress must shoulder a major part of the blame for our not having a rational, effective energy policy in America before now. The way responsibilities have been fractionalized, perhaps we could not expect much. But the Nation's urgent need for action on the energy front—now—compels us to realize the institutions and structure of Government in order to respond to today's needs and to make timely and logical policy decisions that under the present House structure are virtually impossible. Why? Because such energy policy actions cut across jurisdictional lines of several committees.

PROOF OF NEED

In April 1975 the President submitted to Congress a proposal for a comprehensive energy program. There is general agreement that but for the creation of the House Ad Hoc Energy Committee the administration's proposal would not have made it through the House to be passed by the last session of Congress.

Now we learn that a special task force has been established in the House in order to handle energy proposals such as those related to President Carter's recent TV address to the Nation calling for action to help solve the country's energy problems.

Creation of the House Ad Hoc Energy Committee in 1977 and now the special task force are proof of the need which my resolution addresses.

The last Congress acted to create the Department of Energy. This action placed all the energy responsibilities in the executive branch in a single Cabinet agency. Also during the last Congress a reorganization in the Senate resulted in the placement of all responsibilities for energy in a single committee.

AREAS OF JURISDICTION

My proposal—the establishment of a House Energy Committee—would better enable this body to exercise its increasingly important responsibilities for energy. It would facilitate operations with the Senate, greatly aid the House in handling its oversight responsibilities of the Department of Energy, and provide a better means of handling the President's recently announced proposals for an energy mobilization board, an energy security corporation, and other specific energy proposals.

Under my proposal, the new Energy Committee's jurisdiction would include:

Energy policy (production and conservation); energy regulation; energy research and development; natural gas and oil production; coal production, distribution and utilization; hydroelectric power; solar energy systems; nonmilitary development of nuclear energy; naval petroleum reserves; and energy related aspects of deep water ports.

Study and review, on a comprehensive basis, matters relating to energy and report thereon from time to time.

TRANSFER OF RESPONSIBILITY

The resolution does not propose a wholesale reorganization of the House. Rather, it proposes establishment of an energy committee and the transfer to it of the above listed jurisdictions from the existing committees. Appropriate staff personnel from the existing committees who are performing such functions could also be transferred.

I urge my colleagues to join me in this effort to assure that the Nation's energy situation is given the priority consideration and treatment it deserves. This committee would be able to give its attention, solely and totally, to the solution of our energy problems. Its efforts would not be distracted, delayed, or diffused by other requirements as is now the case with the other existing committees who have multiple responsibilities.●

TAX CUT POSSIBILITIES

HON. JOHN J. RHODES

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 25, 1979

● Mr. RHODES. Mr. Speaker, evidence is mounting that the economy is moving into rough waters. The need for a tax cut also becomes more clear. I believe the question now simply is when and what kind of tax cut Congress will enact.

In an interview published in the Chicago Tribune of July 23, Michael K. Evans of Evans Economics, Inc., discusses tax cut possibilities, and calls for a tax cut emphasizing individual savings accounts which would stimulate investment in the plants and facilities we will need to counter unemployment. By creating these IRA's, we would encourage savings, which now are less than 5 percent of total income.

It is obvious that the needed tax cut should be fashioned carefully, with the aims of helping to stimulate investment to pave the path to recovery.

I urge that my colleagues take time to read this brief analysis of the economic challenges that face our economy, the American people, and this Congress.

Text of the article from the Chicago Tribune is as follows:

TAX CUT POSSIBILITIES

Political events in Washington have overshadowed economic ones in recent days, but statistics on the nation's output of goods and services, released Friday, confirmed that the economy had turned sharply downward. Forecaster Michael K. Evans of Evans Economics, Inc., rules out a "soft landing" and urges a prompt tax cut aimed at stimulating savings and investment. The recession, he says, will be more severe than most during the postwar years, though not as deep as during the 1974–75 period. Evans was interviewed by Tribune business reporter Terry Atlas. The following is an edited transcript:

Q—What implications for the economy do you see in last week's Carter administration shakeup?

A—It reflects a man who's run amuck; he has absolutely no idea what he's doing. The big news is the GNP [gross national product], not Carter's musical-chairs game.

Q—Will the ouster of Treasury Secretary [W. Michael] Blumenthal and the move of Federal Reserve chairman [G. William] Miller to Treasury change economic policy?

A—It won't make any difference. Miller was a tool of the administration at the Fed, and at the Treasury he'll continue the same policies he would have anyhow, which are basically Mr. Carter's policies.

Q—Does that leave the economy directionless?

A—It's leaderless; the direction is clearly down.

Q—As you said, the news is the second quarter GNP figure. It was down (after removing inflation effects) at a 3.3 percent annual rate. How does that compare with expectations?

A—We were calling for a 3 percent drop, so we got this one right. The consensus forecast was for about a 1 percent decline, so therefore it's a lot worse than most people thought. Car sales was the major number that went down, but it was weak across the board, really. No major component of GNP went up except inventories, and of course they'll have to be reversed in the second half of the year.

Q—What does this signal for the remainder of the year?

A—I think real GNP will continue to decline through the first quarter of 1980 at a 3 percent annual rate. The unemployment rate should start rising sharply now and hit a peak of 8.5 percent in the middle of next year. Inflation will slow down, but not nearly enough. Inflation will slow to about 9 percent by the end of this year and to about 8 percent in 1980.

Q—What policy actions need to be taken? Is a tax cut appropriate?

A—We're going to have a tax cut next year, and that's obvious now that GNP has fallen as far as it has. But we need what I call a new-style tax cut, which is one that stimulates savings and investment as opposed to an old-style tax cut, which simply stimulates consumption.

Q—How do you do that?

A—Several possibilities have been suggested. One is to reduce the lives for depreciation allowances to 10 years for all structures and five years for equipment. The other possibility is what I call an "individual savings account," where the first $1,500 of interest income, dividend income, and capital gains would be exempt from tax.

If we do this, we can gradually work to get the rate of unemployment down over the long term. If we just have another consumption-style tax cut, we've accomplished nothing. We get ourselves out of the recession, but the inflationary spiral just goes on, and it's worse the next business cycle peak than it was this time, just as has been the case for the last five business cycles.

Q—When should a tax cut be put into effect?

A—Yesterday. Of course, you know what's going to happen: The cut will be passed the day the recession ends, more or less. This is the eighth postwar recession, and we've never had a tax cut before the recession was over.

Q—How serious is the recession that's begun? Will there be a "soft landing"?

A—We'll have the unemployment rate rising from 5.8 to 8.5 percent; that's more than usual but not as bad as in 1974–75. I can't call it a soft landing anymore, though. It will be more severe than the average postwar recession, but not as bad as 1974–75.●

CORPORATE RESPONSE TO ASBESTOS-RELATED HEALTH HAZARDS

HON. KEN KRAMER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 25, 1979

● Mr. KRAMER. Mr. Speaker, during the course of hearings before the Education and Labor Committee in recent months on the problem of occupational diseases, and particularly asbestos-related disease, a great deal of public attention has been focused on the issue of corporate responsibility for the problems and for the solutions. Unfortunately, reports of the health problems affecting workers in the asbestos industry and attempts to establish corporate culpability have overshadowed the many positive steps which the industry has taken over the years to advance the level of medical and scientific knowledge about the health effects of asbestos exposure and to protect the worker against possible hazards.

One company which has taken such steps over the years is the Johns-Manville Corp. The contributions this company has made, however, to advance the state of medical and scientific knowledge about the health effects of asbestos exposure, and the efforts it has made to protect its employees, have been largely ignored in the public accounts of the company's role in the asbestos health issue. Those who are quick to point an accusing finger at the company for not anticipating health effects on workers which did not become evident for many years after exposure ignore the simple fact that knowledge available to us now was not available at the time of exposure.

They ignore the fact the company did make substantial contributions over the years to the development of medical knowledge about the health effects of asbestos exposure and took steps to protect its workers against those hazards as they become known. And they further ignore the role of the U.S. Government in its regulation and use of asbestos materials, and in exposing Government workers to those materials during the time period when medical knowledge of the hazards of such exposure was incomplete for both Government and private industry.

In an effort to bring some balance to the public record, I would like to bring to the attention of my colleagues some of the arguments which the Johns-Manville Corp. has made in response to an article which appeared recently in the Washington Star and was reprinted in the CONGRESSIONAL RECORD. The following points were excerpted from a letter from John McKinney, chairman of the board of Johns-Manville Corp. to the editor of the Washington Star:

1. Early reports of disease resulting from the intense exposures in asbestos textile mills in England did not indicate that disease would be generated in the far lower exposure levels of other mining, manufacturing and insulating operations. Experience with other dust related diseases pointed to a contrary conclusion.

2. Medical and scientific studies were initiated by industry and participated in by the U.S. Public Health Service. These studies concluded in the recommendation by the U.S.P.H.S. of standards for exposure to airborne asbestos. These standards were adopted by the American Conference of Government Industrial Hygenists, and J-M operations met these standards.

3. Lung cancer among cigarette smoking asbestos workers was not predictable from earlier knowledge of the disease of asbestosis among abestos textile workers. The first such indication was developed in a Johns-Manville sponsored study in 1959 and confirmed in a Johns-Manville assisted study by Dr. Selikoff reported in 1964.

4. A total of about 250,000 people have been exposed to asbestos in private industry occupations. More than a million workers have been exposed in occupations controlled by the government—mostly World War II shipyards.

5. Government sponsored research of insulation workers in shipyards concluded in 1946 that insulation work was not an unreasonably hazardous occupation at exposure levels many times current standards. The study was subsequently recognized as faulty and the conclusions tragically incorrect.

6. At the time when industry is asserted to have withheld from workers knowledge of asbestos health hazards, Navy doctors were surgically implanting asbestos into the lung cavities of submariners in an effort to prevent collapsing of lungs.

7. Johns-Manville believes that the money now being spent in the third party litigation, with inconsistent and unpredictable results and with attendant high legal cost and court burdens, should better be spent in direct compensation programs.

8. Johns-Manville is willing to participate in a compensation program with respect to its own employees (in addition to workers compensation already provided by the company) if the government will accept responsibility for persons injured in environments controlled by the government. Johns-Manville is willing to participate in a program to provide additional funding to compensate those injured by asbestos who fit into neither industry employee nor government categories.

9. The use of asbestos insulation in ships being constructed and rehabilitated was critical to the nation's war effort in the 1940's. Its use was required by government specifications.

10. Much of the disease being experienced can be traced to the rip out of old insulation in ships being rehabilitated, rather than to the installation of new insulation products. Those work practices were under the direct control of the government.

11. Government knowledge of the incidence of asbestos disease and its causation has been as complete and as current as industry knowledge. Government's responsibility to workers in its own controlled work places is at least as great as the responsibility of industry to workers in the private sector.

12. The government has consistently for decades promoted the production and use of cigarettes without which over 97% of the asbestos workers who died of lung cancer would not have died of that disease.

13. The incidence of asbestos related disease has declined as a result of dust controls voluntarily developed and installed by industry. A Johns-Manville asbestos cement plant which began operations in 1958 has no cases of asbestos disease depite past exposure level exceeding today's standards.

In addition to these points. I would like my colleagues to be aware of some of the specific actions which the Johns-Manville Corporation has taken to advance medical knowledge of asbestos hazards and to protect its workers against those hazards. The following points are taken from the company's annual report for 1978:

1. Recognition in 1930 of the first American medical studies of possible health hazards from asbestos. This was in response to information that the heavy and constant asbestos exposure in the textile mills of England might be hazardous. These studies preceded by years any independent action by the United States Public Health Service or any medical organization.

2. Organization in the 1930's of industry support for extended research at the Saranac Laboratories of the Trudeau Foundation, a leading pulmonary disease research facility.

3. Voluntary adoption and adherence to the recommended exposure limits of the United States Public Health Service.

4. Physical examination programs available for employees continually since the 1930's; leading research reports in the early detection of disease.

5. Information prepared and distributed since the 1930's to inform employees of the work practices and protections necessary to eliminate the hazards recognized at the time.

6. Respirator programs installed where exposure might exceed "safe exposure levels."

7. Hundreds of engineering projects and millions of dollars spent for dust control, including the "invention" of equipment where none existed.

8. The first to place warning labels on asbestos insulation products in 1964 in response to the new evidence that dust from such products might create a hazard to people working with the products.

9. Continued funding of independent medical and scientific research including that of leading experts such as Dr. Irving J. Selikoff of Mt. Sinai Hospital in New York City.

10. Cooperative programs with industry and with labor organizations to disseminate information about asbestos and health, and to continue research.

11. Adoption of mandatory no-smoking programs for workers occupationally exposed to asbestos—the first broad-scale, anti-cancer program in American industry." ●

MARIO POLVOROSA: MAN OF GOLDEN DEEDS

HON. FORTNEY H. (PETE) STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 25, 1979

● Mr. STARK. Mr. Speaker, today I would like to place in the RECORD a few words about one of the leading citizens of San Leandro, Calif., Mr. Mario Polvorosa, a city councilman and vice-mayor.

Mario Polvorosa is one of those good humans who cannot resist the opportunity to help others. As a result, many, many San Leandrans—and others—have benefited. A list of funds raised, organizations benefited and people aided by Mario is truly impressive.

Mr. Speaker, I am not the only one who is aware of Mario's role in the community as a good Samaritan. On July 31, 1979, the Exchange Club of San Leandro will honor Mario Polovosa at a luncheon at which he will be presented with the Exchange Club Book of Golden Deeds. As Rene M. Moal, chairman of the Book of Golden Deeds program recently wrote to me:

The purpose of the Book of Golden Deeds is to recognize the good deeds of heroes and heroines of everyday life. It is exclusively an Exchange Club project that not only bestows contemporary honors upon worthy people, but also documents their accomplishments as an inspiration to future generations.

The Exchange Club could not have picked a finer person to honor. Mario is a public servant who goes beyond the normal duties of an elected public official to help those who need help. Whether it is raising money for jackets for the traffic cadets at St. Leanders School, getting blood donations for the seriously ill or getting equipment for a victim who suffered a severed spinal cord, Mario generously gives his time, efforts and special talents to the cause. And he is successful. In these days of "let Sam do it," Mario Polvorosa is a Sam for all seasons and all citizens. He delivers what he sets out to do. And what he delivers is aid to the afflicted and help for the hurting. He is a good public official and a good human. I am honored to count him among my friends.●

SOMOZA BETRAYED

HON. LARRY McDONALD

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 25, 1979

● Mr. McDONALD. Mr. Speaker, the Department of State and our President have just completed the overthrow of President Somoza. American Ambassador Pezzullo is already bragging about our action in downing Somoza.

Ambassador Pezzullo professes not to know what kind of government will emerge in Nicaragua, but it is clear to anyone who has followed the issue. The simple fact is that the Sandinistas have the guns. The Sandinistas did not win a major military victory, but they won the political fight, and this they could not have done without U.S. help.

The Augusta (Georgia) Chronicle penetrated the fog created by our policymakers in a very succinct editorial printed on July 18, 1979. I commend it to the attention of my colleagues:

[From the Augusta Chronicle, July 18, 1979]

SOMOZA BETRAYED

The downfall of Nicaraguan President Anastasio Somoza Jr. is a blow to the West and the anti-Communist cause.

Most galling is that the Nicaraguan chief of state, who tried hard to be a friend of the United States, was stabbed in the back by the Carter administration and the State Department. Liberals in the State Department hated the anti-Communist Nicaraguan government, and ranked it side by side with such "ogres" as Taiwan, Chile, Rhodesia and South Africa. And, in recent years, these liberals have been harping on Somoza's "human rights" record as justification for his overthrow.

Granted, Anastasio Somoza was no Thomas Jefferson. He and his family ran Nicaragua for 42 years under an autocratic but industrially progressive regime. But compared to the Marxist government of Panama, which the Carter administration consistently praises and looks at "objectively," the Somoza regime was paradise!

What Americans are now witnessing during the current guerrilla war in Nicaragua—and during the vacuum that has now been created by Somoza's departure to the United States—is the Carter administration tendency, often displayed before, to cheer on enemies of the governments it hates. Tragically, in Nicaragua's case, the result of this overt and covert anti-Somoza campaign no doubt will be the installation of a new Marxist guerrilla government similar to that imposed on Panama by Gen. Omar Torrijos. The evidence is there for all to see that the Sandinista guerrillas who want to take power in much the same style as Fidel Castro did in Cuba are heavily armed by Cuba and the Soviet Union.

It was just in mid-June that over 125 U.S. senators and congressmen wrote a letter to President Carter urging that our government stop the arms embargo to Somoza's

national guard troops. They also advocated that Carter stop giving moral support to the Sandinistas. If Mr. Carter had thrown full arms and moral support behind the Nicaraguan government at that time, we believe that Somoza could still have militarily beaten the rebels.

The congressional letter also pointed out that the Communists could "control an area bordering on two oceans stretching from Panama to the vast oil reserves of Mexico. And at that point, this nation will bitterly regret the day it lacked the resolve and forcefulness to take proper action in support of President Somoza."

The shah of Iran, President Somoza and all too many Western leaders through the years can testify to U.S. abandonment and betrayal. What ally is next to be targeted? ●

BILL KAJIKAWA—FOUR DECADES OF FOOTBALL AT ARIZONA STATE UNIVERSITY

HON. ELDON RUDD

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 25, 1979

● Mr. RUDD. Mr. Speaker, I would like to pay tribute to an outstanding Arizonan who has contributed immeasurably to athletics in my home State.

After more than four decades of football at Arizona State University—first as an All-Border Conference tailback at Arizona State Teachers College at Tempe, and then as coach of successor ASU's Sun Devils freshman football players—Bill Kajikawa has retired.

Bill Kajikawa came to Arizona in 1929, when the State was a mere 17 years old. It was not an opportune time, during the middle of the Great Depression, when the population of Phoenix comprised only 50,000 people. In the ensuing years, Maricopa County has grown to 1.6 million people.

Kajikawa was recruited as a varsity player for the ASTC Bulldogs by Vernon Tuckey, himself a Bulldogs player and ASTC student body president. He was aware of Kajikawa's outstanding football record at Phoenix Union High School.

Vern remembers going over to the Kajikawa home in downtown Phoenix. Bill was in Los Angeles. His mother spoke only very limited broken English, and Vern spoke no Japanese. But somehow Vern was able to make arrangements to meet Bill downtown when he returned to Phoenix the next day.

Tuckey hit the jackpot. Kajikawa was accompanied by two other All-State football players—Mutt Guthrie and Don Gillette—and Vern persuaded all three of them to come out to Tempe the next day, where he signed them up for the Bulldogs on the spot. This day signalled college football history in Arizona.

"Kaji," as a legion of former players affectionately call him, started out with the Bulldogs on a football scholarship that consisted of a room-and-board work program. This was enticing at a time when the Depression bread line was a common phenomenon.

He played three seasons at old Irish Field, where a crowd of 3,000 for a Bulldogs game was considered substantial. Not in his wildest dreams did he ever visualize an Arizona State University, now, Sun Devils game before 70,000 excited fans.

When he graduated in 1941, Kaji took his freshman coaching job which he held until this year. His dynamic coaching assured his position with the freshman squad through the tenure of eight varsity football coaches. Kaji also coached basketball and baseball.

Looking back on the four decades of football, Kaji has seen many changes in the game. He recently stated in an interview with the Arizona Republic:

It has become a business venture, and, perhaps in a way a vicious cycle. If you don't have the people [attending], you don't have the team, can't recruit and can't get the good coaches. Maybe there's a little over-emphasis, but it doesn't bother me. Arizona State has been fortunate to be able to keep up with the trends.

We, in Arizona, believe that we have indeed been fortunate to have had the benefit of Kaji's industry and leadership in molding the future of so many fine young men.

I would like to include the Arizona Republic's story on the occasion of Kaji's retirement at this point in the RECORD:

[From the Arizona Republic, July 22, 1979]

KAJIKAWA'S TENURE AT ASU SPANNED ERA OF GROWTH IN FOOTBALL

(By Verne Boatner)

When Arizona State football coach Frank Kush assembles his troops at Camp Tontozona next month, a major task will be to find adequate replacements for those who have departed.

One pair of shoes may be all but impossible to fill.

The shoes belong to 66-year-old Bill Kajikawa, who won't be on the sidelines this fall for the fist time in more than four decades.

After 41 years of coaching Arizona State's freshmen football players, Kajikawa has retired.

"Kaji," as a legion of former players call him, officially stepped down a year ago, only to heed Kush's plea for "one more year."

But now, claims Kajikawa, the former All-Border Conference tailback, the retirement is permanent.

"Nobody is indispensable," he said. "But it's going to be tough sitting in the stands after all these years."

After graduation in 1937 from the Tempe school that was known as Arizona State Teachers College, Kajikawa was hired to handle the freshmen by head coach Rudy Lavik.

He has held the position ever since, except for time out for World War II. Eight football coaches—Lavik, Dixie Howell, Hilman Walker, Steve Coutchie, Ed Doherty, Larry Siemering, Clyde Smith and Dan Devine—have come and gone while Kajikawa has remained. For the past 21 years, he has been grooming high school graduates for Kush.

He also coached baseball and was the head basketball coach when Ned Wulk appeared on the scene in 1957.

"It has been a wonderful experience," he said, "but all good things must come to an end."

The state of Arizona was only 17 years old when the Kajikawa family moved from California to Phoenix.

It was hardly an opportune time, 1929. Phoenix was a city of only about 50,000.

Kajikawa's stepfather opened a barber shop at Madison and Second Street.

Phoenix Union was the only high school in town when Kajikawa—who had missed a lot of schooling while touring Japan with his parents—enrolled as a 17-year-old freshman.

Age was no problem, for in those days athletes were eligible for high school sports until their 21st birthday.

Kajikawa, 5-foot-7 and 125 pounds, had never been exposed to organized sports. He was one of about three Japanese-American students "and probably the first to participate in sports at Phoenix Union."

With an enrollment of about 4,500, Phoenix Union was the kingpin of sports in the state. More than 200 students played football on either the varsity or in intramurals.

Kajikawa was one of the few sophomores ever to make the varsity. By graduation, he had earned nine varsity letters, in football, basketball and baseball.

"We went first class in every way," he recalled. "The varsity got new uniforms every year."

And in an era when Notre Dame was still traveling to Southern California by bus, the Phoenix Union Coyotes were chartering Pullman coaches for games in California, New Mexico and Texas.

While Arizona State and the Univeristy of Arizona were lucky to draw 3,000–4,000 fans, overflow crowds of more than 10,000 jammed Phoenix Union's newly erected stadium.

The Coyotes annually played Northern Arizona and the U of A's junior varsity, but ASTC was not deemed strong enough. In addition to the annual Thanksgiving Day game with the Phoenix Indians, the Coyotes even played their own postseason game—challenging top prep powers from out of state.

