APRIL 3

10:00 a.m.
Appropriations
Interior Subcommittee
To resume hearings on proposed budget estimates for FY 1980 for the Office of the Secretary and the Office of the Solicitor.
1224 Dirksen Building

APRIL 4

10:00 a.m.
Appropriations
Interior Subcommittee
To resume hearings on proposed budget estimates for FY 1980 for the Heritage Conservation and Recreation Service.
1224 Dirksen Building

APRIL 5

9:30 a.m.
Veterans Affairs
To hold hearings on proposed legislation extending certain veterans' health benefits programs through FY 1980.
5110 Dirksen Building

10:00 a.m.
Appropriations
Interior Subcommittee
To continue hearings on proposed budget estimates for FY 1980 for the Heritage Conservation and Recreation Service.
1224 Dirksen Building

APRIL 10

9:30 a.m.
Veterans' Affairs
To hold oversight hearings on the role of the Federal Government in providing educational, employment, and counseling benefits to incarcerated veterans.
6226 Dirksen Building

10:00 a.m.
Appropriations
Interior Subcommittee
To resume hearings on proposed budget estimates for FY 1980 for the Fish and Wildlife Service.
1223 Dirksen Building

APRIL 12

10:00 a.m.
Appropriations
Interior Subcommittee
To resume hearings on proposed budget estimates for FY 1980 for the Bureau of Mines.
1223 Dirksen Building

APRIL 24

10:00 a.m.
Appropriations
Interior Subcommittee
To resume hearings on proposed budget estimates for FY 1980 for the Bureau of Land Management.
1223 Dirksen Building

APRIL 25

9:30 a.m.
Veterans' Affairs
To mark up S. 330, to provide for a judicial review of the administrative actions of the VA, and for veterans' attorneys fees before the VA or the courts.
412 Russell Building

10:00 a.m.
Appropriations
Interior Subcommittee
To resume hearings on proposed budget estimates for FY 1980 for the Department of the Interior, to hear Congressional Witnesses.
1223 Dirksen Building

APRIL 26

10:00 a.m.
Appropriations
Interior Subcommittee
To continue hearings on proposed budget estimats for FY 1980 for the Office of Surface Mining Reclamation and Enforcement.
1223 Dirksen Building

MAY 1

9:30 a.m.
Human Resources
Child and Human Development Subcommittee
To hold oversight hearings on the implementation of the Older American Volunteer Program Act (P.L. 93-113).
4232 Dirksen Building

SENATE—*Wednesday, February 21, 1979*

(Legislative day of Monday, January 15, 1979)

The Senate met at 12 o'clock meridian, on the expiration of the recess, and was called to order by the Honorable PAUL E. TSONGAS, a Senator from the State of Massachusetts.

PRAYER

The Honorable JOHN C. DANFORTH, a Senator from the State of Missouri, offered the following prayer:

Let us pray:

Hour after hour we sat in crowded airports, waiting for planes to leave for Washington. On arrival, we dug the drifted snow away, straining shoulders and backs as we struggled to free our captive cars. Spinning, rocking forward and back, we finally gained momentum, and set ourselves on course for our destination. Warned by radio traffic advisories, alert for patches of ice, we proceeded carefully to the Capitol. At long last, we are here. We have made it. Grant us gracious God, the same patience, the same effort, the same endurance in Your service, that each day may be dedicated to the doing of Your will. Grant that we may proceed, step by step, hour by hour, meeting the challenges You have given us, so that, at the end, the purpose You have set out for us may be accomplished to Your glory. Amen.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

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

The legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, D.C., February 21, 1979.

To the Senate:

Under the provisions of rule I, section 3, of the Standing Rules of the Senate, I hereby appoint the Honorable PAUL E. TSONGAS, a Senator from the State of Massachusetts, to perform the duties of the Chair.

WARREN G. MAGNUSON,
President pro tempore.

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

RECOGNITION OF LEADERSHIP

The ACTING PRESIDENT pro tempore. The Senator from West Virginia.

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.

ROUTINE MORNING BUSINESS

Mr. ROBERT C. BYRD. Mr. President, are there any orders for the recognition of Senators?

The ACTING PRESIDENT pro tempore. No, there are none.

Mr. ROBERT C. BYRD. Mr. President, is there an order for routine morning business?

The ACTING PRESIDENT pro tempore. There is no such order.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that there be a brief period for the transaction of routine morning business, not to extend beyond 20 minutes, with statements therein limited to 2 minutes each.

The ACTING PRESIDENT pro tempore. Is there objection? The Chair hears none, and it is so ordered.

EXECUTIVE SESSION

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the Senate go into executive session, for not to exceed 1 minute, to consider the first two nominations on the Executive Calendar.

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

The ACTING PRESIDENT pro tempore. The nominations will be stated.

FEDERAL ELECTION COMMISSION

The second assistant legislative clerk read the nomination of John Warren McGarry, of Massachusetts, to be a member of the Federal Election Commission.

The ACTING PRESIDENT pro tempore. Without objection, the nomination is considered and confirmed.

Mr. ROBERT C. BYRD. Mr. President,

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

AUTHENTICATED U.S. GOVERNMENT INFORMATION GPO

I move to reconsider the vote by which the nomination was confirmed.

Mr. BAKER. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The second assistant legislative clerk read the nomination of Max L. Friedersdorf, of Indiana, to be a member of the Federal Election Commission.

Mr. BAKER. Mr. President, it is my distinct pleasure to rise in support of the nomination and to support the confirmation of the appointment of Max L. Friedersdorf.

The ACTING PRESIDENT pro tempore. Without objection, the nomination is considered and confirmed.

Mr. ROBERT C. BYRD. Mr. President, I move to reconsider the vote by which the nomination was confirmed.

Mr. BAKER. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

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

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

Mr. BAKER. Mr. President, I am delighted with the confirmation today of Max L. Friedersdorf, of Indiana, to be a member of the Federal Election Commission. He will bring to that important position a unique blend of commonsense, talent, and experience. It should be noted that Max Friedersdorf has already performed distinguished public service for our country as the Assistant to the President for Legislative Affairs and recently as the staff director of the Republican policy committee in the U.S. Senate. It has been a genuine personal pleasure to work closely with Max in both of those capacities. I am certain that his professional presence as staff director of the Senate Republican policy committee will be sorely missed by all of us on my side of the aisle. Nonetheless, I know that my colleagues join me in saluting his confirmation to the Federal Election Commission and in extending to Max our heartiest congratulations and sincere best wishes.

LEGISLATIVE SESSION

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

There being no objection, the Senate resumed the consideration of legislative business.

QUORUM CALL

The ACTING PRESIDENT pro tempore. Is there further morning business?

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

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

The second assistant legislative clerk proceeded to call the roll.

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

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

THE GENOCIDE CONVENTION: HISTORY AND NECESSITY

Mr. PROXMIRE. Mr. President, for 13 years I have spoken in this Chamber thousands of times on the Genocide Convention and, in fact, almost every day we have been in session, on how it relates to current issues and on specific arguments pro and con. In dealing with the many and complex facets of the Genocide Convention, we must not lose sight of its original purpose and the history of its tribulations.

The Genocide Convention was proposed at the first session of the United Nations on November 2, 1946—1946—a world reeling in the aftermath of the holocaust, a world shocked by the horrifying crime which defined the word "genocide," a world determined never to let this happen again. But, Mr. President, this determination has dangerously been allowed to fade.

The United States was party to the unanimous U.N. adoption of the Genocide Convention in 1948. Soon afterward, President Truman, realizing the significance of the treaty, transmitted the Genocide Convention to the Senate. Mr. President, every President since that time has, as well, strongly endorsed the Convention.

The Foreign Relations Committee and Subcommittee have since 1950 consistently recommended the Convention favorably to the Senate.

The American Bar Association, which for many years had hesitations about the Convention, now unequivocally supports it.

Mr. President, every argument against the Genocide Convention has long since been resolved.

The Genocide Convention was the first human rights resolution of the United Nations and it is still the most important. Ratification by the U.S. Senate is essential for the treaty to have the worldwide consequence it should have. There is only one way for us to demonstrate our convictions: We must act now to ratify the Genocide Convention.

Mr. President, I yield the floor and suggest the absence of a quorum.

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

The second assistant legislative clerk proceeded to call the roll.

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

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

Mr. ROBERT C. BYRD. Mr. President, how much time for morning business remains?

The ACTING PRESIDENT pro tempore. Four and a half minutes.

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

Mr. President, I ask unanimous consent that there be 10 minutes in totality for routine morning business and that statements be limited therein to 5 minutes each.

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

Mr. MOYNIHAN. Mr. President, may I first thank the majority leader for his courtesy in arranging 5 minutes within which I might speak on two subjects which strike me as having some relevance.

BEHIND THE LINES

Mr. MOYNIHAN. Mr. President, I call attention to an editorial comment in the current issue of Texas Monthly called "Behind the Lines," which seems to me to be most apt with respect to the relationships between the Snow belt and Sun belt. It is a very candid comment about a Texan's view of New York and its problems.

Mr. President, in a spirit of comity and of acknowledging the validity of a good many of the things that are said, I ask unanimous consent to print in the RECORD the editorial by William Broyles in the February 1979 issue of the Texas Monthly.

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

BEHIND THE LINES

Not too long ago American Airlines announced it was moving its corporate headquarters from New York City to Texas. New Yorkers reacted as if the airline were trying to spirit away the Statue of Liberty. "A betrayal," Mayor Koch called it. Taxi drivers, policemen, firemen, civil servants, and a number of companies announced a boycott of American. TWA ran large ads swearing its fealty to New York. Pan Am, which supposedly had been considering moving to Houston, announced that it was in New York for good. *New York* magazine published an indignant article that all but called on New Yorkers to switch to other airlines. At the top of one page in large type was this quote: "'Why should I subsidize Dallas when I pay taxes in New York?' says one frequent passenger. 'Texas doesn't need my help.'"

Why are New Yorkers so upset? After all, we didn't complain when Texaco (the Texas Company, remember?) abandoned us for New York, when Standard Oil (which started in Cleveland) bought Humble and moved it to New York, or when American Airlines left Texas in the first place, back in the thirties. So completely has New York dominated corporate wealth and power in America that we Texans believed, as New Yorkers did, that its preeminence was ordained. That preeminence, however, was ordained less by the Almighty than by sound economics. Before telephones, computer terminals, and jet airplanes, our national economy needed a financial and corporate center. Today major companies are finding they can do quite well in the New York suburbs or even in Dallas, Texas. The other foundations of New York—its role as a manufacturing, financial, media, and cultural center—are also weakening; both money and vigor are flowing into the rest of America. In spite of what New Yorkers seem to think, there is nothing any more immoral in leaving New York than in going there in the first place. For decades the rest of the country couldn't compete with New York. Now we can.

Many of New York's problems are shared by other cities of the Northeast and Midwest. Their economies are sluggish, their tax bases are shrinking. Understandably, they don't believe that the dispersion of American industry and population is as good for the country as was its original concentration in their regions. They believe instead that their plight is the fault of the rest of the country, particularly that group of states, including Texas, they have come to call the "Sunbelt." In Congress their representatives

have formed the "Snowbelt" coalition. They don't want the federal treasury to "subsidize" Sunbelt states; instead they want to pour massive doses of tax money into the Northeast and Midwest.

Reduced to its essence, the Snowbelt's basic principle is that poverty, unemployment, and substandard housing are national problems if they occur in Snowbelt cities, but local problems if they occur in states like Texas. So successful have they been in writing federal spending formulas that Texas received less antirecession assistance than did Rhode Island and Connecticut combined, although we had more than twice as many unemployed. A rich city like Newton, Massachusetts, thanks to formulas designed to benefit older cities, will receive three times as much new federal money to upgrade housing (even though its vintage houses are inhabited by wealthy people) as a city like Brownsville, whose predominantly poverty-stricken residents have the misfortune of living in overcrowded, substandard, but newer buildings.

Let's remember that what prosperity we have in Texas is both newfound and overdue. Texas (population 12,500,000) has more poor people than the state of New York (population 18,250,000). Along our border with Mexico are the poorest countries in the nation, where almost half the families earn below the poverty line and live in substandard, overcrowded housing. Glittering Houston has more substandard housing than blighted Detroit. Hidden within Houston's city limits is a central pocket of poverty and urban decay that contains more people than Newark, New Jersey, the quintessential decaying Northeastern city. The Fifth Ward, part of this pocket of poverty, is the setting for "Only the Strong Survive," by Richard West, which begins on page 94. The formulas for targeting federal aid drawn up by the Snowbelt Congressmen are specifically designed to ignore Fifth Ward, which is not a city, and to benefit Newark, which is. The victims of the Snowbelt offensive are not wealthy Texas oilmen. The victims are the poor of Fifth Ward, of South Dallas, of West Side San Antonio, of Laredo, Fort Worth, and El Paso. They don't need their fair share of our fellow Americans' hard-earned tax dollars because they are Texans, but because they are just as poor and unemployed as their counterparts in New York, Detroit, and Philadelphia.

In a recent column in *Newsweek*, George Will wrote that "New York's coming [financial] crisis will test something newly relevant to America, the ability of representative institutions to manage decline." Will's sentiments are correct, but his history is wrong. The representative institutions of small towns and rural counties have been managing decline for three generations. More than one hundred of Texas' 254 counties lost population between 1910 and 1970, some losing more than half. New York, like most cities, profited from the economic conditions that killed the small town. But, in one of history's more poignant ironies, the abandoned hulks of housing projects in the South Bronx have become the urban equivalents of the boarded-up Main Streets in small towns throughout America.

In the cold terms of the marketplace, the best way for the rest of us to help New York and its sister cities would be to do nothing. People follow jobs and opportunities, unless they have incentives to stay where there are none. The welfare state New York created in its flush times is like an artificial life support system forestalling the inevitable. True compassion would be to subsidize New Yorkers to leave New York, since they would be better off working in North Carolina and Texas than on welfare in the Bronx, just as Texans from Cranfills Gap are better off working in Dallas or Houston than unemployed on the farm. The real barrier to any sensible approach to New York's problems is the instinctive, but mistaken, belief that the movement of people from rural America to cities like New York was progress, but the movement of people out of cities like New York is disaster.

The typical response of government, after having helped create such fundamental historical movements, is to try to forestall them—hence the spending formulas favoring the Northeast and the Alice in Wonderland attitudes of the city government of New York. But we can no more forestall the decline of the Northeast than Winston Churchill could prevent the decline of the British Empire. The sooner the Northeast recognizes its competitive disadvantages with the rest of the country, the sooner it will reach some equilibrium of jobs and population. After all, jobs and population are returning to rural areas blighted for two generations. They will probably return to the Northeast one day, particularly if Texans make as much a mess of prosperity as New Yorkers did. Dallas, for example, is already worried that its municipal pension program could bleed the city dry, forcing up tax rates, making Dallas less attractive for business and . . . did someone mention New York? New York's lesson for us is a simple one: it *can* happen here, even with American Airlines.—*William Broyles.*

Mr. MOYNIHAN. Mr. President, I particularly, acknowledge the validity of the concern which the Texas monthly expresses about the nature of Federal programs which find older cities to be qualified under set formulas for Federal aid whilst they are unable to deal with the sometimes extraordinarily dense and extraordinarily needy newer cities.

The wards of Texas cities are built up with some of the poorest, the most needy people in the Nation. They have claims, too.

I would simply like to join with my dear friend and colleague, Senator BENTSEN, in saying that there are indeed parts of Houston, Dallas, and the whole region including the cities of San Antonio, Laredo, Fort Worth, and El Paso that have claims that need to be acknowledged.

Certainly I, as a New Yorker, would want to be among those to acknowledge them, and I would like particularly to acknowledge the advocacy of Senator BENTSEN in drawing attention to them.

DECLINE OF AMERICAN MILITARY EFFORT

Mr. MOYNIHAN. Mr. President, I ask unanimous consent to have printed in the RECORD the testimony of Secretary of Defense Harold Brown this morning before our Senate Budget Committee. In it, he outlines the decline of American military effort over 15 years in a way that seems to me extraordinary. He states that the budget forthcoming reflects, and I quote, "The President's determination to begin countering the Soviet military buildup that had been underway for over 15 years"—a proposal which, should it come about, has the largest possible strategic consequences of this political generation.

The President is saying, if we understand Secretary Brown correctly, that for 15 years the military position has been deteriorating. I asked the Secretary in questioning, "Are you saying, Mr. Secretary, that for 15 years the military position of the United States with respect to the Soviet Union has been deteriorating?" He said, in effect, "Yes."

I asked the Chairman of the Joint Chiefs of Staff, General Jones, if he would agree that this is the case—since he in fact stated it—that we now have come from a position of overwhelming preponderance to "rough parity," and if that trend continued would it be fair to assume that in 3, 4, or 5 years' time the Soviet Union would have achieved a military preponderance over the United States; and the Chairman of the Joint Chiefs of Staff said yes, that would be fair to assume.

It therefore certainly behooves us to ask two things, of ourselves: One, how did we get to a point at which, with almost no public awareness—and with the Chairman of the Joint Chiefs and the Secretary of Defense agreeing—in 3 or 4 or 5 years' time the Soviet Union is likely to be the predominant military power of the world; and, secondly, what is the real prospect of reversing a relationship of that kind in a period of 3 to 5 years? I think 5 years is the period we emphasized.

Such trends get an economy deep into an institutional bind, and reversing them is scarcely likely to be an easy thing to do.

In any event, it suggests to me that the reality of our relationship to the Soviet Union in the years ahead is going to be one of protracted crises.

The ACTING PRESIDENT pro tempore. The Senator's time has expired. Is there objection to entering Secretary Brown's statement in the RECORD?

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

STATEMENT OF THE HONORABLE HAROLD BROWN

Mr. Chairman and Members of the Committee: I appreciate the chance to discuss with you the FY 1980 Defense Budget, including, specifically, a number of points that have arisen in public debate since the President's Budget was sent to you.

This year we are submitting, along with our request for FY 1980, a $2.2 billion (TOA) supplemental request for FY 1979 that will generate $595 million in outlays. If approved, this action will return the FY 1979 Defense budget authority to approximately the level originally requested in January 1978.

The planned FY 1979 Defense level of $125.8 billion in TOA reflects the President's determination to begin countering the Soviet military build-up that has been underway for over 15 years. The supplemental will permit us to:

Accelerate our efforts on the much-needed new land-based strategic missile and its mobile basing.

Provide the FY 1979 U.S. share of NATO AWACS and add to our capabilities for reinforcing NATO.

Add needed surface combatants to our Navy shipbuilding program.

Make further improvement in the readiness of our forces. Without the supplemental, real Defense authority will decline 0.6 percent in FY 1979 from the FY 1978 enacted budget.

Let me say that this supplemental is very important to us. We need it now. We need it to keep the MX program on a schedule responsive to the new estimates of Soviet ICBM capabilities in the 1980's. We need it to pay $97.7 million in ships settlement claims which, if authorization is not provided by March 31, must be renegotiated at probable added cost to the Government. We need it to provide funding for NATO-oriented equipment and readiness items and for the NATO AWACS. This will enable us to keep

NATO capabilities from falling behind in the face of Soviet actions—and to show that the U.S. intends to do its part. Moreover, the Congress urged us—through your colleagues on other committees, and some of you yourselves—to introduce this supplemental. The reason given, with which we agree, is to provide an alternate program restoring cuts Congress made to make room for a program—the nuclear carrier—that in the end itself failed of authorization. What is involved is restitution of our program, not expansion.

Let me now speak to our overall FY 1980 budget request. The President's proposed Department of Defense budget for FY 1980 is $135.5 billion in TOA, $135 billion in Budget Authority, and $122.7 billion in outlays (excluding $100 million for Civil Defense which will now be a part of the Federal Emergency Management Agency). These totals will provide:

3.1 percent real increase in spending over that now estimated for FY 1979 including the supplemental.

1.7 percent real increase in TOA, which reflects the long-term effects of the proposal.

Even with this level of funding, Defense outlays will be about:

4.9 percent of the expected Gross National Product; in constant buying power the level will be 4.6 percent, the lowest since FY 1940;

23 percent of all Federal spending—with the exception of FY 1978 the lowest level since FY 1940;

Less than 15 percent of all public spending—including State and local—again, the lowest levels since FY 1940.

In short, if both the FY 1979 supplemental and FY 1980 budget are passed as requested, U.S. Defense will, by these significant measures, still receive the lowest fraction of our resources in 40 years—that is, the lowest ever within the adult experience of most of us in this room.

Before discussing why I believe we must start to increase our real military spending, let me deal with an allegation often heard about the Department of Defense—that it has surplus funds which it cannot spend. This year, as last, the issue has been raised about the levels of funds the Department has unobligated—that is, budget authority against which we have not written contracts, and those funds we have obligated but not spent.

Defense unobligated funds have risen from $19 billion in FY 1977 to $23.2 billion in 1980. In constant 1980 dollars the level of unobligated funds has remained constant over that period. The ratio of unobligated funds to obligational authority for industry purchases (that is, TOA with military and civilian pay and allowances removed) has actually declined since FY 1977 and is lower than the average for FY 1972–76. In short, we are controlling our unobligated funds today as well or better than in the recent past.

Unobligated funds are the direct result of the Congressionally-mandated and correct, practice of full funding of major weapons systems that spend over more than one year. It should be noted that these funds are pragramatically committed. The Department does not attempt to place all contracts in the year in which the program is authorized—to do so would not be desirable. Some funds for short-term contracts are held until first long-lead contracts are shown to be on schedule.

Viewed slightly differently, the Department is obligating at a rate of $71.3 billion for industry purchases (or $133.9 billion, total) in FY 1980. It will maintain an end-year unobligated balance of $23.2 billion, or about four months of purchasing (or two months based on total expenditures). Given that many major programs (especially shipbuilding) stretch for five years or more, and given Congress' insistence on care in contracting procedures, a four month end-year working balance is surprisingly small. The figure for the rest of the Government is about 12 months, that is, about three times as large a fraction of the appropriated funds are unobligated at the end of the year—and since non-defense appropriations are about three times as large as those for defense, that means about ten times as much unobligated money in non-defense as in defense programs. Unexpended balances are about seven times as large in non-defense as in defense programs.

Each year, at budget time, the presentation of the Administration's Defense budget raises the same three rather basic questions. The questions, although essential to an orderly consideration of the budget are, as a rule answered only indirectly. Today, I propose to answer these questions directly. They follow:

Is our Defense program in reasonable balance with other federal programs and public sector spending as a whole?

Are the funds we are now proposing actually adequate to provide for our defense?

Does the Defense budget represent the intelligent selection of reasonable priorities among competing defense needs?

Does the Defense budget represent the intelligent selection of reasonable priorities among competing defense needs?

First, lets discuss defense as a part of a reasonable balance within the National Budget. Defense has not grown and is not growing at the expense of other Federal programs. Although the point seems to have been largely ignored thus far in this year's budget debate, it seems to me that for this committee—part of whose duty must be to insure that reasonable and appropriate policy choices are reflected in the National Budget and that important National needs not go unattended—this is a major consideration. For the period of twelve years from 1955 to 1967, Defense amounted to about one-half of the obligational authority of the Government annually. (You can see that on Chart 1, where Defense authority is shown in constant dollars for the past 30 years). Since that time, non-defense programs have risen over three times in constant 1980 dollars, while Defense has shrunk to about its pre-Vietnam levels. Measured in constant 1972 dollars, Defense obligational authority is today 1.1 percent below that of 1964.

Defense outlays show the same trends in obligational authority. We now project Department outlays to be 9.1 percent below their 1964 level in constant 1980 dollars, and 22 percent of the Federal total (Chart 3).

I believe these comparisons are fair although they include the outlays for Social Security and from other trust fund and "non-discretionary" accounts. After all, the taxpayer has to pay for those as well as other non-defense and defense costs. Actually, parts of our Defense effort such as the core of our strategic nuclear forces are, in fact, some of the last "discretionary" expenditures of the Government, and military retirement costs are counted in the defense account. I also believe these comparisons are fair in that they show the long-term course of the allocation of our national resources, and the implications for our budgets and programs today. In the longer run the full range of Government expenditures are controllable by Congress. Both in the long-term and the short, Defense competes for budget dollars on the margin with the full range of services the Government provides. It is this competition that forces us all with choices, to the extent that expenditures are fungible.

Another measure of the Defense claim on national resources is the fraction of the total U.S. labor force devoted to Defense activities—that is all military and civilians employed by the Department plus all civilians employed by Defense-related industries. Today, that number stands at just over five million people, the lowest in absolute terms and, at 4.9 percent, the lowest percentage of the labor force since 1941.

Perhaps a more sensive measure of priorities in the current budget is a comparison of Defense with other Departments, for example, the Department of Health, Education and Welfare. In FY 1979–80 Defense budget authority will increase 7.3 percent as compared to 10.3 percent for HEW; in outlays Defense will increase 8.8 percent compared to 9.3 percent for HEW. Because the HEW budget is now 50 percent greater than that of Defense, percentage changes do not tell the whole story. The actual marginal dollars committed to HEW's social programs, and I believe those are very necessary programs, will be about twice those committed to Defense.

This major shift in the balance of federal expenditures away from Defense is not the only impact of the trend to greater Federal emphasis on social and human services. There have been analogous shifts in the patterns of Department expenditures themselves. Today, the Department must pay proportionately more for personnel and their support than in the past. With relatively constant budgets in real dollars, this has forced reduction in manpower, force levels and new investment. Since FY 1964, the last year prior to the Vietnam buildup, the consumer price index has risen 2.36 times. The per-man cost of our military forces has risen 3.1 times, or 3 percent more than inflation. These increases have been necessary to match benefits available in the civilian sector and, to some extent, to correct inequities that existed earlier. In spite of these increases, we still have difficulty in attracting and keeping the skilled people we need. In order to maintain a reasonable balance in our Defense structure, the increasing costs of military personnel have forced reductions from the 1964 level in the strength of our Armed Forces by 630,000 active duty personnel to our current level of just over two million. At today's reduced personnel levels, combined civilian and military payroll and associated costs nevertheless constitute 52 percent of the Defense Budget, compared to 45 percent in 1964.

Part of the pattern of the changing social costs within Defense is due to the increase in retirement pay. In 1964 Defense paid $1.2 billion or 2.4 percent of its budget for retirement. In 1980 we will spend $11.5 billion or eight percent of the budget. These funds, although generally counted in Defense totals, provide no military capability. If retirement is excluded from Defense totals, Defense funds have shrunk seven percent in constant dollars since FY 1964.

The mounting costs of personnel and personnel-associated services have caused major shifts in Defense appropriations, reflecting the choices we have had to make among mission allocations since FY 1964. In constant dollars, funds:

For strategic forces have shrunk 53 percent reflecting reduced procurement, and the phasedown of bomber and air defense forces;

For intelligence and communications are down 19 percent;

For air and sealift are down 30 percent;

For all our general purpose forces are up only eight percent—over a period of 15 years in which manpower has consumed an increasing fraction of the budget.

The mounting costs of personnel and personnel-associated services have been a significant factor in the Department's efforts to substitute equipment for men, and technological sophistication for numbers. We have been able to reduce the size of our forces dramatically, while increasing our real military strength (though not nearly as much, in my judgment, as the Soviet Union has increased its strength, through

very large growth both in personnel and in after-inflation expenditures). Since 1964:

Our manpower has been reduced 24 percent.

Our total active Navy ships have been reduced 43 percent.

Our active Air Force aircraft inventories have shrunk 40 percent.

Our active Army divisions have remained constant in number at 16—but we have cut our reserve structure 72 percent—to achieve ready forces better suited to the threats we face.

Today we have better equipment—in general, still the finest in the world. We have achieved better combat readiness, training and support for all our forces. We have achieved a more efficient military establishment, and one with higher combat potential than ever before. But let there be no doubt—for its security, today the U.S. depends on fewer forces, fewer men, and fewer real resources than perhaps it has at any time since the beginning of World War II.

We are limited in the numerical reductions we can stand. We must face contingencies of a global nature, and a threat increasing both in sophistication and in size. Thus, there comes a point at which we can no longer reduce forces to save cost; I believe we have reached that point.

The second of the fundamental questions I have asked is: does the Defense budget now provide an adequate level of forces to meet our needs, and will it continue to do so in the future? The answer inevitably involves judgments—judgments about the policies of the United States, about the threats to our security, and about the role and adequacy of our military means. In trying to make such judgments it is of assistance to look where we and others have been to estimate where we are today, and where we may be going.

Today the United States is, by most measures, the strongest nation in the world. Beyond military power, the national security lies in economic strength, political and social cohesion, technology proficiency, international friendships, and national will. Only in military capability can the Soviet Union approach us. However, we now live in a world in which we are increasingly challenged. Thus, we are more than ever dependent on a sound economy at home and good international relations abroad—matters which are not by any means solely the products of our armed strength. Recent events have again shown we live neither in a benign world, nor one from which we are well insulated. In arriving at the FY 1980 Defense program we have had to balance between our needs for military strength, and the economic impacts that further expenditures would entail. I believe that balance is properly struck against the threats, both military and economic, now facing us.

One cause of our international concern is the Soviet Union's continued emphasis on expanding its military power. It is unclear why the Soviet Union has opted for military expansion. Perhaps the capability to use military threats, directly or by proxy, to substitute for their other failures to compete successfully in the international arena is important to them. I am convinced this is a major reason. Perhaps the Soviet military industrial complex is a sufficient political force to drive Soviet resource allocations. Perhaps this continuing emphasis results from Soviet fear—however misplaced—of NATO and the People's Republic of China.

Whatever the causes we know that Soviet military growth in the past two decades has been impressive indeed. Chart 4 shows both the growth in total Soviet spending and in investment in new military hardware when compared to the U.S. in constant dollars. Over a period from the early 1960's when U.S. defense spending has actually declined, Soviet expenditures have increased 75 percent or about 3 percent per year. There is some debate about the equivalent U.S. buying power of Soviet spending, but today Soviet defense budgets exceed ours by between 25 and 45 percent. If total spending of NATO and the Warsaw Pact are compared, there is today rough equivalence. But more critically, Soviet investment in new military hardware has increased twofold in the same period and is more than twice ours today.

This growth in Soviet military spending, especially the level of military investment, presents potentially grave dangers for us, particularly since the upward trend shows every sign of continuing. It is an effort that we must keep in perspective, not necessarily to imitate, but to prevent it from becoming a major Soviet advantage. Some points are clear:

We are dealing with long-term trends in total budgets and forces—not threats to one narrow region or in one type of force.

Soviet spending has shown no response to U.S. restraint—when we build they build; when we cut they build.

We are facing a challenge both to ourselves and to our allies.

The disparity of military forces that can result from disparate spending will be the accumulation of annual differences—each yearly imbalance increases the disparity, and in many measures of capability the disparity is cumulative.

In comparisons like this one we need to consider the contribution of our allies—contributions which make the balance more nearly even, though the trends remain adverse in that broader comparison as well. It is in this light that we have proposed to act in concert with the other members of NATO to increase our mutual real defense expenditures by roughly three percent annually. This mutual agreement is a way of assuring cooperative efforts in reversing an adverse trend. But we propose this budget because our national security requires the programs in it, not merely to reach some arbitrary figure.

I am pleased to say our partners have responded with action—the average real growth in non-U.S. NATO military spending was 2.9 percent in FY 1978–1979. And, in keeping with this pledge and our partners' actions, we are requesting both supplemental funds for 1979 and a three percent real growth for FY 1980 outlays.

The final question is whether the Defense budget provides a rational prioritization of competing defense needs. Our interest is to build the necessary military capability to meet our objectives. Our military problems, no matter what the challange, differ from those of the Soviet Union. Hence, our program at any given point in time should not mirror theirs.

Our strategic nuclear forces must meet a set of specific conditions—independent of whatever may be the needs of the Soviets. They must be able: to survive in adequate numbers and types after a well-executed surprise attack on them; to penetrate Soviet defenses and destroy a comprehensive set of targets in the USSR with whatever timing, and degree of deliberation and control, proves desirable; if necessary, inflict high level of damage on Soviet society—particularly those elements the Soviet leadership values—regardless of the measure the Soviets might take to limit the damage; and retain a reserve capability in the wake of a controlled exchange, if one occurs.

Although our current strategic forces meet these objectives, it is quite possible that by the mid-1980's the Soviets could, with a first strike, destroy most of our ICBMs and still have in reserve a large number of deliverable warheads. Although our increasing ICBM vulnerabilites will not be catastrophic per se, they will present an increasing problem of military asymmetry that will have major political overtones. Thus, I believe we must plan corrective measures now, in the modernizations that are included in our proposed program.

We provide with our theater nuclear forces a credible deterrent to limited nuclear attack. In addition, the Soviets must face the fact that we could commit these forces in case of a massive failure of our conventional defenses, even with the profound risks such escalation would involve. We are continuing our modernization of these forces in combination of our improvement of our general purpose capabilities.

One test, but only one, of the adequacy of our general purpose forces is that, with our allies, they can withstand a conventional Warsaw Pact assault on NATO Europe—both in the Center region and on the flanks. In addition, we are concerned about attacks by the Soviets or others in more remote regions—The Persian Gulf, the Mid-East, and Korea among the more sensitive. Further we must face the fact the war in NATO Europe—to the extent previous conflicts and current world-wide military deployments are any guide—is likely simultaneously to involve lesser military actions elsewhere. Thus, in planning our conventional forces we must consider the possible global nature of any major contingency.

The implication of these criteria is that our forces and plans must be—and are being—better integrated with those of our allies than they have been in the past. Alliance cooperation is central to our policy—and is being reflected in the standardization and interoperability of our equipment with that of our allies.

Today, the Soviets, in my opinion, cannot be confident of a rapid conventional victory in Europe. But NATO, in spite of its current strengths and increasing allied contributions, cannot have as much confidence in its non-nuclear deterrent as I consider prudent. Thus, we wish to continue our emphasis on the readiness, mobility and fighting power of our general purpose forces.

I am convinced our naval forces remain capable of maintaining the sea lines of communications to Europe, protecting our essential routes and supporting allied forces—whether in the Western Pacific or on the flanks of NATO. What is more, with our proposed program, our naval forces will be gaining capability in the next five years.

In making these assessments I do not wish to imply I am content with the current status of U.S. defenses. Any estimate of military balance involves both judgment and risk. Today, there are risks, tolerable perhaps, but not such that they will permit an increasing gap between U.S. and Soviet military expenditures. We are more ingenious than the Soviet Union—but not so much more that, without increased budgets, we can make up for the increasing disparities in our defense efforts.

The total FY 1980 Defense budget is tightly constrained even though it allows some real growth in buying power. New budget authority will allow us to make necessary improvements in our strategic programs, but will allow no real growth in general purpose force budgets.

While we intend to keep up our military guard in dealing with the Soviets, we also intend to find ways to limit the competition. Stimulating arms races serve neither nations' interests, but finding safe, equitable ways to reduce military competition is difficult and time-consuming. We are, however, making progress. We are nearing the completion of a SALT II agreement that will contribute to the security of the United States and its allies. In fact, no agreement failing that test should or would be signed by the United States. We want arms control, but must insist on arms control agreements that are verifiable and balanced.

I do not see any immediate prospect of ending the military competition between the Soviet Union and the United States. SALT

will not solve all our problems. Even with SALT, we will need to—and we will be permitted to—expand our strategic nuclear efforts. But SALT will mean greater stability and predictability in the strategic challenges we face.

In summary, we are faced with challenges including but not limited to those posed by the Soviet military machine. We must balance the use of our resources, for security, indeed, depends on more than our defense posture. Nevertheless, a strong defense is key to our security. It is a measure of the confusion that sometimes attends this issue that I feel obligated to repeat the obvious: without adequate military capability we cannot preserve our security. Today our defense is not so weak as some would have us believe, nor so strong as I would wish it to be. Real defense growth is a necessity. I believe the budget we propose will allow us to do those things that are necessary now, necessary to provide our fellow citizens safety from the range of military threats to our security, and balanced against the economic and social needs of our time.

(NOTE.—Charts are not reproducible in the RECORD.)

Mr. MOYNIHAN. I thank the Chair. I have completed my statement. Once again I would like to express my appreciation to the majority leader.

The ACTING PRESIDENT pro tempore. Is there further morning business? The Senator from South Dakota.

MINORITIES IN IRAN

Mr. PRESSLER. Mr. President, I would like very briefly to say I am deeply concerned with the situation in Iran as it affects minorities. Tomorrow I shall have a more detailed statement regarding those minorities. But there are at least between 70,000 and 80,000 persons of the Jewish faith, plus other minorities, who may be very vulnerable at this point. I believe it appropriate that our Government should make very clear its concern for the protection of the lives as well as the ability to transit of those minorities.

I yield back the remainder of my time. I shall have a more detailed statement tomorrow concerning the number and location of those minorities.

LITHUANIAN INDEPENDENCE DAY

Mr. PERCY. Mr. President, today we in the Senate pause in our deliberations on the legislation before us to reflect on the tragic events of June 1940 when the Baltic States were occupied by Soviet troops and—within 40 days—forcibly incorporated into the Soviet Union.

The national sovereignties of Lithuania, Latvia, and Estonia were extinguished as a bright flame snuffed out by a chilling wind. Foreign domination was firmly implanted in these nations which had been free since the First World War. The new regimes extolled atheism, attacked religion, collectivized agriculture, nationalized private property, deported large numbers of the people, and brought in non-Baltic colonizers.

As we now commemorate Lithuanian Independence Day, it seems impossible that the domination of the Soviet Union and their puppets continues. Yet it does continue. The Lithuanians, Latvians, and Estonians have not known liberty for all these years. Those who speak out for freedom are spirited away. For most of the Baltic peoples, freedom is a subject for their prayers, not a possibility for their lives.

Nevertheless, sustained by God, they have maintained their national identities, their national cultures, their religious beliefs and their self-respect. Their indomitable will to exist is exemplified in the valor of Viktoras Petkus who languishes in a Soviet prison, and on whose behalf many of us continue to bring pressure on the Soviet authorities.

I am persuaded that those of us who live in freedom have a responsibility to speak out for the freedom of others. The deprivation of freedom is felt by hundreds of millions of our brothers and sisters in other lands, but nowhere more tragically than in the Baltic States. In Lithuania, for example, a people who had a highly developed culture and society are in effect imprisoned by forces beyond their control. This is a people who 400 years ago established a university in Vilnius. It is our responsibility to support their aspiration for a return to freedom, not only morally but also politically, and we can do that by making it clear to the Soviet authorities on every occasion that we deeply care about the plight of the people of Lithuania.

I am encouraged that so many of my colleagues share this view and let the representatives of the Soviet Government know that we have not forgotten Lithuania, that we do care, that we will never forget.

It is easier for those of us who have large Lithuanian constituencies to keep the burdens of the Lithuanian people firmly in mind, because we have many friends in these communities and we share their commitment to freedom. But today I address myself to those of my colleagues who do not have Lithuanian constituencies and therefore may not know at first hand the anxieties of Lithuanian Americans about the situation in their native country. I would hope that all my colleagues would interest themselves in the plight of the Baltic peoples and would add their voices to the appeals for Baltic freedom.

We are blessed in this country with freedom, with economic strength, with the basic rights guaranteed by our Constitution, so it is hard for Americans to understand the living hell to which peoples are condemned when they are denied these blessings. But the responsibility remains for those who live in freedom to pray and act and speak for those who have no freedom.

It is in this spirit that I join today with Lithuanian Americans and the people of Lithuania in recalling the independence of the Lithuanian nation so proudly proclaimed at the end of World War I and in committing ourselves again to the cause of freedom.

Sveiki Lietuviai.

CONCLUSION OF MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Is there further morning business? If not, morning business is now closed.

SENATE RESOLUTION 61—PROPOSED AMENDMENT OF STANDING RULES OF THE SENATE

The ACTING PRESIDENT pro tempore. The pending question is on Senate Resolution 61, as amended, which the clerk will report.

The legislative clerk read as follows:

A resolution (S. Res. 61) proposing to amend the standing rules of the Senate.

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

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

The second assistant legislative clerk proceeded to call the roll.

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

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

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent—and I will not press the request until Senator STEVENS is on the floor—that I may be able to strike from my resolution, Senate Resolution 61, the words beginning on line 11, page 3, and going through line 14 on page 3, those words reading as follows:

A Senator may also yield back all or part of his one hour, in which event, the time for consideration of the measure, motion, or matter shall be reduced by the amount of time yielded back.

Mr. President, this is verbiage that I put into the resolution when we were considering it. I have thought about this language over the prolonged holiday—prolonged because of the extraordinarily inclement weather—and I believe, in fairness to Senators who would not have yielded back their hour, that Senators who yield back all or part of an hour should not, by virtue of that action, be able automatically to reduce the time of other Senators.

In considering my resolution, one must keep in mind that it establishes a 100-hour cap over all of the debate and actions on or relating to a measure or matter on which cloture has been invoked. This means that time for rollcall votes and time for quorum calls all comes out of the cap. If, upon cloture having been invoked, 30 Senators were to stand and yield back their time, this would mean the overall cap is reduced to 70 hours, which would further mean that for those remaining 70 Senators, whose hours, with even the 100-hour cap, would be impinged upon by every quorum call and rollcall vote, that 100 hours which originally was going to be reduced by virtue of rollcall votes and quorum calls would automatically be reduced by almost one-third, by virtue of the yielding back of time on the part of Senators immediately upon the invoking of cloture.

So this situation would, I think, be unfair to the Senators who did not yield back their time. Therefore, I would ask unanimous consent that I be permitted to strike that sentence in the interests of protecting Senators who may wish to offer legitimate amendments and motions and make statements during debate.

I do not think it is necessary to reduce the cap by virtue of Senators yielding back their time. If they want to yield

back their time, they have that privilege, under the present rule, simply by saying nothing. By doing that, when no Senators rises to speak or to seek recognition, under the present rule, once cloture is invoked, the Chair puts the question, so any time that is not used is automatically disposed of once the Chair puts the question.

Therefore, now that the distinguished acting Republican leader is present, I do present my request and hope he will consent to it.

Mr. STEVENS. Mr. President, does the Senator ask unanimous consent to do this?

Mr. ROBERT C. BYRD. Yes; I ask unanimous consent to strike from my resolution the words, beginning on line 11 of page 3, "A Senator," and continuing to the end of the sentence on line 14, thus striking the entire sentence.

Mr. STEVENS. Reserving the right to object, and I shall not object, I would like to ask the distinguished majority leader if it would be possible to treat the language that is before us now in the reprinted version of Senate Resolution 61, the version printed on February 9, as original text for the purpose of an amendment.

I do not have any objection, and I am sure none of us do, to the Senator's deleting that portion of the current text of Senate Resolution 61. But I would hope that he would agree that we can deal with this text of Senate Resolution 61 and that we do not get into any problems about amendments. One of my amendments, as a matter of fact, deals with the question of yielding time. I would like to be able to offer it and discuss it with the Senator, the distinguished majority leader. Hopefully we may come to an agreement before the day is out, or tomorrow at least, in terms of a version of Senate Resolution 61, in which we could join with the leader.

Mr. ROBERT C. BYRD. Mr. President, I would not want at this moment to agree that all of the amendments that have been agreed to thus far be considered as original text for the purpose of further amendment. But may I say to the distinguished Senator that we will have no problem in that regard, I believe, because we may be able to get a general agreement, and I would like to be able to get a general agreement, in which case that would be part of the argeement, or we could proceed on the basis of case-by-case. If the Senator wants a certain area of my resolution which I have already amended to be open for amendment by him, I am sure there would be no problem in that regard.

The ACTING PRESIDENT pro tempore. Is there further objection?

Mr. STEVENS. I do not object.