"I remember one year a team came out from Chicago." said Kajikawa.

An Arizona tSate football player and student body president, Vernon Tuckey, decided to do something aobut the deplorable state of football on the Tempe campus. He and his friends recruited nine all-staters, including Kajikawa, who by then was a robust 138 pounds.

"It was the middle of the Depression," said Kajikawa. "Some of the players had been out of school two or three years and couldn't get a job."

A "scholarship," which was actually a work program for room and board, sounded enticing at a time when bread lines were common.

"We had to work three hours a day for our meals," said Kajikawa. "None of the athletes could afford books. So we would wait until 10 o'clock at night, when the wealthy students were going to bed, and borrow their books to study."

Despite Tuckey's efforts and Kajikawa's individual achievements, the ASTC's Bulldogs were destined to remain the UofA's whipping boy for years to come.

He played three seasons on old Irish Field, before Goodwin Stadium was dedicated his senior year. A crowd of 3,000 was considered good.

"Not in my wildest dreams would I have ever visualized that one day Arizona State would play before 70,000 fans," he said.

Kajikawa was worrying over what he would do at graduation when Lavik offered him a job. He married his wife, Margaret, in 1941. They have two daughters.

Looking back at four decades of football, Kajikawa said, "The Peach Bowl (1970) was the turning point for ASU football. We left one era and entered a new one on the strength of that game.

"Another big game was when we beat North Carolina State (1960) when they had Roman Gabriel. There have been a lot of other great victories, but the climax was Southern Cal last season."

Kajikawa singled out Al Dalmolin ('34–'36), Whizzer White ('47–'50), Dave Graybill ('53–'56) and J. D. Hill ('67–'70) as the greatest ASU athletes he ever saw.

"But there were many others," he said. "Graybill and Hill had to be two of the greatest all-round athletes we ever had. J. D. could have excelled at basketball, baseball, anything."

Kajikawa has seen many changes in college football but nothing very alarming.

"It has become a business venture," he said, "and, perhaps in a way a vicious cycle. If you don't have the people (attendance), you don't have the team, can't recruit and can't get the good coaches. Maybe there's a little overemphasis, but it doesn't bother me.

"Arizona State has been fortunate to be able to keep up with the trends.

"I'm just proud to have been part of the growth. I really enjoyed all the years of working with players and coaches.

"And when I see a former player who has made good in his chosen field, I'm as proud as if he were my son. Hopefully, I helped a little bit along the way."●

OVERPOPULATION CAUSING PROBLEMS

HON. PAUL SIMON

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 25, 1979

● Mr. SIMON. Mr. Speaker, as we strive to solve the many great crises confronting the Nation and the world—energy shortages, skyrocketing inflation, poverty and hunger—one most conclude that the overwhelming majority of the most crucial problems can be traced to overpopulation.

Many developing nations are currently experiencing massive movements of people from the rural areas to already overcrowded cities. Recently, the distinguished Rafael Salas, Executive Director of the United Nations Fund for Population Activities, addressed himself to the highly disturbing consequences of what he terms the largest migratory movement in human history.

Frequently, we are so preoccupied with immediate problems that we overlook others that are growing and intensifying. The result is that remedies often arrive late and are almost invariably more costly both in human terms and in dollars and cents. For this reason, I call your attention to the remarks of Mr. Salas as they appear in the current edition of Popline, the world population news service, a monthly publication of the Population Action Council.

The article follows:

OVERPOPULATION CAUSING PROBLEMS

UNITED NATIONS, N.Y.—Mass migrations from rural to urban areas of the Third World are "setting the scene for insurrections in the years to come," asserts a leading United Nations spokesman.

The "migration syndrome" can become the seed of unrest in burgeoning areas undergoing fierce competition for jobs, housing and services, says Rafael Salas, executive director of the United Nations Fund for Population Activities.

The population shift in developing countries as seen by Salas as the largest migratory movement in human history.

Urban population, which has doubled since mid-century, may well double again before the end of the century, he says.

In less developed regions, the urban population has increased from approximately one-sixth of the total population in 1950 to nearly one-third today and could soar to almost one-half within the next three decades, Salas continues.

From 1950 to 1975, the urban population in Africa tripled and it is expected to triple again by the end of the century. Asia and Latin America will experience a slightly less but still dramatic urban population growth.

Some 60 percent of the urban expansion in the Third World is due to "natural population increase," Salas maintains.

However, a relatively new and potentially explosive factor in urban growth is the willingness of vast numbers of rural inhabitants to uproot themselves from their villages and farms and move to the cities.

The attraction to urban areas that has been developing over the past several decades is due to the promise of employment and improvements, no matter how little, in their lifestyles.

Many national governments view migration as one of their primary population concerns. It is becoming a serious obstacle to development goals, affecting industrial location policies and investment allocations for schools, housing and hospitals.

"The causes of migration are quite obvious," says Salas. "Conditions exist that make the village life of sheer subsistence in small-scale agriculture unbearable for more and more people."

Conversely, Salas points out, a certain "romantic attraction to the cities offsets the reality that most migrants are forced to live in shanty towns upon their arrival. Village life in the Third World cannot compare with what the big cities seem to offer."

Overcrowding is but one in "a complex web of problems" caused by migration, Salas emphasizes, adding:

"Most migrants come to find work, and many of them do. They earn more than they ever dreamed of earning in the village and are able to send money back home. As small as the amounts may be, this causes an economic imbalance to say nothing of restlessness at home.

"Younger sons and brothers are disinclined to till the soil as they dream of joining fathers and older brothers in the city. Wives wait in the villages for husbands to earn enough to send for them, and instead of training youngsters for a life of agriculture, the dream is of the city.

"They realize, too, that life in the city offers a better chance at education, diversification in employment and a different social life. The attraction is great. The city is a magnet."

Salas stresses that migration is not only a trend but also "a hard reality that governments must recognize before population problems become impossible."●

INTEND TO AMEND H.R. 4839

HON. MIKE McCORMACK

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 25, 1979

● Mr. McCORMACK. Mr. Speaker, I wish to make it known that when the Department of Energy authorization bill (H.R. 4839) comes to the floor, I intend to offer an amendment to restore funding for certain civilian power applications under the inertial confinement fusion program. Several parts of this program, which had been included in the President's budget, have not yet been authorized either under this bill or under a separate bill reported out by the Armed Services Committee. My amendment will correct this omission.

The text of the amendment follows:

AMENDMENT

On page 12, line 7 strike "$10,400,000" and substitute in lieu thereof "$15,900,000".●

RESOLUTION TO REVITALIZE THE SOUTH BRONX

HON. ROBERT GARCIA

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 25, 1979

● Mr. GARCIA. Mr. Speaker, the following resolution of the Synod of the Northeast of the United Presbyterian Church in the U.S.A. is a great credit to that Synod. The members have unabashedly expressed their belief that revitalization of our urban areas, particularly the South Bronx, must be a major priority.

The suffering and human degradation of those living in the South Bronx stand in stark contrast to the hope and promise of the American dream that this Nation has long cherished.

As the resolution so forcefully states, it must now fall to us in government, whether it be on the local, State, or Federal level, to recognize the plight of these people, hear their pleas, and help them to rebuild their areas. President Carter has noted that we must move ahead to establish an agenda for the 1980's. There is no issue which should be given greater priority in the coming decade than the rebuilding of our inner cities.

Our Nation cannot continue to be divided between those with unlimited opportunity and those with none. The unity which we all seek can be found in a concerted effort by the Federal Government to work together with local communities and community organizations to provide the opportunities for advancement that the residents of these areas are so anxious to achieve. We must move now to commit ourselves to do nothing less than make the fulfillment of the American dream a real possibility for a significant portion of our Nation.

The resolution referred to, follows:

RESOLUTION

Whereas the top-priority concern of the Synod of the Northeast of the United Presbyterian Church in the U.S.A. is the New York City Metropolitan Area; and

Whereas the area of the South Bronx is a vital part of that city; and

Whereas we have seen with our own eyes the deplorable shambles that this section of the city has become, and heard with our own ears of the human suffering and degradation that residents of that section must endure; and

Whereas we note that plans for renewal and rehabilitation seem to be at a standstill, even while arson, vandalism, and wholesale abandonment of buildings continues at an alarming rate;

Therefore, be it resolved that the Synod of the Northeast, composed of representatives of twenty-one presbyteries which con-

tain over 383,000 active members of the United Presbyterian Church in the U.S.A., from New York, New Jersey, and the six New England states, assembled at our annual meeting at Fordham University, Bronx, New York, June 13-16, 1979, do call upon public officials of the city, state, and federal governments to make every effort swiftly to formulate and implement a workable plan to renew the South Bronx and make it once more an area decent for human habitation.●

SYNTHETIC FUEL COST ESTIMATES UNDER REVIEW

HON. BILL ARCHER

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 25, 1979

● Mr. ARCHER. Mr. Speaker, several weeks ago, in anticipation of an intensified debate in the Congress on alternative energy sources, I asked the Library of Congress to undertake a study of comparative fuel costs.

The first portion of that study, the segment dealing with synthetic fuels, has been completed—and in view of the President's proposal for an ambitious Federal synthetic fuels program, I feel it is most important that my colleagues in the Congress have an opportunity to see the estimated costs that are involved to the American consumer.

Please note that all estimates are in current 1979 dollars. Additional segments of the comparative costs study will be released as they become available.

The study follows:

CONGRESSIONAL RESEARCH SERVICE,
Washington, D.C., July 17, 1979.

To: House Ways and Means Committee, Attention: Representative Bill Archer.

From: Paul Rothberg, Analyst, Physical Sciences, Science Policy Research Division, and David Gushee, Chief, Environmental Policy and Natural Resources Division.

Subject: Cost Estimates: Synfuels That Might Be Commercialized Under the Provisions of the Proposed "Energy Trust Fund."

In response to your request, we have prepared a tabel of estimated capital costs and price per barrel of products for a variety of synthetic fuels made from coal and oil shale. These estimates are our "best guesses" arrived at on the basis of previous estimates made by, or for, the Department of Energy; selected industry estimates made before congressional committees, as modified by us on the basis of inflation rates; changes in OPEC oil prices since the original estimates were made; and our own judgments.

All estimates are in 1979 dollars and represent cost as of the initial period of operation. The estimated product and capital costs assume a constant OPEC price of $18 per barrel in 1979 real dollars. Should the OPEC price in real terms change during the period of construction, the product and capital costs would also rise.

We wish to emphasize that estimates of synfuels costs are subject to much uncertainty. These economic projections are likely to remain uncertain until several plants have operated and produced fuels on a reliable basis for a sufficiently long period of time. A discussion of major uncertainties facing a coal-based synfuels industry is given in CRS report No. 79-134.

We would also add that new detailed cost estimates, despite the time they take and the costs that they incur, would be unlikely to reduce the uncertainties in these estimates by very much, because of the uncertainties in the underlying assumptions.

SELECTED SYNFUELS TECHNOLOGIES THAT MIGHT BE COMMERCIALIZED UNDER THE PROPOSED "ENERGY TRUST FUND" [1]

Technology/Process	Estimated capital cost [2 3]	Plant output	Economic incentives allowed under existing law (July 1979)	Estimated price of product at plant [2 3]
A. Oil shale synfuels:				
Above ground oil shale processing retort/Tosco, Paraho, Union Oil Co. system.	$2 billion	50,000 barrels per day	Loan guarantees	$30 to $50 per refined barrel.
Multiple mineral oil shale processing/Superior Oil Co. system.	$2 billion	50,000 barrels per day	Loan guarantees	$25 to $45 per refined barrel.
Vertical modified in situ oil shale processing/Occidental Petroleum Corp.	$900 million	50,000 barrels per day	Loan guarantees	$25 to $45 per refined barrel.
B. Coal synfuels:				
Hi-Btu coal gasification/Lurgi	$2 to 2.5 billion	250 million cubic feet of gas	Loan guarantees, joint Federal industry cooperation, investment tax credits for synfuels.	$5 to $8 per mcf at plant gate.
Medium-Btu coal gasification/numerous processes available.	$250 million	75 billion Btu per day	Loan guarantees, cost sharing, investment tax credit for synfuels.	$4.75 to $6.50 per million Btu.
Low-Btu coal gasification/numerous processes available.	$4 to $5.5 million	1 billion Btu per day	Loan guarantees, cost sharing, investment tax credit for synfuels.	$4 per million Btu using $35 per ton coal.
Coal liquefaction/possibly Fischer Tropsch	$2 to $2.5 billion for a syncrude plant.	50,000 barrels per day	Loan guarantees, guaranteed prices, purchase of products, investment tax credit for synfuels.	$35 to $50 per refined barrel at plant gate.

[1] For synfuel technologies, e.g., oil shale processing systems and coal synfuels systems, it is difficult to estimate the project and product costs. Many uncertainties are associated with the economics of technologies that have not yet been commercialized. Economic projections on synfuels technologies are likely to remain uncertain until several plants have operated and produced fuels on a reliable basis for a sufficiently long period of time. Because of these uncertainties, the number presented in this table should be considered to be "best guesses" and are subject to much uncertainty.

[2] All cost and price figures are in 1979 dollars and are assumed to represent costs as of the period of initial operation.

[3] "Best guess" estimates, prepared by Rothberg and Gushee. ●

IN DEFENSE OF ISRAELI ATTACKS ON PLO INSTALLATIONS IN LEBANON

HON. JACK F. KEMP

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 25, 1979

● Mr. KEMP. Mr. Speaker, there has been considerable discussion in recent days about Israel's policy of conducting military operations against suspected PLO installations in Labanon. It is no secret that the PLO now uses Lebanon as its base for conducting terrorist operations against Israel. The PLO has infiltrated terrorists into Israel by land and sea, not to attack military installations, police facilities, or symbols of the Israeli Government, but to attack the most defenseless elements of Israeli society unarmed women and children.

The PLO terrorists frequently are "suicide squads" who have no expectation of completing their mission alive. Hence, they are trained and organized to inflict the greatest amount of damage on Israeli civilians possible, knowing that they will have no escape. To deal with the terrorist threat, Israel has adopted the only reasonable course. Israel is striking at the bases from which the PLO terrorists operate in Lebanon. To do otherwise would require nothing short of a police state in Israel.

Israel has conducted land, sea, and air raids into areas of Lebanon where PLO terrorists are known to be based. Since the Lebanese civil war, there has been a considerable movement of PLO bases from their original concentration around refugee camps to being widely dispersed throughout Lebanon. Thus, in order to strike at the bases from which the PLO terrorist operations originate, air and commando strikes must be made throughout Lebanon.

It is disappointing to hear statements made by Members of Congress, the State Department, and others who equate Israel's effort to strike at the source of terrorist assaults on Israeli civilians with the terrorist assaults themselves. To do so provides the terrorists with the very objective they seek. It equates self-defense with terrorism, thereby undermining the ability of a democratic society to defend itself against totalitarianism and subverts the meaning of the English language. I submit that the stakes in this issue are much larger than the survival of Israel: they are involved with the means by which any democratic society can defend itself against totalitarian mehods of warfare. The PLO is not a nationalist organization; it is a Communist organization whose exploitation by the Soviet intelligence apparatus is so well documented as to be beyond question.

I strongly support Israel's right to self-defense against terrorist attacks by means of bringing these attacks to the bases which support them. Only when democratic societies adopt a resolute posture against terrorism of the type Israel has pioneered, will there be some hope that the terrorist menace can be surpressed.●

DISSENTING VIEWS ON SACCHARIN

HON. ANDREW MAGUIRE

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Monday, July 23, 1979

● Mr. MAGUIRE. Mr. Speaker, the House of Representatives will soon vote on H.R. 4453—to amend the Saccharin Study and Labeling Act (Public Law 95-203) to extend the mortorium on the ban on saccharin. Mr. OTTINGER and I actively opposed this bill in the Committee on Interstate and Foreign Commerce and presented an alternative to the bill. Our bill—H.R. 3852—would allow the Secretary of Health, Education, and Welfare to reinitiate the proposed rulemaking to make saccharin available to consumers as an over-the-counter drug. These regulations would take place 3 years after their promulgation. If an alternative non-nutritive sweetener to saccharin is developed and regulations issued, saccharin would then be sold immediately as an over-the-counter drug. Our bill also provided for these regulations to take place "if the Secretary finds on the basis of new evidence that saccharin presents an unreasonable and substantial risk of illness."

I would like the Members of the House to recognize the strength of our commitment to this issue. I submit for the CONGRESSIONAL RECORD Mr. OTTINGER's and my dissenting views printed in the committee report (No. 96-348) on the saccharin extension to accompany H.R. 4453.

The dissenting view follows:

DISSENTING VIEWS

(By RICHARD L. OTTINGER and ANDREW MAGUIRE)

Two years ago Congress enacted the Saccharin Study and Labeling Act (P.L. 95-203) to prohibt the Food and Drug Administration from restricting the use of saccharin and to direct the National Academy of Sciences (NAS) to review all available information and report back to Congress regarding the carcinogenicity of saccharin.

At that time, we felt that with proper safeguards this 18-month moratorium made sense. In view of the lack of political and scientific concensus, the moratorium allowed continued marketing for the millions of Americans who felt the need for saccharin, while it gave industry time to develop a safe substitute for saccharin and the NAS time to evaluate the validity of the tests which had indicated saccharin was a carcinogen.

Unfortunately, two years have passed and we are no closer to the objective of finding a safe substitute than we were when we enacted the moratorium in 1977. In spite of this, the Congress now is considering extending the moratorium for two more years. We don't think this makes sense. It is time to take some positive steps to encourage the development of alternative sweeteners and to prevent the continuation of a known cancer-causing substance in our food.

The best solution is to find a safe substitute for saccharin. There would be no reason to require FDA to allow a proven carcinogen of any strength in our food supply if a safe substitute were available. Indeed, there was no action taken to interfere with the FDA when it banned cyclamates because saccharin was available.

In April, we introduced legislation to set a clear date for the phaseout of saccharin in order to put industry on notice that it must come up with a substitute and to provide a reasonable time and the incentive to do this. In addition this bill provided that FDA could take action sooner if a substitute were approved during this period. An amendment to allow this was not adopted by the committee.

H.R. 4453 as reported by the committee not only leaves the final disposition of saccharin up in the air, it delays the day when industry will introduce a safe substitute. In addition, it does nothing to protect millions of Americans from the continued consumption of a substance which the NAS report confirmed is a carcinogen.

Several of the arguments used in support of this legislation should be addressed.

It is alleged that overweight people and diabetics need saccharin to control their weight. The scientific evidence suggests, however, that saccharin raises the sugar level and thus stimulates the appetite.

Where a doctor feels that saccharin is medically necessary for his patient, there would be no problem having saccharin available as a prescription drug. We would have no problem making it available as an over-the-counter drug if it were properly labeled as to the risk involved with consumption. It is quite a different story, however, to have it included in food and soft drinks which people, particularly children, are likely to ingest oblivious to the risks.

It is argued that people should have freedom of choice, even though the sweetener unquestionably poses increased cancer risk. We don't believe the freedom of choice argument makes sense in this case. It would be more prudent to treat saccharin as we do prescription drugs, that is, restrict public access because of the serious risks involved.

Lastly, it is still argued that the carcinogenic risk from saccharin is unproven. But, as the NAS notes, saccharin has been controversial almost from its first introduction into food 70 years ago. In fact, there is considerable evidence, both suggestive and demonstrative, that indicates saccharin causes cancer in both animal and man. Relying upon epidemiological evidence, one notes that both the Canadian study by Howe (1977) and the Wynder study (1977) indicate saccharin's carcinogenic potential in human populations. Howe observed a causal relationship between bladder cancer and humans. Although the relative risk was small among the observed group, the fact that an increase could even be observed in a relative insensitive epidemiological study should red flag saccharin as a public health risk.

The Wynder study noted that: "The data appear to support the hypothesis of a statistical association between saccharin usage and bladder cancer in man even to the extent of exhibiting dose-response relationships with duration and usage."

Three standard animal tests for carcinogenicity have demonstrated that saccharin causes cancer in rats. These are the 1973 Wisconsin Alumni Research Foundation test, the Food and Drug Administration's 1973 test, and the 1977 test by the Canadian Government's Health Protection Branch. The NAS and the Congressional Office of Technology Assessment studies independently confirmed the scientific validity of all three tests.

Many people, both laypersons and legislators, are uncomfortable using inferences from epidemiological data and animal data to predict human cancer risk. Yet those agencies with the responsibility to regulate in the public interest—EPA, FDA, CPSC, and OSHA—must rely upon these data to protect the public from cancer because—due to cancer's long latency period—direct human evidence is impossible. And that reliance has been repeatedly upheld in the Courts.

There are substitutes for saccharin being tested. The Coca Cola Company has stated it could have a substitute on the market within 90 days if saccharin were banned. We should require a safe substitute be developed and marketed within the two year periods of this bill. That is the only way we will succeed in getting a substitute produced and get saccharin out of our food supply.●

AMTRAK AND POSTAL SERVICE SHOULD COOPERATE TO SAVE MONEY AND ENERGY

HON. JOHN W. JENRETTE, JR.

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 25, 1979

● Mr. JENRETTE. Mr. Speaker, DOT did not address one source of revenue that can have an economic impact on Amtrak—mail and express. Mail transportation has always been an instrumental part in making a passenger train economically viable. When passenger trains were profitable, it was due to a combination of passenger, mail, and express revenues, as well as overhead cost allocation based on frequent service. The present Amtrak system serves 20 of the Nation's 21 bulk mail centers. The DOT plan as passed by the House serves sixteen. Mail and passengers can be joint products; they can both pay toward the cost of the train. In fact, years ago rail passenger transportation in rural areas was often a byproduct of mail transportation. Amtrak should be encouraged to develop their services in concert with the needs of the U.S. Postal Service.

I have often wondered how we could heavily subsidize these two federal agencies without requiring that they cooperate. I believe both the Postmaster General, Mr. Bolger, and Amtrak's President, Mr. Boyd, would be agreeable to cooperation in this historically interrelated field if given the proper push or maybe a heavy shove by Congress.

Postal revenues give us a means to save money while maintaining a high level of service.

This amendment provides for a 5-year plan to maximize mail and express revenues. The plan will be furnished the Congress not later than March 31, 1980, and plan will address Postal Service and Amtrak cooperation including the extent that the authorized route structure can be used for mail and package express transportation. This study will be "nuts and bolts" and will state how many baggage cars can move how many tons of mail and packages and at what times.

A private study recently done by Frank Shaffer of Chicago demonstrated that coordination between the U.S. Postal Service and Amtrak for transportation of bulk mail on what is essentially the present Amtrak system, could provide $50 million in revenue to Amtrak. An injection of $50 million in yearly revenues could not help but improve Amtrak's

fiscal position, and certainly give us a better taste here in Congress. This does not include revenue from first-class mail.