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

Mr. ROBERT C. BYRD. Mr. President, I thank the distinguished Senator.

Mr. President, I would hope now that Senators will come to the floor to offer amendments. My resolution is open to amendment. I would welcome Senators offering any amendments that they may have.

The ACTING PRESIDENT pro tempore. Are there any other amendments to Senate Resolution 61?

UP AMENDMENT NO. 13

(Purpose: To dispense with the reading of the Journal after cloture has been invoked)

Mr. STEVENS. Mr. President, I have an amendment which I send to the desk and ask for its immediate consideration.

The ACTING PRESIDENT pro tempore. The amendment will be stated.

The legislative clerk read as follows:

The Senator from Alaska (Mr. STEVENS) proposes an unprinted amendment numbered 13.

Mr. STEVENS. Mr. President, I ask unanimous consent that further reading of the amendment be waived.

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

The amendment is as follows:

At the end of the resolution add the following:

Paragraph 1 of rule III of the Standing Rules of the Senate is amended—

(1) by inserting "(a)" before "The" in the first sentence;

(2) by striking "The" in the second sentence and inserting in lieu thereof: "Except as provided in subparagraph (b), the"; and

(3) by adding at the end thereof, the following new subparagraph:

"(b) Whenever the Senate is proceeding under paragraph 2, Rule XXII, the reading of the Journal shall be dispensed with."

Mr. STEVENS. Mr. President, it would be my intention here this afternoon, with the courtesy of my good friend from West Virginia, to see how close we might come in bringing together our two proposals by putting into Senate Resolution 61 some of the key provisions in the substitute which I offered on behalf of the committee that was appointed by our minority leader. I do this with the nope that maybe we can, as I said before this session commenced, get to the point where we can join together with the majority leader and support the passage of Senate Resolution 61 in an amended version today or maybe tomorrow.

This amendment is a very simple amendment. It deals with one of the problems we have discussed in our meetings with the majority leader and with the ad hoc committee on the majority side, which was chaired by the distinguished Senator from Wisconsin (Mr. NELSON).

What it would do is simply dispense with the reading of the Journal whenever we are in a real rule XXII postcloture period. That is a simple matter. And it deals with one of the vexatious problems which can come up in such a period. It does not change the rule with regard to the reading of the Journal.

I know that the Senator from West Virginia can make this an immaterial situation by virtue of having recessed rather than adjourned during a period that is in a postcloture mode.

The Journal would not necessarily have to be read, but as a technical amendment, I hope the Senator will consider it. I offer it for the purpose of assuring us that we start down the road toward changing the provisions of Senate Resolution 61 as they are now before us in the February 9 version.

I do not know that any controversy exists over it. I do not know of anyone on our side who wishes to address the issue.

But it is one of the provisions that is in the substitute that I have offered on behalf of our committee that is not in the current text of Senate Resolution 61.

I might add, a similar provision was in one of the earlier versions of Senate Resolution 61.

Mr. McCLURE. Will the Senator yield?

Mr. STEVENS. I am happy to yield to the Senator from Idaho.

Mr. McCLURE. I thank my colleague.

Mr. President, this amendment becomes of some importance if, as a matter of fact, there is an accommodation arrived at at all with respect to the 100-hour cap, or the availability of time for each individual Member, because any one Member might be able to use up a substantial portion of the 100 hours doing something which most of us would, under those circumstances, regard as being a useless thing to do, reading the Journal.

I think most of us have come to the conclusion that if there is to be any kind of a protection for each individual Member with respect to the use of his hour during the postcloture 100-hour period, that we have to limit things such as the reading of the Journal.

I would hope that the majority leader would agree with this procedural change in that period of time in the effort to protect the right of each individual Member to offer substantive amendments, to debate those amendments, to get rollcall votes on those amendments if he desires, and to make certain that 100 hours is not used up by someone else in an effort to prevent those amendments from being called up.

I think it is a useful amendment. It may not be the most important single one, but it certainly is a constructive step toward making sure that the 100 hours is as available to the Members as we can make it.

Mr. STEVENS. I thank the Senator from Idaho.

Mr. President, I would inquire of the distinguished majority leader what his feelings might be on this amendment. It would be my hope that an amendment of this type would be acceptable to him.

Mr. ROBERT C. BYRD. Mr. President, as the distinguished acting Republican leader has accurately predicted, I really do not see any benefit to be gained from this amendment. If the Senate recesses, as he has pointed out, there is no necessity for reading the Journal, and during the debate on a matter, once cloture has been invoked, the Senate can simply recess and go over from day to day and the reading of the Journal is automatically dispensed with.

I would like to see the reading of the Journal dispensed with on nondebatable motions at any time. That, I think, would be a distinct improvement over the present rules.

However, I am certainly not going to reject this amendment out of hand. It is a sincere attempt on the part of the acting Republican leader to bring about some improvement in the postcloture rule.

I wonder if he would be willing to

accept an amendment to his amendment which would read as follows:

Strike the period and the quotation marks and insert in lieu thereof a comma, and shall be considered approved to date."

So that what this does then, indeed, we are not only delaying the dispensing of the reading of the Journal, but we are approving automatically during that period, otherwise the Journal merely builds up over that period and, if the debate following cloture should go for several days, the Journal would have built up to the point that an objection to the dispensing of the reading thereof could result in the Senate's having to spend an additional day simply reading the Journal that had been building up for a period of 6 or 8 or 10 days.

So, if the Senator would be willing to let the Journal during that period be automatically approved, I think it would be a good amendment.

Mr. STEVENS. Will the Senator yield?

Mr. ROBERT C. BYRD. Yes.

Mr. STEVENS. Now, if the Senator's amendment, or suggested amendment to my amendment, were agreed to, it would be my understanding that if a Member found an item in the Journal that he wished to have changed or corrected, that that correction could still be made on the basis of a motion, notwithstanding this provision that the Senator has suggested.

I have seen, rarely, but I have seen Members raise a question as to the accuracy of the Journal and I would not like to foreclose a Member's right to move to amend in order to have the Journal appear in a correct fashion.

Now, if the Senator's suggested amendment to my amendment were adopted, it would appear that it could be interpreted as foreclosing a Member's right to amend the Journal if it is considered to be approved without any further proceedings possible.

Now, would the Senator's interpretation be that a Senator could still seek to have the Journal amended, or in a postcloture period he would have to take his time, in a time cap, so there would be no potential for any dilatory tactic? For the purpose of an honest attempt to correct the Journal, I think we should not foreclose that.

Mr. ROBERT C. BYRD. I agree with the Senator.

The way I read rule III, it would seem to me that at any time a legitimate error were to be found in the Journal, a motion would be in order to amend or correct that, because it reads as follows: "and when."

It does not say that the motion has to be made on the following new legislative day. It reads as follows: "and when any motion shall be made to amend or correct the same, it shall be deemed a privileged question, and proceeded with until disposed of."

So the Journal could be considered as approved as read, the Journal of the action on the measure on which cloture had been invoked, or 1 month thereafter, if an error were to be found in the Journal, or 1 year thereafter if an error were to be found in the Journal, and it could not be cured by unanimous consent under rule III, a motion would be in order and it would be a privileged motion because it says "when"—w-h-e-n, when.

When any motion shall be made to amend or correct the same, it shall be deemed a privileged question, and proceeded with until disposed of.

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

Mr. ROBERT C. BYRD. I yield.

Mr. STEVENS. I should like to inquire of the Members on our side of the aisle who participated in the committee deliberations we had as to whether they see any objection.

I believe that when the Record is clear as to the intent of rule III, as it has just been read by the distinguished majority leader, and the statements we have made here. This amendment does not foreclose a motion to amend or correct the Journal. It would be a privileged motion when and if presented. Our intent, in fact, was to consider the Journal for the preceding day approved to date, unless such motion to amend or correct the Journal was offered then or any other time.

I think that is an amendment we can accept, and we can modify my amendment, if my colleagues agree.

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

Mr. STEVENS. I yield.

Mr. HATFIELD. Mr. President, it is my observation that the majority leader's amendment to the amendment of the Senator from Alaska strengthens the purpose of the amendment, in the first instance, of trying not only to limit the reading of the Journal of that particular time but also to declare it as having been approved, the same action. So not only would it be acceptable, but also, I think it strengthens the purpose of the purpose of the amendment.

Mr. STEVENS. I thank the Senator from Oregon.

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

Mr. STEVENS. I yield.

Mr. McCLURE. I thank the Senator from Alaska for having asked the question which crossed my mind, with respect to whether or not the Journal could be corrected. I think that leaves us with one problem which this will not solve, and it is this: If a Member desires to seek to change a correction in the Journal within the 100-hour cap, as to whether or not that time is charged against the 100-hour cap.

However, I think that is a separate question and can be dealt with separately.

With the kind of history that has been made here with respect to the meaning of the words being added to the amendment by the Senator from West Virginia, I have no objection to it.

Mr. ROBERT C. BYRD. Mr. President, I have no objection to the distinguished Senator from Alaska adding his amendment as amended by my amendment.

Mr. STEVENS. Mr. President, I ask to modify my amendment by adding at the end of the amendment suggested by the distinguished majority leader, which strikes the last portion of the quotation marks and the period and inserts a comma and adds to my amendment the words "and shall be considered approved to date," with a period and the end of the quotation marks.

I send the amendment to the desk in written form.

I move the adoption of my amendment.

The PRESIDING OFFICER (Mr. BOREN). The question is on agreeing to the amendment, as modified.

The amendment, as modified, was agreed to.

Mr. ROBERT C. BYRD. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. STEVENS. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

UP AMENDMENT NO. 14

(Purpose: To dispense with the reading of amendments that have been printed and available 24 hours prior to the time the amendment is called up)

Mr. STEVENS. Mr. President, I send another amendment to the desk.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk read as follows:

The Senator from Alaska (Mr. STEVENS) proposes an unprinted amendment numbered 14:

At the end of the Resolution add the following:

"After cloture is invoked, the reading of all amendments, including House amendments, shall be dispensed with when the proposed amendment has been identified and has been available in printed form at the desk of the Members for not less than twenty-four hours.".

Mr. STEVENS. Mr. President, this amendment also is designed to try to get to the problem of the delay that can be caused under a cap by a Senator offering an amendment, including at times long amendments that are in printed form, sometimes the House amendments themselves, which have been deleted by action in a Senate committee on the floor, which the Member wishes to offer in a postcloture period. If he asked to have the reading of the amendment dispensed with, another Member could refuse to dispense with the reading of the amendment and could use up some of the time under the cap, which we think would be most disadvantageous to those people who are trying to use their time for the purpose of presenting substantive amendments.

In order to protect all Members, the intent of this amendment is that the amendment would have to be identified and available in printed form at the desks of the Members for not less than 24 hours prior to its being offered. It was the feeling of our committee that this would be an amendment that necessarily would protect those who were seeking to offer substantive amendments and at the same time would protect the cap that the majority leader seeks to place on the post-cloture procedure.

I believe it is a matter of fairness to require that this be printed, if we are going to offer a procedure whereby the reading of any amendment can be dispensed with.

I do not know whether any members of our ad hoc committee wish to address the matter. I have discussed this matter

informally, as the distinguished majority leader will recall, at some of our meetings prior to the recess. It is something about which we feel very strongly: that the offering of an amendment should not, in and of itself, use up so much time simply because of the necessity to read the amendment, when it is a very long one.

I hope the distinguished majority leader will find this amendment acceptable, also.

I am happy to yield to the Senator from Idaho.

Mr. McCLURE. I thank my colleague for yielding.

It is entirely possible that a very lengthy amendment could be called up by someone who is not opposed to the bill but is opposed to the other amendments. There is also the possibility of having one called up that would use up a considerable amount of his colleagues' time, thereby limiting the opportunity to offer substantive amendments and to debate those substantive amendments.

I think the rationale for this amendment is similar to that of the last one: that if we are going to have a 100-hour cap and it is going to be strict, it should be maintained as closely as we can to the availability of that time for the Members to offer, to debate, and to vote upon substantive amendments which they may choose.

I hope this amendment will be agreed to.

Mr. STEVENS. I thank the Senator from Idaho.

I say to the Senator from West Virginia again that, as the Senator from Idaho has just mentioned, the purpose of this amendment is to assure that the time under the cap is meaningful in the sense of being available for discussion and debate, rather than being placed in the position of being used up by the reading of printed amendments.

Mr. ROBERT C. BYRD. Mr. President, will the Senator yield?

Mr. STEVENS. I am happy to yield.

Mr. ROBERT C. BYRD. Mr. President, I think the purpose of this amendment is a good one. I would merely offer one or two modifications for the purpose of clarification.

The amendment reads as follows:

After cloture is invoked, the reading of all amendments, including House amendments, shall be dispensed with when the proposed amendment has been identified. . .

I wonder whether the distinguished Senator would change the word "all" in the first line to read "any," so that it would read as follows:

After cloture is invoked, the reading of any amendments, including House amendments, shall be dispensed with when the proposed amendment has been identified and has been available in printed—

Right there, if it is understood that "printed form" means typed or Xeroxed, if Xeroxed form or typed form conforms with the intent of the word "printed," I have no objection to the word "printed." Otherwise, it should say "typed or Xeroxed."

I think that the general acceptance of the term "printed" around here is that it does include Xeroxed and typewritten material. I ask the Chair if that is correct.

Mr. STEVENS. That is certainly the intent of the sponsor of the amendment, I say to my good friend from West Virginia.

We know that the Printing Office at times is delayed. As a matter of fact, the Senator from West Virginia has in his hands a Xeroxed copy because of the situation we are in right now, because of the storm and what not.

I otherwise would have offered these and they would be on the desk today.

It is entirely within the intent of this amendment that it be in printed form and at the desk for 24 hours, and I am sure that the desk would have a way of logging in such an amendment when it is presented in the post-cloture period.

The PRESIDING OFFICER. The Chair will rule that if it is intended to include typewritten and Xerox materials, as has been indicated, they would be so included in the term "printed."

Mr. ROBERT C. BYRD. Very well. That is satisfactory with me, and we have the legislative history established.

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

Mr. ROBERT C. BYRD. I yield.

Mr. STEVENS. I might say it is not intended to have Xerox copies of handwritten pieces of paper that are patched together. We are talking about a typewritten or Xerox copy of a typewritten amendment that are in readable form for all to know what it is and what its purpose is and a copy of it having been placed at the desk to establish when it was available to all Members.

Mr. ROBERT C. BYRD. Yes. I would agree that we should not accept Xerox handwritten amendments in this context.

Mr. STEVENS. I certainly accept the Senator's change.

UP AMENDMENT NO. 15

(Modification of UP Amendment No. 14)

Mr. President, I send the modification to the desk and the Senator from North Carolina and his English teacher would be happy with that correction. I just modify my amendment by changing the word "all" to "any."

The PRESIDING OFFICER. The modification will be stated.

The assistant legislative clerk proceeded to read the modification.

Mr. ROBERT C. BYRD. Singular.

The assistant legislative clerk read the modification as follows:

At the end of the resolution add the following:

"After cloture is invoked, the reading of any amendment, including House amendments, shall be dispensed with when the proposed amendment has been identified and has been available in printed form at the desk of the Members for not less than twenty-four hours.".

Mr. STEVENS. Mr. President, I move the adoption of my amendment.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment was agreed to.

The amendment (UP amendment No. 15) was agreed to.

Mr. ROBERT C. BYRD. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. STEVENS. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

UP AMENDMENT NO. 16

(Purpose: To allow amendments in the second degree to be offered after cloture has been invoked)

Mr. STEVENS. Mr. President, I have another amendment which I send to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk read as follows:

The Senator from Alaska (Mr. STEVENS) proposes unprinted amendment numbered 16.

At the end of the resolution add the following:

"New amendments in the second degree can be offered after cloture has been invoked if they are germane to the amendment in the first degree to which offered and have been printed and available at each Member's desk for at least twenty-four hours. Amendments which are otherwise in order may amend the measure or matter in more than one place, if they involve only one substantive issue."

Mr. STEVENS. Mr. President, we may be getting into an area of some controversy here.

I hope that in the spirit that we are proceeding my good friend will again try to see if we can work something out.

The times that I have seen in my 10 years in the Senate the postcloture period become most intense, has been when we have gotten into the position that it was impossible to get a change in a bill that would meet the consensus of the Senate, that accommodated those who had previously sought to delay the bill, and remain within the scope of the willingness of those who were the majority behind the bill trying. In the sense that amendments have been at the desk prior to the vote on cloture, we get locked into those amendments and we have not been able to go to amendments in the second degree.

I think one of the reasons for that in the original rule XXII was the problem of time because obviously if you could offer an amendment to amendments and amendments to amendments and they were not at the desk, this procedure could have gone on ad infinitum.

We are now looking toward a new era of a cap of 100 hours, and in that period it has been our contention that one of the best ways to get out of the tension that comes in a postcloture debate would be to permit amendments in the second degree so long as they are germane to the amendment in the first degree and have been printed and available for 24 hours.

This amendment deals with another concept, and that is the problem of the amendment amending a measure in more than one place.

In connection with the gas bill, for instance, there was a date. It appeared in many places throughout the bill. In order to get to that date it was necessary, for those who sought to change it, to offer as many as 10 or 15 amendments to deal with one simple issue, and that would be the date at which the change proposed by the gas bill would have become effective.

The amendment that I have offered would permit amendments in the first or second degree to touch the measure in more than one place so long as it involved only one substantive issue such as the changing of a date, the changing of a name, for instance, one single substantive issue that we would not face the question of the rules as far as amending a measure or matter in more than one place.

I do understand the Senator from West Virginia has expressed some question about the new amendments in the second degree. It is if I understand the distinguished majority leader that this would be a substantial variation from the present procedure. Under the present procedure of rule XXII, the amendments must be at the desk before cloture is voted. We are not changing that.

An amendment in the first degree would still have to be there at the desk. This would say that an amendment in the second degree could be offered even though it was not at the desk so long as it was germane to the amendment in the first degree and so long as it had been available for 24 hours, consistent with what we have just done with this prior amendment.

I might say we are not just talking solely about amendments in the second degree. I would be talking also about amendments in the nature of a total substitute to an amendment which was at the desk so long as it was in order otherwise under the procedures that we follow here in the Senate.

I am sure the Senator from West Virginia will recall those times when his predecessor and the distinguished Senator from Pennsylvania, who was our minority leader, on at least two occasions that I recall went though the procedure of sending a bill that was under cloture back to the committee with orders to report it back immediately in a changed version in order that we might finally get the votes to terminate the whole procedure.

It took us several days to go through that process, in order to get that concensus that would allow that procedure to take place; whereas, if this provision had been in the rules it could have been brought about by the simple mechanism of offering the amendment under the process that we suggest here.

Again we are dealing with a cap. As long as we are dealing with a time cap amendments in the second degree cannot be dilatory. It can only be a substantive attempt to resolve the dispute that has led to the cloture period.

I am hopeful that the Senator will again look at this amendment, which really has two principal objectives, and that we can work something out with regard to this amendment also.

Mr. ROBERT C. BYRD. Mr. President, I applaud the spirit and the intent behind the offering of the amendment.

Actually there are two amendments here, and both of them would change the cloture rule which has been in existence now for 62 years.

Under the cloture rule which was first established in 1917 and at all times since that cloture rule was established, no amendments in the second degree have been allowed once cloture has been invoked if they were not first offered and originally read before cloture was invoked, and under the present rule unless they are offered in writing at the desk before the vote is announced on the invoking of cloture.

So this is something entirely new.

Senators would be allowed for the first time, since the cloture rule was established in this body, to offer amendments in the second degree as long as those amendments were germane to the amendment in the first degree, even though such second degree amendments had not conformed with the letter and intent of the rule prior to the invoking of cloture.

Mr. STEVENS. Mr. President, will the Senator yield there?

Mr. ROBERT C. BYRD. Yes.

Mr. STEVENS. I hope the distinguished Senator from West Virginia will look at the scope of the problems involved.

I am just sitting here thinking about one of the amendments that really was vexatious as far as my State was concerned in a cloture period where a Member had filed prior to the vote on cloture—that I supported—an amendment of which I had no knowledge. It was at the desk and I did not even know about it until it was here on my desk about 2 days after cloture was voted.

I suddenly discovered an amendment that would have seriously disturbed the pricing picture for natural gas coming out of my State.

It was not possible to offer an amendment to that amendment, and yet it appeared that the amendment was going to get support.

In any normal precloture period there would have been no problem of offering an amendment in the second degree in order to clarify the intent of the amendment, and protect my State which is unique in terms of location so far as gas supplies are concerned, and everyone, including the sponsor of the amendment, indicated that my position was correct so far as Alaska was concerned. Not knowing of this amendment I had no way of offering an alternative amendment prior to cloture. If I had known that other amendment was there and uncorrected, I would not have voted for cloture.

The real problem we have is the inability to protect ourselves in a time period where there is a cap from amendments that are at the desk of which we have no knowledge. When we are really trying to wind this thing down as far as the debate on a controversial matter is concerned.

I think this is a substantive improvement to this procedure. As long as we are proceeding under a cap it cannot be dilatory. It can only present the Senate with a substantive issue designed to protect an individual's State or region of the country from a particular approach that might otherwise be completely unacceptable to that region or State.

I think the first part of this amendment I have offered is the most important. Again I say that one of the reasons why I think the original rule was as it has been, that we would only have amendments in the first degree, is that it was intended that the postcloture period not provide for additional dilatory tactics.

This would not be a dilatory tactic because it is still under the cap. At least as far as the first part of the amendment is concerned I hope the Senator will give it serious consideration because I think if we cannot get it this way we are going to have to find some other way.

You will recall that one prior version of the suggested substitute that we have discussed in your office as a result of the negotiations in our committee, would have required the amendments to be at the desk 2 days before or the evening of the day of the filing of the cloture motion so that we could then have a chance to look at them and have amendments to the amendments at the desk prior to voting cloture.

You could accomplish it in the same way there. But as long as we are going to have a procedure continue that the amendment need only be at the desk 1 second before the rollcall starts on the cloture motion, there is no way for an individual Member to know what is there until it is called up or until it is printed and at the desk in the postcloture period.

I agree this amendment is a radical departure from the procedures of rule XXII, but it is timely. It is time that we really thought about the necessity to have the ability to protect those whom we were sent here to protect, even though we might be in a postcloture time frame.

I hope the Senate will give that problem serious consideration in view of some of the matters that we ran into last year in that long postcloture debate period on the gas bill.

Mr. ROBERT C. BYRD. Mr. President, I had not completed my dissertation on this amendment. I had prefaced that statement by saying that I thought the spirit and the intent of the amendment were laudable.

Let me continue now with stating what I find to be wrong with the amendment. Perhaps something can be worked out. The problem really arises, the problem that the Senator has just addressed himself to arises, from the amendment to the rules that was adopted on April 6, 1976. That change that was made at that time—previous to that date only those amendments could be called up after cloture was invoked that were germane or which had been read prior to the invoking of cloture.

In 1976 an amendment was adopted which deleted the reference to reading the amendment, which was for the purpose of alerting all Senators as to what amendments were going to be called up or going to be eligible to be called up after cloture was invoked. But the Senate did away with the requirement for the reading of the amendment and merely required that amendments be submitted in writing to the Journal clerk prior to the end of the vote, which means a Member can carry 100 amendments up there. If he has a large briefcase he can carry 1,000 or if he has 2 briefcases he can carry 2,000 up there at the time that vote is going on.

I daresay that the Members of the Senate do not have any knowledge of the substance of those amendments. They

have no opportunity to prepare amendments in the second degree, and they are caught with a bagful of amendments at the desk of which they had no knowledge, no previous notice whatsoever, and only the Member who lugged them up to the desk in the two briefcases knows what is in the amendments.

So I, for one, feel that probably was not a good amendment to the rules. But that is where the problem has arisen, the problem to which the distinguished Senator from Alaska has addressed himself.

What do I find wrong with the amendment he has just offered?

"New amendments in the second degree can be offered after cloture has been invoked if they are germane to the amendment in the first degree to which offered and have been printed and available at each Member's desk for at least twenty-four hours.

For the first time in the history of the cloture rule amendments in the second degree will be permitted under the amendment that is now pending, once cloture is invoked, the only requirement being, in addition to—well, the only requirement being that they be germane to the amendment in the first degree which, under the present rule, has to be germane.

It seems to me this would punish Senators who prepare and who file first degree amendments before cloture is invoked. They do not sit on their rights, they prepare their amendments before cloture is invoked. The objective of cloture, of course, is to bring the consideration of the matter to a close.

The purpose of cloture is not to open the bill up to the amending process and, generally speaking, the amending process should have advanced to a considerable degree or even be ended or be well under control when the Senate resorts to invoking cloture, because 2 days pass before the vote on cloture occurs.

So it seems to me those Senators who have laboriously prepared their amendments in the first degree are being punished, while those who want to offer amendments in the second degree are being rewarded. They have not filed any amendment at the desk before cloture. They can simply sit back and draft their amendments as second-degree amendments to first-degree amendments once the first-degree amendments are called up.

That would be one of the problems I would have. Another problem would be as to determining whether or not a Senator has an absolute right to offer amendments in the second degree.

What sort of priority does a Member have to offer amendments in the second degree? If there is an amendment pending in the first degree, can a Senator who wishes to offer an amendment in the second degree demand that he has an absolute right to offer that amendment, and consequently he has an absolute right to hold up the Senate for 24 hours before it can act on the amendment in the first degree? Or does it mean that if he does not have his amendment then ready to call up, the Senate can proceed with its consideration of the amendment in the first degree?

That is merely a rhetorical question. In any event, if he does not have an automatic right to call up an amendment in the second degree, it is perfectly within his powers and the powers of other Senators alined with him to delay the Senate's action on amendments in the first degree for 24 hours until the amendment in the second degree is available and printed.

Moreover, once the amendment in the second degree has been disposed of, it would be possible, then, for another Senator to stand and say, "I have an amendment in the second degree." Does he have an absolute right, under this amendment, to do that? If he does, then the Senate has to wait 24 hours; it has to set the amendment in the first degree aside until that amendment in the second degree can be printed and is available.

Mr. STEVENS. Mr. President, will the Senator yield there?

Mr. ROBERT C. BYRD. Not at this moment. I will yield to the Senator in just a moment. I was trying to think of a third problem that I had.

It would be possible, Mr. President, for a Senator to offer an absolute substitute, a complete substitute, and if that amendment is in the second degree, he can haul in a complete substitute that never was in writing or contemplated when cloture was invoked; and Senators who voted for cloture might not have done so had they seen that substitute. But, lo and behold, Senator X calls up a substitute that was at the desk, that did qualify for consideration in every way, and Senator Y offers a substitute to that as an amendment in the first degree, but then Senator Z, under this proposal, because the second substitute was an amendment in the first degree, along comes Senator Z—Senator ZORINSKY—and calls up a complete new substitute that only he and God knew about, and offers it as an amendment in the second degree. Nobody ever saw it, and he did not even need God's approval for it; he just simply called it up, and under this rule he could offer that amendment. He played blindman's buff; everybody in the Senate was blind to the amendment except Senator ZORINSKY, a complete new substitute in the second degree.

Under this proposal, are we going to allow him to do that to us? Is the Senate going to permit that?

As I say, the Senator from Alaska has put his finger here on a thing that from time to time needs some remedy; but it would seem to me that this may not be the best way to go about it. I do not denigrate his intent and spirit, but I do not really believe he intends to open this rule up to the kind of mischief that might follow, such as I have just envisioned.

Mr. STEVENS. Will the Senator yield at that point?

Mr. ROBERT C. BYRD. Yes, I yield at this point.

Mr. STEVENS. I am sure my good friends realize that I am not suggesting that we would punish those who have been diligent. The difficulty is that unless we have some way to have an amendment to an amendment, we who come from small States and distant areas, I think, are going to get to the point where we just cannot vote for cloture, ever. After what happened to me last year, I said that, as a matter of fact, from this floor: That I thought probably the day would come that I would not ever vote for cloture unless we got some of these things changed, because of what could happen in terms of an amendment that was entirely well designed, but the person who designed it had no knowledge whatsoever of circumstances in my State that needed protection in order to assure that we would not be emasculated by a national concern. I might add that when it was called to the attention of those involved with the amendment, they readily admitted they would have been willing to change it, but they were unable to, that because of the terms of the cloture rule it was not possible to change the amendment by agreement.

Somehow, we have to get to the point where we can protect our interests and still subscribe to the concept of terminating debate by the cloture process.

I suggest to the Senator from West Virginia that his first element did not seem to be of much substance, because a Senator would not even be able to offer an amendment unless it had been printed for 24 hours.

It would be possible, of course, through the cooperation of other Senators, to use the time and to go through a 24-hour period. If it was that important and a Member could get 23 other Senators to cooperate with him to use the time, admittedly still under a cap, in order to get that protection, I think that ought to be achievable.

I admit that the Senator's third objection is a rational one—not that the others were irrational, you understand—but that one bothers me. It was our intention to have a perfecting amendment to an amendment offered in the nature of an amendment in the second degree, but not to permit the offering of an amendment in the second degree as a complete substitute for the whole bill. I can see that the Senator has a legitimate worry there, that we might suddenly find Pandora's box opened by an amendment in the second degree in the postcloture situation.

I think we have to get at this problem from the matter of scope; to provide that the amendment in the second degree could not exceed the scope of the amendment which it seeks to amend.

Mr. ROBERT C. BYRD. Mr. President, the problem there is, who would bell the cat? Who, in that situation, would determine the scope?

May I say to my friend, I think we could simply amend this rule back to where it was before 1976 and require the reading of amendments.

The problem that arose in that case was we had sort of a habit of coming in here just before the cloture vote and asking unanimous consent that all amendments then at the desk be considered as having been read. We abused that. On this one occasion I did not make that request. Lo and behold, we were in cloture, the request had not been made that all amendments at the time meet the reading of the requirement, and Mr. Brooke, if I remember, was not allowed to call up his amendment.

So Mr. KENNEDY suggested the change

that so long as amendments were in writing at the desk prior to cloture they be considered as having been proper. His intention was good. It was meant to overcome and cure the evil which had arisen from the fact that Mr. Brooke was not allowed to call up his amendment.

But the fault there was we had abused the rule so many times asking unanimous consent that all amendments at the desk be considered as having been read and on this occasion nobody asked for that consent. Somehow or other I got blamed for it because I was majority whip at the time and I was usually the one who stood up and made the request. But I was under no obligation to make that request. The majority whip was not under any obligation to make that request. My recollection of the old maxim in equity is that one must not sit on his rights. Simply because the majority whip had not asked unanimous consent in that instance I got the blame because no one else did ask.

Somehow or other I was supposed to be the fellow who looked after all the gates and padlocked them or saw to it that all the shadows were lighted and everything. In that instance, however, I did not ask and Mr. Brooke was put into the position of not being able to call up his amendment. That is what happened.

If those amendments still required reading, it would only take one objection to any request that amendments at the desk meet the reading requirement. Then all Senators are on notice as to what the first degree amendments are.

What I am saying to my friend is perhaps we can find some remedy to this if we can think about it a little bit. I believe the way this amendment is written, however, would create probably more problems than he foresees.

I want to address myself to the other part of the amendment. Before that, I will yield to the Senator from Maryland.

Mr. SARBANES. I wanted to say that I think this approach might get to the problem the Senator from Alaska seeks.

I have sympathy with the argument that if an amendment is at the desk we do not know what the amendment is. You have no way of finding out. It catches you by surprise and you are then in a postcloture period and cannot do anything about it.

It seems to me the better way to address that problem is to go to the precloture period and try to work something out in that period so that once you vote cloture you are voting it on the basis of the measure before you and the amendments that are pending to that measure. In effect, Members know what the situation is and potentially what the situation can be on the basis of the pending amendments. Otherwise, diligent people prepare their amendments, put them at the desk, and get them in at the appropriate time. Someone can come along who did not pay any attention at all and devise his second-degree amendment to a first-degree amendment that someone has worked out and come in with it in a postcloture period. It seems to me that person ought to be required to do that in the precloture period.

That leaves us with the problem of how does a concerned Senator, in a situation in which the Senator from Alaska outlined, gain knowledge of what is pending so he can respond before we go into cloture. It seems to me we would be better off addressing it at that point and trying to work something out than to permit this second degree amending in the postcloture period.

I could put a first degree amendment at the desk just to give myself a vehicle and then go off and prepare my second degree amendment for the postcloture period, having gotten a vehicle in on which I can hang it, and then come in.

I do not care how you limit it in scope, its germaneness, or anything else. If I have a real substantive purpose I want to accomplish I can do it in terms of how I draw my first degree amendment so that it gives me a shelter for my second degree amendment that I am going to come in with in the postcloture period.

Mr. STEVENS. Will the Senator yield to me?

Mr. ROBERT C. BYRD. Mr. President, may I continue to hold the floor? I want to address the second part of the amendment. I will yield to the Senator.

Mr. STEVENS. I thank the Senator.

Let me say again I am not unmindful of the problems discussed just now by the Senator from Maryland or the Senator from West Virginia previous to that. The difficulty is we tried to devise a procedure whereby amendments would be presented and would be available prior to the vote on cloture. I think that is still the best answer. But we are unable to get to that point yet. I think we will, in time, realize that the only way we can really know what we are voting cloture on is to see the bill and see the amendments, and, as a matter of fact, see the amendments to the amendments which might be in order under the rules.

We had an approach which could have accomplished that. That unfortunately was not timely yet. I think the day will come when it will be timely.

The Senator from Maryland has a good point. I do not argue with that. The only thing is I do not think that a Senator is sitting on his rights if he does not know of the amendment to be offered by another Senator and has a legitimate concern that should be expressed in the form of an amendment to that amendment prior to its being voted upon by the Senate.

Let me make this very specific. We are going to get into a fight later on this year over the Alaska lands bill. Everybody knows it. I know it. We have some people in the Senate who have areas they want to make into national parks, wildlife refuges, wild or scenic rivers, or national forests in my State. I know those areas pretty well. The people who seek to change their status in terms of the public lands status have some knowledge of them. They do not have the particular knowledge about who is living in what portion of this land, what right-of-way ought to be preserved, what rights to land on river bottoms in the summertime in order to have tourist access ought to be preserved, or the very particular items that, as the Senator from Alaska, it would be my duty to inform the Senate about.

Yet another Senator could come in here if cloture were voted on that at the very last minute and drop an amendment on the desk and say, "I want to make a national park out of all the lands in the Kenai Peninsula."

It does not mean much to other people, but the Kenai Peninsula is an area the size of New England and there are a lot of people who live there. Currently, for all intents and purposes, a considerable portion of it is known as the Kenai moose range. There are people who want to change its status and give it either a refuge or a park status.

I think I ought to have the right to come forward with a perfecting amendment to preserve the rights of the Alaskan people who are there, or preserve access for Alaskans in some way, to make suggestions for amendments to that prime amendment which has been offered, which was not available to me.

Without this amendment, there is no way I can protect my people under the existing law.

Mr. ROBERT C. BYRD. Will the Senator yield?

Mr. STEVENS. Yes.

Mr. ROBERT C. BYRD. I sympathize with the Senator's problem. As I said earlier, there must be some way we can deal with it as an additional problem.

Let us think about it, talk about it, and see if we can work something out.

It might be that three-fifths of the Senators present and voting could vote to allow that second degree amendment to come in in a situation in extremis, such as the Senator has alluded to.

I am certainly agreeable to giving some thought to this. The amendment as it is written would certainly deal with the Senator's problem, but I am afraid it would create additional ones.

Mr. STEVENS. Will the Senator yield?

Mr. ROBERT C. BYRD. Yes.

Mr. STEVENS. I say to my good friend, I can see the problems he has raised.

I would like to suggest we go back and consider again a time factor of requiring amendments to be filed, requiring petitions for cloture to be filed prior to noon, and requiring amendments that would be considered to be filed at the desk before the close of business that day, or at least, say, before 8 o'clock that night, whatever it might be, and then allow Members to research the amendments that are at the desk, to offer their amendments to those amendments, and have them pending there before the cloture vote takes place.

I do not like to rely upon three-fifths of the Senate for the right to protect my State. I should have that right as a Senator. The rules, if they forbid that right, will get us in a position where more and more of us are going to have to absolutely oppose cloture, period, and that is not going to achieve the Senator's goal if we have more and more cloture petitions defeated.

In order to accommodate the Senator, though, and I do believe we are proceeding in a mode of really trying to be constructive in terms of our approach, let me

withdraw that amendment and proceed to a more controversial one with the hope that our collective staffs might pursue our discussion and see if we can get something we might offer here tomorrow when we convene to accomplish that purpose.

I do withdraw that amendment, Mr. President.

The PRESIDING OFFICER. The amendment is withdrawn.

UP AMENDMENT NO. 17

(Purpose: To change the 100 hour limit on debate following cloture to the aggregate of the 100 one hour periods of time to which each member of the Senate would be guaranteed)

Mr. STEVENS. Mr. President, I send another amendment to the desk.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk read as follows:

The Senator from Alaska (Mr. STEVENS) for himself and Mr. HATFIELD, proposes an unprinted amendment numbered 17:

On page 1, line 6, following the word "invoked," insert the words: "which time is the aggregate of the one hour of time to which each Member is entitled,".

On page 2, line 6, strike everything through page 3, line 18, and insert in lieu thereof the following:

"The last paragraph of paragraph 2 of rule XXII of the Standing Rules of the Senate is amended by striking out the first sentence and inserting in lieu thereof the following:

"After cloture has been invoked, no Senator shall be entitled to use more than one hour on the measure, motion, or other matter pending before the Senate, the amendments thereto, and motions affecting the same, except as hereinafter provided.

"A Senator shall be charged with the use of all time consumed after he is recognized and until he yields the floor, and any rollcall votes and quorum calls he requests except the time consumed in one quorum call immediately prior to a vote on final passage. A Senator may yield any of his remaining time to another Senator or may yield it back to the Presiding Officer, in which case the hours of consideration shall be reduced by the time so yielded back, and it shall be the duty of the Presiding Officer to keep the time of each Senator. No Senator may be yielded more than nine additional hours. If unanimous consent is requested to dispense with the remainder of a quorum call and an objection is heard to the request, the time consumed in the remainder of that quorum call is charged against the time of the objecting Member. If the objecting Senator does not have at least ten minutes remaining, he may not object to dispensing with further proceedings under the quorum call. If the time required to call a quorum exceeds the balance of the objecting Senator's time, such time shall not be charged against the one hundred hours.

"If, for any reason, a measure or matter is reprinted after cloture has been invoked, amendments which were in order prior to the reprinting of the measure or matter will continue to be in order and may be conformed and reprinted at the request of the amendment's sponsor. The conforming changes must be limited to lineation and pagination.".'.

Mr. STEVENS. Mr. President, this is the most controversial amendment we shall present. I offer it on behalf of myself and the Senator from Oregon (Mr. HATFIELD), our distinguished ranking Republican on the Rules Committee.

Let me try to explain, thought by thought, what this proposal entails.

It would substantially change the procedure of the existing rule XXII and it strikes out the balance of the first sentence of rule XXII as it appears in the majority leader's version of Senate Resolution 61. The first portion of it, if adopted, would assure that no Senator could use more than an hour in the postcloture period in any manner unless he is yielded additional time, again recognizing the total concept of a 100-hour cap.

It specifically says that a Senator will be charged for the use of all time consumed after he is recognized and until he yields the floor, including the time on rollcalls and quorums, except for the one quorum call prior to a vote on final passage, which I believe is the constitutional requirement to ascertain the seconding of a request for rollcall.

However, this would change the procedure to permit a Senator to yield his 1 hour, or any portion of it, to another Senator, or he may yield it back to the Presiding Officer, in which event the time cap would be reduced by the amount of time yielded back.

That language, incidentally, was the language deleted by the majority leader from his amendment that was adopted earlier today. At the time, I indicated that I hoped we would have the opportunity to consider portions of Senate Resolution 61 or the whole text thereof as original text for the purpose of amendment.

I do concede that is trying to deal with the same issue. However, in the context of this version, I think the Senator from West Virginia would see that the yielding back of time might be conducive to shortening the whole process of the postcloture period.

Under this proposal, a Senator could acquire a total of 10 hours, not just the majority leader, but any Senator involved in a postcloture debate could have up to 10 hours if nine other Senators would yield him an hour apiece, or, as a matter of fact, 20 other Senators could yield him a half hour, whatever it would take, but the limit would be 10 hours for any Senator.

When we consider the fact that all time consumed by the Senate after that Senator is recognized is going to be charged against that individual cap, I think the Senate would see that this is a limiting amendment rather than an amendment to expand any time after cloture. In order to protect the Senator who has a substantive issue before the Senate and seeks a quorum call for the purpose of trying to discuss it with another Member, or trying to get the attendance of an absent Member who might be assisting on the matter for any legitimate reason, a quorum call is one of our ways to seek a temporary delay. But having put the quorum call into effect, knowing under this approach that all the time would be charged against the Senator who has been recognized, another Senator who might want to force that Senator to use up his time without being able to discuss totally his proposition could object to removing the quorum call.

This approach would charge the time taken in completing a quorum call, following an objection to dispensing with the remainder of the quorum call, against the Senator who objected. It would state, further, that no Senator could object unless the Senator had 10 minutes remaining and, further, that if for any reason a quorum call proceeding went beyond the remainder of the time, if a Senator did have 10 minutes and the quorum call took 15 minutes, then the 5 minutes would not be charged against anyone but would just expire. It would not be charged against the 100 hours, either.

This amendment also deals with another question, and it therefore has two principal portions, and that is the reprinting of a measure or matter after cloture has been invoked.

Those amendments which are at the desk at the time cloture is voted could be out of order if the measure or matter is reprinted after cloture because of the page reference or the lineage reference, and therefore technically subject to a point of order.

In order to meet that situation, the proposed amendment deals, in its last paragraph, with the problem by saying that if for any reason a measure or matter is printed after cloture has been invoked, amendments which were in order prior to the reprinting of the measure or matter will continue to be in order and may be conformed or reprinted at the request of the sponsors of the amendments. The conforming changes must be limited to lineation and pagination.

That is simply for the purpose of protecting against the situation that developed last year, inadvertently, I believe, in terms of the reprinting of the principal substitute to which the amendment had been offered; but all those amendments were technically out of order because they referred to the original version of the bill rather than to the substitutes.

I am informed by my very competent staff member, Mr. Perles, that in the Senator from West Virginia's recent version of Senate Resolution 61, the last paragraph of this proposal is included, in substance. So I take it that we really do not have to discuss that portion, since our change there would be redundant, now that that is in the amendment. Under the circumstances, I will modify this amendment before it is finally called up, to delete the redundancy.

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

Mr. STEVENS. Let me make one final comment, and then I will yield to the Senator from Oregon.

I think this amendment is the significant one, primarily because it seeks to recognize the fact that in a postcloture period, while some of us are part of the leadership on a permanent basis, through action of the Senators on our respective sides, the actual leadership on a particular bill or an amendment that has been subject to cloture may not lie with the leadership on either side but, as we saw last year, would actually be with perhaps a small number of Senators who were opposed to the leadership on both sides of the aisle.

I think that any changes that are made in the rules should protect the rights of those who seek to swim upstream and make certain that we do not get into a

situation in which the rights of those Senators are so constrained because of time or because of the technicalities of the rules that they will not be able to raise legitimately the alarm they wish to be heard throughout the country.

I did not agree with those Senators last year, as everyone knows, but I had complete admiration for their determination to stick to their point of view and to use completely their rights as Senators to bring to the attention of the country an issue which they considered to be of national importance.

The limiting features of this proposal that we have devised would depend upon the support they have in the Senate; because under this proposal, if there are just a few Senators who wish to swim upstream, the time is going to run on them very quickly. Only if they have the support of other Members who will yield them time will they be able to use even more than a fraction of a day.