Congress will be involved in this study and I believe we have a responsibility to act to save taxpayers money.●

THE PRESIDENT'S ADDRESS TO THE NATION

HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 25, 1979

● Mr. HAMILTON. Mr. Speaker, I would like to insert my Washington Report for Wednesday, July 25, 1979, into the CONGRESSIONAL RECORD:

THE PRESIDENT'S ADDRESS TO THE NATION

President Carter's July 15 address to the nation was surely one of the most extraordinary speeches ever given by an American chief executive.

In opening paragraphs that can only be described as remarkable, the President came down very hard on his own performance in the White House. Indeed, he was tougher on himself than he was on anyone else. He listed and discussed a litany of criticisms of the job he had done as President, and he acknowledged that he had not closed the gap between the citizens of the country and the government. Citing the criticism that he was only managing the government, not leading the people, Mr. Carter tried to project the public image of a strong leader who had recognized his shortcomings and was ready to start anew. Speaking in the tones of a crusading evangelist, he exhorted the people to be proud of "hard work, strong families, close knit communities, and our faith in God." Americans have not often heard their Presidents say such words.

Although it is too early to judge, the address may have been a turning point for the President. It has been no secret that Mr. Carter is in deep political trouble. Public opinion surveys taken before the speech had dropped him to an historic low. The speech and his performance in the next few months will very likely determine his chances of remaining in office into the 1980s. When Mr. Carter spoke to the nation, he knew that the people doubted his leadership and would greet his words with a mixture of skepticism, hope, anxiety, and willingness to sacrifice. He also knew that failure to measure up would doom his approaching candidacy.

The President delivered the address not only to turn his political fortunes around, but also to turn the fortunes of the country around. Mr. Carter believes that the nation has lost confidence in its ability to overcome the obstacles that lie ahead. He sees not only the government, but also the major institutions of our society, scarred and deeply shaken by the assassinations, Vietnam, Watergate, and other troubling events. In his view, the challenge to his leadership is to begin to restore the nation's faith in itself. Mr. Carter noted time and again that the energy problem is subordinate to his main theme. It is symptomatic of a crisis of the American spirit and a breakdown of the cohesion and common purpose in the nation. The energy problem happens to be the one to grasp. Concerted national action to solve it can serve as the cutting edge for American resurgence in other areas. The President's task, then, is formidable: to rescue a faltering administration, to rekindle Americans' confidence in themselves, and to set the nation on the path to energy independence. The people have heard the promise. Now they will assess the performance.

Despite the expectations created by the "domestic summit" at Camp David, the energy program offered by the President contained no big surprises. The highlights of the program are a limit on imports of oil, the establishment of an energy security corporation to develop substitutes for oil and an energy mobilization board to expedite the construction of important projects, a requirement that utilities cut their consumption of oil, incentives for the development of heavy oil, unconventional gas, and oil shale, assistance for mass transit, and programs to aid low-income families hit by high energy prices. The total cost of these initiatives would be $142 billion, to be funded principally by a tax on the windfall profits of oil companies.

The President made an important energy commitment in his address: this nation is going to reduce its imports of oil. To fulfill the commitment, Mr. Carter is relying on conservation for the first few years, but his overall effort is designed less for the immediate energy problem and more for a long-term result. Although it will not be easy for the President to maintain public support in the months to come, most of the new energy legislation is already moving in Congress. I expect that the House of Representatives will have completed action on at least five major energy bills before the August recess. Congress has a responsibility to consider Mr. Carter's proposals promptly and fully, but it should not hesitate to choose other options if it finds them better.

My guess is that the President caught the nation's attention with his discussion of the crisis of confidence. Many Americans have been disturbed by our apparent drift, and Mr. Carter may have succeeded in expressing their concerns. These people know that the nation had to get together on a plan of action, so they may be with the President even if they do not agree with every detail of his program. I think that most Americans want the President to succeed. They feel better when he acts with decisiveness. It is obvious, however, that more than a single speech will be required to make a lasting impression.

At very least, the President has given the country a plan to free itself from dependence on foreign oil. There has really been no such plan until now. I believe that if the people get a renewed sense of direction from the plan, even if it is costly and difficult to implement, they will look at themselves and their nation in a new light.●

ORDINATION OF NEW BISHOPS

HON. MARY ROSE OAKAR

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 25, 1979

● Ms. OAKAR. Mr. Speaker, the ordination of Bishop-elect James A. Griffin, Bishop-elect James P. Lyke, and Bishop-elect Anthony M. Pilla which will take place in St. John Cathedral, diocese of Cleveland, on August 1, 1979, is a time of great joy and celebration for people of all faiths.

The elevation to bishop of these three outstanding priests is a reflection of their humble dedication to God and to their fellow man. They are to be congratulated for receiving this honor in recognition of their untiring and unselfish service to the Catholic church.

Each one of the new bishops will bring to the diocese of Cleveland a variety of backgrounds and expertise that will enhance the church and draw closer her members in the common goal of peace and social justice for all people.

May I now join with the hundreds of well-wishers and extend my personal congratulations to Bishop-elect James A. Griffin, Bishop-elect James P. Lyke, and Bishop-elect Anthony M. Pilla, and pray for Godspeed in their holy work.●

THE LUCK OF THE OUTBACK

HON. JONATHAN B. BINGHAM

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 25, 1979

● Mr. BINGHAM. Mr. Speaker, one of our good friends in the world, Australia, rarely gets attention in our media and most Americans know too little about it. A recent article in the Washington Star makes the same point vividly in connection with the fall of Skylab. The article, by John Shaw, a visitor in Washington and a former Time correspondent who now lives in Canberra, follows:

THE LUCK OF THE OUTBACK

(By John Shaw)

Praise be to Skylab—not for scaring the sharks and kangaroos in Australia but for putting that country on American front pages. This is an event so strange that you, or at least we Australians, will probably have to wait for another episode of comet-like rarity to experience it again.

Over at the Australian Embassy I'm sure they're framing the clippings, to be rushed off in the diplomatic pouch to Canberra. (Last time Australia made the front sections of the dailies hereabouts was during the 1977 Washington visit of Prime Minister Malcolm Fraser, when President Carter couldn't even get Fraser's first name right.)

But, you may say, lucky country that manages to stay *out* of American headlines. Who wants the attention paid to Nicaragua or Iran if the cost of admission is crisis?

I'm not advocating that American newspapers be only good-news papers. In fact, Australia, with its problems of inflation and unemployment, and controversies over nuclear power and the plight of its Aborigines, wouldn't rate space on that level. I'm aware, too, that the American press is so short of acreage that even such significant matters as the personal lives of Linda Rondstat, Bianca Jagger, and Jacqueline Bouvier Kennedy Onassis—people with relevance for all our futures—hardly get the space they merit.

And as a Georgetown hostess put it to me the other evening, "Australia is so far away from Washington." True—just as Washington is far away from Australia, and, indeed, often seems far away from anywhere.

So why should this faraway country, short on crisis and long on calm, rate the attention of American editors and their readers? One pointer: had Skylab crashed a few minutes earlier or later it might well have have plowed into one or other of the two most important American intelligence and military communications bases outside the United States These electronic security outposts are in the Australian outback, at Alice Springs and North West Cape. Since Iran fell out of American orbit, these have acquired an added significance not generally recognized in the U.S. Nor, may I add, by Australians themselves.

Now, Australia is not about to ask for the bases to be dismantled, or up the post-Iran ante for having them there. They are not at issue and there is bipartisan political approval for them.

But perhaps Americans should know more about the country that houses them. Until Skylab came down, like a gift from heaven for my cause, I had not seen in more than two weeks of reading the Star, that Other Paper, and that good, grey institution in New York, a single item about Australia. Not even a baseball score (yes, they do play more than cricket and croquet there). On U.S. television, John Newcombe, a transplanted tennis tycoon, keeps the Australian flag flying with his flat twang—but he's now so omnipresent that he passes for just another handsome local huckster. In the same period, there was zealous overkill coverage of the squalid and predictable internal politics of Nicaragua, a country which, in all seriousness, I doubt interests many Americans.

Until American editors can be persuaded to report regularly on Australia, the country will have to rely on the prize-winning novels of Patrick White and Thomas Keneally and the sensitive movies of Peter ("Picnic at Hanging Rock") Wier to carry its message across the Pacific.

What is the message? It has many sides. Australia is big, rich, complex, replete with energy deposits, and increasingly involved with Japan, China, and, of course, the United States.

I suspect there's a good deal of unsatisfied curiosity about Australia in Middle America which, I gather, senses the similarities.

Australians, for their part, have a thirst for Americana which has, in recent years, led some Australian papers, which already have Washington and New York bureaus, to also appoint correspondents to report at length on the wonders and weirdos of the West Coast.

In short, Americans, often astonishingly well served with foreign news, are missing a story. Not one of crisis, but of progress and people (the latter far outnumbered by sheep and kangaroos, it is true) in a faraway country which, as I vainly search for news of it, seems even farther away than it really is from America and its national and human concerns.●

EMPIRE STATE FOUNDATION OF INDEPENDENT LIBERAL ARTS COLLEGES

HON. JOHN W. WYDLER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 25, 1979

● Mr. WYDLER. Mr. Speaker, in this day when corporations are so frequently criticized for lack of social responsibility, I believe it proper to balance the picture by calling attention to an area where the corporate world is helping to a great degree. I refer to the Empire State Foundation of Independent Liberal Arts Colleges and the support they are receiving from over 380 companies in the United States.

The Empire State Foundation is a consortium of 26 of the finest colleges in the world, all located in New York State. These colleges are Adelphi University, Alfred University, Bard College, Barnard College, Colgate University, D'Youville College, Elmira College, Hamilton College, Hartwick College, Hobart and William Smith Colleges, Houghton College, Iona College, Ithaca College, Keuka College, Manhattanville College, Nazareth College, College of New Rochelle, Roberts Wesleyan College, Russell Sage College, St. Lawrance College, College of Saint Rose, Sarah Lawrence College, Skidmore College, Union College, Wagner College, and Wells College. Through membership in the Empire State Foundation, corporations are contracted to contribute scholarship dollars to aid these colleges, which basically must exist without support from the public treasury. Today over 54,000 students are enrolled in these fine colleges and over 60 percent receive some type of scholarship aid.

The Empire State Foundation was founded 26 years ago and in that time $15 million has been distributed to colleges from this outstanding foundation, which has obtained its money solely from industry and business in the United States. A number of our leading corporations have recently given a challenge grant to the Empire State Foundation to match any new or increased gifts received from the business world.

I call attention to this all-important means of aiding independent colleges in our Nation and pay my respects to the Empire State Foundation and to the companies in New York State and throughout the Nation who are accepting the responsibility to help meet the needs of our Nation.●

PLO WELCOME MAT OUT

HON. PAUL FINDLEY

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 25, 1979

● Mr. FINDLEY. Mr. Speaker, unaccountably, the United States still declines to have any direct communication with the Palestine Liberation Movement. The willingness of the PLO to undertake talks is expressed in an interview with a prominent PLO official, as reported in the Manchester (England) Guardian by the distinguished journalist, David Hirst.

I have had direct confirmation myself on two different occasions of the willingness of the PLO to begin direct communication with the United States.

To me, it is astounding that the United States, having as it does such deep interests in advancing a comprehensive peace in the Mideast, would miss an opportunity to get firsthand the thoughts of a political organization which occupies a critical role in that region.

Anyone acquainted with the politics of the Mideast must accept the fact that the Palestine problem—that is, its insistence on self-determination for the people living within the West Bank and Gaza Strip—is the central, fundamental problem, and further, that the PLO is the unchallenged organization of Palestine interests. The United States cannot do an end-run around the PLO. The PLO will not wither away. At some time, direct discussions with the PLO must occur, and the sooner this begins, the sooner a just settlement of comprehensive nature will occur. A comprehensive peace is the key to lasting peace for Israel, as well as for other states of the region.

The Hirst interview shows clearly the PLO welcome mat is out. What is the holdup from the standpoint of the United States?

Here is the text of the Hirst interview:

WE DARE U.S. TO MEET US—PLO

"Who says that we refuse any dialogue with the United States? What angers us is that there is no dialogue. What organisation in the world would refuse a dialogue with a superpower? I dare the Americans to meet any PLO representative openly or secretly."

Abu Iyyad, the Fatah "second-in-command," threw down this challenge in an interview with the Beirut newspaper Al-Safir at the weekend.

It came amid reports that such a dialogue was already under way, and that this was in response to pressures exerted on the United States by such Arab "moderates," as Saudi Arabia Crown Prince Fahd insisted recently that it was "incumbent on the United States to talk to the PLO."

When President Sadat is not denouncing the Palestinian leadership for its denunciations of himself, he also urges the same thing—and renewed the plea during a session of the "autonomy" talks last week.

There have indeed been contacts between leading Palestinians, not formally members of the PLO, and the United States, but what the PLO really means by a dialogue is an encounter by which it achieves—or in the course of which it can reasonably expect to achieve—recognition of its claim to be the legitimate representative of the Palestinian people, the institutional expression of their legitimate aspirations.

According to the PLO, the existing "dialogue" is no such thing. It is, at the most, a sop to the Saudis and Sadat. The American side has to conduct it in such a furtive, noncommital manner as to reassure the Israelis that it remains faithful to the crippling pledge which Dr. Kissinger gave them in a memorandum of understanding attached to the 1975 Sinai disengagement agreement: namely, that the United States "will not recognise or negotiate with the PLO so long as the PLO does not recognise Israel's right to exist and does not accept Security Council Resolution 242. . . ."

For the Arabs, "talking to the PLO" is shorthand for adopting a serious, realistic approach to that whole complex of interlocking problems known as the Middle East crisis. It means an acknowledgement of what, to them, has always been the obvious: that the Palestinians are the heart of the matter. In their view, the Americans are attempting the impossible, or rather, for some reason or other—weakness, desperation, opportunism or ignorance—they are being misled by the Israelis into attempting it.

Through Sadat and his "separate peace," they are trying to build a structure of Middle East peace and security which, stripped of the necessary pieties, lacks the indispensable cornerstone of Palestinian acquiescences.

In Arab eyes, the chief symptom of this persistent American lack of realism is now the strenuous denials, by American officials such as "autonomy" negotiator Robert Strauss, that there is any link between and Arab-Israeli settlement and America's manifest self-interest in the shape of the continued flow of oil to Western markets.

There would, of course, still be an energy crisis if there were no such thing as a Palestine problem, but what Arabs of all

political persuasions—from the Saudi Oil Minister, Ahmad Zaki Yamani, to George Habash, leader of the Popular Front for the Liberation of Palestine—are in their various ways saying is that it is the endemic political instability of the oil-producing regions which lends the crisis such potentially explosive gravity, and that nothing contributes more to this instability than the unresolved conflict in Palestine.

Yamani said recently that he would not be surprised if the Palestinians, out of desperation, blew up a tanker or two in the Straits of Hormuz.

It was up to the United States to forestall such a calamity by getting the Israelis out of the occupied territories. Saudi Arabia has now followed this warning by increasing its oil output from 8½ to 9½ million barrels a day. Characteristically, it is using a carrot, not a stick. For the Popular Front, by contrast, the production increase is a "service to imperialism and a clear blow to the (anti-Sadat) Baghdad summit conference resolutions."

In fact, where Saudi Arabia raises or lowers production, the message is essentially the same: it has a unique, if diminishing, ability single-handedly to help or harm the Western economy. The decision to help is of itself a warning the next time it might be obliged to harm—and so on until it either induces the United States to act or, thanks to some Palestine-related upheaval such as a tanker or two sabotaged in Hormuz, it loses independent control of its resources.

The Arabs recall that before the October 1973 war, American leaders affected a somewhat similar outward imperturbability in the face of clear warnings about the Arabs' eventual resort to the "oil weapon." Since then the Saudis and other oil-producers have refrained from labouring the connection between oil and politics.

But is has always been at least implicit, and if Yamani is now making it explicit, that is not a change of policy, but merely a more rigorous application of it.

As the Arabs see it, the choice facing the West may not be an immediate one, but, the longer it is delayed the more dangerous the circumstances in which it will eventually be obliged to take it.

The Beirut Daily Loreint-le Jour put it this way: "Either the Americans baulk at paying any longer, in their daily life, for the Biblical conquests of Menachim Begin, or they (and with them, perhaps, a Europe impressed by Arab moderates but exasperated by cutback and fears for the future) give their support to military adventure among the oilfields."

At present, it appears to the Arabs that the second choice enjoys greater appeal than the first. Symptoms of this are the strength of those tendencies within the American Administration and public opinion which seek—in the words of Stuart Eizenstat, the head of President Carter's energy task force—to "Mobilise the nation around a real crisis with a clear enemy—OPEC."●

LEATHER SHORTAGE

HON. OLYMPIA J. SNOWE

OF MAINE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 25, 1979

● Mrs. SNOWE. Mr. Speaker, the domestic leather-using industry is facing a major crisis. The problem is an insufficient quantity of the industry's basic raw material, cattle hides, and skyrocketing prices.

So imbalanced has been the supply for domestic leather tanners and manufacturers that Americans now get fewer than one hide of every four sold by U.S. cattlemen, and cattlehide prices have tripled in the last 17 months, the highest inflationary increase of any raw material produced in our economy.

The consequence of this situation is the loss of American jobs which is just beginning to be evidenced. I would like to bring to my colleagues' attention an article which appeared in the Lewiston (Maine) Sun on June 28 and which exemplifies the severity of the crisis in this industry:

SHOE SHOPS EXTENDING LAYOFFS FOR MORE THAN 500 EMPLOYEES—LEATHER AVAILABILITY, PRICES ARE BLAMED

(By Tom Robustelli)

More than 500 Lewiston-Auburn shoe shop workers will suffer an additional week or two unpaid layoff during July, because of a shortage of leather, the managers of three local shoe manufacturing plants told The Journal today.

Stride Rite Corp. of the Hotel Road in Auburn will lay off its 200 employees four weeks, instead of the usual two weeks, Plant Manager Henry Venzlowsky confirmed.

Billen Shoe Co. of Oxford Street, Lewiston will close for two weeks during July, leaving its 300 employees without a paycheck for an additional week this summer.

And, about 20 employees of the Lawrence Shoe Co. in Lewiston will be out of work three weeks this summer, instead of the usual two, a plant official said.

News of the extended layoffs came just hours before a rally in Lewiston's Kennedy Park this afternoon, where hundreds of shoe workers were scheduled to protest a shortage in cow hides to make leather for U.S. shoe manufacturers.

Local shoe makers said today the extended layoffs were a short-term effect of the hide shortage. If the situation is not corrected in a matter of months, "it'll put some people out of business, you can bet on it," warned one plant manager.

Lewiston-Auburn, Area Chamber of Commerce Executive Vice President Gary Cain said the shoe industry problems "are a concern of ours." "The Chamber is supportive of any action that is required to assure these people that their jobs will remain," Cain stated.

The extended layoffs were the immediate cause for worry among the affected manufacturers today.

Venzlowsky said Stride Rite will be closed from June 29 to July 30 this year because, "the quality of materials and the delivery of materials is terrible."

"The raw leather stock that the tanners have to work with is poor. The leather that we're getting is of much poorer quality than what we were getting six months ago," Venzlowsky explained.

Venzlowsky said some of Stride Rite's 200 workers will receive a week of vacation pay, and will be eligible for three weeks of unemployment compensation.

He said others not eligible for vacation pay, should be able to collect four weeks of unemployment. But some may get no compensation during the entire four-weeks layoff, Venzlowsky indicated.

"I don't know what these people are going to do. We had a meeting with the employees and tried to explain that this is not Stride Rite's fault. I think they understood, but they are not pleased," Venzlowsky remarked.

Billen Shoe Co. President Jerome Feinstein said the additional one-week layoff at his firm was also due to a shortage in leather goods.

"I can't get the right leather in here. I'm not getting enough of any kind, and when I do, the price is out of sight," Feinstein complained.

"We're going down for two weeks—that's all I hope we'll be forced into," he said.

Several other local makers of footwear said they had enough leather to continue regular production schedules, but plant managers warned of future disaster if more hides are not made available to U.S. manufacturers.

"One of the things that the leather shortage has done is that it has driven the price of leather up so high that it's hard to compete with foreign manufacturers," observed Joseph Chabot, vice president of manufacturing for the Charles A. Eaton shoe company.

The Eaton company employs about 900 people in Lewiston, Auburn and Richmond.

Chabot said American-made adult shoes have jumped from $5 to $10 per pair over the last year, and children's shoes are up $2 to $5 per pair. He said leather now costs U.S. shoe makers between $2.30 and $2.60 per foot, $1 more than a year ago.

The high price has forced some manufacturers to turn to vinyl and other synthetics, Chabot indicated. "We're trying to design around the problem" Chabot said of the Eaton's Bonon footwear division in Auburn, which manufactures golf shoes.

The synthetics, however, do not cut costs significantly, and are a poor substitute for leather, Chabot said. It's a situation that could affect shoe sales, the company executive acknowledged.

"We consider this hide situation very serious. No question, all of our jobs are threatened," he stated.

Other manufacturers whose production has not yet been affected, were just as skeptical.

"If this keeps up for another month or so it's really going to hurt," remarked Ray Thibault, manager of the Arno Moccasin Co. plant on Saratoga Street in Lewiston.

Thibault said the company might consider temporarily laying off 100 employees, about two-third's of its workforce, if leather did not become more available in coming months.

William Bartholomew, general manager of the Lewiston division of Timberland Co., said his firm bought enough leather in advance to remain in production through the summer. But he speculated the company could run into trouble this fall if leather is not more available.

Workers at many of the affected plants will protest at a "barefoot in the park" rally in Kennedy Park at 4 p.m. today.

The rally is being sponsored by the Hide Action Program, a national leather industry coalition brought together to lobby for a cut in hide exports.

A lobbyist for the group, Richard Ferry, said greater Lewiston-Auburn, with 22 shoe manufacturing plants, "is the greatest impacted area in Maine."

Chamber of Commerce executive Gary Cain, scheduled to speak at today's rally, expressed the concerns of the Lewiston-Auburn business community:

"I'll certainly let the people there know that the Chamber is interested in this thing. We're interested in the industry, and in the jobs provided by that industry." ●

CONSTITUTIONALITY OF DRAFT

HON. RON PAUL

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 25, 1979

● Mr. PAUL. Mr. Speaker, in his new book, "The Warmongers," economist

Howard Katz discusses the constitutionality of the draft.

Conscription goes against all our traditions of respect for individual rights, and it would weaken us militarily, rather than strengthen us.