Last year, I think we had probably 8 to 10 Members, at the most, who were supporting those who had disagreed with what the Senate wanted to do. Under this approach, that would have been the limit of time they could have used, because every minute consumed by the Senate would be charged against the Senator from the time he was recognized, and the hundred hours would be an absolutely firm 100 hours.

Mr. President, I yield the floor.

Mr. HATFIELD. Mr. President, I am among those Senators who believe that once cloture has been invoked, debate must draw to a close. Postcloture consideration should be a time for summation and tidying up. Postcloture filibusters are an abuse of the Senate rules, and they are an abuse against which the Senate has little protection. They erode the spirit of comity and courtesy that is a part of this institution.

Mr. President, our distinguished majority leader, the Senator from West Virginia (Mr. ROBERT C. BYRD), is fond of quoting from the history of the Senate, for which he is well-known; and I note that today, on the floor of the Senate, probably the only Member who recalls the historic issue that I would like to raise at this moment is the Senator from New York (Mr. JAVITS).

I go back to the part of the history of the Senate when filibusters were particularly geared into the question of civil rights. I am reminded that one of the leaders of the cause of civil rights, the Senator from New York (Mr. JAVITS), faced a great adversary in Senator Russell of Georgia, who usually was leading the filibuster against civil rights. But there was a very interesting understanding that these distinguished gentlemen had, particularly Senator Russell, who was on the losing side, that once cloture was laid down, he understood the filibuster was at an end, and the institution of the Senate took preeminence over the individual viewpoint, for which he was well known and about which he felt very sincerely and was very dedicated.

So it is that the current rules do not necessarily invite abuse, but they permit it to happen, as we have seen in the latter days of the Senate. To prevent recurrence of the problem, the rules must be changed.

In my judgment, there is no question about that; and in that sense, the able majority leader and I proceed from the identical premise: At issue is not whether some change is desirable but what kind of change is best.

The rules amendment offered by the distinguished majority leader, I believe, goes too far. No doubt, it would cure the illness, but it excessively chips away at the rights or prerogatives of individual Senators. Fortunately for the Senate, we need not choose between the continued abuses and such a sweeping departure from our traditions.

Mr. President, the amendment now pending offered by the Senator from Alaska and myself is clearly a better solution. It guarantees that the one postcloture hour granted to each Senator shall be inviolate. Senators can do with their hour as they please. They can call up amendments, make points of order, make speeches, request quorum calls, or even ask that the Journal be read. The time they consume is charged against them. It is their right—as it should be—to parcel out that time as they see fit. When their hour expires, Senators have had their say.

Furthermore, Mr. President, if Senators wish, they can even yield their time back to the Presiding Officer, and the postcloture cap will be correspondingly reduced. In so doing, they impinge on no one's time but their own. The rules should never permit a vote of Senators to decrease postcloture time and thus strip a Senator's hour away. Thus much is basic: A Senator should not have to go hat-in-hand to the leadership to ask for time. The distribution of time should be a determination made by individual Members, not a decision exercised by the leadership.

Under the amendment, Senators can also yield their time to other Senators. No restrictions lie on these transfers, except that no Member can receive more than nine such transferred hours. Unlike Senate Resolution 61, no specified Senators act as the collectors and conduits of time. The proposal needlessly elevates the standing of a few Senators over the rest of the membership. Our amendment properly equalizes the status of all Senators.

Mr. President, there is an inherent tension between the rights of individual Members and the rights of the corporate body. Postcloture filibusters tip the balance too far in one direction. Senate Resolution 61, however well-intentioned, tips the scales too heavily in the opposite direction. Perfecting amendments offered by the majority leader prior to the recess tend to address this problem but do not relieve it. The best argument that can be made for the amendment pending before us is that it strikes the proper balance.

I, therefore, urge the amendment be adopted. If passed, it will both end postcloture filibusters and preserve the legislative prerogatives of each U.S. Senator.

Mr. ROBERT C. BYRD. Mr. President, first let me compliment the distinguished Senator from Alaska (Mr. STEVENS) on having laboriously, methodically, systematically, and dedicatedly approached this problem over a long period of time going back into last year. I have met with him on several occasions. He has in a very earnest endeavor attempted to bring about some satisfactory rule changes that will not worsen but will improve the postcloture situation. As a matter of fact he brought in what I thought was some good suggestions that would deal with precloture situations.

I also compliment the distinguished Senator from Oregon (Mr. HATFIELD) who is the ranking minority member on the Committee on Rules and Administration because he has very sincerely and conscientiously attempted to bring to bear his very considerable talents in this effort also.

Now, as to the amendment that the distinguished Senator from Alaska has offered, first of all it will require unanimous consent that it be in order to offer the amendment to my resolution. I, therefore, ask unanimous consent that the substitute may be in order, Mr. President.

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

Mr. ROBERT C. BYRD. Mr. President, I ask for the yeas and nays on the substitute.

Mr. STEVENS. Mr. President, will the Senator withhold that until I get a chance to modify the amendment?

Mr. ROBERT C. BYRD. That was why I wanted to get the yeas and nays. I did not want the Senator to modify it. But I will withhold that. I will not ask for the yeas and nays.

Mr. President, to go to the very jugular vein of this substitute, it removes any semblance of a cap. There is no cap. That is the distinguishing feature and, as a matter of fact, that is the crux of my resolution. It does establish a cap, a cap of 100 hours.

But I ask the distinguished Senator from Alaska if I am correct in saying that his substitute does not envision a cap.

Mr. STEVENS. Mr. President, if I might respond, if the Senator will yield, with his usual accuracy the Senator has zeroed in on the one problem of this amendment, and I would have to say that there is one instance in which the cap could be exceeded, but it is limited to this situation that where a Senator has at least 10 minutes, and he objects to the elimination or to the rescinding of a quorum call, all of the time taken on that quorum call would be charged against the objecting Member to the extent of his time that remains. The provision requires that he have at least 10 minutes so that we are talking about the difference between 10 minutes and in the total time taken in a quorum call which could get up to 15 or 20 minutes at times, and that would not be charged against the 100 hours to the extent that it exceeded the remaining time of the objecting Member.

So the Senator from West Virginia is right that the 100-hour cap can theoretically be lifted by that procedure, but that is the only manner. Other than that all time used by a Senator—and I might say it is my understanding that

the time under this amendment charged against a Senator would be more precise than the time under the distinguished majority leader's amendment because under the distinguished majority leader's amendment all time is charged against the cap. Under our approach every Senator is entitled to 1 hour or up to 10 hours if he has the time yielded to him, and all of the time consumed after the time that Senator is recognized, including yielding to another Senator or including the time taken in voting or the time taken on a quorum, except for the one quorum prior to the rollcall and final passage, is charged against that Senator.

We have an individual chargeability; whereas, the Senator from West Virginia has an overall Senate chargeability on the 100 hours.

I believe that I have to be precise and say "Yes," it is theoretically possible to exceed the 100-hour cap but only to the extent that a Member who had 10 minutes remaining but did not have enough for the full time of the quorum call, would be in a position of objecting to the rescinding of a quorum call.

That is a very small amount under any normal procedure. It could not account to many hours in a postcloture process.

Mr. ROBERT C. BYRD. Mr. President, I appreciate the response by the distinguished Senator, and I say what I am about to say with the utmost respect for the Senator, but I can point to a hole in this amendment that is big enough to drive a 747 through. As a matter of fact, there is a star—I do not know how it is pronounced but it is spelled, I believe, B-e-t-e-l-g-e-u-s-e—that star is so large that it could not pass between the Earth and the Sun, the distance of 93 million miles. There is a hole in this that is as large as that star.

Now, let me point it out to the distinguished Senator. He says that under his amendment it would be only that time charged against an objecting Member who opposes the calling off of a quorum once; that is, if he had as many as 10 minutes. If he did not have 10 minutes remaining, he could not object to calling off a quorum. If he did have whatever time the quorum required over and above his remaining time, then it would not come out of anything.

Well, Mr. President, I am about to take out my gold watch: "Mr. President, I call up amendment No. 123."

That time required less than 2 seconds. Let us allow for the sake of doing some mathematical computations, an average of 10 seconds for calling up an amendment.

"Mr. President, I call up amendment No. 12345."

That took 10 seconds. Every Senator here knows that it does not take 10 seconds to call up an amendment. But once a Senator calls up an amendment he loses the floor. Once a Senator makes a motion he loses the floor. Once a Senator suggests the absence of a quorum he loses the floor.

The Senator says this changes that. But what he is doing then is changing rules other than XXII, and that is not in accordance with the agreement.

Mr. STEVENS. Mr. President, will the Senator yield there?

Mr. ROBERT C. BYRD. Not right at the moment.

The Senator would change that rule. If he changes the rule, that charges to a Senator time when he does not have the floor, and I do not believe that Senators will want to vote for that resolution knowing what they are doing.

He a moment ago said to the Senate that all time would be charged against a Senator for rollcall votes and for quorum calls, et cetera, et cetera. But under the present rules, Mr. President, when a Senator suggests the absence of a quorum he gives up the floor.

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

I have given up the floor. How is the Senate going to charge me with the time for that quorum when I do not hold the floor?

The same thing is going to be true with regard to rollcall votes or any motion, Mr. President.

"Mr. President, I move that the Senate stand in recess for 30 minutes."

Somebody asks for a yea-and-nay vote. That Senator gives up the floor the second he makes that motion. He gives up the floor.

Or he may say: "Mr. President, I offer Amendment No. 123."

He has given up the floor. He cannot be charged with that time.

So a Senator who has 1 hour, allowing 10 seconds per amendment, can call up 6 amendments per minute, 360 amendments per hour, and if he is allotted—if he can be yielded 9 additional hours, think of the havoc that is wreaked upon this Senate. It would make him a total of 10 hours, and he could call up 3,600 amendments, and at 15 minutes per rollcall vote that is 300 voting hours, and if he is not yielded any time he can take that 1 hour—the late Jim Allen would be delighted to see this change in the rules.

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

Mr. ROBERT C. BYRD. If he could call up in 1 hour, allowing 10 seconds for calling up an amendment, allow him 10 seconds, and he could call it up in 2 seconds, allow him 10 seconds per amendment, he could call up 360 amendments, 15 minutes per vote, and that is 90 hours of rollcall votes, and all he has to do is stand up and call up an amendment and sit down.

The time for reading that amendment cannot be charged against him because he has yielded the floor. The time for debate on the amendment cannot be charged against him because he has yielded the floor. He is sitting in his chair. It would be a travesty of justice to charge that Senator with the time that is consumed.

So, Mr. President, we have not seen anything yet as far as postcloture filibusters are concerned. Once you write into this rule, the standing rule of the Senate, the language that is in this substitute, Mr. President, give me 10 hours and an unlimited amount of brass, and a thorough disregard of the feelings of other Senators, and I can call up 3,600 amendments, demand the yeas and nays on every one of them, move to reconsider them, all within 10 seconds per amendment, and we can stretch the time out ad infinitum.

So, Mr. President, we are not tightening up the rule; we are really making it possible for one or two Senators who wish to prolong the time of the Senate in carrying out action on a measure, as long as they have got the guts and they do not mind being nasty they can do it.

Let us take a look at this:

A Senator shall be charged with the use of all time consumed after he is recognized until he yields the floor.

Mr. STEVENS. Mr. President, will the Senator yield there?

Mr. ROBERT C. BYRD. When he asks for a quorum he automatically yields the floor. If he asks for the yeas and nays and a rollcall starts he loses the floor. If he moves, makes a motion, he loses the floor. If he offers his amendment, he loses the floor. So he cannot be charged with that time because it says, "until he yields the floor."

But he yields it automatically under the present rules, and any rollcall votes and quorum calls he requests, except for the time consumed in one quorum call immediately prior to a vote on final passage—and I suppose that means final passage of the measure—any of those rollcall votes and quorum calls will be charged against him. But the poor fellow yielded the floor when he suggested the absence of a quorum, and now we are going to hang around his neck the 30 minutes that are consumed in the calling of that quorum, even though he automatically gave up the floor.

More than that, once he calls one such quorum and only has about 20 minutes left and gets a rollcall vote on something he has only 5 minutes left. Why should he care? He could not care less, Mr. President. Just charge all the time you want to him. He has only got 5 minutes left. Charge it all to him. And what does it come out of? It results in the stretching of the time so that there is no cap, and once we do away with the cap then we have done away with a remedy that will work in a postcloture situation.

Now I yield the floor.

Mr. STEVENS. Well now, my good friend has taken this concept and has demonstrated how under the existing rule it could be interpreted as being a way to avoid the cap.

I want to assure the Senator from West Virginia that this is an amendment which has been drafted by people who, I think, are fairly astute in terms of the procedures we have followed in the past and in terms of how we would like to see postcloture procedure develop for the future.

This has a new concept, and it means a Senator, after he is recognized, controls the floor. No matter what kind of a motion, rollcall or anything else, he is entitled to that floor until he says, "Mr. President, I yield the floor."

During that time, everything that takes place in the Senate, with two exceptions, is charged against the time that he has. As a Senator, he has an hour, and he could have up to 10 hours if nine others, or however many it takes, would

yield to him up to 10 hours. He could have, in effect, the control of the day. The only two exceptions would be, one, the vote on final passage of the measure itself, not an amendment but final passage, and the other is the objecting of a Senator to the removal of the rollcall.

Under this concept, a Senator who seeks to offer a series of amendments, once he is recognized, could be assured he could go through his amendments and the rollcalls required on those amendments, or any quorum calls he puts in place or yields for. He controls the time for that period, and if he wants to put in a quorum call it comes out of the time he has. If he wants to have a rollcall vote—and I will say I believe this would help one of the problems with rollcalls—I think this amendment would motivate Senators toward not having so many rollcalls in the postcloture period, because that 15 or 20 minutes will come out of the time the Senator has. I believe we will have a lot more voice votes if this procedure is followed.

Moreover, there is a philosophical difference I want to try to articulate. That is that the amendment of the Senator from West Virginia changes the existing procedure in that, while it continues the provision of rule XXII that says each Senator is entitled to an hour, that entire time can be denied if others use up the time. There is a 100-hour cap under the approach of the Senator from West Virginia, and some of the time that is used by the Senate is not charged against the person who has the floor, but that time actually comes out of some other Senator's time, and he would have no way to protect himself.

Actually, God rest his soul, I believe the late Senator from Alabama would be delighted to see the Senator from West Virginia's approach, because I am certain the Senator from Alabama could show us how to use 100 hours and charge that time completely to the Senate, and never let anybody else have a chance to speak. He was very, very competent in interpreting the rules, and he could, in effect, deny everybody else the chance to have 1 hour, by virtue of having the time clock run on 100 hours. I really believe there may be some embryo Jim Allens around here, and I am looking at one (Mr. HELMS) that is not even an embryo any more. I am convinced there are people here who could use the Senator from West Virginia's approach of the cap. Again referring to the fact that existing rules entitle every Senator to an hour, those rules could be used in such a way that he could never get that hour, because those 100 hours would run.

Mr. ROBERT C. BYRD. Wait a minute; does the Senator know about the amendments that I have offered to my own resolution?

Mr. STEVENS. Yes, I think so.

Mr. ROBERT C. BYRD. Well, then his statement is not accurate.

Mr. STEVENS. The Senator still says we have a 100-hour cap, does he not?

Mr. ROBERT C. BYRD. We have a 100-hour cap.

Mr. STEVENS. And he also says we are entitled to 1 hour.

Mr. ROBERT C. BYRD. If we use it.

Mr. STEVENS. If we use it, but under the Senator's approach, if I be recognized, if I put in a quorum call, that time would not count against my hour any more, but it would count against the 100-hour cap.

Mr. ROBERT C. BYRD. Good.

Mr. STEVENS. So that would count against somebody else's time.

Mr. ROBERT C. BYRD. The Senator is exactly right.

Mr. STEVENS. So I could use the time of other Senators.

Mr. ROBERT C. BYRD. How?

Mr. STEVENS. By just using up the time under a quorum call.

Mr. ROBERT C. BYRD. You cannot do it under my amendment.

Mr. STEVENS. When I put in a quorum call, it no longer counts against my time.

Mr. ROBERT C. BYRD. We have a precedent, though, that you cannot ask for a second quorum until business has been transacted.

Mr. STEVENS. That is simple. To transact business, you just call up another amendment.

Mr. ROBERT C. BYRD. To call up an amendment does not constitute transacting business.

Mr. STEVENS. We had that precedent when Senator Allen was here, as I recall.

Mr. ROBERT C. BYRD. We are going to arrange under my amendment, my proposal, to not allow any Senator to call up and dispose of more than two amendments without another Senator's having the right to be called on.

Also, every Senator, under my proposal, would be allowed at least 10 minutes, even after the 100-hours' cap had gone by, if he had not been recognized before. If he had stood on his feet and not yielded any time, he could have up to 10 minutes. So we have provided against that contingency.

Mr. STEVENS. Will the Senator let me finish this? Why do we not make the Senate a group of responsible people and give everybody a bank account? I have a bank account of 60 minutes, and I can have up to 600 minutes.

Mr. ROBERT C. BYRD. Because that is exactly what we have now.

Mr. STEVENS. No, no, wait a minute. You have to let me finish, though.

Mr. ROBERT C. BYRD. We have an hour now. All right.

Mr. STEVENS. Under the procedure we have suggested, again, from the time I am recognized, nothing else can take place in the Senate unless I yield the time. Once I am recognized, I have an hour, or up to 10 hours, and I control anything that happens here until I notify the Chair that I yield the floor. In other words, I cut off the clock against the running of my time, the time that stands charged against me.

Mr. ROBERT C. BYRD. If a Senator stands up and offers an amendment, he loses the floor, right?

Mr. STEVENS. No, we are changing the rule.

Mr. ROBERT C. BYRD. Oh, no.

Mr. STEVENS. Until you say, "Mr. President, I yield the floor," anything that goes on in here is charged against the person who is recognized, but mind you, no one else can do anything.

Mr. ROBERT C. BYRD. Do not point your finger at me it might be misunderstood.

May I say this. Let us say you offer an amendment. Under your proposition, when you offer an amendment you do not yield the floor?

Mr. STEVENS. That is right.

Mr. ROBERT C. BYRD. All right. The clerk reads the amendment; it has not been printed 24 hours, and I demand he read it.

Mr. STEVENS. It is chargeable against my time.

Mr. ROBERT C. BYRD. Chargeable to you, all right. After he reads it, I suggest the absence of a quorum.

Mr. STEVENS. No, I offer the amendment.

Mr. ROBERT C. BYRD. But you are going to hold the floor?

Mr. STEVENS. I am going to hold the floor until I yield it.

Mr. ROBERT C. BYRD. All right. He reads the amendment, and I say, "Mr. President, a point of order; that amendment is not in order." Now who has the floor?

Mr. STEVENS. You ask me if I yield for that purpose. I say, "No, you can raise the point of order on your time after I finish." Before the amendment can come to a vote, I would have to yield the floor.

Mr. ROBERT C. BYRD. So I will not be allowed to make a point of order against the amendment?

Mr. STEVENS. Until I have used whatever time I want to use, and I yield the floor.

Mr. ROBERT C. BYRD. Let us say the majority leader wants to move to recess.

Mr. STEVENS. You would have to wait until I yield the floor.

Mr. ROBERT C. BYRD. He would have to wait until you yield the floor?

Mr. STEVENS. That would be the case today, because you cannot interrupt another Senator in order to recess the Senate.

Mr. ROBERT C. BYRD. Let us say you put in a quorum.

Mr. STEVENS. I put in a quorum; that is, again, for the purpose of my working out something in connection with my amendment. That would be attributed to me.

Mr. ROBERT C. BYRD. All right. Let us say we have a quorum call, and a quorum is not present. I say, "Mr. President, I move that the Sergeant at Arms be instructed to request the attendance of absent Senators, and I ask for the yeas and nays."

Mr. STEVENS. Right.

Mr. ROBERT C. BYRD. We get the yeas and nays, and that takes 20 minutes, and no quorum.

Mr. STEVENS. That is right.

Mr. ROBERT C. BYRD. Then I say, "Mr. President, I move that the Sergeant at Arms be instructed to compel the attendance of absent Senators, and I ask for the yeas and nays." That is a rollcall vote, and again a quorum is not present.

Mr. STEVENS. That is right.

Mr. ROBERT C. BYRD. Then I say, "Mr. President, I move that the Sergeant at Arms be instructed to arrest absent Senators, and I ask for the yeas and nays." We have another 20-minute rollcall vote, and what happens to your 60 minutes?

Mr. STEVENS. Mr. President. the answer to the question of the Senator from West Virginia is that as long as I proceed on the quorum call and it is for the purpose of working out my legislative position, the time is running against me. Anything that happens there is going to run against me. From the time that the Senator from West Virginia would start a dilatory tactic, it would be chargeable against him.

I do not think he can get into it, under my approach.

Mr. ROBERT C. BYRD. Will the Senator yield?

Mr. STEVENS. In a moment. The time is chargeable against me until I yield the floor. Any time that ensues is charged against me, and I would be a stupid Senator if I asked for a quorum call knowing that I was going to get into one of these proceedings of having the Sergeant at Arms to be compelled to have absent Senators attend the floor.

Mr. ROBERT C. BYRD. Will the Senator yield?

Mr. STEVENS. The Senator is looking at dilatory tactics of the past to judge the tactics of the future.

Mr. ROBERT C. BYRD. All the Senator is asking about is if the Senator will yield to me at the moment. Will the Senator actually say with a straight face and a benign smile that if he puts in a quorum call and a quorum does not show up that it would be to request the attendance of absent Senators, if there were no quorum? Under the Constitution, no business can be conducted without the presence of a quorum.

Mr. STEVENS. It would be a dilatory tactic.

Mr. ROBERT C. BYRD. Would that be a dilatory tactic?