I would like to draw excerpts from Mr. Katz' writing on this subject to my colleagues' attention:

THE CONSTITUTIONALITY OF CONSCRIPTION

The U.S. Constitution is a document enumerating the powers of government. If a power has not been listed in the enumeration, it has not been granted. Thus the Federal Government is limited to the powers listed in the Constitution. The only exception to this is the doctrine of implied powers, but implied powers were not to be construed—as Jefferson had feared—as an open door to any action the government wanted to take. By Hamilton's (the originator of the concept of implied powers) own statement, implied powers were non-coercive in nature and did not extend to any power which abridged a right. From this we concluded that legal tender is not an implied power of the Government and that only a hard money system is in accord with the Constitution. . . .

Conscription, like legal tender, is not an enumerated power in the Constitution. Congress does have the enumerated power to raise an army, and the advocates of conscription argue that the draft is a means to effect this power. They thus rely on the doctrine of implied powers—that means to a constitutional end are themselves constitutional. . . . Hamilton himself was not so inconsistent. When he was arguing for the chartering of a national bank, that is, for the extension of a government power, he was careful to add the qualifying test: "Does the proposed measure abridge a pre-existing right of any State or of any individual?"[1] He was not prepared to assert the constitutionality of any measure which did.

That the doctrine of implied powers must be so qualified follows, not only from the authority of Hamilton, but from the very nature of government, which derives its power to abridge a person's rights from that person's consent. Consent is not to be understood as an abstract philosophical concept. Americans have a detailed bill of particulars enumerating the powers of their government to which they give their consent (when they come of voting age). This is the Constitution.

Conscription cannot be an implied power because it abridges the right of liberty, the right to simply conduct one's own affairs and mind one's own business with no harm to anyone else.

If we study the men who actually wrote the Constitution, we find a much greater appreciation of its proper meaning than in modern apologists for the state. For example, in 1814 President Madison was under tremendous pressure to use conscription to raise an army. The war was going badly, and the New England militia would not obey orders. But Madison never tried to claim that the Federal Government had the power to conscript. (In fact the Chairman of the Military Committee, in bringing out Madison's bill to raise an army stated: "I will not go into an argument to show that you can, like other Governments, resort to other modes of raising armies than that of voluntary enlistment."[2]

Madison's proposal to raise an army did not involve Federal conscription directly, but it did involve the use of the state governments to force men into the army; hence it was attacked by its opponents as a conscription bill. Congressman Miller of New York used the same reasoning in helping to defeat Madison's bill that Madison himself had used against the central bank, the argument of strict constructionism. He argued:

This conscription is unconstitutional. The Government of the United States is a Government of limited powers. You take by grant; your powers are special and delegated—that must be construed strictly. "All powers not delegated, are reserved to the States or the people." [This was the addition to the Bill of Rights which had been proposed by Madison himself.] Your authority is defined—you take nothing by inference or application, except what may be "necessary and proper for carrying into execution" the powers expressly granted.[3]

This was the same argument Madison had used 13 years earlier against Hamilton. Unfortunately, Madison as President did not live up to the principles which Madison as political philosopher has expounded.

A doctrine of strict construction is not needed to show Federal conscription laws to be unconstitutional. As noted above, Hamilton's doctrine of loose construction, properly understood, leads to the same conclusion. This was also the position of Chief Justice Roger Taney who wrote the following draft opinion on the Civil War conscription act:

It appears to me impossible to believe that a constitution and form of government framed by such men can contain provisions so repugnant to each other. For if the conscription law be authorized by the Constitution, then all of the clauses so elaborately prepared in relation to the militia, coupled as they are with the declaration "that a well regulated militia is necessary for the security of a free State," are of no practical value and may be set aside and annulled whenever Congress may deem it expedient.

The power to do this is, I understand, claimed under the clause which gives Congress the power to raise and support armies.

It is true that the power is delegated without specifying the manner in which the armies are to be raised. But no inference can be drawn from these general words that would render null and inoperative the plain and specific provisions in regard to the militia, to which I have above referred. No just rule of construction can give any weight to inferences drawn from general words, when these inferences are opposed to special and express provisions, in the same instrument.

But apart from this consideration the words themselves, even if they stood alone, will not, according to their known and established use and meaning in the English language, justify this construction.

During the period when the United States were English Colonies, the Army of England—the standing army.—was always raised by voluntary enlistments,—and the right to coerce all the able bodied subjects of the Crown into the ranks of the Army and subject them to military law, was not claimed or exercised by the English government—and when the power to raise and support armies was delegated to Congress, the words of the grant necessarily implied that they were to be raised in the usual manner.—And the general government has always heretofore so understood them and has uniformly by its own offices recruited the ranks of its "land forces" by voluntary enlistments for a specified period.[4]

While we are on the subject of Hamilton's doctrine of implied powers, it is worthwhile to note that another way in which the existing power structure violates the law is in its conception that foreign policy is exclusively the President's domain.

Under Hamilton's doctrine, granting a power implies the granting of the *means* to actualize that power (provided these means do not violate the purpose for which the power was given). If we look at the powers granted to Congress by the Constitution in the sphere of foreign affairs, they are as follows:

To regulate Commerce with foreign Nations . . . regulate the value . . . of foreign coin . . . To define and punish piracies and felonies committed on the high seas, and offenses against the law of nations; To declare war, grant letters of marque and reprisal and make rules concerning captures on land and water; To raise and support armies . . . To provide and maintain a navy.[5]

Since these are powers of Congress, it follows that *Congress* must exercise the means which relate to these as ends. For example, if a delicate negotiation can make the difference between war and peace, then it is representatives of *Congress* who should conduct the negotiation, not representatives of the President. Otherwise, the negotiation could present Congress with a *fait accompli* and make a nullity of the Constitutional provision giving Congress the power to declare war. This has in fact happened several times in American history, most notably where Lincoln's arming of Fort Sumter led to the Civil War (which began before Congress could even be called into session) and where F.D.R.'s pressure against the Japanese led to World War II.

As against these substantial powers, the President has few powers in foreign affairs. He has a few minor powers in conjunction with the Congress, and he is commander-in-chief of the Army and Navy. This latter is only a military office (akin to a six-star general); it carries no *political* authority, and if it were embodied in a separate individual, that person would be subordinated to both the President and Congress. Since each branch of government should exercise the means appropriate to its powers, it is the Congress which should be conducting most of America's foreign policy.

It may be felt that such considerations are legalisms, relevant only to lawyers, not to the average man. "It doesn't matter whether the draft *should be* constitutional," people say. "It is a fact that the Supreme Court has upheld the draft, and the Supreme Court's interpretation of the Constitution becomes the Constitution. The Constitution is what the Supreme Court says it is. That's the American system."

Fortunately it isn't the American system. . . . America's founding fathers did not invest the Supreme Court with the power to interpret the Constitution. They did not invest any person or group with such authority.

This seems difficult for some people to understand. Surely there must be some authority. How do disputes get resolved? But the Founding Fathers—whose ancestors had fought fiercely for the principle that each person must interpret the moral law in accord with his own conscience—intended that each person interpret the legal law in accord with his own conscience. Indeed, they could not have understood our modern view.

How could there be a supreme authority, they would ask if they were alive today? What will you do when, as you see it, the authority does wrong? Will you commit evil merely because the authority orders you to? Impossible! To say that it is always right to submit to the supreme authority is saying that it is right to do evil—a contradiction in terms.

What the Founding Fathers had in mind was a decentralization of power. Each individual had the obligation to interpret the Constitution in accord with his own conscience. If there was a disagreement, naturally each side would use its power to enforce its interpretation, and the more powerful side would win out.

Footnotes at end of article.

Of course this is what happens anyway, but the advantage of recognizing this and deliberately constructing a decentralized system of power is that under a decentralized system the neutral faction (too big and too diffuse to control) will generally decide the issue in as non-partisan a way as is humanly possible. But if a supreme authority exists, one faction will try to seize control of it, and then all interpretations will be made in terms of the view of this group; no opposing point of view will have a chance. This is what has occurred in the 20th century as the Constitution has been so tortured out of all resemblance to its original intent that in many respects we do indeed live under a system that says that black is white. Hamilton had an interesting comment on this: he said:

It may in the last place be observed that the supposed danger of judicial encroachments on the legislative authority which has been upon many occasions reiterated is in reality a phantom. Particular misconstructions and contraventions of the will of the legislature may now and then happen; but they can never be so extensive as to amount to an inconvenience, or in any sensible degree to affect the order of the political system. This may be inferred with certainty from the general nature of the judicial power, from the objects to which it relates, from the manner in which it is exercised, from its comparative weakness, and from its total incapacity to support its usurpations by force. And the inference is greatly fortified by the consideration of the important constitutional check which the power of instituting impeachments in one part of the legislative body, and of determining upon them in the other, would give to that body upon the members of the judicial department. This is alone a complete security. There can never be danger that the judges, by a series of deliberate usurpations on the authority of the legislature, would hazard the united resentment of the body intrusted with it, while this body was possessed of the means of punishing their presumption by degrading them from their stations.[6]

Here Hamilton was wrong as the barriers which he and the other Founding Fathers erected against judicial usurpation have failed. Yet we can see that Hamilton was wrong because he was too practical-minded, too realistic. When Hamilton points out that the Supreme Court does not have the capacity to support its verdicts by force, he has in mind a President like Andrew Jackson who would refuse to enforce a Supreme Court decision he thought was wrong. He has in mind a Congress which would impeach judges who violated the Constitution on a popular issue. He could not conceive of an abject and servile population which had the power to overturn Supreme Court usurpations but which was too awed by authoritarianisms to do anything about it and actually believed that black became white because the Supreme Court said it was.

FOOTNOTES

[1] Alexander Hamilton, "Opinion on the Constitutionality of the Bank," February 23, 1791. (author's italics)

[2] Mr. Troup, as quoted by Mr. Miller, *Congressional Record*, December 1814, H. of R., p. 775.

[3] Congressman Miller, speech to House of Representatives, December 1814, *History of Congress*, p. 778.

[4] Roger B. Taney, Thoughts on the Conscription Law of the U. States—Rough Draft Requiring Revision, by M. L. York for Geo. Bancroft, May 1886.

[5] United States Constitution, Article I.

[6] Alexander Hamilton, Federalist No. 81, *The Federalist Papers*, (New York, New American Library, 1961), pp. 484–85.●

HUMAN RIGHTS SAFEGUARDS—AN AMERICAN CONCERN

HON. MARIO BIAGGI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 24, 1979

● Mr. BIAGGI. Mr. Speaker, for the past 22 months, I have been chairman of the Ad Hoc Congressional Committee for Irish Affairs which today boasts 130 Members of Congress. We have successfully focused attention on the multifaceted issue of Ireland with an eye toward moving the Irish issue off dead center and in the direction of resolution with peace and justice.

Throughout this period and for years previous, I have found the existence of human rights violations to be a main contributor to the strife and violence which so afflicts Ulster. In the past several years, the human rights problem has been the focus of attention by the European Commission and Court of Human Rights as well as Amnesty International. Documented instances of inhumane practices were revealed and in the case of the European Court of Human Rights, Great Britain pleaded guilty to these violations of human and civil rights.

Dr. Fred Burns-O'Brien, an attorney who serves as the Deputy National Director of the human rights-based Irish National Caucus has prepared a paper entitled "Safeguards for Human Rights." It is a most reasoned and thoughtful presentation which describes the conditions necessary to institute such safeguards. For many in Ireland, these safeguards are nonexistent, beginning with the past and promoting the ongoing human right abuses which occur in Ulster.

I urge my colleagues to review this paper and to work with me on restoring human rights to all Ireland as a major step forward in the pursuit of peace and justice for this troubled land.

SAFEGUARDS FOR HUMAN RIGHTS

(By Dr. Fred Burns-O'Brien)

If legislation such as the Special Powers Act of 1920 in Northern Ireland or the Offences Against the State Act 1939 in Southern Ireland and other repressive laws replacing or supplementing these laws are to be condoned as basic and necessary for the security of a democratic nation, then legislation must provide absolute safeguards to insure that basic human rights or protected. Repressive legislation with provisions for internment without trial or non-jury courts, should not be necessary in any society holding itself democratic, but most states that claim to be democracies do have such legislation on the law books.

The right to some vestige of security within a society is a right which is essence for any scheme of ordered liberty rooted in the tradition and conscience of free human beings. It is fundamental to basic human freedom. A violation of security and ordered liberty must be brought to the attention of world justice under the protection of international law. The vehicle for such protection is the Universal Declaration of Human Rights. Nations that have repressive legislation offer the means of repression. The legislation is the vehicle by which security forces commit acts of brutality in the name of law and order.

Suspects should have absolute rights of protection from brutality in the interrogation process and general due process of law even where there is concrete evidence on which to base a future court case. Guilt cannot be predetermined. Guilt can be insured when there is the means for detention and interrogation whereby a confession may be gotten through coercion. In Northern Ireland such confessions are admissible as evidence to convict. It may be the only evidence proffered.

The arbitrary search of homes of citizens and arrests without charge, where there is no evidence is purely political harassment and not in the interests of justice. The excuse that people are suspected of terrorist activity or sympathizing with terrorists without courtroom evidence is a sham at best.

The right of every individual to be secure in his or her home is fundamental. To violate the security of the home or person, there should be probable cause of the suspicion of a crime at a minimum.

A search warrant should be necessary in order to violate a person's home. The search should be carried out at a reasonable time of the day or evening rather than the all too frequent entering a home by force in the middle of the night, and ripping apart walls and woodwork, and arresting inhabitants for no other reason than the most vague of suspicions. The element of surprise would not be lost, since those to be searched would not be aware of the date of the search.

If a search warrant were obtained and incriminating evidence were found pursuant to the warrant, there would be no rights violated and a "clean arrest" could be made. A valid arrest and trial would enhance respect for the judicial process and the criminal procedures would not be as suspect among the citizenry.

The legal system in Northern Ireland has been selectively and arbitrarily applied. In many instances, there are two legal systems, one for the Majority and one for the Minority. One can easily see the difference in the disparity of sentences for the same crimes. There is also the distinction lately of one system for the priviledged and one for the poor. To obtain the trust of the people, the legal system has to restore the word legal into that system.

There must be evidence of serious wrongdoing even in a political arrest. In fact there should be a higher standard for political arrests. This would at least be tolerable in a few instances.

If a warrant is unobtainable and an arrest is deemed necessary at the instant, a search incident to that arrest may be warranted, as long as the arrest is not arbitrary and political at the same time. There must be the standard of probable cause applied. The suspect should be suspected of more than just a misdemeanor.

Citizens should be protected on the streets as well as the home. Mobility should not be interrupted at a whim of a policeman or soldier on the streets. There is too much detaining people on the streets for "mere suspicion." Certainly, a member of the police may question any person who presents a danger to life or limb, and a search may ensue. But all standards previously enumerated apply.

If in fact a policeman were to find a weapon, then a person is of course subject to arrest, but not a beating which is far too often the case. Searching at random without a warrant is carte blanche for harassment and the police hold their activities up to suspicion.

There should be a reason to suspect any person halted for alleged unlawful conduct to justify an initial inquiry and a reasonable suspicion of danger to further warrant a

search of his or her person for contraband. Safeguards should require a policeman or soldier to later justify his conduct if a citizen brings charges.

The violence in Northern Ireland does present certain circumstances under which a policeman might have to question and search people in justifiable circumstances presenting a probable cause for suspicion. However, in the society as it exists in Northern Ireland today, the security forces are far too often the initiators of violence institutionalized and otherwise.

The right to privacy is basic to the dignity of a human being and when removed, it takes a moral courage to disobey unjust laws. We who took part in the civil rights campaign in the United States know well civil disobedience. The law and ordered society cannot supercede the people who make up that society.

Any person who is arrested and detained, if this can be deemed acceptable, deserves an impartial trial by an impartial jury of his peers. The individual should be apprised of the charges and given immediate access to defense counsel so an adequate defense can be prepared.

The crime itself, assuming there is one, should not be vague or prompted by politics. An ascertainable standard of conduct is paramount. The crime itself must also be ascertainable. The law under which the individual is arrested should not be so vague as to encompass any and all activity. This would enable any member of society engaged in political dissidence to be arrested under vague legislation.

During trial there must be an impartial judge as well as an impartial jury. Under the Diplock Court system in Northern Ireland and the Special Court system in Southern Ireland, there are no true safeguards for the proper disposition of due process of law. Those the state wants to convict are convicted, and the systems guarantee that this is the case.●

BORIS AND YAKOV SOSNA

HON. PETER A. PEYSER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 25, 1979

● Mr. PEYSER. Mr. Speaker, in recent years, we have become increasingly aware that the Soviet Union is permitting more of its citizens to emigrate to other countries. For example, last year the Soviet Union issued 28 864 exist visas. Records show that as of June 30 of this year, almost 25.000 people have been allowed to leave the country. On the surface, this may seem that Soviet authorities are easing their emigration policies, but we must take into consideration the fact that thousands more are applying than in previous years. While this news is somewhat heartening, there are still thousands of individuals being denied their freedom. I would like to draw my colleagues' attention to the plight of two Russian Jews who have tried to emigrate to Israel.

Yakov and Rimma Sosna first applied for an exit visa in 1974. They have been consistently denied permission to emigrate ostensibly on the grounds that Rimma Sosna had access to state secrets while employed as a telecommunication engineer. She lost her job soon after their son, Boris, had applied for an exit visa in 1973.

Yakov Sosna, formerly chairman of the Soviet War Veterans of a factory employing over 30,000 is a much decorated army veteran. Because of repeated attempts to emigrate he has lost his job and is now earning meager wages at a rubber shoe factory. As a result of the enormous pressure incurred as a result of his desire to leave the country, he suffered a severe heart attack from which he never fully recovered.

At the present time, their son Boris is living in Israel and has since been reunited with Yakov Sosna's mother, who has not seen her son in more than 30 years. He continues to write to his American friends in the hope that enough pressure will be brought to bear so that his family can be reunited.

As a signatory of the United Nations Universal Declaration on Human Rights and as a party to the Helsinki Final Act, the Soviet Union had indicated its commitment to internationally recognized human rights. The world's regard can only decline as a result of the discriminatory treatment of the Sosnas.

I have written to Secretary General Brezhnev and various Soviet officials regarding this couple. I hope that my colleagues will take note of their situation and join me in this effort to allow them to emigrate.●

CHEAPER CRUDE OR NO MORE FOOD

HON. HENRY J. NOWAK

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 25, 1979

● Mr. NOWAK. Mr. Speaker as the price of imported oil continues to rise, we are hearing more and more about using U.S. food products as bartering items. "Cheaper crude or no more food"; A bushel of wheat for a barrel of oil"; and similar slogans are gaining popularity.

There is an undeniable appeal about these proposals, but they are not quite the simple solutions they seem at first glance. When some in-depth study is done on actually holding food hostage to the price of oil, other possible ramifications are discovered.

I am not convinced that there are insurmountable barriers to having the United States and other food-exporting nations use their production powers to greater advantage. But we should realize current drawbacks to "wheat cartels," bushel-for-barrel pricing, and so forth.

The Department of Agriculture has prepared an issue briefing paper on this subject, and I am placing it in the RECORD so that these issues can be kept in mind as Congress considers various proposals for maximizing U.S. agricultural exports:

JULY 18, 1979.

A BUSHEL OF WHEAT FOR A BARREL OF OIL

BACKGROUND

Between 1972 and 1978 the world price of oil quadrupled. During that period the cost to the U.S. of imported oil rose from $3 billion to $33 billion. In 1978 we imported 2.3 billion barrels compared with 810 million barrels in 1972. America's growing expenditures for oil have fueled inflation creating sizable deficits in our balance of trade. Increasing fuel prices have affected our standard of living.

THE ISSUE

In recent months, there have been a number of proposals to use food exports as a tool to offset the rising price of oil in world markets. The most common recommendations are to:

1. Trade a bushel of wheat for a barrel of oil.
2. Organize an international cartel to control the production, price and distribution of wheat.
3. Create a national grain board to control exports of U.S. grains.
4. Peg export prices of U.S. farm products to the price of imported oil.

This paper explores the pros and cons of these proposals.

TRADING A BUSHEL OF WHEAT FOR A BARREL OF OIL

Trading one commodity for another is nothing more than a barter, the oldest form of trade. Under existing legislation, the government has authority to enter into barter arrangements. However, there are specific restrictions on the use of that authority: We can barter only to meet critical strategic stockpile requirements, for foreign economic and military aid programs or to meet requirements of government agencies.

Barter arrangements are most attractive when one or both countries have balance of payments problems and at least one of the countries does not have adequate foreign exchange to purchase the needed supplies commercially. Another reason for bartering is that the products of either country may not be up to international standards, making it difficult to sell them in commercial markets under accepted terms and conditions.

A barter arrangement can also be entered into to guarantee a continuing flow of the commodities for the shipping as well as the receiving nation.

If the United States were to enter into a barter arrangement, it would most likely be on the basis of guaranteed supplies. How would it work, if in fact it would work at all? Suppose the United States and Mexico entered into negotiations for the exchange of grain, say for example corn, for oil.

First, both governments would have to guarantee each other specific quantities of these commodities on a continuing basis. Since the oil is government controlled the Mexican government presumably could make such a guarantee. But the U.S. government woud have to make arrangements to buy grain from farmers for future delivery in order to fix the terms of the barter arrangement. Such an arrangement would be difficult to make in the U.S.

A second issue would be the terms of trade. For example, how much corn would be exchanged for the oil, given the fact that commodity prices and international exchange rates are constantly changing? Working out equitable terms of trade that take into account shifting differentials between the price of corn and the price of oil would be extremely difficult, if not impossible.

A third issue would be methods to prevent barter arrangements from reducing expected commercial sales. In the case of Mexico, the U.S. has an advantage over most other suppliers due to lower transportation costs. Over the past several years, the U.S. has supplied nearly 90 percent of Mexico's grain import needs. It is doubtful, therefore, that Mexico would buy any more grain from the U.S. than is presently the case.

The amounts of oil and grain which would be exchanged would depend on their respective values. U.S. farmers, as well as the Commodity Credit Corporation (CCC), would

press to receive the greatest amount of oil possible for a given quantity of corn. Mexico would press just as hard for its oil price. Obviously, if grain buyers knew they could easily purchase grain from alternative sources or could increase production, they would adjust the bargaining process accordingly.

The CCC, an agency of the U.S. Department of Agriculture, was established to protect farm income, among other things.

The country whose commodity was in shortest supply would have the upper hand in any bargaining. At present grain is more readily available than oil.

Another complicating factor, according to USDA lawyers, is existing legislation that makes it doubtful whether the CCC would legally be able to buy enough grain in commercial markets to fulfill a barter agreement, if the price of grain were higher than the loan rate. Of course, such purchases by the CCC would be necessary only if CCC stocks were not adequate.