Mr. STEVENS. It would be dilatory if the Senator seeks that and I ask that the call be dispensed with. From that time on the time would be charged against him.

Mr. ROBERT C. BYRD. Let us say that the Senator asks that the call be dispensed with, and I object to it. So the time would be charged against me. But the quorum call would have to go forward and no quorum appeared. Then my friend from North Carolina (Mr. HELMS), feeling that there ought to be a quorum, would say, "Mr. President, I move that the Sergeant at Arms be instructed to request the attendance of absent Senators, and I ask for the yeas and nays."

Would that be a dilatory tactic, with no quorum here?

Mr. STEVENS. It would be if I asked that the proceedings under the quorum call be dispensed with under this approach.

Mr. ROBERT C. BYRD. Of course not. The Senator from North Carolina is entitled to have a quorum here. He looks around and sees three Senators. He should object. And when he objects and that quorum call becomes live, then no business can be transacted until a quorum is established. Does the Senator mean to tell me that he is wanting a rule that will allow all that time to come out of the time of the poor little Senator from Alaska; his 1 hour?

Mr. STEVENS. I would hope the Senator would not want us to be entombed in the mistakes of the past. We are trying to provide aspects by which the future will be more promising so far as the procedures of this august body is concerned. It seems to me this is the way to do it. Again, we are saying each Senator is entitled to so much time, 1 hour. He has to be recognized in order to consume any time.

Mr. ROBERT C. BYRD. All right.

Mr. STEVENS. If he does not want to be recognized ever, he just stands up and says, "Mr. President, I yield back my time." If I did that, there would be a 99-hour cap. If 90 Senators did that, there would be a 10-hour cap. As a matter of fact, last year, if 98 Senators had done it, there would have been a 2-hour cap.

Mr. ROBERT C. BYRD. Will the Senator yield?

Mr. STEVENS. That filibuster would have been over very fast.

The problem is that if you are going to have the concept by which 100 hours can be reduced, it seems to me that you also have to have some control for an individual Senator to be certain that once he is recognized he can pursue his rights to the utmost. We are saying once a Senator is recognized, he is entitled to hold the floor, notwithstanding anything that occurs, until he has finished his discussion on the matter before us. Admittedly, once I have finished my discussion on my amendment, if I offer an amendment, in order that it could come to a vote I would have to yield the floor. At that time, any other Senator would be entitled to use any portion of his time in connection with anything before the Senate in the postcloture procedure.

Mr. ROBERT C. BYRD. Will the Senator yield at that point?

Mr. STEVENS. Yes.

Mr. ROBERT C. BYRD. But no other Senator seeks recognition. The time for the rollcall vote then will be charged against the Senator from Alaska.

Mr. STEVENS. That is right, the person who offered the amendment. That time would then be chargeable against him.

Mr. ROBERT C. BYRD. Is he going to yield to allow a motion to reconsider?

Mr. STEVENS. Any time is charged.

Mr. ROBERT C. BYRD. In other words, no Senator would be allowed even to move to reconsider unless the Senator from Alaska yielded.

Mr. STEVENS. No, the matter having come to a vote, the procedures of the Senate would allow the motion to reconsider.

Mr. ROBERT C. BYRD. But the Senator's amendment says he will be charged with all time until he yields the floor.

Mr. STEVENS. That is correct. Any time.

Mr. ROBERT C. BYRD. Suppose he refuses to yield to the Senator from North Carolina who wishes to move to reconsider.

Mr. STEVENS. The Senator from North Carolina has a right under the rules to move to reconsider.

Mr. ROBERT C. BYRD. But the Senator is going to change those rights.

Mr. STEVENS. I am only going to change the chargeability of the time in the exercise of those rights. If he wishes to reconsider my amendment, he can move to reconsider it. Incidentally, the motion to reconsider would be chargeable against him and anything he might say on that would be charged against him.

Mr. ROBERT C. BYRD. Let us see what the Senator says. "The Senator shall be charged with the use of all time consumed after he is recognized and until he yields the floor." Suppose he does not yield the floor.

Mr. STEVENS. I have yielded the floor in order for the amendment to come to a vote. It could never come to a vote until I yield the floor.

Mr. ROBERT C. BYRD. The same could be said about a quorum call.

Mr. STEVENS. No.

Mr. ROBERT C. BYRD. Once the Senator puts in a quorum call, he loses the floor, under the present rules. But the Senator is going to change that. He is going to change it, I say to my good friend from New York. The Senator from Alaska is going to change it so that he can put in the quorum call once he gets recognized and be charged with the time for the quorum call, because he is not going to be considered as having yielded the floor. But suppose he himself tries to call off that quorum and the Senator from North Carolina objects.

Mr. STEVENS. The Senator would have to go back and read the verbiage that I presented in this amendment. It says:

> A Senator shall be charged for the use of all time consumed after he is recognized and until he yields the floor, and any rollcall votes and quorum calls he requests, except the time consumed in one quorum call immediately prior to the vote on final passage.

Mr. McCLURE. Will the Senator yield?

Mr. ROBERT C. BYRD. Is the Senator yielding?

Mr. STEVENS. If it is to give a further explanation of the work product of our committee in response to the Senator from West Virginia, I hope he permits me to do that. I do yield.

Mr. McCLURE. I just want to point out the language on the second page of the amendment. It says, on that precise circumstance:

> If unanimous consent is requested to dispense with the remainder of a quorum call and an objection is heard to the request, the time consumed in the remainder of that quorum call is charged against the time of the objecting Member.

Mr. ROBERT C. BYRD. He can get the floor to object. If he objects——

Mr. McCLURE. The time is charged against him.

Mr. ROBERT C. BYRD. But this Senator has never yielded the floor.

Mr. McCLURE. This would be one circumstance under which the time then would not be charged against this Member but the one who objected simply by reason of the action of the rule the way it is written.

Mr. ROBERT C. BYRD. So, Mr. President, this proves my point. There is no such thing as a cap under the substitute offered by the distinguished Senator from Alaska, no cap, because any time over and above the time that the Senator

from North Carolina had remaining would be charged to nobody.

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

Mr. ROBERT C. BYRD. Yes.

Mr. McCLURE. The Senator would have to have time.

Mr. ROBERT C. BYRD. He would have to have 10 minutes. But if he only had 9½ minutes——

Mr. McCLURE. That is what the Senator from Alaska said nearly an hour and a half ago, that in that event it might go over the cap. If somebody had 10 minutes remaining but not enough to complete the quorum call, it might, in that limited circumstance, go over the cap.

Mr. ROBERT C. BYRD. Yes; also, if a Senator gets recognized, calls up an amendment and sits down, who is charged with the time?

Mr. STEVENS. I might say to the Senator that it says specifically from the time that he is recognized until he yields the floor it is chargeable to him, as are any rollcall votes and quorum calls he requests. Before that amendment of mine comes to a vote I have to request a vote on it.

Mr. ROBERT C. BYRD. But will the Senator answer my question?

Mr. STEVENS. Yes.

Mr. ROBERT C. BYRD. He stands on his feet and says, "Mr. President, I call up amendment No. 123," and he sits down. Who is charged with what happens thereafter?

Mr. STEVENS. He is. You are.

Mr. ROBERT C. BYRD. Does the Senator mean to tell me if I sit down after having called up my amendment that I am going to be charged with the time that the Senator from North Carolina takes in debating that amendment?

Mr. STEVENS. After you yield the floor on the matter.

Mr. ROBERT C. BYRD. All right, Mr. President, I call up amendment 123; I yield the floor.

Mr. STEVENS. All right, then your time has been very quickly——

Mr. ROBERT C. BYRD. Less than 10 seconds.

Mr. STEVENS. Right.

Mr. ROBERT C. BYRD. And the debate on that amendment might take 1 hour, 2 hours, 15 minutes, but the rollcall vote on that amendment will require 15 minutes, at least.

Mr. STEVENS. And who will it be chargeable to? To the Senator.

Mr. ROBERT C. BYRD. Under the Senator's very unreasonable proposal in this regard, he is going to charge that to me. Well, that is all right, I can call up four——

Mr. STEVENS. In between, whoever is debating, or talking, asking for quorum calls, whoever makes the request, will be charged with the time if they request it.

If you have yielded the floor, you stand up, call up an amendment, this amendment 1234, sit down, if anyone wants to talk on it, you say you have yielded, if anyone wants to talk on an amendment, it is chargeable to him. If no one wants to talk, you move adoption of the amendment and the rollcall starts again, chargeable against you.

Mr. ROBERT C. BYRD. Mr. President, does the disintinguished Senator from Alaska really want, does he really want to invoke a very punitive rule on the poor little Senator from West Virginia and say, "You can only call up four amendments, a maximum of four amendments, after cloture is invoked?"

Because, we see that this is the way it would work under his proposal.

I would stand on my feet and say, "Mr. President, I call up amendment XYZ, I yield the floor," get back down in my chair, but eventually there will be a rollcall vote and I will be charged with it, 15 minutes. All right, I only have 45 minutes left.

Later I call up another amendment and I sit down. That rollcall vote, when it occurs, will be charged against me. I only have 30 minutes left.

I stand up later, call up my third amendment, sit down, the rollcall vote, when it occurs, I have 15 minutes left.

I stand up my final and last time, I have 15 other good amendments pending, but all I can do is call up one, because that rollcall vote will be charged against me. My hour is gone. I have been able to call up four amendments.

He is going to limit me to four amendments after cloture is invoked.

Mr. STEVENS. Will the Senator yield?

Mr. ROBERT C. BYRD. Yes.

Mr. STEVENS. I hope the Senator realizes what he has done to me under his amendment. Under his version of Senate Resolution 61, there is a 100-hour cap on the Senate. But the Senator from West Virginia could stand up, call up that amendment 1234, sit down. He is entitled to 1 hour. He has used 10 seconds. But the Senate has used 20 minutes and he has used my time.

I come along and I will stand and there is no time left, because the 100 hours has run.

Mr. ROBERT C. BYRD. Oh, no, Mr. President, it would not have run.

After I called up two amendments and I sought to call up the third, the Chair would say, "I'm sorry," to the Senator from West Virginia, "Does any other Senator wish to call up an amendment?" Then Senator STEVENS arises to his feet and in stentorian tones says, "Mr. President, I call up my amendment. Now, Senator BYRD, you just sit still."

He can have his chance then.

Mr. STEVENS. Oh, no, under the Senator's resolution. I would have 10 minutes to talk. I am guaranteed 10 minutes to talk. I am not guaranteed any time to debate or to offer an amendment.

Mr. ROBERT C. BYRD. The Senator is confusing the two amendments. What he is talking about in his amendment now, which, being a timid Senator, who is very shy about seeking his rights under the Senate rules, would have sat in that chair 99 hours and 59 minutes, and without seeking recognition, and then he timidly and with great temerity rises and addresses the chair. Then he would be allowed 10 minutes in which to speak.

But most Senators are not quite that hesitant and that reluctant to seek recognition during 100 hours. Think of it, 100 hours.

May I say in all sincerity, if we are really going to get at this postcloture situation, in my judgment, there has to be a cap.

Mr. JAVITS. Will the Senator yield on the cap?

Mr. ROBERT C. BYRD. Yes.

Mr. JAVITS. I think the Senator has, in his own way, just shown the invalidity of his cap, and for this reason. If we have a cap of 100 hours and lose the floor whenever we ask for a rollcall vote, or ask for a quorum call, then we never give every Member an hour. It is doubtful even they would have 10 minutes left for every Member except for the guarantee, because if most any Member sat down, a quorum could be called, a rollcall could be called, and that eats up the time of somebody in this Chamber.

I think that is very worrisome and very puzzling. The Senator has pointed that out himself. It is charged against the cap. That cap can be chewed up awfully fast and many Members denied the privilege of offering amendments.

Now, if I may ask the Senator from West Virginia——

Mr. ROBERT C. BYRD. Yes.

Mr. JAVITS. The difficulty, as I see it, and I am not engaging in a dialectic exercise, this has been very worrisome to me.

I have probably voted for as many cloture votes as anybody here, and I have engaged in more efforts to break filibusters than anybody here, and I have suffered through postcloture filibusters, also, just like all the rest of us.

But I am very worried about the two philosophical concepts. Frankly, I do not think we have the answer, and I wish to explain why.

Under the Senator's concept, the hours could be chewed up by quorum calls, and because those procedures are not interfered with, those quorum calls and amendments and rollcalls are not charged against anybody except the 100-hour cap, because, as I say, the minute a Member asks for them, or it is granted, he sits down. He does not have the floor. It is not charged against him.

As we all know, rollcalls do not take 15 minutes. Members indulge 20, 25, and maybe more minutes. That leaves mighty little room for many Members who will be left stranded with 10 minutes which means they will have no opportunity to bring up any amendment.

The difficulty with that is that we are, of course, dealing here with half what we started to deal with, I might say to the Senator.

When we began, we thought we would work out a procedure which would assure the amendment and refining of the measure before we came to cloture. That is what we anticipated.

This is really unanticipated. We are dealing only with a postcloture procedure, and, having been through the mill here, we know cloture can come awfully fast and awfully drastically.

I do not think it is what we want as Senators to give the whole power to 60 Members to summarily bring these debates to a close, even though there may not have been an adequate opportunity to offer amendments. If there

was, I would not argue about this, but there is not.

Now, there is nothing. We are just going to have a postcloture procedure.

If I may continue a minute, and I do not wish to intrude, but take Senator STEVENS' proposition which gives each Member the hour. It was my understanding, and I do not necessarily fully agree with the explanation he made, that having brought up an amendment, it is implicit that we are entitled to a voice vote or division, because that only takes your own request. That time is charged to you, according to his amendment. The voice vote or the division takes minutes that is charged to us.

If somebody asks for a rollcall, that time, as I understood his amendment as drawn, is charged to the man who asks for the rollcall.

So there is a limitation. A Member uses up his own time if he asks for the rollcall.

The Senator has pointed out some deficiencies in that.

The fact is that his 100-hour cap can be somewhat exceeded, but not a great deal.

The Senator said 900 hours. After all, he does have a 100-hour cap and with only these, each quorum amount which might be thrown in, really cannot be figured.

So his problem is, how do we keep to that 100-hour cap?

I do not know that I will vote with or against him. But, personally, I think that is a better proposition, frankly, than yours, because under your proposition, you do have a very strict 100-hour cap. But everybody and his grandfather can use that up and deprive some Senators, maybe a great many of them, of the right to make amendments, and on your two-amendment business, you have 59 Democratic Senators. If every Democratic Senator made two amendments, that is 100 hours or more.

So we are somewhere, not really having a meeting of the minds in order to be fair and, at the same time, try to limit the situation which we are dealing with.

I am not pretending now it is possible to go back to the precloture proposition.

I think we are over that hurdle, and I think it is pretty clear that we cannot agree on that in the time we have.

However, it seems to me that somewhere between the assurance to an individual Member that he can bring up some amendments, even if it does somewhat exceed the cap, as contrasted with the fact that the whole hundred hours can be used up and deprive many Members of bringing up any amendments—so far, that is to be preferred.

I am asking the question, and the Senator is thoroughly versed in what he wishes to do, and perhaps he can explain it to us.

Mr. ROBERT C. BYRD. Mr. President, will the Senator state the question again?

Mr. JAVITS. My question is this:

Under the 100-hour cap and the fact that the Senator from West Virginia leaves unimpaired the rule that a Member loses the floor the minute he brings up an amendment, the minute he asks for a quorum call, the minute he asks for a rollcall, why cannot Members use up time in those proceedings, which cost them nothing in time, so that you chew 40 or 50 hours, and it deprives a vast number of Members of 10 minutes?

There is no assurance, on a hotly contested bill, that cloture will not come so fast or that people will not filibuster during the precloture period, during which there are no guarantees, so that, for practical purposes, many Members can be shut off from bringing up any amendments to the measure on which cloture has been invoked.

Mr. ROBERT C. BYRD. The Senator asks a theoretical question. It could happen, I suppose.

Remember, No. 1, that there are going to be 2 days before cloture is invoked. If cloture is invoked the first time around, 2 days have gone by. There have been, say, two 8-hour days, and that is 16 hours in which Senators could have called up amendments. Cloture is not invoked on that occasion, though cloture could occur the next day.

So there is some time before cloture is invoked for Senators to be recognized and to call up amendments.

Second, in my proposal is a provision that allows for the extension of time beyond the 100 hours. So that if, indeed, we get into a situation in which additional time is needed—and, after all, we operate in this body largely on the basis of comity and courtesy and consideration for one another, as well as understanding. I cannot envision there ever coming a time when Senators are going to use up all the cap and a Senator is going to be denied the opportunity to obtain recognition in order to call up an amendment. So we can enlarge the cap.

We also have precedents against dilatory quorum calls. Unless business has been transacted following the establishment of a quorum, no quorum call can be required. So the existing rule—that portion of it which would not be changed—plus the precedents we have set, plus the provisions of the resolution I have offered—I say to my friend from New York that because of those things, every Senator certainly would be guaranteed an opportunity to call up legitimate amendments.

Moreover, the Senator says that 59 Senators on the Democratic side might call up amendments. As a usual thing, it is the Members who oppose the measure who call up the amendments. It is not the Senators who invoke cloture. As a general rule, it is 1 Senator, or 2 or 3 or 4 or 5 or 8 or 10 or 15 or 20 who oppose cloture, who will call up the amendments.

So, if we are going to talk about a hypothetical situation, I do not think we should give away the fact that custom in the past and practice and experience all indicate that the amendments are not going to be called up by the Members who want to shut off debate.

I do not know that I have answered the Senator's question—perhaps in part, perhaps not.

Mr. JAVITS. If the Senator will yield one moment further, as to the first 16 hours the Senator mentioned, STROM THURMOND made a speech for 32 hours.

Mr. ROBERT C. BYRD. Thirty-two?

Mr. JAVITS. I think so. He stood right there, and his first wife sat in the balcony, overlooking his performance; and I think Wayne Morse broke that record and made a speech for 36 hours.

It does not take many Senators to chew up 36 hours, and that is the basic effect of what we are trying to do.

Considering the postcloture period, considering how tough it is to get cloture around here, I also can consider how tough it will be to get the time extended.

As to all this comity, it does not work for cloture votes, to begin with. I doubt that it is going to work for the increase of time; but it could work for the decrease of time, effectively, and that would aggravate the problem I mentioned of cutting off not 20 but 50 or 60 Members of the Senate.

Finally, Mr. President, I was in the House for 8 years, and that combined motion for the previous question, which went boom—just like a guillotine—was something which made the House a very different body from the Senate of the United States.

I have no real patience with those who say we are the greatest deliberative body in the world, so let us have no cloture at all. We have to do the business, and we have to do the people's business.

But when you get down to whether the Stevens proposition is going to add 10 hours, 12 hours, or 15 hours because of quorum calls, and whether the proposition of the Senator from West Virginia is going to deprive 30 or 40 Members of the right to make any amendment at all, with no guarantee of a precloture proceeding, I regret to say that I must choose the Stevens proposition.

Mr. ROBERT C. BYRD. I am sorry to hear the Senator say that. I do not believe that, he being a reasonable man, he is going to say that my resolution deprives 20, 30, or 40 Members of calling up their amendments. There is nothing in it that would indicate such, because once a Senator calls up two amendments, he cannot be recognized again until every other Senator has had a similar opportunity to call up two amendments.

It is likely that Senators, under these constraints, are going to call up the two amendments they think are the most important of their amendments. If they have 1,600 amendments at the desk, they are going to call up the two that they think are the most meritorious and have the best chance of being adopted.

(Mr. BAUCUS assumed the chair).

Mr. JAVITS. Mr. President, will the Senator yield to me for a correction?

Mr. ROBERT C. BYRD. I was going to say that the Senator had better correct that, lest STROM THURMOND comes to the floor——

Mr. JAVITS. STROM THURMOND spoke for 24 hours and 18 minutes, and he broke Wayne Morse's record, which was 22 hours. Either is enough to take care of the 16 hours the Senator spoke of.

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

Mr. ROBERT C. BYRD. I yield.

Mr. SARBANES. Mr. President, the proposal of the Senator from West Virginia, as I understand it, was meant to address itself to a problem which the Senator from New York, himself, raised in some of the sessions we had.

It is my understanding that the proposal of the Senator from West Virginia of a 100-hour cap was really addressed to a problem which the Senator from New York raised with respect to the 1-hour allocation per individual, which is to say that it limits a Senator, at the maximum, to four amendments, with rollcalls, and that is assuming no debate time whatsoever.

As a practical matter, what the proposal of the Senator from West Virginia permits is with respect to a Member who is very interested in the legislation and has a number of amendments he wishes to present. It is highly likely, as a practical matter, that he is going to get the opportunity to present those amendments and get to a vote on them. It is guaranteed that he cannot do that to the exclusion of others who may want to present amendments; because after two amendments, they are going to be able to come in with their amendments and claim preferential recognition in order to offer their amendments.

However, if you get a Member or a couple of Members who have a keen interest in the matter, and they are the ones who really want to keep pressing the amendments, and there are not other Members who wish to do that, then their opportunity is going to be much greater, under the proposal offered by the Senator from West Virginia, than it is under the proposal we are now considering; because under that proposal, those Members are going to be held to the 1 hour they have been allocated, unless we get this yielding of time. That has not been discussed much here on the floor in considering this matter, but I must say to the Senator that I find great problems with that.

I say, with all respect to the Senator from Alaska, that, given the comity and cooperation around here, I think it means, in effect, that any Member who wants 10 hours is going to get 10 hours; because I believe Members are going to yield their hour to him if they do not intend to use it, even if they are on the other side of the issue.

The Member is going to come to them and is going to say: "Yes, you voted for cloture and, yes, I understand that you are going to vote against the legislation in the end; but won't you please give me your hour, because I need it in order to debate a little further? I need it to offer some amendments," and so forth.