Countries that depend on us for grain would, in general, consider perhaps many alternatives. They would be concerned that trading oil for grain would displace domestic grain production If it would, could the displaced resources be economically used in other ways?

Finally, if the U.S. did enter into a barter agreement with Mexico, the oil the U.S. received would become government property. Under existing authority, the President would then have to declare a national emergency to get the oil out of the government stockpile and into the domestic market.

ORGANIZING AN INTERNATIONAL CARTEL

There would be no point in a barter arrangement unless it improved the terms of at least one partner. To improve grain prices above current levels implies a cartel that can effectively limit supply.

In its basic form, a cartel is a combination of businesses or governments formed to regulate production, pricing and marketing of similar goods by its members.

Those who support the idea of a wheat cartel contend it would serve a number of useful functions: It could withhold wheat from oil-exporting nations until the world price of wheat rose to levels comparable with oil, protect wheat importing nations against sharp price fluctuations and increase farmers' prices.

Those opposed foresee a number of major administrative and economic obstacles. To begin with, participation in an international wheat cartel would require creation of a national wheat (or grain) marketing board.

Next, the government would have to implement a system of licensing or other export controls. And, the government would have to determine how much wheat each importing country would be allowed to receive. The licensing and allocation feature would represent a fundamental departure from the longstanding policy of free enterprise in the United States.

To be effective, an export cartel must be able to control supply. Together, the U.S., Canada, Australia and Argentina export three-fourths of the wheat that moves in world trade with the U.S. alone providing almost half. However, to make the cartel work, each member would probably have to reduce wheat exports and in all likelihood accumulate surplus stocks at the same time. A reduction in exports leading to stock accumulations might be contrary to government policy objectives.

For example, over 60 percent of the growth in world wheat trade during the past 10 years has gone to the U.S. Would this country be willing to accept a smaller share of growth in world wheat trade to benefit other cartel members? Australia is committed by law to holding down its wheat supplies by aggressively increasing its exports and would almost certainly regard the limitations imposed by cartel membership politically unacceptable.

Enforcement of such an arrangement would be important and difficult because the incentive to break the cartel's rules would be great. For each country that has surplus stocks and which is withholding supplies in order to increase prices, the incentive to sell otherwise low priced grain and capture markets from other cartel members would be expected to put severe strains on any such arrangement.

There are a number of smaller exporters such as Turkey, Greece, India, Romania and South Africa that collectively account for about 5 percent of world wheat trade. These countries export their wheat even when it must be subsidized and would undoubtedly find it impossible to adhere to cartel-imposed restrictions. They would probably operate outside the cartel, thereby disrupting prices and trade patterns.

A most significant factor affecting the success of a wheat cartel would be the reaction of wheat-importing nations. Some would strengthen domestic agricultural policies to achieve higher levels of production and reduced imports. Others, such as the Soviet Union, where wheat is an important feed grain, would look to alternative grains, thereby reducing demand for wheat. A number of developing countries that currently subsidize wheat consumption, such as Brazil and Egypt, would shift to such foods as rice or manioc to reduce their wheat imports.

The concept of a wheat cartel is not new. As long ago as 1933, some countries made an effort to establish one. The International Wheat Agreement was not a cartel and it still met stiff resistance from importers who felt wheat prices were pegged too high. During the 1960's the agreement was renegotiated with lower wheat prices. Nonetheless, the organization failed in 1967 when the U.S. and Canada became unwilling to continue carrying the burden of huge stocks and the wheat market was flooded with exports, largely from Australia. Historically, commodity agreements or cartels have been unsuccessful.

Finally, to compare a wheat cartel with an oil cartel such as the Organization of Petroleum Exporting Companies, is to ignore the fundamental differences between the products. Wheat is a renewable resource. It can be grown each year. It is grown in almost every country in the world so production can be greatly expanded. Unlike oil, there are effective substitutes and export trade does respond to prices. And the cost of storing excess wheat can be great.

Oil is not a renewable resource. A very large share of the supply is controlled by a small number of producers. There are few substitutes at competitive prices now and expanded production requires a long-term period and a large investment in research and development. Because there are so few substitutes for oil and because it is essential to the production of so many things, oil price increases do not reduce consumption very quickly. And oil can be stored indefinitely underground at very low cost.

CREATING A NATIONAL GRAIN BOARD TO CONTROL U.S. WHEAT EXPORTS

A national grain marketing board, as has been proposed, would be a federal agency empowered to handle all export sales of wheat, rice, feed grains and soybeans. The agency would negotiate sales for export of such commodities, barter for other goods, accept purchase bids from foreign purchasers and offer selling bids in the world market.

Those in favor of a National Grain Board cite the following advantages:

Some governments have expressed the desire to buy U.S. commodities on a government-to-government basis.

It is simpler to keep track of supplies of grain available for export if there is a single seller of U.S. grain on the international market.

It would be impossible for foreign buyers to deal secretively and, at times, simultaneously with different exporting companies.

It would be easier to negotiate long-term agreements with importers when desirable.

It would eliminate the need for the Export Reporting System since the National Grain Board, as the sole seller, would automatically have this information.

Those opposed to a national grain board pose the following objections:

It would involve a much greater degree of government control of the marketing system. A single exporting agency might be slow to respond to changes in international markets.

There would be less flexibility in responding to price changes as a method of resource allocation. Consequently, resource allocation would be less efficient than in an open marketing system.

The cost to the U.S. government of a national grain board could be high. The initial investment would have to be substantial to take over the present private system. The Canadian Wheat Board, for example, which exports only about 20 percent as much grain as the U.S., employs over 600 people and has many overseas offices.

Less innovation in the handling and marketing of grain would probably occur.

PEGGING THE PRICE OF WHEAT TO THE PRICE OF OIL

However much U.S. agricultural export prices have increased, they have lagged far behind the rising price of oil. As a result, there have been a number of proposals that the price of U.S. wheat be tied to the price of oil. Generally speaking, the recommendation is that if the price of oil is $15 per barrel, then the price of wheat earmarked for export to the oil exporting countries should be raised to $15 per bushel.

As simple as the proposal sounds, the enforcement of such a pricing strategy would be difficult if not impossible. The demand and supply characteristics of grain are not similar to oil, so it is unlikely that the prices can be linked.

U.S. agricultral exports have risen from about $6.0 billion in 1969 to more than $29 billion in 1978. They currently account for 20 percent of total U.S. exports. Furthermore, about one of every three acres of farm commodities produced in America is exported. This includes more than 50 percent of U.S. wheat, rice and soybean production and about one-fourth of corn.

In light of the large volume of U.S. farm exports, coupled with this country's historical role as a major supplier of food aid to needy countries, many people often assume that the United States controls the world's food supply.

Such is not the case.

The United States produces about 15 percent of the world's food. Although we are the leading exporter of farm products, we actually command only 17 percent of total world agricultural trade. Consequently, any major unilateral action by the U.S. such as raising the price of wheat to $15 per bushel could only backfire.

That is, importing countries could step up their own wheat production or else shift to substitute products. Since U.S. agriculture is heavily dependent on revenues derived from exports, the resulting decline in America exports could be disastrous.

Moreover, continuation of the current level of U.S. exports depends on this nation's ability to produce efficiently and sell abroad at competitive prices. Many nations are capable of expanding production to meet export opportunities and some, such as Brazil and France, are already doing so.●

GOVERNMENT IS THE REAL REASON FOR SHORTAGES, INFLATION

HON. LARRY McDONALD

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 25, 1979

● Mr. McDONALD. Mr. Speaker, one of the few bright spots in our Atlanta newspapers are the columns they print by Prof. James Green. Everyone is looking for a scapegoat for the gas lines, and inflation up here. They need look no further. "We have met the enemy and he is us," as Pogo Possum used to say. Professor Green explains in a column printed in the Atlanta Journal and Constitution for Sunday, July 8, 1979, why this is true. The column follows:

GOVERNMENT IS REAL REASON FOR SHORTAGES, INFLATION

(By James Green)

An executive called. He was angry. He was perplexed. "I simply don't know what lies behind the gas shortages, the rampant inflation, the strikes and shootings, the intense social tensions and the growing uncertainties which plague businessmen, investors and consumers. Oh, I know the explanations given us in the press, but I simply don't know what is really causing all these distortions in our work and lifestyles."

This call was not unusual. There is a growing crisis of confidence. Economist F. A. Hayek predicted exactly the current state of affairs back in 1946 in his book, The Road to Serfdom. Events are now fulfilling his prophecies of rampant inflation and excessive government interference.

Political theory today is undermining the market system. If government can't solve a problem, policies are adopted to make it worse. The government can then apply "crisis management" to direct use of resources, to direct capital investment and to apportion market opportunities.

Gas shortages at the pump are a prime example. Improvised rationing schemes and driver dissatisfactions abound. Recent polls indicate a preference for across-the-board rationing by government over market rationing through higher prices. Not surprisingly, we are being conditioned to think this way. The next step is a comprehensive federal rationing scheme extending government authority further over our work and consumption patterns.

Yet the facts are that the current gasoline shortages stem from the misallocation of supplies caused by Department of Energy regulations. Too much gasoline has been allocated to rural areas and too little to urban centers. Oil companies are not allowed to shift supplies from loose to tight market areas to correct demand/supply imbalances.

Energy regulations short-circuit the effective, rational distribution system developed over the past decades by the oil companies. Who gets the blame? The oil companies and the independent truckers, of course. Both have their hands tied by inflexible government-imposed rules.

About inflation, our most pernicious problem, government spokesmen point the accusative finger at businessmen who raise prices and unions that push up wages. But rising prices do not cause inflation, they merely report it.

The fact is that government has simply printed too much money, causing precipitous depreciation in its purchasing power. Higher prices and higher wages provide the only option open to maintaining one's real income. Government-imposed price and wage controls are merely an attempt to conceal government's disastrous confiscation of our purchasing power, our savings and our financial security.

Since 1967, government has increased the supply of money and credit at three times the rate the economy has been able to raise its output of goods and services. Responsibility for inflation is government's alone.

All you and I can do is use options at hand to minimize the negative impact on us individually. To reduce these options the government imposes wage and price controls. But no such controls can make our money worth more in terms of goods and services.

Government's capacity to undermine the economy and to blame it on one or another scapegoat is unlimited. If government is permitted to put an across-the-board ceiling on prices and a floor under wages, no independent businessman, investor or worker can stand erect for long in exercising his rights to choose where to work, what to produce, what to sell and what to buy.

I suggest that when Americans recognize and know what lies behind our ongoing problems they will refuse to abdicate their rights to the bureaucrats. Instead they will forthrightly tell their congressmen to get the government "off their backs."●

DONALD KENNEDY RETIRES AS FDA COMMISSIONER

HON. JOHN BRADEMAS

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 25, 1979

● Mr. BRADEMAS. Mr. Speaker, one of the ablest persons to serve in public life in recent years is Donald Kennedy, who recently retired as Commissioner of the Food and Drug Administration.

I take this time both to pay tribute to him for his outstanding service in this controversial but challenging position and ask unanimous consent to insert at this point in the RECORD an article by Nicholas Wade in the July 13, 1979 issue of Science magazine concerning Donald Kennedy.

The article follows:

KENNEDY LEAVES AS FDA COMMISSIONER—STANFORD BIOLOGIST BROUGHT NEW APPROACH TO AGENCY

"Balik basdan kokar," goes the old Turkish proverb—"A fish rots from the head down." It may be that resurrections, when they occur, proceed the same way. The Food and Drug Administration, a long despised bureaucracy in good odor with almost no one, has recently undergone a most surprising transformation, and the reason seems to lie in the brief but enlivening reign of its now departing commissioner, Donald Kennedy.

It was not that Kennedy made sweeping changes in the agency—his 2-year tenure of office did not allow time for that; nor did he succeed in his major legislative initiative of a drug regulatory reform bill. But his style produced an intangible change of great moment. He raised the esteem in which the agency was held by outsiders, and in doing so he transformed morale within.

"Public confidence is a very fragile and important thing, and he has worked on that very effectively. That is the most important thing he has done in the FDA," says the agency's former general counsel Peter Hutt.

Somehow or other, Kennedy managed to gain the respect of all the FDA's constituencies, a group whose members do not invariably see eye to eye with each other. "He has been a very good commissioner, I am saddened to see him go," observes Sidney Wolfe of the consumer oriented Health Research Group. "He brought an élan and brilliance to that organization which it needed. He turned a phrase as well as anyone I have ever heard in my life," remarks John Adams, scientific director of the Pharmaceutical Manufacturers Association.

Kennedy also enjoyed an unusually cordial relationship with Congress, a body accustomed to batting the FDA commissioner about like a shuttlecock. Unlike Energy Secretary James Schlesinger, whose approach to hostile questions is to intellectually demolish the questioner, and thus lose the battle, Kennedy's style was to disarm his interogators with charm and a direct but tactful answer. Academic politics, he had found, was the best possible rehearsal for thinking on one's feet at a congressional hearing.

Kennedy arrived at the FDA in April 1977 from Stanford University, to which he is now returning as vice president for academic affairs. A neurobiologist and member of the National Academy of Sciences, he is the kind of scientist one expects to see around the National Institutes of Health or the President's science adviser. It was precisely this convention that Kennedy hoped to break. His goal in becoming commissioner of the FDA, he said in an exit interview, had been to make the process work, and to command the respect of the scientific community and most of the public in doing so. "But I had something secondary to prove. I am convinced that the better scientists in academic life have not had as great a respect for the regulatory process as they should. Academic scientists have preferred to fly into Washington to give some advice to government through the Academy and then fly out again. My argument is that more significant science policy is made every day at the working interface between the regulatory agencies and Congress, and that that too is worth the interest of academic scientists."

One seasoned FDA watcher suggests that although Kennedy's aim was to bring more and better science into decision-making, he may have been appalled to find how little science, and how much politics, is involved in major decisions. Kennedy concedes that "I think I probably had the idea when I came in here that the ratio of science to policy was higher than I have in fact experienced it." But his ideas about the nature of regulation do not seem to have changed much during his tenure: asked if he found the commissioner's job much as he expected, Kennedy says that "I have learned a lot, without being able to write down for you what it is. I have a sense of the roles of all the different actors—the White House, the Congress, the policy leadership as opposed to the career bureaucracy."

I guess a lot of the things I thought were comparatively simple I have learned to respect the complexity of." As for decision-making, Kennedy has no magic formula: "I can't distill out a rule. You just have to look at every one and dig into the merits and consult widely. Academic scientists are are often telling me, 'How can you decide a matter like that when the data are not clear?' But often you have to decide when the data are not as good as you would like."

Kennedy has been surprised by how uncoupled the public impact of a decision and the difficulty of making it can be. Saccharin was one of the most troublesome issues that crossed his desk, but "only because of the political problems and public credibility problems—I never thought saccharin was one of the difficult problems to decide on the merits. The science was clear. I have not changed my view on that." Kennedy inherited and supported a decision to remove saccharin from the market, but Congress delayed the ban for 18 months.

Articulacy, charm, what one collegaue calls his "fantastic ease at communicating with quite different audiences"—these have been Kennedy's weapons in dealing with Congress. He managed to make allies, even friends, out of natural critics of the FDA's regulatory policies, such as the congressmen

who represent agricultural interests. He tourer the poultry industry in North Carolina with Charles Rose, chairman of the House subcommittee on dairy and poultry. He went to a fundraiser for Fred Richmond, chairman of the domestic marketing and nutrition subcommittee.

Yet Congress on several occasions thwarted Kennedy's actions, often for reasons that seemed more obviously in sectional interests than the public's. It intervened in the FDA's attempts to control saccharin, nitrates, and antibiotics in animal feeds. Rose and Richmond used the political clout of the farm lobby in Congress to sandbag the FFDA on its new ice-cream regulations, an issue which on its merits the FDA should have won hands down. The agency proposed to let ice-cream makers use casein, the principal protein of milk, in their mixes. The dairy interests fought the measure on the grounds that it would reduce the nutritional quality of ice cream, although the real motive of their opposition was that it would have added to the politically already high cost of the federal milk support program (Science, 26 August 1977).

"I think that the whole staging of the ice-cream brouhaha, claiming to be in the interest of the consumers and in fact being in the interest of the dairy industry, was one of the more amazing examples of cynicism I have seen in this town," Kennedy says. In the view of some observers, he backed down from the ice-cream fight because he recognized the political reality: some of the most powerful members of Congress opposed him and there was no point going down fighting for principle on a relatively minor issue. Kennedy replies that the FDA didn't have a watertight case: "If we had, I would have pressed it further even though we would have been beaten anyway."

He is philosophical about his defeats. "A lot of people in agencies feel that any struggle of this kind is a victory you have to win. Many have said, 'Don't you feel awful about saccharin?' I don't see it that way. To the extent that saccharin has been a good national education on toxicology problems, I think it may have been beneficial, and similarly with the ice-cream confusion, if it had been able to play out a little longer on the real grounds of discussion."

If Congress was one constraint on Kennedy's freedom of actions, another, in many people's perception, was the dominating personality of Secretary of Health, Education, and Welfare Joseph Califano. Califano is said to put enormous heat on his key people and, say some observers, has intervened in areas of his department where no Secretary of HEW has gone before or should go again. Kennedy, however, seasons his praise of Califano with only the most delicate criticism: "He has done one or two things which I have disagreed with, and several things which have given me a momentary pang. What I have always said about Califano is that he is going to give you a pang every now and then. His values are terrific, as are his abilities and interests. We would never have gotten the whole question of drug regulatory reform to anything like the level of public and congressional interest that we have, without Joe's support. It just means enormously more when the Secretary is behind you. Given a choice between a Secretary who will let us alone and a Secretary who will just occasionally give us a little more help than we thought we needed, I wouldn't hesitate which to choose."

Kennedy declines to cite the two issues on which he disagreed with Califano. With two issues on which outsiders believe he was overruled—the banning of phenformin and the National Immunization Policy—he says he agreed completely with his Secretary.

Kennedy reports that he has "never had the slightest interference" in his freedom of action from either the White House or the Office of Management and Budget. He met Carter on only two occasions, both ceremonial.

Under his tenure the FDA may perhaps have moved to greater openness from a situation in which consumers tended to be heard less equally than other interests. Kennedy disagrees with the proposition that, as a protector of the consumer's interest, the agency should position itself nearer to the consumer than the industry: "I think the FDA should be open to all its constituencies on an even-handed basis." It did not look that way from the drug industry's lobbying arm, the Pharmaceutical Manufacturers Association. "He was falling over backwards to accommodate the consumer advocates," says the PMA's John Adams. "Wolfe [of the Health Research Group] seemed to have the hex on him. Kennedy's justification was that the FDA exists to protect the consumer. He bent over backwards to accommodate them at the expense of other groups such as doctors and industry."

"It's just not correct," says Kennedy, "that Sid Wolfe and I had any kind of private relationship. I made a number of decisions which he vigorously disapproved of, just as I made some decisions which the PMA vigorously disapproved of. I honestly thought I dealt pretty even handedly with these groups and called the issues as I saw them."

Kennedy's major clash with the PMA came in an area into which the FDA has not ventured before, because it has no statutory authority there—the economics of the drug industry.

Kennedy favored giving consumers more information about generic drugs, about the fact that the same chemical, under different brand names, may sell at very different prices. "That's none of his damned business," snaps Adams. The PMA recently lost this contention in court, Kennedy notes; in any case, "We were almost invited in by the PMA member firms because of their claim that there is a difference between brand names and generic drugs," Kennedy replies. He also differed with the PMA on his bill for drug regulatory reform, which aimed to encourage innovation in the drug industry and in return to exercise more control over drugs after they reached the marketplace. "The PMA may think we are stubborn and wrongheaded at looking at the economics of this industry. But I think industry has to get over with its sense that the world is a conspiracy between the public interest movement and the regulators," Kennedy suggests.

Two years is a short time in which to reshape an agency with 7500 people and an annual budget of $300 million. Kennedy had hoped to stay in a full 4-year term, but the Stanford job couldn't wait. A consequence of his leaving so quickly is that the changes he has made may not stick, a problem of which he is well aware: "The question of whether I have been successful here will depend on whether or not some things I think I have had a little effort on get made permanent." He lists among these some senior appointments he had made, and his healing of some old wounds created when a group of FDA employees found reason to protest that management was overruling their decisions. "I have tried to be a strong public advocate of the agency and I think that this has taken. If some of that holds, and if the people here believe in themselves, which they really deserve to, then that will be the most important thing I have done here."

"Now leadership in Government, I have learned, affects the public perception of organizations much more than it does their inherent worth," he wrote in a statement announcing his resignation. Kennedy's is a hard act to follow, and if it is too hard, his legacy may be shortlived. But he will at least have shown what a touch of style can do.

—NICHOLAS WADE.●

DESERVED RECOGNITION FOR PHILLIP BURTON

HON. JOHN F. SEIBERLING

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 25, 1979

● Mr. SEIBERLING. Mr. Speaker, there has come into my hands a list of awards received by our colleague PHILLIP BURTON, during the past 12 months, from various citizen organizations and local governments. We all know of the many achievements of our colleague in environmental and humanitarian legislation, but I am not sure many of us are aware how widely recognized he is in other parts of this country and the world.

It is gratifying that others have seen fit to pay tribute to his outstanding achievements. Accordingly, I am inserting the list of awards in the RECORD following these remarks:

AWARDS RECEIVED BY PHILLIP BURTON, M.C. DURING THE PAST 12 MONTHS

May 6, 1978: Sierra Club.—"Distinguished Achievement Award" for longstanding vision, dedication and commitment to the conservation of our Nation's natural resources—and with particular recognition of his indomitable efforts to establish the Greater Redwood National Park and the Golden Gate National Recreation Area.

June 26, 1978: National Newspaper Publishers Association.—"Outstanding Political Service Award" in grateful recognition of his highly significant contribution to the effectiveness of black Members of Congress. Presented—National Convention of Black Publishers, Cleveland, Ohio.

Sept. 11, 1978: Wilderness Society.—Life Membership in the Wilderness Society. Presented in Washington, D.C.

Oct. 16, 1978: National Recreation & Parks Association.—"National Congressional Award" for outstanding leadership in the Congress on parks and recreation matters. (Miami Convention)

Oct. 23, 1978: City of Los Angeles.—Special Recognition by Mayor Tom Bradley for Mr. Burton's successful efforts, "intensity and sheer energy" in establishing the Santa Monica Mountains National Recreation Area, which provides 90,000 acres of natural park and recreation preserve land—in the Omnibus National Parks and Recreation Act of 1978. Presentation at Los Angeles City Hall.

November, 1978: California Council of Landscape Architects.—Citation for dedication to humanity and commitment to public trust through environmental legislation.

Dec. 18, 1978: Guam Department of Parks and Recreation.—"Certificate of Award" in recognition of "Outstanding Support," of Guam. Sent via mail.

Jan. 5, 1979: Trust for Public Lands.—"Don Quixote Land-Saving Award". Presented in San Francisco.

Jan. 27, 1979: Friends of the Boundary Waters Wilderness.—Presentation of BWCA scenic print in appreciation of his authorship of Boundary Waters Wilderness legislation and his leadership efforts (along with Congressmen Don Fraser and Bruce Vento of Minnesota) to expand, protect and preserve the wilderness in northern Minnesota. Presented in Minneapolis—State Meeting.

Feb. 27, 1979: FONO (Legislature of American Samoa).—Concurrent resolution of commendation for his efforts in authoring and

securing passage of legislation ("a political and historical milestone and achievement") in extending to American Samoa the right to elect its first delegate to the House of Representatives.

Mar. 24, 1979: National Wildlife Federation.—"Legislator of the Year" for outstanding contributions to the wise use and management of the nation's natural resources, and efforts in the National Parks and Recreation Act of 1978 and other legislation. (Toronto, Canada, convention)

Apr. 27, 1979: American Rivers Conservation Council.—"Distinguished River Conservation Award of 1978" in recognition of outstanding efforts to preserve rivers and other natural areas through the National Parks and Recreation Act of 1978 and other legislation.

May 5, 1979: Sierra Club.—1st recipient—Edgar Wayburn Award in recognition of distinguished public service in the protection of America's national parks and wilderness areas. Presented in San Francisco.●

DEAN RAFFAELE SURIANO: ALUMNUS OF THE YEAR; MAN OF THE YEAR

HON. HENRY J. HYDE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 25, 1979

● Mr. HYDE. Mr. Speaker, I am pleased to bring to the attention of my colleagues two distinctive honors recently conferred upon Raffaele Suriano, D.D.S., the dean of the Loyola University School of Dentistry in Maywood, Ill.

On April 19, Dr. Suriano was presented the Alumnus of the Year Award at the Loyola University Dental Alumni Association's 25th Annual Homecoming Dinner in Chicago. Dean Suriano was chosen for the award by the board of governors of the association for his contributions to the school, the alumni association, and the dental profession.

In addition to that auspicious honor, Dr. Suriano was also recently awarded the "Man of the Year" award at the 45th Annual Spring Dinner of the Arcolian Dental Arts Society. The society honored Dr. Suriano for his many years of devoted and unselfish efforts toward the advancement of dentistry.

A native of Kenosha, Wis., Dr. Suriano was graduated from Loyola University's College of Arts and Sciences in 1941, and then received his D.D.S. from the dental school in 1944.

Dr. Suriano was named dean of the dental school in 1973 after a 30-year-career in the U.S. Army Dental Corps where he retired with the rank of colonel. During his military career, he directed the educational and training programs for the health services and was also responsible for procurement and career management. His last assignment before retiring was as deputy chief of staff, Personal Health Service Command, Department of the Army.

Dr. Suriano is a member of the American Dental Association, and a fellow of the American College of Dentists and the International College of Dentists.

Dr. Suriano has not only distinguished himself among his peers in the dental profession, but he is a well known and widely respected member of his community.

As a personal friend of Dr. Suriano, I can attest to the fact that the honors recently bestowed on him were richly deserved. I know my colleagues in the House join me in extending congratulations to Dr. Suriano, as well as best wishes for future success and fulfillment.●

CLINCH RIVER EXTRAVAGANZA

HON. JONATHAN B. BINGHAM

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 25, 1979

● Mr. BINGHAM. Mr. Speaker, I would like all of my colleagues to read the compelling case made by the Washington Post for putting Clinch River behind us, and pursuing productive energy strategies instead.

Their arguments strongly favor the Udall/Bingham approach to nuclear breeders—which will be offered as an amendment tomorrow to H.R. 3000, the Department of Energy authorization bill.

We recommend a strong, broadly based R. & D. effort to find safe, proliferation-resistant and economically advanced nuclear alternatives. To waste scarce energy dollars now on unnecessary and dangerous commercial projects is energy foolhardiness.

PUTTING AN END TO CLINCH RIVER

Every year that the debate drags on, the case against the Clinch River Breeder Reactor gets stronger. The technical, economic and nonproliferation arguments are solid and persuasive. The large budgetary savings—$1.5 billion—should put the final nail in the Clinch River breeder's coffin.

The issue before Congress is not whether the country needs a breeder. That is a separate question. The issue now is whether the country needs this breeder and on the timetable that has been set for it. The right date for commercial deployment of a breeder depends on three key factors: demand for nuclear power; available uranium-ore resources; and the capital cost of the breeder in particular—how much more expensive it is than current reactor types. What do we now know about each of these?

In 1970, when the Clinch River breeder was first authorized, projected nuclear demand for the United States in the year 2000 was about 1 million megawatts. The most recent figures for that same year project about 20,000 megawatts. And these were calculated before Three Mile Island. Regarding resources, in 1970 the United States estimated its uranium reserves at 1.36 million tons. In 1979, the estimate is 4.3 million tons, of which 2.4 million fall into the most certain categories. So that even taking the most conservative view, our reserves of uranium ore have doubled in this decade, despite substantial production. Both these trends—the dramatic decline in demand and the growth in resources—have been mirrored worldwide.

The third factor, the likely cost of the breeder, is harder to predict. The administration's view, confirmed by many outside experts, is that the breeder will be between 1.2 and 1.7 times more expensive than current reactors. What all these numbers mean is that the breeder break-even point, the point at which a breeder becomes competitive and therefore economically justified, will come when uranium ore costs about $150 a pound. Today it costs $40 a pound. Putting these cost estimates together with the supply-and-demand figures, experts can calculate that the break-even point for breeders in this country will not come until after the year 2020—perhaps long after. Why then build the Clinch River breeder? It is a costly demonstration plant of a design that is almost 10 years old already. In the year 2020, its design will be 50 years old—a Model-T of reactors.

Supporters of Clinch River argue that if it isn't built, the United States will lose its leadership position in this potentially important technology. The opponents reply, soundly, that from a technological view money spent on the Clinch River breeder is wasted, since it is already an obsolete design, and that the U.S. position can be preserved and strengthened through a sensible R. & D. program that emphasizes safety and improved alternatives to current breeder designs. This makes good sense.

The administration's program, though still overfunded, will put the United States in a position to build a breeder reactor if and when it is needed. No one can responsibly predict today how far in the future that may be. But given the breeder's cost and undeniable proliferation risk, it would certainly be bad policy to encourage its premature use.

For far too long the Clinch River breeder has diverted the attention of Congress and the administration from other nuclear issues—especially safety and waste disposal—as well as from other energy issues that are far more important to the national welfare. This year Clinch River should be sent once and for all to its grave.●

CHICAGO TRIBUNE HITS SALT II DEBATE ON TARGET

HON. BOB CARR

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 25, 1979

● Mr. CARR. Mr. Speaker, last month the Chicago Tribune printed an editorial supporting SALT II which is one of the most accurate and concise analyses I have had the pleasure to read. I will now insert it in the RECORD, and I commend it to the attention of my colleagues:

[From the Chicago Tribune, June 24, 1979]

THE SALT II DEBATE

It has taken more than six years of negotiation by three U.S. administrations to complete the strategic arms limitation treaty that now awaits its fate before the U.S. Senate. Every comma represents hours of discussion, every article months of bargaining. The combined intellects of some of America's most astute political and technical thinkers helped to shape its 40,000 words of text. Few, if any, international agreements have been as painstakingly drafted.

Now, the U.S. Senate is preparing to subject the treaty to yet another round of analysis and debate. That is as it should be. Not only does the Senate have a constitutional duty to examine each of the SALT II premises, it has a moral duty to ascertain whether the treaty does what it is intended to do: Slow the arms race without detriment to our national security.

After studying its text, and the many arguments for and against it, we are fully confident that the SALT II agreement can fulfill that goal without the need for Senate amendments.

That is not to say SALT is a perfect treaty. We would have liked substantial reductions in nuclear arsenals and constraints on the troublesome advances in warhead accuracy. But since those results proved impossible to

obtain, it is enough that the treaty achieves the desirable goal of limiting the total number of warheads as well as limiting missile numbers. That slows the arms race without interfering with our ability to develop systems to defend against increased accuracy.

The arguments advanced so far against the treaty have not been convincing. Some [such as Sen. Henry Jackson's intemperate accusations of "appeasement"] can be dismissed as mere political posturing. Others—although they represent sincere doubts on the part of responsible people—have been effectively answered. Some of the main arguments and answers are worth reiterating as the ratification debate begins.

A HEAVY MISSILE "GAP"?

This objection would have force if the advantage meant the Soviets could translate greater throw-weight into more warheads. But the treaty sets limits on the number of warheads carried on each missile, which means that heavy missiles cannot deliver significantly more weapons than lighter ones. Modern nuclear weapons depend for their effectiveness on accuracy and dependability, not megatonnage.

THE "BACKFIRE" QUESTION

The most modern Soviet bomber, the Tupolev 22M ("Backfire"), is not limited by the treaty although it can theoretically hit targets in the U.S.

This argument fails to recognize that the treaty documents' treatment of bombers, if they favor either side, favor the U.S. The Soviets agreed that they will not alter the Backfire bomber to improve its strategic value and will not significantly increase its production. It was advantageous for the U.S. to leave the TU-22M out of the treaty because its inclusion would have given the Soviets ground for insisting on limits to U.S. planes stationed in Europe and Asia and such U.S.-based planes as the FB-111 which have capabilities similar to the TU-22M. We made no promises on these aircraft similar to the promise the Soviets made on the Backfire.

CAN THEY CHEAT?

Critics claim the treaty is not sufficiently verifiable, especially since important monitoring stations in Iran have been lost.

Behind this objection is a fear that the Soviets might secretly develop a system in violation of the agreements and spring it on us suddenly as a full-blown operational threat. But weapons development involves activity on such a large scale that we are able to detect new systems long before they can be deployed operationally. Illegal development would be quickly spotted by methods as simple as old-fashioned cloak-and-dagger work and as sophisticated as satellite surveillance. The loss of the Iranian stations temporarily reduced our ability to detect certain narrow aspects of missile development, much like the loss of a piece in a jigsaw puzzle. As long as we have the rest of the pieces—and we do—the picture will be clear.

IS IT ENOUGH?

Other critics say the treaty not only fails to slow the arms race, it actually promotes it by forcing the U.S. (and probably the Soviets, too) to deploy an entirely new generation of weapons—the mobile missile.

It is the growing accuracy of Soviet missilery, not SALT II, that makes the U.S.'s mobile MX missile necessary—by the early 1980's Soviet missiles may be accurate enough to wipe out a large part of our present Minuteman force in a surprise first strike. The complexities of the accuracy problem were too great to be resolved in SALT II, so even if there were no treaty the problem would remain and MX would be necessary. [SALT II does, incidentally, make prospective MX systems simpler and cheaper, and it is a step toward future arms negotiations that may be able to resolve such qualitative problems as accuracy.]

SOVIET BEHAVIOR

Opponents insist that the treaty should be rejected because of the abysmal Soviet record on human rights and the Kremlin's adventures in Africa.

It is precisely these ideological and political differences that make SALT II important. A friendly nation does not pose a nuclear threat; a hostile one does. SALT II provides a mechanism for reducing the danger of localized conflicts escalating into nuclear holocaust.

There is a final anti-SALT II argument that is more metaphysical than technical. The argument makes the point that after three decades of clear strategic superiority the U.S. is now entering into an agreement that puts the two superpowers at parity. There are many in the Senate and across the country who fear SALT II is a sign that the American people are losing their will and, worse, that the treaty will lull us into such a false sense of security that we will refuse to provide adequately for our defense. SALT must be scrapped, they argue, to give us the freedom and the incentive to build up a strategic force that overmatches the Soviets' in size, megatonnage, and sophistication.

Since this is a metaphysical argument it requires a somewhat metaphysical answer. An excellent one was supplied by no less an authority on national strength than Dwight D. Eisenhower. In his final report as chief of staff in Europe, Ike wrote:

"National security does not mean militarism or any approach to it. Security cannot be measured by the size of munitions stockpiles or the number of men under arms or the monopoly of an invincible weapon. That was the German and Japanese idea of power which, in the test of war, was proved false. Even in peace, the index of material strength is unreliable, for arms become obsolete and worthless; vast armies decay imperceptibly while sapping the strength of the nations supporting them; monopoly of a weapon is soon broken. But adequate spiritual reserves, coupled with understanding of each day's requirements, will meet every issue of our time."

We firmly believe, as did President Eisenhower, that the United States possesses "adequate spiritual reserves" to meet the challenges of a totalitarian regime whose policies are designed to break its people's spirit. We have no need to terrify ourselves into doing what is necessary for our security.

There is no doubt that every member of the U.S. Senate also believes in the nation's inner strength. So we are confident that the senators, certain of the country's determination both to protect its liberty and to minimize the possibility of an unthinkable war, will ratify this honorable treaty.●

ANTI-OPEC STRATEGY

HON. JAMES H. SCHEUER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 25, 1979

● Mr. SCHEUER. Mr. Speaker, I am impressed with the thrust of the President's energy program and am prepared to support it. I am concerned, however, about the absence of an anti-OPEC cartel strategy.

I am pleased to have been joined by 32 of my colleagues in presenting a letter to the President outlining some of the anti-OPEC initiatives that I would like to see undertaken. I commend it to my colleagues' attention:

LETTER TO PRESIDENT CARTER

DEAR MR. PRESIDENT: We are greatly encouraged by your recent speeches on our nation's energy problems. Your proposals are solid. We believe that they could be strengthened by adding short-term program strategies aimed at:

Breaking the OPEC cartel's monopoly stranglehold over the price and supply of oil; and

Providing American consumers with abundant and secure supplies of energy at reasonable prices.

In dealing with the OPEC cartel, we have to recognize that it is not a solid bloc. Rather, it is made up of nations with very different political and economic interests:

Some of OPEC's members—Saudi Arabia, Kuwait, Libya—have very high per capita incomes and can feasibly reduce production and thereby leave oil in the ground for future generations to exploit

Other members of OPEC—Indonesia, Venezuela, Nigeria—have low per capita incomes; large and growing populations; and costly, urgently needed development programs.

The latter group of countries needs oil revenues now. Therefore, we should attempt to deal bilaterally with individual members of OPEC, applying one overriding criterion: are their actions consistent with U.S. security and economic interests?

Accordingly, we should not simply impose a blanket quota on our oil imports. Rather, our policy should discriminate between OPEC members and non-OPEC producers, and also between the members of OPEC. Therefore we should:

Emphasize imports from Western Hemisphere producers, both OPEC (Venezuela) and non-OPEC (Canada and Mexico). These supply sources are far more secure than those elsewhere.

Try to buy more oil from producers with low per capita incomes, like Venezuela, Mexico, Nigeria, and Indonesia. This would help somewhat to narrow the gap between "have" and "have not" nations.

Maintain a policy of denying tax credit for payments exacted by OPEC countries from the oil companies, to maintain the cartel price.

Do more to finance oil exploration and production in the developing countries, through the U.N., the World Bank, and the Inter-American Development Bank, for example.

Offer "minimum lifting agreements", contracts by the U.S. to take a certain minimum amount of oil each year, for a number of years at a "floor" price, or the world price, whichever is the higher.

Such agreements would enable the developing country oil producers to obtain the needed capital investment funds from private banks, the World Bank, or the regional development banks for Asia, Africa, and Latin America.

The U.S. Government should act as purchasing agent and give first option to non-OPEC producers, and next to OPEC producers not hostile to the United States. Any residual demand would then be open to bids by the other OPEC producers.

We commend you for your recent leadership on the energy issue. We would be happy to meet with you, to discuss our suggestions to strengthen further your generally excellent program.

With every warm best wish.

Yours,

James H. Scheuer, Michael D. Barnes, Anthony C. Beilenson, Jonathan B. Bingham, James J. Blanchard, Robert W. Edgar, Vic Fazio, Sam Gibbons, Albert Gore, William J. Hughes, James M. Jeffords, John J. LaFalce, Sylvio O. Conte, Brian J. Donnelly, Robert K.

Dornan, Frank J. Guarini, John B. Anderson, Andy Ireland, Robert J. Lagomarsino, Jerry M. Patterson, Claude Pepper, Melvin Price, Charles B. Rangel, Benjamin S. Rosenthal, James M. Shannon, John B. Breaux, Charles Rose, Andrew Maguire, Doug Walgren, George Miller, Thomas J. Downey, Robert A. Young, Pete Stark.●

PIPELINE GAS FROM COAL

HON. PAUL SIMON

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 25, 1979

● Mr. SIMON. Mr. Speaker, the increasing concern about excessive reliance on imported oil continues to move the Nation closer to greater use of our most abundant and readily available energy resource, coal.

Representing southern Illinois, one of the Nation's major coal-producing regions I am only too well aware of the environmental problems that have been holding us back from using this tremendous reserve of energy.

But the environmental problem isn't the only thing holding us back. Greater use of coal has been hindered by a lack of foresight among those in Government responsible for shaping a strategy for alternatives to oil.

There has been too much talk and not enough action in developing processes for turning coal into clean-burning synthetic fuels.

This has been true for one of the most promising forms of synthetic fuel, high Btu gas from coal. In 1975, Congress first authority Government support for building a major plant to demonstrate the commercial feasibility of producing pipeline quality gas from the variety of coals mined in the United States. A second demonstration project was authorized in 1976.

Four years later, we are still engaged in design work on the first authorized plant. Not a dollar has been spent on the second proposed demonstration project.

If we were willing to make the commitment of resources, at least two of the "second generation" processes for turning coal into pipeline quality gas could be quickly moved to construction and demonstration. The COGAS process, proposed for demonstration at an Illinois site, and the Slagging Lurgi process, proposed for construction in Ohio, have been in competition for several years now for the demonstration project approved in 1975. A lesser degree of design work is also being supported by the Department of Energy on a third process, known as HYGAS, which could eventually be moved to construction and demonstration.

On a 50–50 cost-sharing basis with contractors, these potential demonstration plants would cost the Federal Government $200 or $300 million each, perhaps more with inflation. That is a lot of money, but there is also a lot of potential for reducing our oil imports by producing on a synthetic fuel that can be carried into our homes and factories through existing pipeline delivery systems.

I think we need to construct and demonstrate at least both of the plants that have been authorized by Congress. And we should consider building three plants using all three processes for which we have been supporting design work with Federal funds. The competition of techniques is necessary if we are to determine the most economic and technically reliable methods for producing high Btu gas from coal.

We know how to make gas from coal; the question we answer with demonstration plants is, "Can we manufacture synthetic gas at a price that makes it practical as a substitute for oil?"

I would like to offer some insight into the economics of synthetic fuels by reprinting in the RECORD the following paper produced by the COGAS Development Co. of Princeton, N.J., designer of one of the processes being supported by the Department of Energy.

The COGAS process would produce some synthetic liquid fuel—including home heating oil—as well as pipeline quality gas.

While the following paper is designed to promote a particular process, it demonstrates the fast-changing economics of oil pricing, which is making production of synthetic fuels attractive in the energy marketplace:

PIPELINE GAS FROM COAL—THE COGAS PROCESS

The Illinois Coal Gasification Group[1] (ICCG) demonstration plant project (Department of Energy budget item 76–1–b) uses the COGAS process developed by the COGAS Development Company[2] (CDC).

The objective of the project is to design, construct, and operate a plant to demonstrate this advanced American process. The demonstration plant will confirm the desirability of process commercialization and eliminate eocnomic and technical uncertainties. It will show compatibility with environmental and regulatory requirements and develop performance and cost data for the design of full scale commercial plants having a total capital requirement exceeding $1.5 billion each.

This booklet underlines the importance and need for a Government-supported high-Btu gas-from-coal demonstration plant as a prelude to construction of commercial plants. It presents the advantages of rapid commercialization of the COGAS Process to produce gas and liquids from coal to replace imported oil.

SUMMARY

The ICGG demonstration plant project uses the COGAS Process. The advantages and benefits of the COGAS Process in transforming coal—our most abundant resource—into synthetic fuels to displace imported oil are unique. Cost-competitive and environmentally benign commercial production of pipeline gas, sulfur-free heating oil, industrial fuel oil and naphtha can be a reality within this decade.

[1] ICGG Partners: Mid-Continent Gasification Company; Peoples Gas Light Coal Gasification Company, Inc.; CILCO Energy Corporation; CIPS Energy, Inc., and North Shore Coal Gasification Company, Inc.

[2] COGAS Partners: Consolidated Gas Supply Corporation a Subsidiary of Consolidated Natural Gas Company; FMC Corporation; Panhandle Eastern Pipe Line Company, and Tennessee Gas Pipeline Company, a Division of Tenneco Inc.

Prompt construction of this demonstration plant is one of the most important actions that our nation can take to begin to reduce our reliance on imported oil. If the Department of Energy will make the decision necessary to start construction of the jointly funded (50/50 by ICGG and DOE) proposed ICGG demonstration plant in 1980, commercial plants could be in operation by 1989.

Over a 20-year period, the cost of producing these liquid and gas products from domestic coal in commercial plants will be no greater than the current cost for an equivalent amount of imported oil. Spending the money at home means jobs, in addition to a favorable impact on this country's balance of payments and overall economy.

The COGAS Answer to a New Urgency to Displace Imported Oil:

The energy problem

Dependence on foreign oil supplies which are subject to political upheaval.

Increasing OPEC prices.

Adverse balance of payments.

Meeting Basic Objectives:

To displace oil imports;

To maintain environmental standards;

To expand delivery of energy beyond the constraint of rail transport of coal; and

To expand the supply of domestic gas to its fullest market potential.

The COGAS process answer

Independence due to production from the abundant domestic U.S. coal resources.

Synthetic gas and oil at prices that are competitive.

Keeps money at home for a stronger dollar.

The COGAS Process:

Provides pipeline gas and synthetic oil which are directly substitutable for and interchangeable with refined oil products;

Production plant is designed to meet environmental standards. The clean fuel products avoid the added costs incurred in the direct use of coal;

Uses existing gas pipeline systems to transport energy; and

Produces substitute natural gas.

The Beneficially Unique COGAS Process:

Produces liquids which are readily marketable: sulfur-free, premium commercial-quality Heating Oil, Industrial Fuel Oil and Naphtha, in addition to Pipeline Gas.

Has no undesirable by-products and no emissions detrimental to health and the environment.

Can use any type of coal without pretreatment or size selection. Will process lignite, Western, Mid-Western and Appalachian agglomerating coals with a wide range of sulfur and ash contents.