So that yielding is going to take place. One is going to be very hard put, as a matter of fact, as a Member of the Senate not to respond to a request from a colleague, even if he is on the opposite side of the issue, who comes to you and says, "Well, you know, we have a limit here; won't you give me your hour in order to debate?" So the likelihood is, for those who seriously want to present a number of amendments, their opportunity is going to be heightened under the proposal of the Senator from West Virginia rather than this proposal if we stick to the 1-hour limitation on the Member.

Mr. GOLDWATER. Mr. President, if the Senator will yield for a correction just to further make the record straight, I wish to question him on the longevity of debates. I sat in the chair most of the 22 hours when Senator Morse made his speech which is the record, because some time preceding the establishment of the record the Senator from South Carolina obviously had to leave the Chamber, and I asked if he would yield to me and he did for sufficient time for him to visit another Chamber. So Senator Morse still holds the record.

Mr. STEVENS. Mr. President, will the Senator yield to me?

Mr. SARBANES. I yield.

Mr. STEVENS. That is a distinguished record.

I might say to the Senator from Maryland the problem is the other side as far as I am concerned in this Senate Resolution 61, and realizing the impact of what he just said I would hope he would take a look at it again. In the first place, under Senate Resolution 61, a Senator may yield his time to the majority or minority leader, not to the Senators who would be involved in the filibuster. Those Senators who were involved in filibustering of the gas bill would not have had 1 hour yielded to them in the postcloture period to call up any of the amendments they had at the desk.

We are in the situation that, under Senate Resolution 61, 60 Members can cut the time down to 20 hours but theoretically each 100 Members has 1 hour. What it means is by the vote of 60 Members the time can be reduced to 20 hours and 20 Senators have automatically lost their hour, or 40 Senators already lost their hour, but what I am saying is if the Senator really wants to reduce it down to 20 hours it ought to take 80 Senators to say "Let me give up my hour."

The answer to the Senator from Maryland is if a Senator does not want to be besieged by his colleague to ask him to yield his time, he has a simple mechanism under our approach: stand up and say: "Mr. President, I yield back my hour."

Mr. ROBERT C. BYRD addressed the Chair.

Mr. STEVENS. Wait 1 second. If I can answer the Senator from Marvland, I hope. Under our mechanism the time could be reduced to 40 hours by 60 Senators. It could be reduced to 20 hours by 80 Senators. A Senator does not have to yield any of his time to anyone. He can give it back and tell the Senate that the Senate is going to be finished with its business an hour sooner.

Mr. SARBANES. As a practical matter—let us look at its as a practical matter—I may not want to yield back my hour until we get toward the end, because I do not know whether I am going to need to use it or not as the procedure evolves. On the other hand, let us assume I am holding on to my hour, and I am on the other side of the Senators who are delaying this thing. I really want to go to a conclusion. Ordinarily, I do not want to give up my hour. I may get something involving my own State, the same analogy that the Senator from Alaska used earlier in the day, when all of a sudden having whatever time I have becomes very important to me. Along comes one of the filibusterers and he says, "You know, you have some time, and I really need to make a presentation here. Would you give me a half hour of your time?"

By and large, I think Members are going to yield their time in that instance. So allowing that it is almost going to guarantee that a Member is going to be able to get 10 hours of time or something close to it, and makes it very difficult for Members to deny that request as a matter of comity amongst Members of the Senate.

Mr. President, I think if you really stop and think about it, you would not deny that that is likely to be the situation that will prevail here in the body.

Mr. STEVENS. Again, I say to my good friend, turn that coin over. Can he imagine 60 Senators having voted cloture who are going to be unwilling once they see what is going to happen with all the desk lined with amendments of Senators who are dissidents who want to again continue the process of alarming the country as to what is going on? And they have that right in my opinion. Can the Senator see those 60 Senators who vote cloture being unwilling to reduce after 10 hours the total time to 20 thereby denying the others their chance to have any opportunity to continue the process of trying to change the legislation that is before the Senate?

The majority leader's Senate Resolution 61 again not only goes to the concept of the Senate as a whole having time allocated of 100 hours, but it changes the rule that I am entitled to 1 hour. It still says I am entitled to 1 hour even with the reduction provision here in Senate Resolution 61, whereby the same 60 could cut the time down to a total of 20 hours after the expiration of 10. I am theoretically entitled to 1 hour but that will not be the case.

Again, let us go back to my Alaska lands measure and take a look at that necessity for yielding time.

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

Mr. STEVENS. I yield.

Mr. SARBANES. I wish to separate out what I think are two or three entirely separate analytical problems. I understand the point the Senator is raising about the ability of an extraordinary majority, and I underscore that it is extraordinary. The Senate needs 60 Members to reduce the time down to what it would amount to as a minimum of 30 hours, because we cannot make the motion until 10 hours have gone.

Mr. STEVENS. I stand corrected. I was corrected again on that. The Senator is correct. It is after 20 hours, 10 additional hours, so it is a total of 30.

Mr. SARBANES. The minimum. The rock minimum is 30 hours.

I can understand the Senator then

coming on saying he does not think that is enough time as compared with 100 and either he wants to stay with a full 100 or something greater than 30. But that is a different point and the Senator can deal with that point with an amendment addressed to that question only from the proposition that he has come in with in terms of this proposed—I guess it is not a substitute—lengthy amendment that is here which goes well beyond that in terms of the matters it seeks to address itself to.

First of all, it permits the yielding of up to an additional 9 hours to any one Senator.

And the point I simply make with respect to that, to repeat what I said a little earlier, is it seems to me Members are going to be hard put not to give some other time to someone who asks for it even if they are on the other side. Members will be reluctant to yield back all their time, because they will not know what is coming along later on and will not want to be, as they were, in a totally exposed position and, therefore, will tend to respond to those requests from a colleague, even though he is on the other side on the issue, because the appeal will be made in terms: "I know you have voted for cloture. I know you are going to vote against me on the issue. But will you give me a half-hour of your time so I can further develop this issue?"

So in that sense, I think allowing that kind of yielding, especially directly to those who wish to carry on the debate, is in fact going to bring it about.

The other point I was seeking to make was one that again is separate analytically from this question of whether the three-fifths can reduce down below 100 hours. It was the response to Senator JAVITS that if a Senator has an hour he can use that up on a couple of amendments. This other procedure that is in the proposal of the Senator from West Virginia does mean that if there are a handful of interested Members who want to propose amendments and the rest of the body is indifferent to offering or proposing amendments that handful of Members is going to get a much better opportunity, as a practical matter, to propose their amendments and have them considered and have them voted on under the proposal of the Senator from West Virginia than they will be under the approach of the Senator from Alaska.

Mr. STEVENS. Mr. President, if the Senator will let me respond to that——

Mr. ROBERT C. BYRD. Mr. President——

Mr. STEVENS. I believe the Senator has the floor. Will he permit me to respond to that?

Mr. ROBERT C. BYRD. Yes.

Mr. STEVENS. Let me say again I have to go to specific issues in order for you to see my problem. Under the approach of the Senator from West Virginia of 1 hour, under the existing rule, with not being charged with all the dilatory things that can take place, I can actually use more than 20 hours of the Senate's time in 1 hour. Believe me, I am sure the Senator realizes that, I am sure he realizes that as far as the chargeability, particularly if I can get recognized.

But one of the problems I have about the Senator from West Virginia's version of Senate Resolution 61 now is the problem of recognition for dissidents.

With due respect to my good friend from West Virginia, it looks like a West Virginia train coming out of the mountains a little bit if you say 60 people can say we are going to terminate the debate and 60 people can cut down the 100 hours to 30 hours, and that you can yield time but you can only yield it to the majority and minority leaders. That means now coming from a far-distant State as I do, having this issue looming high on our horizon—with a very low silhouette here—but it is very large and it is going to take some time, I am very concerned about the Senator's proposal.

We are only going to be two people involved in that debate, and we are going to have a lot of amendments, and I think the Senate is going to get tired of that debate in time, and whatever rule we are talking about has a direct application to the subject matter, at least from my point of view, and how do I, as a Senator from one State, with a bill that affects only one State, with 98 other Senators wanting to get on with the business that affects their States or the Nation as a whole, how do I look at the change in these rules and say, "You know, you have assisted the desire to assure that the postcloture procedure is reasonable and fair, but you have just gutted yourself"?

There is no other way to look at this proposal, Senate Resolution 61, other than to say that it would probably be that on an issue that affected only one or maybe two States, the Senate would quickly determine to not only vote cloture but to limit the time to 30 hours, and in that time limit the people who are directly affected would have less opportunity to protect their interests than under the existing rules, because under Senate Resolution 61, while I am entitled to an hour, it can be eliminated by the 60 votes.

While I am entitled to an hour—and if I can get recognized I can use more than I could under our proposal, more full time. The Senator from West Virginia, I am sure, will agree that when Jim Allen used a lot of time on just several motions—as a matter of fact, I was amazed that he had used so little time when the whole postcloture procedure was over. I think he still had as much time, almost, as any other Senator, and yet he had been the mover of most of the motions and parliamentary tactics that consumed the time.

Now, that could still go on because we are not changing the rules at all. The only thing is there is a cap over that procedure. We are saying if this rule is adopted that the time will come when the postcloture time will run out. Meanwhile the rest of us who have legitimate substantive issues to raise would not be able to raise them because the cap would have expired, and the only way to get an extension of time would be to get those three-fifths of the Senators who voted cloture, voted to limit time, to give us additional time.

I do not think you can foresee that happening. I say to my good friend all I am saying is that we are looking to protect individual Senators' rights while, at the same time, agreeing to a 100-hour cap.

My good friend from West Virginia is looking to assure, in my opinion, that the 100-hour cap is sacrosanct and, at the same time, not amend existing rules other than rule XXII.

Under those circumstances, without amending other rules, and with assuring us we still have 100 hours, the approach is doomed to failure.

I really think that if you analyze it deeply enough you will see it means we are not going to vote cloture at all once this procedure is adopted and followed just once. The Senate will be so mad that it will never vote for cloture again.

If you remember after the last procedure, and I assisted and worked with the Senator from West Virginia and the Vice President and others in trying to devise a method to legitimately and honorably end that almost endless procedure. Even the way it happened there were more people disturbed about the fact that the procedure was used than were disturbed about the postcloture filibuster itself. I think the Senator from West Virginia would realize that at the time we both had people coming to us and saying, "OK, it happened this time, but don't ever let it happen again."

I believe really that this will happen here under the Senate Resolution 61 procedure. You are going to see 60 people vote cloture, and once they vote cloture, they are going to be inclined to cut it down to 30 hours, and once we cut it down to 30 hours, it is going to be practically a leadership proposition to terminate debate without regard to an individual Senator's rights or without regard to the individual Senator's responsibilities to his State and his constituents. I really think Senate Resolution 61 is going the wrong way. That is why we have had difficulty in getting a time agreement, if you really want to know, because there is no way we can see as a minority—and we are just 1 off of 60, just 1 member of the minority joins the majority today, and one would be assured that debate would be terminated, and that debate would be limited to 30 hours. There is never even a minority member in that chair any more. It would mean that only majority people would be recognized. It would mean that the rules would make us impotent as far as protecting our States is concerned.

Now, I can tell you that there are times when the minority is not a partisan minority, as you well know. It is a philosophical minority. It was on the gas bill. That was a bipartisan minority, and they were exercising their rights.

I think we ought to protect their right to protest, their right to be dissidents, but to assure an orderly procedure to bring the matter to a final resolution.

That means that we bend over backward to give the individual Senators their rights. The resolution of the Sena-

tor from West Virginia, again respectfully, bends over backward to give the Senate rights and to give the leadership rights.

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

Mr. STEVENS. The majority leader has the floor.

Mr. ROBERT C. BYRD. Yes.

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

Mr. ROBERT C. BYRD. Yes.

Mr. SARBANES. Is the concern of the Senator from Alaska because his amendment does not accept the approach of the Senator from West Virginia, and then to argue that the 30 hours is not the right figure, and there ought to be some other figure? The Senator from Alaska's amendment goes beyond that. That is what you are focusing on and talking about it, and I can understand that point, and I think it is one we ought to address if that is conceived of as too low.

But not only do you focus on that point—in other words, you did not come in with an amendment which said, "Well, we think the approach of the cap and all that that involves is the right idea to go about this in order to deal with the postcloture filibuster, but we just think you have allowed too low a cap by a majority that is, even though extraordinary, not extraordinary enough," or whatever those arguments are, "and that is the part we want to change."

You have come in with a different approach altogether, an approach which allows the 100-hour cap, in effect, to be violated, and leaves open then the opportunity really to other means to develop a postcloture filibuster.

I was listening to the other debate and, of course, there are all kinds of problems here because you can get a three- or four-way progression in here. You may offer the amendment and not ask for a vote.

Mr. STEVENS. That is right.

Mr. SARBANES. Someone else may ask for a vote and someone else may ask for the yeas and nays and on and on it may go; the question of who allocates the time, who has the floor, and who is given the floor in order to make those motions under your proposal.

Mr. STEVENS. I hope the Senator will be fair about that. I hope he will be fair about that because the amendment specifically says that you are chargeable with the time on quorum calls or rollcalls that you request, and if you request a rollcall on my amendment, you are going to be charged with that time.

But again we are trying to remember we are 100 equal Senators and we ought to have equal rights to access as far as legislation is concerned.

The postcloture procedure should not deny me that equality. Yes, Senate Resolution 61, through the vote of 60 Members, could deny me that right because by the time I got recognized the 30 hours would be exhausted, and the Presiding Officer would say, "The time has expired and it is time for a vote."

No matter what is pending, who is recognized or anything else, under Senate Resolution 61, 100 hours is the cap, and the Senate determines it is going to vote at the end of 100 hours.

We approached it from the point of view of let us try to achieve the majority leader's objective of assuring the Senate that after the expiration of 100 hours we would vote but, at the same time, leave to each Senator the right to protect himself. If we are to reduce the time from 100 hours it would be done by each Senator yielding his time or so much of it as he wanted to, and the Senate would be on notice.

Incidentally, this is not something that is new. We did that in the first years I was here. Once cloture was voted, we would yield back our hour, so that everybody would be on notice that we were not going to use it. It was a tactic at that time; I do not know why we have gotten out of that habit, but we did it in the late 1960's and the early 1970's. We did that.

Mr. SARBANES. Mr. President, will the Senator yield for a question?

Mr. STEVENS. If I may do so without yielding the floor at this point.

Mr. SARBANES. Would you yield back your time in a postcloture situation?

Mr. STEVENS. I have.

Mr. SARBANES. Would you do it in the future, do you think?

Mr. STEVENS. Under Senate Resolution 61 I would not.

Mr. SARBANES. Would you under your proposal?

Mr. STEVENS. Yes.

Mr. SARBANES. Suppose we had the proposal you put in earlier in the day, to allow amendments in the second degree to amendments that were pending at the desk at the time cloture was voted, so that some Member could get up here in the Chamber and propose an amendment in the second degree to a pending amendment of which you were aware, but you had absolutely no awareness that this second degree amendment would come in. Would you yield back your time and place yourself in the position of not being able even to speak or respond to that second degree amendment?

Mr. STEVENS. The Senator asked me would I. He did not say when I would, but I would only do it when I was certain that there would be no amendments that would be germane that would affect my State.

That is a very simple thing to determine. Take the Consumer Product Safety Commission. All of a sudden, on that proposal, we had some anti-gun amendments that came just sneaking around the corner at us. We did not anticipate them at all, but they were up there at the desk.

We would have to have a little bit of a crystal ball, but the answer is yes, I would under circumstances that I was assured I would not be compelled to use it.

Normally, we would yield the time to a Senator we agreed with. Under normal circumstances, there is someone here, either on my side or on your side, whose position I agree with. I would yield him the time, knowing full well that if I had to make a contribution he would let me have some of it back.

But I believe the Senate, in this regard, has to decide that each Senator has the same rights after cloture that he has before cloture, equal rights. If we are to preserve that concept, I say Senate Resolution 61 has to be amended in some way. I have deep respect for my friend from West Virginia. I know what he is trying to do; I am trying to do the same thing.

I think all this procedure of live quorum calls, motions to compel the attendance of absent Senators, and so on, is a complete waste of time and makes us look like a complete bunch of fools. But the real substance of an issue has to be addressed, and we have to have our right to do that. I do not see, with due respect, how Senate Resolution 61 is going to protect me, or assure me that I can protect my State and the people of my State as I should, that I can get recognized, make the motions, and offer the amendments under any circumstances to protect my State.

Under our approach I can be assured of that. I might have to decide which of the amendments are the most important, but I am assured that I will get recognized, and I am assured that I will have time. I really hope my good friend from West Virginia will change this concept of the cap from the Senate having 100 hours to each Senator having 1 hour. If we can just cross that bridge philosophically, then I think we can get together before we are through here today or tomorrow, and have a resolution that will be overwhelmingly supported on both sides.

Mr. ROBERT C. BYRD. Mr. President, when the Senate gets away from the concept of a cap, I do not think it will have any remedy for the present ill that afflicts the Senate once cloture is invoked; and I think, with all respect to the distinguished Senator from Alaska, that his resolution would open up opportunities for prolonging the debate even beyond, in some aspects, what can be done at the present time.

He indicates that Senators can yield back their time. I do not believe that. I believe that one objection will keep a Senator from yielding back his time, because under the present cloture rule time can be yielded only by unanimous consent, and the reason why Senators have been able to yield back their time is because nobody has objected.

A Senator is not allotted an hour; he has an hour if he demands it. He does not have to use it. He only has an hour if he asks for it. If he does not ask for it, the Chair puts the question on the measure, and the ball game is over.

So this thing of standing and yielding back your time can be done without objection, but if there is objection, under the present rule no time can be yielded except by unanimous consent. He cannot yield it back to the Chair, because he has no time to yield back. He only has time if he demands recognition and demands time. Then he is yielded up to 1 hour.

Let us take the Senator's proposal. He says that 80 or 90 Senators yield back their time—by unanimous consent. All right; let us say that 90 are permitted, by unanimous consent to yield back their

time. That would leave 10 Senators with an hour each.

Now, if each Senator is going to be charged with the quorum calls that he asks for, and not one of the 90 can ask for a quorum call because, by unanimous consent, those 90 have yielded back their time, the poor Senator here is stuck with only 10 hours remaining and 10 Senators claiming those 10 hours, and he wants a quorum.

What is going to happen? He is going to have that quorum charged against him. And if he asks for a yea-or-nay vote, he is going to have that time charged against him. And after getting the yeas and nays, he is entitled to another quorum call, because that constitutes the transaction of business, and there are only three Senators on the floor and he wants a quorum to hear what he has to say before they vote. Or he asks for the yeas and nays, and the request is not seconded by a fifth, so he puts in a quorum call, and that quorum call is charged against him under the proposal by the distinguished Senator from Alaska, although he would allow Senators to yield back their time, that is not in accordance with the present rule, and he would allow Senators to yield time to other Senators, and that is not in accordance with the present rule; it has to be done by unanimous consent.

Then it would end up with those 10 Senators, perhaps, conceivably having 10 minutes or 15 minutes, because any quorum calls that are requested, they are the only persons who can do it, because they are the only persons who have time. They are the only persons who can. The other Senators could not make a point of order, they could not appeal the rulings of the Chair, they could not ask for the yeas and nays on a matter. They could not, once they had yielded their time back, get it back then, except by unanimous consent.

The Senator does not make any provision for that. The Senator exhausts all his time under his present procedure, and then, once having yielded back the time to make a point of order, he does not have any time; he is helpless. So 90 Senators have been rendered helpless because, under the new rule the distinguished Senator from Alaska would have us accept, the Senators, ipso facto, who have by unanimous consent yielded back their time, might as well leave the floor, because they cannot make points of order, they cannot ask for quorum calls, they cannot offer amendments, and they cannot make motions, because they do not have any time.

So, Mr. President, I find the following faults with the amendment by the Senator from Alaska, in summation: No. 1, it does away with the cap. There is no cap. The word cap is not included in the conceptual lexicon with respect to this amendment. There is no cap. That is the problem now under postcloture, there is no cap. There is no cloture motion that can be offered to the postcloture filibuster. So there is no cap.

The distinguished Senator would allow Senators to yield time without unanimous consent. My resolution would allow Senators to yield the majority leader, the minority leader, the two ranking managers, and, to the extent that any one of those four and/or each of those four could have only up to a total of 2 hours scheduled to him, making a total of 3 hours under his control. The majority and minority leaders and the two managers, I should think, if experience will be the lamp unto our feet, are going to be fair in their yielding of that time.

Under the Senator's proposal, nine Senators could yield up to 9 hours to an obstructive Senator, if they have 10 hours. As I say, he could offer any number of amendments and simply sit down, and he has then yielded the floor. The Senator from Alaska says that time will be charged against him for whatever ensues thereafter, until he yields the floor. Whether he likes it or not, he is going to be charged with that time after he is recognized. He cannot ask for a rollcall vote without it being charged against him. He cannot ask for a quorum call without it being charged against him. But he can have some of the other Senators ask for the rollcall votes. He can easily stretch that 10 hours, I imagine, into 100 hours.

Any Senator who wishes to use the rules under this proposal could stretch 10 hours into 100 hours by simply getting other Senators to ask for quorum calls, other Senators to move to reconsider, other Senators to move to table, other Senators to make points of order, other Senators to move to table the points of order or to appeal the points of order. It just opens up a Pandora's box.

Those who wish to obstruct would have a field day.

It is true that my proposal is going to eliminate the ability of one or two Senators, or a half dozen Senators, to kill a bill by stalling. That is what we are really talking about.

I think someone indicated a few days ago that the greatest number of Senators who had requested time after cloture was invoked was less than 30 on any measure on which cloture has been invoked in the past.

This proposal of mine would not bring on all of the ills which have been conjured up by these very genius managers here, but I can see a lot of loopholes in the Senator's proposal.

He is going to change the rules so that a Senator who suggests the absence of a quorum does not yield the floor. The Senator who moves a motion does not yield the floor. The Senator who makes the point of order does not yield the floor. All these are going to be rules changes, mind you. The Senator who offers an amendment does not yield the floor. That is a rules change.