Has a high safety factor because the process operates at low pressure.

Uses air instead of oxygen, which saves the energy and plant cost required to produce the oxygen.

Ground breaking could take place next year for the ICGG/DOE demonstration plant. Detailed construction design of this small but fully commercial-mode-plant will be complete in 1980 under the current schedule. Pilot proven and backed by a comprehensive data base, the COGAS process is well beyond the speculative and uncertain research and development stage.

A commercial COGAS Process plant, were it in operation today, would be supplying gas and oil dependably to commercial and industrial customers at prices competitive to the import-based oil they are now burning. As oil prices rise, the increasing income from the sale of COGAS oil helps reduce the price at which the pipeline gas must be sold.

The COGAS Process Products:

COGAS is the ideal process to produce Coal-Derived Fuels which displace imported oil in the Residential, Commercial

and Industrial Markets. Gas represents at least two-thirds of the energy output and the remainder is synthetic liquids interchangeable with commercial petroleum products.

Pipeline Gas—the environmentally best fuel.

Sulfur-free Heating Oil to extend domestic supplies. Also useable as transport fuel.

Sulfur-free Residual Oil to extend domestic supplies for use by industry.

High quality Naphtha to extend domestic supplies for producing Unleaded Gasoline and Chemical products.

THE MARKET FOR COGAS PROCESS PRODUCTS

Oil consuming sector	1978 domestic oil consumption [1] (million barrels/day)	Oil import reduction
Cogas process products can reduce oil imports:		
Residential and commercial—heating (space and water)	3.6	Cogas pipeline gas and fuel oils can replace all petroleum products used in this consuming sector.
Industrial—process and heating fuel; process raw material	3.3	Cogas pipeline gas, fuel oils and naptha can replace much of the petroleum products used in this consuming sector.
Transport	10.1	Cogas fuel oils and naphtha can replace a limited portion of the petroleum products used in this consuming sector.
Electricity generation	1.8	Cogas pipeline gas and fuel oils can replace all the petroleum products used in this consuming sector.
Total (of which imports averaged about 8)	18.8	

[1] DOE Monthly Energy Review, May 1979.

Note: More than 1/3 of U.S. oil consumption (for residential, commercial, industrial, and electricity generation) is replaceable with pipeline gas and synthetic oil from Cogas. The Cogas process products can replace almost all of the imported oil.

TYPICAL COMMERCIAL COGAS PROCESS PLANT ECONOMICS [1]

[The money spent in the United States to pay for jobs, coal, plant, and equipment, and the cost of financing over a 20-year period to produce gas and oil products in a commercial Cogas plant is no more than the money that would otherwise be paid for foreign oil imports.]

Products	Daily production	Million barrels per year: Btu's	Million barrels per year: Fuel oil equivalent [2]
Pipeline gas (million cubic feet)	265	83.0×10^6	14.3
Fuel oil:			
Distillate (No. 2) (barrels)	12,450	24.5	4.2
Residual (No. 6) (barrels)	4,700	10.0	1.7
Naphtha (barrels)	3,800	6.4	1.1
Total annual energy yield		123.9×10^6	21.31

[Mid-1978 dollars]

Investment:	Millions
Plant cost	$1,185
Other capitalized costs	465
Total investment	1,650

Annual costs:	Billions per year
Bituminous coal at $22.50 per ton	$193
Production cost	44
Depreciation	81
Financial charges (20-yr average)	112
Total 20-yr average annual cost	430

Unit revenue required to cover 20-year average annual cost:	
Expressed as dollars per million Btu's	3.47
Expressed as dollars per barrels of fuel oil [2]	20.20

[1] After construction and operation of the demonstration plant.
[2] Distillate fuel oil at 5.825 million Btu per barrel.

Note: This anavlsis shows that over a 20-year period the average price of Cogas products is equivalent to $20.20 per barrel of fuel oil produced from imported crude and thus can replace such fuel oil without a cost penalty.

TYPICAL COMMERCIAL COGAS PROCESS COSTS VERSUS MARKET PRICES

Impact of oil market-price changes on commercial plant gas costs (hypothetical cases based on November 1978 and May 2, 1979 oil prices) (millions):		
Annual costs (20-yr average)	$430	$430
Market value of oil products [1]	116	162
Costs to be covered by gas	314	268
(Annual production of 83×10^6 million Btu's.)		
Unit gas cost, dollars per million Btu	$3.78	$3.24

[1] Value of fuel oil, New York Harbor and naphtha, Caribbean Cargo from Platt's Oilgram, derived as follows:

Product	Millions barrels per year	Nov. 1, 1978: Average price	Nov. 1, 1978: Value (millions)	May 2, 1979: Average price	May 2, 1979: Value (millions)
No. 2 fuel oil	4.1	$16.45	$68	$20.90	$86
No. 6 fuel oil	1.6	15.29	24	21.03	33
Naphtha	1.3	19.32	24	34.125	43
Total oil price impact			116		162

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MARK SANBORN

HON. J. WILLIAM STANTON

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 25, 1979

● Mr. STANTON. Mr. Speaker, very recently we had a visit from the Future Farmers of America whose president, Mark Sanborn is a constituent of mine from East Orwel, Ohio. I am proud to bring to my colleagues' attention his remarks before the 1979 Congressional Breakfast on July 19, 1979. With persons like Mark Sanborn coming along in another generation America's future is bright, Mr. Speaker.

The remarks follow:

PRESENTATION TO THE 1979 CONGRESSIONAL BREAKFAST STATE FFA PRESIDENT'S CONFERENCE

(By Mark Sanborn)

The National Officers' International Goodwill Tour to Japan last February broadened our perspectives in many ways. Like most Americans who have the good fortune to travel internationally we returned to our native land with an even greater pride in our citizenship, but we also

carried back with us the realization that the United States doesn't have a world monopoly on "the best of everything." Japan's rapidly growing industrial power and their superiority in the export of finished goods was somewhat shocking. Obviously we live in a highly competitive world and it concerns me that no longer is the U.S. the world leader in as many areas as it once was. Russia now possesses a strategic advantage. China has always possessed greater manpower and the Japanese have taken the lead in International Trade.

There are, however, at least two great distinctions that the United States still maintains, and these are especially dear to the Future Farmers of America. These distinctions are agriculture and education.

No other farmers of the world can come close to comparing with the productivity of American farmers. In 1976 one American farmer produced enough food to feed himself and 56 others. Today, just three years later, he can feed a total of 59. Agricultural exports have been a vital stabilizing factor in our economy and Americans still spend a lesser percent of their disposable income on food than do other consumers of the world.

I personally doubt that there is anywhere in the world where a quality education is more readily available to every citizen than here in the United States. A shining star in the public instructional system is that of vocational education as evidenced by the fact that in Spring of 1978 unemployment of vocational educational students was 5.2 percent lower than that of youth in the same age range. Vocational Education Programs like Vocational Agriculture incorporate not only the teaching of knowledge but also the training of specific job skills as well as the development of attitude, leadership and character through vocational youth organizations such as the FFA. Vocational education is the most well received of all federally funded programs in that for every $1.00 provided federally is matched by an average of $9.00 at the state level.

Agriculture and education, America's great distinctions, complement each other. Our agricultural prosperity allows us to allocate resources to the development of areas such as education and certainly our public instructional program trains young people for the field of work and industries like agriculture benefit.

If agriculture and education are indeed America's great distinctions, then what is being done to strengthen and preserve them? It is irony in the deepest form that these two areas are often the most ignored and the first to feel the effects of reduced government spending.

Since its conception the FFA has utilized the concept of incentives as a stimulus for success. I am gravely concerned that the incentives that have made agriculture and education great are lacking in our present society. We have removed incentive from agriculture by ignoring the voice of farmers and agribusinessmen until crisis situation arose and by legislating volumes of unwarranted regulations.

I can think of no professionals more underpaid than teachers. They have the greatest impact on a young person's life than anyone outside the immediate family, yet we expect them to provide their services at a salary that prevents interested students from entering the profession. Recently, I heard of a legislator who commented that teachers just don't have the dedication that they once had, and that increases in salary were foolish. He thought they should teach on the basis of their dedication, not salary. This is only partially correct, for as important as personal satisfaction and dedication is, I can think of no other professionals, as in the field of medicine and law, who perform merely on this basis. People like this who provide such necessary services are well paid, and I think that teachers, and farmers are no different. Financial reward is an important incentive in any career.

The problems I mentioned are but a few and I am not suggesting that we should guarantee anyone a fixed profit or income. Rather, I suggest that we examine our priorities and address current problems faced by agriculture and education. What are you and I doing to advance America's great distinctions?

The Declaration of Independence has stood as one of the greatest documents of human freedom of all time. Perhaps it is time, in the interest of the freedom we enjoy, to declare our dependence on agriculture to provide life giving food and fiber and upon education to develop the most important resource our country possesses—our youths' minds. Once we have declared our dependence and acted accordingly, then we can go about successfully the business of continuing to build the greatest nation on earth—the United States of America.●

TRIBUTE TO W. E. WILLIAMSON

HON. HENRY A. WAXMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 25, 1979

● Mr. WAXMAN. Mr. Speaker, Ed Williamson, the chief clerk and staff director of the House Committee on Interstate and Foreign Commerce, lost his private battle with cancer on July 24. With his characteristic dutifulness, he worked until his very final days.

Ed Williamson served the Commerce Committee for 22 years. With legendary attention to detail and parliamentary skill he shephered through the Commerce Committee the key domestic programs of six Presidents.

He had the stirring voice of an orator, and his presence gave dignity to every meeting of the Commerce Committee. When he called the roll on key votes, his resonant tones and penetrating glance reminded every member another chapter in the Nation's history could be written that day. Ed Williamson monitored thousands of votes during the span of his career, yet he never treated bills perfunctorily. To him every piece of legislation was given importance.

Ed Williamson knew what it was to assume the responsibilities of elected office. He was mayor of Magnolia, Ark., at the time Oren Harris appointed him to the Commerce Committee staff. He had a strong sense of public service, and served from 1947 to 1950 as circuit and chancery court clerk in Magnolia. His military record was distinguished: He enlisted in the U.S. Army in 1942, and rose to the rank of captain at the time of his discharge 4 years later.

Ed Williamson believed in the integrity of Congress as an institution, yet he was always approachable and never pompous. He had a fatherly regard for new Members and staff, whom he systematically tutored on House rules and committee procedures, so that Commerce Committee business could always be conducted in an orderly manner. He gave us all a sense of history and purpose in the work we undertook; at the mention of medicare and medicaid, or new cabinet departments, Ed Williamson gently reminded us, "I was there. I remember the vote."

Ed Williamson shared with us all our legislative victories and defeats. His beaming smile of satisfaction when a bill was reported, and his compassionate glance to a chairman when months of work ended only in a narrow defeat, will never be forgotten. He was so much a part of the Commerce Committee that it will be hard for all of us to continue along without his strong voice announcing the day's agenda. He will be missed.●

CAPTIVE NATIONS WEEK

HON. F. JAMES SENSENBRENNER

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 25, 1979

● Mr. SENSENBRENNER. Mr. Speaker, I would like to take this opportunity to speak about the captive nations of the world during this very special Captive Nations Week.

Freedom is a condition so basic and necessary to human beings that any action restricting this God given privilege is a blatant violation of human rights. Our Nation was founded on the belief that all men are created equal and that freedom is an undeniable right of every individual. It is therefore my belief that we as a Nation have an obligation to encourage these ideals both in our own country and in others.

This week we are commemorating those people who have demonstrated their persistant struggle for independence in spite of mounting Communist oppression. The people of these nations endear themselves to us since our Nation was once subject to similar oppressive demands. The inexhaustible determination that these people have shown in their struggle for independence is a true indication of their love for the freedom of which they have been so unjustly deprived.

History books tell countless stories of individuals, as well as nations, whose drive for independence was never diminished in spite of mountainous difficulties. The determined efforts of the Polish generals Pulaski and Kosciuszko during the Revolutionary War are worthy of acknowledgement. Their actions clearly demonstrate the willingness of one nation to aid another when its individual freedoms are being denied. We should now do the same by assisting their people in their drive for independence from oppressive conditions. Newspapers today reveal moving stories of the plight of the Southeast Asian boat people, the indefatigable drive for freedom of Soviet Jews like Anatoly Shcharansky, and many other struggles for basic human rights. The morals and determination of these and many other individuals have fully enhanced the American ideology of individual freedom.

There has been little progress since World War I in improving the plight of those nations subject to the oppression of the Soviet Union. The number of nations succumbing to Communist advances is increasing at an alarming rate.

A large portion of the global population is now subject to the policies of Communist institutions. As of now, there is little evidence that the expansionistic Communist trend is dissipating.

America, in spite of its own hard-earned freedom, has been too complacent in dealing with the plight of other nations. Our foreign policy has changed from one of containment and active resistance to a policy based on negotiation and compromise, often at the expense of our Nation's ideals.

The United States is both capable of and responsible for actively attempting to prevent further Communist advances into nations too weak to defend their basic human rights. It is our further responsibility to try to help those nations now subject to these oppressive intrusions. We must immediately abandon our passive attempts at assuring human rights around the world, and instead actively promote the ideals which made this country a great protector of basic human freedoms.

Freedom is something which we must strive for; like many other things, it on survives when we work at it. We must wish for it with all our hearts and constantly remind ourselves that it is something very difficult to obtain and very easy to lose. As an active leader of the free world, we cannot be satisfied with passive denunciation of infringements upon individual freedom. We must instead demand total compliance with the Helsinki accord and actively promote those ideals upon which the agreement is based.

The many captive nations of the world will continue to demonstrate their love for the freedom of which they have been in July each year—Captive Nations deprived so unjustly. We commemorate their brave efforts during the third week Week. This week is not only for acknowledging their efforts, but also for reexamining our policies in order to assure ourselves and others of the ideals for which this country stands.●

COUNTRIES ILLS

HON. JOHN W. WYDLER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 25, 1979

● Mr. WYDLER. Mr. Speaker, Russell Baker who writes a regular column for the New York Times is known for his sharp wit and very humorous articles.

The one that follows is not very funny for the American people, but it does prove that there is a lot of truth told in jest.

The article follows:

PLAYING BY THE BOOK

(By Russell Baker)

The President started the week with a humble confession of inadequacy. Always be humble, especially if you are arrogant, goes the old political maxim. Mr. Carter's display of humility was one in which he could take not only pride but also satisfaction, since his popularity rating in the polls shot up several points almost immediately.

After the humility came the dynamism. Always be dynamic, especially if you don't plan to do much, goes the old political maxim. Mr. Carter boarded his dynamic Presidential jet, burned a large quantity of oil to go to Kansas City, and made a second speech on television in which he asked us to join him in "this war."

This accorded with the old political maxim, which states, always elevate intractable domestic problems to the level of "war," especially if you can't go on ignoring them without inviting defeat at the polls (cf. Lyndon Johnson's War on Poverty, Gerald Ford's War on Inflation).

The call for war support was issued in a louder voice than the President usually uses and by gestures with a clenched fist. Always look tough when you talk war, goes the old political maxim, especially if you are talking about intractable domestic problems instead of war.

For some reason, neither press nor television said that the humility, the dynamism, the war call, the raised voice and the clenched fist meant there was "a new Carter." This defied an old journalistic maxim which goes, always declare an old, familiar politician to be a new politician when he changes his voice level, speech writer or image technician (cf. The seven "new Nixons" created by journalism between 1953 and 1973).

Several journalists, however, did observe that Mr. Carter's conduct suggested he had been born yet again. Never pass up the chance for a wisecrack, goes the old journalistic maxim, especially if the polls show not many people are likely to be offended.

Continuing to charge off in all directions, the President flew back to Washington and collected the resignations of all his top hands, though he intended to keep all but a handful. Always charge off in all directions, goes the old political maxim, especially if you want to create enough headlines to conceal the fact that you are not going anyplace.

Press and television immediately said that calling for all hands to resign was unprecedented, although President Nixon had done the same thing after the 1972 election. Always convert a bemusing event into melodrama by calling it unprecedented, goes the old journalistic maxim, especially if it isn't.

Precisely who or what the enemy was in the war for which the President requested support was not clear. Stuart Eizenstat, in a famous memo to the boss, had wanted him to name OPEC the villain. The President did not. Never make an enemy who can give you more trouble than you can handle, goes the old political maxim, especially if you can take on an enemy who is a pushover.

Despite his humility, the President managed to identify several enemies who had failed the country much worse than he had. Among them were Washington, Congress and Big Oil.

All are pushovers, and the President pushed them over with much humility and fist-clenching. Washington, he suggested, was the worst. One had the impression he was being held prisoner in Washington and was being compelled by subtly sinister means into governing inadequately.

Making Washington the enemy of the people's goodness, of course, was a tactic he used successfully to get elected in 1976. Always go back to what worked in your first big success, goes the old political maxim, especially if nothing else seems to work (cf. President Nixon's efforts throughout Watergate to recreate his triumphant "Checkers" speech of 1952).

As for Big Oil, the President announced that he had squads of auditors poised to attack their books. There is no old maxim being observed here, but only a universal truth. Nobody loves a rich man, and almost everybody will pay good money to see banana peels placed under his Guccis.

As for Congress, its vulnerability is understood by small children. Always denounce the Congress, goes the old political maxim, especially if you are humble about your own inadequacies.

As the week ended, hints from the White House suggested that the President was also thinking of adding the Washington news industry to the list of opponents responsible for his inadequacies. There were complaints that these wretches "sensationalize" with wanton extravagance and impede and distort the President's efforts to communicate with the good people outside Washington.

Always blame the news industry for your inadequacies, goes the old political maxim, especially if it devotes as much attention to your inadequacies as it devotes to your humility (cf. John F. Kennedy, Lyndon Johnson, Richard Nixon).

The President, of course, is also waging a campaign to be re-elected in 1980. Washington is the only place on earth so despicable, goes the old political maxim, that people will struggle like tigers to get there and fight like lions to stay there.●

DICKINSON'S BILL TO HELP DOD AIR TRAFFIC CONTROLLERS HAS BROAD SUPPORT

HON. WILLIAM L. DICKINSON

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 25, 1979

● Mr. DICKINSON. Mr. Speaker, during the past three Congresses I have introduced legislation which would give civilian air traffic controllers at the Department of Defense the same rights and benefits with regard to retirement and job retraining that were accorded air traffic controllers of the Federal Aviation Administration at the Department of Transportation under Public Law 92-297, which was enacted on May 6, 1972.

This legislation is, I believe, simply a matter of providing equity. The Congress has recognized the special problems encountered by the 17,000 FAA air traffic controllers and the need for a legislative remedy. The 200 DOD air traffic controllers have the same physical and mental stresses as the FAA controllers and ought to be accorded the same treatment under the law.

Hearings on my current bill, H.R. 1781, were held before the House Subcommittee on Civil Service on June 26, and July 13, 1979. I was very pleased with the gracious and courteous reception from my distinguished colleague who chairs the subcommittee, the Honorable PAT SCHROEDER of Colorado and the other members of the subcommittee who were most receptive to this legislation.

Favorable departmental reports have been received from the Office of Management and Budget and the Office of Personnel Management. Mr. Carl Clewlow, Deputy Assistant Secretary of Defense for Civilian Personnel Policy, testifying in support of the bill on July 13, 1979, said:

In the interest of equity, we believe that the Department of Defense civilian controllers who are actively engaged in the separation and control of air traffic, and who are performing like duties to those air traffic controllers in the Department of Transportation, should be treated the same as their counterparts in the Department of Transportation.

At the time I testified before the Civil Service Subcommittee, I was joined by Mr. Jerry Byrd, data systems officer, Cairns Army Radar Approach Control, Fort Rucker, Ala. Mr. Byrd made a very comprehensive and persuasive statement in support of H.R. 1781 which I would like to call to the attention of my colleagues.

STATEMENT OF JERRY BYRD

Most Honorable Chairwoman, Honorable Subcommittee Members, the Honorable Congressman Dickinson, Distinguished Counsel.

I consider it a great privilege and a distinct honor to appear before you today in behalf of approximately 200 Department of Defense civilian air traffic controllers stationed at ATC facilities throughout the United States. I truly hope that you will sense that there is something different about my being here today—something special. What is different and what is special is the thing which makes me most proud to be an American—and that is the opportunity that one has—no matter what his station in life, not only to express himself to his government—but to be heard. I truly believe that my being here today is "what it's all about"—for I come to you from the lowest level of government to present a petition for your honest and unbiased consideration. I am not a lobbyist, nor a Union official, and since I occupy a staff air traffic position, I will not be covered by this amendment. I do however, speak for a special interest group. That being those who have a special interest in seeing that all people are treated fairly and equitable under the law. Yes, I am prejudiced in my support of the DOD controllers urgent need for parity with his FAA counterpart. And quite frankly, I honestly believe that the decision that you will make on this issue is one of the easiest you'll ever have to make. We certainly recognize that many important measures are being studied by your committee, and that it may seem insignificant to be considering a proposition which affects only about 200 Civil Service employees. But "believe you me", if their need was not real and factually documented, I certainly wouldn't be here today.

It appears to me, that some of the questions you must answer in order to approve this bill are these.

1. Is there a demonstrated need for this legislation.
2. Is the need appropriately documented.
3. Is the proposed resolution equitable.
4. Does this bill have the support of those who will be affected, and by those who must administer it.

The answer to all of these questions is an unqualified "yes".

If you will please refer to the "Profile of an Air Traffic Controller": on page 7 of the report which I presented to you entitled The Case for Amending P.L. 92-297 to Include Department of Defense Civil Air Traffic Controllers, H.R. 1781, you will note the DOD controller, when compared with the FAA controller, is doing the same job, with the same civil service job series code (GS-2152), controlling the same aircraft, meeting and maintaining the same medical standards, and the same standards for certification and rating, while abiding by the same rules and regulations for the control of air traffic. This in itself is clear and convincing evidence of the oversight of not including DOD controllers under the provisions of P.L. 92-297.

One of our basic causes of concern is the discriminatory aspect of providing career benefits for civil service air traffic controllers employed by DOT and not providing like benefits for identically situated controllers employed by other Federal agencies. Although it is a gross inequity, it is not for this reason that the DOD controller requests coverage under the law, but rather because an actual, proven need exists!

The pressures associated with the air traffic control profession and the resultant early physical deterioration of controllers was first documented for the 92nd Congress in the "Courson Report" prepared by a blue-ribbon Air Traffic Controller Career Committee at the direction of the Secretary of Transportation. P.L. 92-297 is the result of this Committee's recommendations.

For years DOD controllers have been denied coverage under this law primarily because the Department of Defense, Civil Service Commission, and others, objected on the grounds that there was no specific evidence to justify their inclusion. However, in April of 1977, the Honorable Harold Brown, Secretary of Defense, requested Department of Army to again "look into this matter" and in May of that year, Congressman Dickinson was advised that Department of Army had been requested to examine the work of air traffic controllers at Fort Rucker, Alabama, in conjunction with representatives of the Civil Service Commission and the Department of Transportation. The purpose of the study was to "identify specific controller requirements and human factors to determine whether Defense Department controllers had a problem comparable to that in the Department of Transportation requiring a like solution."

This study was conducted during July and August of 1977 by a Team which gathered data from DOD installations employing air traffic controllers and which also accomplished on-site surveys at Fort Rucker, Alabama, Fort Hood, Texas, and the FAA ATC radar facility at Washington National Airport. This was done in order to compare Army Air Traffic Control operations with those of an FAA facility. The visit to Washington National Airport confirmed that controller duties performed and equipment used by FAA controllers was the same as those found at Fort Rucker and prompted this statement from the report. "The Study Team could discern no basic differences in duties between Army and FAA controllers who are actively engaged in the separation and control of aircraft." The assessment by the FAA Representative, who participated as a member of the study team, was that "Occupationally there is no basic difference between the duties being performed by FAA air traffic controllers and the civilian air traffic controllers at Fort Rucker and Fort Hood."

This report, entitled "The Study of Department of the Army Air Traffic Controller Duties and Human Factors," dated August 1977, is replete with affirmations of the virtual identical aspects of the FAA and DOD controller positions and of the physical demands of the occupation. However, it is significant that the report considered the matter of comparability or noncomparability of DOD controllers with DOT controllers, as an issue separate from the fundamental issue of whether there was a need to include DOD controllers under the law. This need was to be determined by assessing the actual duties being performed, problems of recruitment and retention, as well as medical evidence of "burnout" problems. The Report concludes by recommending, without qualification, that DOD controllers be covered by P.L. 92-297.

Another compelling reason for including DOD controllers under the provisions of this law is that some major insurance companies will not "write" disability income protection for air traffic controllers solely due to their occupation. Page 29 of the report which I have presented to this subcommittee contains a copy of a letter one of our controllers received from the Prudential Insurance Co. of America. I quote from the letter:

"Our underwriting rules prohibit us from considering air traffic controllers for disability pay coverage. Please be assured that no adverse medical information was received and that your application was declined solely due to your occupation."

If an employee of the Federal Government cannot obtain necessary insurance to protect his income because of the inherent debilitating aspects of the occupation, then surely the Federal Government has an obligation to provide appropriate protection. Public law 92-297 affords this protection.

Without question, there exists a precedent for providing these benefits to air traffic controllers staffing facilities located at military installations. In fact, the FAA itself staffs at least 21 air traffic control facilities located on military installations. Figure 3, page 31, of my report lists these facilities. It is indefensible that our Government would knowingly continue the discriminatory practice of providing these benefits to FAA controllers at military installations and not provide them to DOD controllers at identical facilities.

If you will indulge me, I would like to speak personally to this issue because I am not just a layman, but rather a professional air traffic controller with experience in many types of facilities, at all levels of operation.

I speak as one who has personally experienced the mental and physical strain of controlling aircraft in and out of busy airports; as one who has experienced the stress of staying on the radar scope or in the tower for long periods of time without a break; as one who has been confronted with the necessity of making successive decisions carrying life and death consequences—where the standard is always perfection; and finally, as one who has experienced the day-in-day-out wear and tear on the individual, and the disruption of a normal family life and social relationships, brought on by frequently changing shift requirements.

I also speak as one who has seen controllers break down and weep, on the job, as the result of the intense pressure and constant demand to speed the flow of traffic—knowing full well that the impending rush of air traffic will exceed his reasonable capacity, but also knowing that he must operate at the limits of his capabilities, on the brink of human disaster, for as long as necessary.

I've seen a controller get up from hours at a busy radar scope, walk to a wall and stand with his face only inches away, staring blankly at nothing and unconsciously remove his necktie—and not realize what he is doing.

I have seen the most confident, even-mannered controller turn into a growling, irritable, irascible controller—who snaps at other controllers and pilots as well, as the intense control pressure builds.

I have also seen the most boring, tedious air traffic situation change in an instant to a tense, harrowing, and grueling contest between man, machine, and time, as a controller and a pilot lock hands in a frightening effort to stave off disaster in an emergency situation. And I have seen man lose.

I beg of you, please don't let anyone sway you in your resolve to correct this inequity.

In conclusion, this Committee has within its power the means to correct an oversight of long standing. These controllers have been overlooked because their small number does not give them any political "clout"; because they do not have the powerful voice of the FAA, or the representation of a national labor union. But their need is real—it is irrefutably proven and unquestionably justified. The facts clearly support the proposition!

I would certainly be remiss if I did not publicly express the gratitude of DOD controllers throughout the U.S. to Congressman Dickinson, whose efforts in their behalf are a shining example of non-partisan representation. I would also like to express my

gratitude to this Subcommittee for giving us this forum.●

SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules Committee—of the time, place, and purpose of all meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an interim procedure until the computerization of this information becomes operational, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Any changes in committee scheduling will be indicated by placement of an asterisk to the left of the name of the unit conducting such meetings.

Meetings scheduled for Thursday, July 26, 1979, may be found in the Daily Digest of today's RECORD.

MEETINGS SCHEDULED

JULY 27

8:30 a.m.
Energy and Natural Resources
Energy Conservation and Supply Subcommittee
To hold hearings on S. 1280, to provide financial and technical assistance to States and local governments in developing and expanding energy-related activities.
3110 Dirksen Building

9:00 a.m.
Commerce, Science, and Transportation
Business meeting on pending committee business.
235 Russell Building

Foreign Relations
To continue closed hearings on the SALT II Treaty (Exec. Y, 96th Cong., 1st sess.).
S-116 Capitol

Judiciary
To hold hearings on S. 680, to provide for the rights of citizens to sue in Federal courts for unlawful governmental action.
6226 Dirksen Building

9:30 a.m.
Commerce, Science, and Transportation
Science, Technology, and Space Subcommittee
To resume hearings on S. 1215, to establish a uniform Federal policy for the management and utilization of government-sponsored inventions in order to encourage private industry participation in Federal research and development programs.
5110 Dirksen Building

Labor and Human Resources
Business meeting, to mark up S. 1075, to require drug companies to conduct postmarketing and scientific investigations of approved drugs, to transmit drug information to patients and doctors, and to provide more education to doctors and health professionals regarding the use of approved drugs; and S. 446, to provide legal protection to the employment rights of handicapped citizens
4232 Dirksen Building

*Veterans' Affairs
To resume hearings on S. 870, to amend and extend education programs administered by the Veterans' Administration for veterans and dependents, and S. 881, to provide for the protection of certain officers and employees of the Veterans' Administration assigned to perform investigative or law enforcement functions.
412 Russell Building

9:45 a.m.
Banking, Housing, and Urban Affairs
To continue hearings on S. 524, 581, 730, 932 (as passed the House), 950, 1377, and 1409, all of which provide for the development, production, and financial assistance of energy resources programs.
5302 Dirksen Building

10:00 a.m.
Armed Services
To continue closed hearings on the military implications of the SALT II Treaty.
S-407, Capitol

Energy and Natural Resources
Energy Conservation and Supply Subcommittee
To receive testimony from officials of the Harvard University, School of Business on a 6-year review of energy resources.
3110 Dirksen Building

Finance
To hold hearings on the nomination of William G. Miller, to be Secretary, Department of the Treasury.
2221 Dirksen Building

Foreign Relations
To hold hearings on S. 1450, to promote the foreign policy of the United States.
4221 Dirksen Building

Governmental Affairs
Intergovernmental Relations Subcommittee
To hold hearings on S. 878 and 904, bills to simplify the administration of national policy requirements applicable to Federal assistance programs relating to State and local governments.
457 Russell Building

Select on Intelligence
To continue closed hearings on issues relative to the SALT II Treaty (Exec. Y, 96th Cong., 1st sess.).
224 Russell Building

Joint Economic
To hold hearings on the impact of inflation on the Federal tax system.
S-207, Capitol

2:00 p.m.
Appropriations
Transportation Subcommittee
To mark up the substance of H.R. 4440, making appropriations for fiscal year 1980 for the Department of Transportation.
1224 Dirksen Building

Conferees
On S. 544, to revise and extend, through fiscal year 1982, programs administered under the Public Health Service Act.
S-207, Capitol

2:30 p.m.
Foreign Relations
To hold hearings on pending nominations.
4221 Dirksen Building

3:00 p.m.
Energy and Natural Resources
Business meeting on pending calendar business.
3110 Dirksen Building

Judiciary
To hold hearings on pending nominations.
2228 Dirksen Building

JULY 28

9:30 a.m.
Energy and Natural Resources
Business meeting on pending calendar business.
3110 Dirksen Building

JULY 30

8:00 a.m.
Energy and Natural Resources
To hold hearings on the nomination of Charles W. Duncan, Jr., of Texas, to be Secretary of Energy.
3110 Dirksen Building

9:00 a.m.
Agriculture, Nutrition, and Forestry
Agricultural Production, Marketing, and Stabilization of Prices Subcommittee
To hold oversight hearings to examine the scope of current agricultural transportation problems.
322 Russell Building

9:15 a.m.
Governmental Affairs
To hold hearings on S. 930, to restrict free Federal employee parking.
3302 Dirksen Building

9:30 a.m.
Environment and Public Works
Business meeting on pending committee business.
4200 Dirksen Building

10:00 a.m.
Energy and Natural Resources
Business meeting on pending calendar business.
3110 Dirksen Building

Judiciary
To resume hearings on S. 1246, to protect against the growth of a monopoly power among major petroleum companies, and to encourage oil companies to invest profits back into oil exploration, research, and development.
2228 Dirksen Building

Select on Indian Affairs
To hold hearings to discuss alternative solutions to litigation to resolve water rights disputes between Indians and non-Indians.
5110 Dirksen Building

2:00 p.m.
Budget
Business meeting, to begin mark up of the second concurrent resolution on the congressional budget for fiscal year 1980.
6202 Dirksen Building

Judiciary
To hold hearings on the nominations of Richard D. Cudahy, of Wisconsin, to be U.S. Circuit Judge for the Seventh Circuit; and Edward C. Reed, Jr., to be U.S. District Judge for the District of Nevada.
6226 Dirksen Building

JULY 31

9:00 a.m.
Agriculture, Nutrition, and Forestry
Agricultural Production, Marketing, and Stabilization of Prices Subcommittee
To continue oversight hearings to examine the scope of agricultural transportation problems.
322 Russell Building

9:30 a.m.
Commerce, Science, and Transportation
Science, Technology, and Space Subcommittee
To resume hearings on S. 663 and 875, bills to establish an Earth Data and Information Service which would supply data on the Earth's resources and environment.
6226 Dirksen Building

Energy and Natural Resources
Energy Conservation and Supply Subcommittee
To hold hearings on proposed legislation to establish a home energy efficiency program.
3110 Dirksen Building

Judiciary
Business meeting, on pending calendar business.
2228 Dirksen Building

Labor and Human Resources
Handicapped Subcommittee
To resume oversight hearings on the implementation of the Education for All Handicapped Children Act of 1975 (P.L. 94-142).
4232 Dirksen Building

10:00 a.m.
Budget
Business meeting, to continue mark up of the second concurrent resolution on the congressional budget for fiscal year 1980.
6202 Dirksen Building

Governmental Affairs
To resume joint oversight hearings with the Subcommittee on Energy, Nuclear Proliferation, and Federal Services, on the activities of the Department of Energy.
3302 Dirksen Building

1:00 p.m.
Conferees
On S. 237, to clarify and expand jurisdiction of U.S. magistrates and improve access to the Federal courts.
S-207, Capitol

2:00 p.m.
Appropriations
Business meeting, to mark up the substance of H.R. 4440, making appropriations for fiscal year 1980 for the Department of Transportation, and to resume consideration of H.R. 4393, making appropriations for fiscal year 1980 for the Department of the Treasury, and the U.S. Postal Service.
S-128, Capitol

3:00 p.m.
Energy and Natural Resources
Business meeting on pending calendar business.
3110 Dirksen Building

AUGUST 1

9:30 a.m.
Environment and Public Works
Business meeting on pending committee business.
4200 Dirksen Building

Labor and Human Resources
Health and Scientific Research Subcommittee
To hold hearings on S. 568, to promote the advancement of women in scientific, professional, and technical careers.
4232 Dirksen Building

10:00 a.m.
Budget
Business meeting, to continue markup of the second concurrent resolution on the Congressional budget for fiscal year 1980.
6202 Dirksen Building

Energy and Natural Resources
Business meeting on pending calendar business.
3110 Dirksen Building

Governmental Affairs
To continue joint oversight hearings with the Subcommittee on Energy, Nuclear Proliferation, and Federal Services, on the activities of the Department of Energy.
3302 Dirksen Building

1:00 p.m.
Conferees
On S. 237, to clarify and expand jurisdiction of U.S. magistrates and improve access to the Federal courts.
S-207, Capitol

3:00 p.m.
Governmental Affairs
Oversight of Government Management Subcommittee
To resume oversight hearings on the management and implementation of hazardous waste programs under the Resource, Conservation, and Recovery Act, 1976.
1224 Dirksen Building

AUGUST 2

8:30 a.m.
Veterans' Affairs
To hold hearings on S. 1518, to allow for the disclosure of certain information by the Veterans' Administration to consumer reporting agencies in order to make assessments in cases of outstanding debts.
457 Russell Building

9:30 a.m.
Labor and Human Resources
Health and Scientific Research Subcommittee
To continue hearings on S. 568, to promote the advancement of women in scientific, professional, and technical careers.
4232 Dirksen Building

10:00 a.m.
Budget
Business meeting, to continue markup of the second concurrent resolution on the congressional budget for fiscal year 1980.
6202 Dirksen Building

Energy and Natural Resources
Business meeting on pending calendar business.
3110 Dirksen Building

Judiciary
To hold hearings to examine the policy and intent of a statutory charter which defines the investigative authority and responsibilities in matters under the jurisdiction of the FBI.
2228 Dirksen Building

Select on Indian Affairs
To hold oversight hearings on the activities of the Indian Health Service, Department of Health, Education, and Welfare.
5110 Dirksen Building

AUGUST 3

10:00 a.m.
Budget
Business meeting, to continue markup of the second concurrent resolution on the congressional budget for fiscal year 1980.
6202 Dirksen Building

SEPTEMBER 10

9:30 a.m.
Commerce, Science, and Transportation
Aviation Subcommittee
To hold hearings on proposed authorizations through fiscal year 1990 for airport development aide programs under the Airport Airway Act, 1970.
235 Russell Building

SEPTEMBER 11

9:30 a.m.
Commerce, Science, and Transportation
Aviation Subcommittee
To continue hearings on proposed authorizations through fiscal year 1990 for airport development aid programs under the Airport Airway Act, 1970.
235 Russell Building

SEPTEMBER 12

9:00 a.m.
Veterans' Affairs
To hold hearings on S. 759, to provide for the right of the United States to recover the costs of hospital nursing home or outpatient medical care furnished by the Veterans' Administration to veterans for non-service-connected disabilities to the extent that they have health insurance or similar contracts.
457 Russell Building

9:30 a.m.
Commerce, Science, and Transportation
Aviation Subcommittee
To continue hearings on proposed authorizations through fiscal year 1990 for airport development aid programs under the Airport Airway Act, 1979.
235 Russell Building

SEPTEMBER 13

9:30 a.m.
Commerce, Science, and Transportation
Aviation Subcommittee
To continue hearings on proposed authorizations through fiscal year 1990 for airport development aid programs under the Airport Airway Act, 1970.
235 Russell Building

SEPTEMBER 18

9:30 a.m.
Labor and Human Resources
To hold hearings on S. 1486, to exempt family farms and nonhazardous small businesses from the Occupational Safety and Health Act of 1970.
4232 Dirksen Building

10:00 a.m.
Commerce, Science, and Transportation
Merchant Marine and Tourism Subcommittee
To hold hearings on S. 1460, 1462, and 1463, bills to facilitate and streamline the implementation of the regulatory part of U.S. maritime policy.
235 Russell Building

SEPTEMBER 19

9:30 a.m.
Labor and Human Resources
To continue hearings on S. 1486, to exempt family farms and nonhazardous small businesses from the Occupational Safety and Health Act of 1970.
4232 Dirksen Building

Veterans' Affairs
To hold hearings on S. 1523 and H.R. 4015, bills to provide the capability of maintaining health care and medical services for the elderly under the Veterans' Administration.
5110 Dirksen Building

10:00 a.m.
Commerce, Science, and Transportation
Merchant Marine and Tourism Subcommittee
To continue hearings on S. 1460, 1462, and 1463, bills to facilitate and streamline the implementation of the regulatory part of U.S. maritime policy.
235 Russell Building

SEPTEMBER 20

10:00 a.m.
Commerce, Science, and Transportation
Merchant Marine and Tourism Subcommittee
To continue hearings on S. 1460, 1462, and 1463, bills to facilitate and streamline the implementation of the regulatory part of U.S. maritime policy.
235 Russell Building

SEPTEMBER 25

11:00 a.m.
Veterans' Affairs
To resume hearings on fiscal year 1980 legislative recommendations for veterans' programs.
5110 Dirksen Building

CANCELLATIONS

JULY 30

10:00 a.m.

Commerce, Science, and Transportation
Aviation Subcommittee

To hold hearings on S. 1300, proposed International Air Transportation Competition Act.

235 Russell Building

AUGUST 1

10:00 a.m.

Commerce, Science, and Transportation
Aviation Subcommittee

To resume hearings on S. 1300, proposed International Air Transportation Competition Act.

235 Russell Building

AUGUST 2

10:00 a.m.

Commerce, Science, and Transportation
Aviation Subcommittee

To continue hearings on S. 1300, proposed International Air Transportation Competition Act.

235 Russell Building

SENATE—*Thursday, July 26, 1979*

(Legislative day of Thursday, June 21, 1979)

The Senate met at 9 a.m., in legislative session on the expiration of the recess, and was called to order by the Acting President pro tempore, Hon. J. JAMES EXON, a Senator from the State of Nebraska.

PRAYER

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

Let us pray.

We thank Thee, O Lord, for Thy mercies which are new every morning and for every new opportunity to serve Thee by serving our Nation.

"If, on our daily course, our mind
Be set to hallow all we find,
New treasures still, of countless price,
God will provide for sacrifice.

"Only, O Lord in Thy dear love,
Fit us for perfect rest above,
And help us, this and every day,
To live more nearly as we pray."

Amen.

—John Keble, 1827.

THE JOURNAL

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

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

RECOGNITION OF THE MAJORITY LEADER

Mr. ROBERT C. BYRD. Mr. President, I believe I have just 2 minutes.

The ACTING PRESIDENT pro tempore. The Senator is correct.

Mr. ROBERT C. BYRD. I yield to the Senator from Wisconsin.

Mr. PROXMIRE. Mr. President, I thank my good friend, the majority leader.

OBJECTIONS TO THE GENOCIDE CONVENTION MADE IN 1950 ARE OUTDATED

Mr. PROXMIRE. Mr. President, today I would like to remind my distinguished colleagues of two of the important distinctions between the circumstances surrounding ratification of the Genocide Treaty in 1950 and ratification of the treaty in 1979.

In 1950, as a report from the section of individual rights and responsibilities of the American Bar Association points out, one of the objections to ratifying the treaty was that Government action by treaties was a "new concept." Their hesitancy was understandable in view of the Senate's lack of past experience with such matters. At that time their contention was valid.

However, since that time, the United States has entered into well over 4,000 international agreements "without any noticeable diminution of its sovereign independence, nor any noticeable debasement of its standards to an international average."

The point is that the United States has entered into many treaties. This is no longer a "new concept," but rather an effective means of establishing international law.

The report also points out that in 1950 some opposition to the treaty was based on the belief that the Genocide Convention would override the legislative power of Congress. There was concern particularly with respect to civil rights legislation. It was suggested in 1949 that the Genocide Convention would be used to rationalize Federal legislation in this area.

In 1949 that may have been a reasonable consideration. In 1979, 30 years later, it can be said without any degree of doubt that the Constitution is completely adequate to "sustain any civil rights legislation likely to be proposed and passed and certainly far more ample to coverage than any authority possibly derived from the Genocide Convention."

It is clear that in both instances that a cautious approach was necessary, but that with time such an approach no longer served any purpose or was in fact justified.

I strongly urge my fellow colleagues to look anew at the Convention on the Prevention and Punishment of the Crime of Genocide, to consider it by standards that are applicable today, and finally to ratify the Genocide Treaty.

RECOGNITION OF THE MINORITY LEADER

The ACTING PRESIDENT pro tempore. The Chair recognizes the minority leader.

Mr. BAKER. Mr. President, I have no need for my time under the standing order. I yield it to the distinguished Senator from South Dakota.

The ACTING PRESIDENT pro tempore. The Senator from South Dakota is recognized.

SNOWMOBILING

Mr. PRESSLER. Mr. President, there is a real need for recreation in our lives. As a consequence, there is also a real need to treat all recreation equitably in our energy actions.

Moreover, I am strongly in agreement with the new and important role played by recreation in the lives of my constituents.

I have been impressed by the changes which have taken place in snowmobiling.

It burst into the scene in the early 1960's, growing far more rapidly than anyone dreamed possible. The reason was clear; it tapped a very real and previously unmet need for active recreation during the winter months in the snowbelt.

There were three basic problems. The first was the machine itself. It was loud. It broke down. It bogged down in deep snow and steep terrain. The second problem was that there were no places designated for snowmobiles to be used safely and to avoid conflicts with wildlife and other human activities. Finally, there was no way to communicate with snowmobilers. They were those masked riders in the night, alone or in small groups.

All that has changed dramatically. Snowmobiling continues to grow rapidly. In fact, according to A. C. Neilsen, it is the third fastest growing recreational activity in America. The Department of the Interior tells us some 14,000,000 Americans now snowmobile. And everybody anticipates further growth. But the problems that emerged with the beginnings of snowmobiling have now disappeared.

Today's machine is a marvel. It is quieter than many cars. The safety record of the sport has improved greatly, so that it is now a family undertaking. And there are now all kinds of places to go by snowmobile. Many States have several thousands of marked and maintained public trails, many close to population centers and many of which are also available during warm-weather months for hiking, bicycling, and equestrian use.

Unlike some activities, snowmobiling has footed the bill for the development of these trails—tens of thousands of miles of snowmobile trails—across the snow belt. The trails were developed and are maintained by State registration fees on the vehicles and in some cases the State fuel tax on gas used in snowmobiles.

● This "bullet" symbol identifies statements or insertions which are not spoken by the Member on the floor.