He is going to allow Senators to yield their time to other Senators without seeking unanimous consent. It would be theoretically possible for the 36 Senators on the other side of the aisle to yield their time to four Senators, and the one Senator who was managing the bill would have 1 hour of his own. What fun could those four Senators have in postcloture.

Mr. STEVENS. Will the Senator yield?

Mr. ROBERT C. BYRD. Yes.

Mr. STEVENS. I am certain everyone can pick up the point that we have a controversial proposal and I am sure the Senator in time will make a motion to table it. But I am still worried about the rights of the individual Senators. I would like to explore with the Senator from West Virginia some concept that would roll into Senate Resolution 61 a time agreement for an individual Senator. When we enter into a unanimous-consent agreement today the clock starts running and anything that happens is chargeable against that time.

All we are seeking is a time agreement in a postcloture procedure whereby each Senator is entitled to a 1-hour concept under a time agreement in the usual form.

The difficulty that we have with the proposal of the Senator from West Virginia is that at present there is no way an individual Senator can demand his entitlement of up to 1 hour.

Under the existing rule, it says that no Senator is entitled to speak for more than 1 hour. The Senator is correct, it does not say he is entitled absolutely to the 1 hour, but it says he cannot speak for more than 1 hour.

There is no time cap involved, though, in that concept. As we know, the procedural motions, rollcalls, and everything else lead into a process whereby that theoretical 100 hours could be extended out to almost no limit.

We want to see a limit, but we also want to see an individual Senator protected in the concept that is embodied in the existing rule XXII which says, if you read it the other way, that you are entitled to 1 hour.

Mr. ROBERT C. BYRD. The Senator does not protect the individual Senators if he is going to charge that poor Senator with the time required on the quorum call, to which he is entitled under the Constitution. He wants a quorum call to get the Members in here to hear his argument before they vote on his amendment. Yet the Senator from Alaska is going to deprive that Senator of his right to ask for a quorum call.

Mr. STEVENS. Will the Senator yield again?

Mr. ROBERT C. BYRD. Yes.

Mr. STEVENS. If I entered into a time agreement with the Senator from West Virginia right now on the first bill to come up and we said it was 2 hours on the bill and 1 hour on one amendment, and no other amendments would be in order, the time to be equally divided, the Senator from West Virginia would have 3 hours and when that time expired we would come to a vote. Why cannot we devise an amendment to rule XXII which would say in effect, the same thing, that every Member is entitled to a time agreement of 1 hour?

If the Senator is disturbed by the total amounts of 10 hours, let us reduce it. We can reduce it to 6.

Mr. ROBERT C. BYRD. We do not have time agreements entitling every Member to a certain amount of time.

Mr. STEVENS. I understand that, we do not. But we are seeking that. We are seeking a rule that assures everyone who demands it—he or she still have to ask for it—that there is a time agreement waiting there if they want to trigger it,

that they can get the time. It assures them that if cloture is voted they will have an opportunity in any event—and I mean in any event—to be recognized for a portion of the postcloture procedure.

Let me ask the Senator a question: Can the Senator look every Senator in the eye and say if we vote Senate Resolution 61 that under every possible contingency every Member of the Senate would be entitled to recognition, would receive recognition, and could use up to 1 hour?

Mr. ROBERT C. BYRD. Of course not. I have not said he could use it up.

Mr. STEVENS. That is the existing rule.

Mr. ROBERT C. BYRD. I have not said that.

Mr. STEVENS. But the existing rule gives us that right.

Mr. ROBERT C. BYRD. But the existing rule has been so abused it does not exist.

Mr. STEVENS. Some people have abused it, but the majority leader has not, and that is the problem.

Mr. ROBERT C. BYRD. The Senator talks about a time agreement. A time agreement can be objected to by only one Senator.

Mr. STEVENS. I understand that. But let us build into the postcloture procedure a concept of an entitlement, a right of a Senator to a specific allocation of time that cannot be taken away from him, but anything he does is chargeable against that time, and that is what we are working for.

Mr. ROBERT C. BYRD. That is the point I am making. A Senator has used all of his time, or under the proposal by the distinguished Senator from Alaska he has yielded the time back to the Chair, he has no time left. He has deprived himself of the right to suggest the absence of a quorum. He has no time. He cannot ask for the yeas and nays on a rollcall vote. He has no time. He has to get someone else to ask for the yeas and nays.

So the Senator talks about the rights of Senators. With all due respect, I feel that his proposal would deprive Senators of their rights.

Mr. SARBANES. Will the majority leader yield?

Mr. ROBERT C. BYRD. Yes.

Mr. SARBANES. Could I have the attention of the Senator from Alaska, because I think we are trying to work through to something?

It is a difficult situation. Let me make this hypothetical.

Ninety-five Members of the Senate are of one persuasion and only five are of other persuasion. Now, if the 95 do not respond to the request that they yield time, or anything of that sort, the minority of 5 under the Senator's proposal is limited to 5 hours.

Is that correct?

Mr. STEVENS. That is right.

Mr. SARBANES. Under the proposal of the leader they would be limited to 30 hours at a minimum. Is that true?

Mr. STEVENS. The existing rule says that no Senator is entitled to more than 1 hour. That is not changed. One hour of debate——

Mr. SARBANES. That is 1 hour of debate time. That is not an hour that counts a rollcall or an amendment or any other procedural matter. So they have the opportunity with 1 hour of debate time to call up a number of amendments, a whole host, and easily, easily, use the 30 hours minimum that is now provided as Senate Resolution 61 is written.

Is that not correct?

Mr. STEVENS. That, technically, is correct, if we assume they get recognized and assume the time has not been reduced, they could use the 100 hours, he could use the——

Mr. SARBANES. And if the time had been reduced, they would get a minimum of 30, where, under the Senator's proposal, the most they could get is, leaving aside the yielding question for the moment, the most they could get would be 5 hours. That is most minority——

Mr. STEVENS. That is why we put in the yielding provision, of course.

Many times, I have seen the situation where they had this group which has support, but the other people are unwilling to participate in the debate.

The difficulty is, Who is leading the charge? I think that Senate Resolution 61 presumes that only those people who are in the position of leadership, who are the floor managers of the bill, are entitled to time.

The person who is offering an amendment to a bill, who is opposing the managers of the bill, opposing the leaders, has no entitlement at all.

Now, I find myself in the strange position of arguing for the rights of the people, and I cannot remember a time, really, when I have not been out of sympathy with those people who were conducting something like the gas filibuster, postcloture filibuster. But, again, I had great admiration for their determination to protect their point of view.

Now, we have to write a rule that protects their rights; but, even further than that, protects the rights of Senators in situations such as we are going to be in when the Alaska lands bill comes out.

Mr. SARBANES. Let us take the Alaska lands bill. We are trying to find something here that is reasonable.

I submit to the Senator from Alaska that his opportunity on the Alaska lands bill to offer a series of amendments to that legislation, if that is what he chose to do because of his particular keen interest in that legislation and his knowledge of the problem, that his opportunity to try and shape that legislation in the postcloture situation would be greater under Senate Resolution 61 than under the proposal which the Senator is now offering, because he could put up his amendment, explain it, take a few minutes in the course of debate, that uses up his hour under Senate Resolution 61, then get a vote on it. It does not come out of his hour, so he has an opportunity to go through a sequence of amendments with respect to his Alaska lands bill without having that counted as directly against his time, as would be the case under the proposal that he has now put before us.

Mr. ROBERT C. BYRD. The Senator from Maryland is correct.

The Senator from Alaska gives each Senator an hour, a very magnanimous gesture, and turns right around and charges that Senator with every quorum call, every rollcall vote, until he "yields the floor."

So he gives it and he takes it away.

Mr. McCLURE addressed the Chair.

The PRESIDING OFFICER. The Senator from Idaho.

Does the Senator from West Virginia yield the floor?

Mr. ROBERT C. BYRD. I yield the floor.

Mr. McCLURE addressed the Chair.

The PRESIDING OFFICER. Is the Senator from West Virginia yielding the floor completely?

Mr. ROBERT C. BYRD. I yield the floor.

The PRESIDING OFFICER. I thank the Senator.

The Senator from Idaho.

Mr. McCLURE. Mr. President, I assumed when the Senator from West Virginia took his chair that he had yielded the floor. The solicitude of the Chair is commendable, but I think hardly necessary. The Senator from West Virginia is very capable of protecting his own rights, and he usually does so without the necessity for that solicitude on the part of the Chair.

I only make that as a minor footnote to the commentary of the day.

Mr. ROBERT C. BYRD. Will the Senator yield?

Mr. McCLURE. I am happy to yield to the Senator.

Mr. ROBERT C. BYRD. As the Senator knows, the Chair is not supposed to speak quite at length. So in deference to the Chair, may I say that I am delighted to see a new Member of this Senate, the Senator from Montana who is presiding over this Senate, with the degree of skill and efficiency and fairness that are so rare as a day in June. I venture that the day will come when the Senator from Montana who now presides over this Senate would be just as fair in protecting the rights of the distinguished Senator from Idaho who now out of fairness to me has yielded to me in order that I might say something on behalf of this.

Mr. McCLURE. Mr. President, I appreciate the comments of the Senator from West Virginia, his usual genial self.

I was only commenting that there are some Members of the Senate who from time to time are constrained to observe that the equality that is extended under every rule does not necessarily extend to all 100 Senators. But the burdens and responsibilities of the majority leader sometimes lead to a more tender solicitude of the majority leader's concerns than that of the other 99. Perhaps that may be as it should be.

I just wanted to put a little footnote in there that, indeed, it was observed here today.

I meant no criticism of the occupant of the chair at all. I am glad to know that a new Member of the Senate is that much concerned about the Senator from West Virginia, but I did want to observe that I never before noticed the necessity to protect the Senator from West Virginia

because he is so skillful in protecting himself that that really is not necessary.

But I did want to make a couple of brief comments about the concerns that have been raised both by the Senator from West Virginia and the Senator from Maryland about the pending amendment offered by the Senator from Alaska.

A real problem, it seems to me, comes down to this: If we are going to insist upon the rigidity of the cap of 100 hours, then there have to be some offsetting guarantees of individual rights within the 100 hours.

What the Senator from West Virginia is suggesting is that we must have the rigidity of the 100 hours without any protections. The Senator from Maryland said to the Senator from Alaska: "You can offer a whole series of amendments under Senate Resolution 61 as written." As a matter of fact, you cannot. You can offer two, and then you are done, unless no one else wants recognition at that point. If, as a matter of fact, no one else wants recognition at that point, you may be recognized in order to offer further amendments, but not if someone else wants to offer amendments at that point.

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

Mr. McCLURE. I yield.

Mr. SARBANES. I am trying to think about some hypothetical situations and am trying to address the problem. I think no one is insensitive to the need to protect the rights of a minority, both in the precloture and in the postcloture periods.

When we say "minority," I think it is fair to say that in most of these instances we are talking about a philosophical minority and not a party minority. It has been my experience, at least since I have been here, that in all these instances, without exception, it has been a majority that has encompassed both sides of the aisle and a minority that has encompassed both sides of the aisle.

Mr. McCLURE. I say to the Senator from Maryland that in the only two instances in which there has been what might have been called a filibuster by amendment, they were by Members of the majority party, then and now.

The first debate that came up under the 100-hour cap, as has been observed before, was met by such a tactic by Senator Ervin, who was then a Member of this body. The second and last time for a filibuster by amendment was by Senators Abourezk and METZENBAUM, on the natural gas bill. Remember, those are the only two times there has been any so-called filibuster by amendment.

Mr. SARBANES. Let us take the hypothetical——

Mr. McCLURE. Let me observe, before yielding further, that there have been only two times in the entire history of the postcloture filibuster, since the 100-hour cap was invoked, in which there was the seriatium calling up of amendments, with the minimum time being used and then the maximum time being used in some other manner. That has been done two times, the first time by Senator Ervin, when he called up amendments in the very first debate under the 100-hour cap; and the only other time was when the majority leader, the distinguished Senator from West Virginia, called up amendments in seriatim in order to get them ruled out of order. Those are the only two occasions on which that hypothetical possibility has occurred. Although we hear a great many references to the abuses of that practice, it has occurred only twice, as a matter of fact.

I yield to the Senator for a question.

(Mr. HEFLIN assumed the chair.)

Mr. SARBANES. Let me address the last point briefly and go back to the hypothetical with which I want the Senator to deal.

I do not think it is an altogether accurate painting of where we are to look back and say that we have had a postcloture filibuster by amendments in just a few instances. If that procedure is to be allowed to continue under the rules, then I think there are a great many Members of this body who, when a particular substantive issue is involved in which it could work to their advantage, will feel much freer than they have felt in the past to invoke that technique.

In other words, what I am saying to the Senator is that if we do not address it here in an effective way, it is my prediction that the use of that technique will increase greatly. In fact, Members to some extent would almost have a responsibility to use that technique, if it were sanctioned under the rules and available to them, if it were not addressed here. If some Members are going to use it effectively, it almost becomes beholden upon all Members.

Mr. McCLURE. I agree that it might invite its use further, and that is why we have been bending our best efforts to try to find a way that will set a more fair rule to protect the rights of all Members.

However, we have to recognize that every time we try to make one portion of the rule more rigid in its application and less flexible, less subject to the needs of all Members, there comes then an automatic response, first, of demanding some protections in that rule so that it will not be utilized to wipe their rights away. Second, in the past, it always had led to attempts, usually successful attempts, to find some other way to use the rules indirectly to accomplish what the rules will not now permit directly.

Mr. SARBANES. I think that is a very perceptive observation on the part of the Senator and one to which we should be very sensitive as we address this problem.

The reason why I do not think it is so simple is this: Take the Alaska lands bill, about which the Senator from Alaska spoke. Suppose that comes forward, and let us assume that perhaps only two Senators, the two from that State, have a particular keen interest in the matter and are anxious to propose amendments, and so forth.

Mr. McCLURE. Make that assumption for the sake of the argument, not because I think it is valid, but because I think it will make the point.

Mr. SARBANES. In any event, under his approach, which is the 1-hour guarantee, those two Senators can use up their 2 hours very quickly.

Mr. McCLURE. Or they could, if they wished, spread that 2 hours over a great variety of different amendments.

Mr. SARBANES. But every time an amendment comes up and they call for a rollcall, that time is going to come out of the time on their amendment.

Mr. McCLURE. They do not have to call for a rollcall. They can ask for a voice vote or a division.

Mr. SARBANES. I assume that that time will be charged against them.

Mr. McCLURE. The voice vote and the division would be, if that is all that is required.

Mr. SARBANES. You would not even need the majority. If they are fighting a minority position and the other side can bring in sufficient Senators to carry the voice vote or the division vote, they either will lose their amendment or will have to go to a rollcall vote.

Mr. McCLURE. That is correct.

Mr. SARBANES. In order to be able to get everyone here to enable them to carry their amendment.

Mr. McCLURE. That is correct.

Mr. SARBANES. Let us assume they are fighting the committee and that the committee gets its people here, along with some of their friends. It is well short of a quorum of the Senate, but it is enough, in the debate context, to carry either a voice vote or a division vote.

On the other hand, perhaps on a rollcall vote, they could prevail on at least some of those amendments. So they are going to be forced at that time, if they go to a rollcall vote in order to try to prevail, to have it come out of their time.

Mr. McCLURE. That is a very hard judgment they would have to make at that time, as to how to use their time.

Mr. SARBANES. They are doing it within a 2-hour limit, leaving aside the yielding question. Under that approach, they are doing it within a 2-hour period—everything comes out of it.

Mr. McCLURE. That is correct.

Mr. SARBANES. Under Senate Resolution 61 in its present form, the minimum is 30 hours; and if these two Senators want to propose a series of amendments, since the voting time on the amendments, under Senate Resolution 61, would not come out of the 1 hour they have been guaranteed for debate time under the rule, they would be in a position to try to shape the legislation with perhaps a series of amendments, getting their rollcall votes on them, being in the position of protecting the interests of their State, doing it within the overall cap. In effect, under that hypothetical situation, they really would get more time to assert their position than under the proposal that has been made.

Mr. McCLURE. The Senator is presuming that the remainder of the Senate desires to let them have that time.

Mr. SARBANES. Yes; I am making the assumption here that the only people really interested in amending the legislation are the two Senators from that State, who perceive what has come from the committee as being disadvantageous to their State, and therefore they are seeking to change it in order to defend State interests.

Mr. McCLURE. Let us assume that

there are within the body one or two or a half-dozen people supporting the committee position and resisting the adoption of the amendments; that they desire that the amendments not be adopted; that, therefore, the best way to assure that they not be adopted is to make sure that they never get voted on.

First of all, the two Senators from Alaska, in that instance, would have the opportunity under Senate Resolution 61 to offer their two amendments and, if the other could then get recognition in that sequence, he could then offer his two amendments, and then they are out of business. If there is anyone else who wants to offer an amendment, under Senate Resolution 61, all of the remainder of the time could be consumed utterly before they were ever again entitled to recognition to offer an amendment.

Mr. SARBANES. That is right. Senators would have to go around to see. In other words, if every other Member of the Senate came in to offer an amendment, they would not get a chance then or may not get a chance, depending on how long it took, to come back and offer more than the two.

Mr. McCLURE. That is correct.

Mr. SARBANES. But with an hour, they do not get a chance to offer much more than the two anyhow if they get rollcall votes on them. So that is not much of a difference and the likelihood of what we have just described happening under Senate Resolution 61 is quite minimal. The real likelihood is what we are going to have is a few people in this instance because of the particular State interest, in other instances because of their particular focus on the issue who are anxious to try to amend the legislation, the postcloture period in a significant way.

Mr. McCLURE. I will indicate that in this particular issue I know of other Members who have just as strong a feeling about the Alaskan lands question on the opposite side of the issue as do the two Members from Alaska. And I do not think one can at all suggest that all the rest of the Members are going to sit by quietly so that these two Senators can have their opportunity to amend the bill their way with no interference at all from the Senators who do not want it amended at all.

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

Mr. McCLURE. Let me, if I may, respond to the other portion which I think is important.

Mr. SARBANES. Let me say on that point.

Mr. McCLURE. Go ahead.

Mr. SARBANES. I am not suggesting that, and all I am saying is that in thinking about it we have to perceive the two Senators with their 2 hours under one proposal and those same two Senators within the 100-hour total cap period, or if it is brought down to a minimum 30-hour total cap period, and then make some judgment under that arrangement how much of that time would they really be able to use in terms of proposing their amendments in a situation in which they can get rollcall votes that would not be charged against them on time; whereas, under the alternate proposal that has now been put forward that time would be charged against them.

Mr. McCLURE. Let me say to the Senator, however, that he is trying to make an assumption of Senate Resolution 61 with no changes as against the amendment offered by the Senator from Alaska with some changes because the amendment as offered by the Senator from Alaska allows the assignability of time.

Let us take that other hypothetical of the two Senators from Alaska carrying the time and under this proposal they would be allowed to be assigned up to 9 additional hours by other Members, and the two Senators from Alaska would then have 20 hours to offer a series of perfecting amendments which is certainly a superior opportunity to offer a series of amendments than that which is guaranteed to them under Senate Resolution 61. So I think if one looks at the totality of Senate Resolution 61 and of the totality of that which is offered by the Senator from Alaska the opportunities for Senators who desire to seek some substantive serious amendment in the pending legislation are better guaranteed under the amendment than they are under Senate Resolution 61. To separate out of that, to take away from that the right to yield time, certainly we change the nature of the amendment just as if we take away some of the rights that are guaranteed under Senate Resolution 61. We can make the rights of an individual Member or two Members look very different under Senate Resolution 61.

Mr. SARBANES. Mr. President, will the Senator yield for a question?

Mr. McCLURE. I yield.

Mr. SARBANES. I understand the Senator was in the group that helped to formulate the proposal that was offered today by the Senator from Alaska, if I am correct.

Mr. McCLURE. The Senator is correct.

Mr. SARBANES. Once a person gains the floor under the Senator's proposal, could he then hold the floor until he has used all of his time?

Mr. McCLURE. Not necessarily. He could use as much time as he desired until he yielded the floor, but once there was a final disposition of the matter which was then pending I suspect——

Mr. SARBANES. Is it within his control if he does not choose to yield back once he gains the floor to hold it until he has used up all his time?

Mr. McCLURE. I think that once the matter that was then pending was finally disposed of the Chair would then have to recognize some Member of the body. But that gets back to the question that we have been debating here for the last hour and a half, or so, raised by the Senator from West Virginia in regard to whether or not a Senator yields the floor at the time there is a procedural motion with respect to the pending amendment. I think it lies somewhere between those two extremes.

Mr. SARBANES. It is the Senator's position that a Senator does not yield, is that correct? Otherwise there is no way to run the clock against him.

Mr. McCLURE. A Senator does not yield the floor so far as the accountability of time is concerned on the matter which is then pending, but once that matter which is then pending is disposed of it would simply be a matter of recognizing someone to offer another pending matter. So I do not think it automatically follows that if a Member has his 10 hours that he can hold the floor for 10 hours to the exclusion of every other Senator or a whole series of things, but he certainly has the opportunity to do so in a way which Senate Resolution 61 would not permit him.

I was a little intrigued earlier in the argument against the amendment by the Senator from West Virginia when he said by the extrapolation of some mathematics it might be possible to offer as many as 3,600 amendments, and he found that reason to object to the amendment of the Senator from Alaska.

Several minutes later he was arguing against the Senator from Alaska because it would limit him to four amendments at the same time that Senate Resolution 61 offered by the Senator from West Virginia would limit them to two amendments.

It seems to me that we should really try to determine what it is we are trying to do. If we are going to have a rigid cap, which the Senator from West Virginia says is most essential, if I judge his discussion here today and and the discussion we have had at various times in the past on this subject, that is the one thing about which the Senator from West Virginia feels most strongly. If we are going to have a rigid cap, then it seems to me we have to find a way by which we can guarantee to an individual Member of this body that he has some rights that he can exercise at some time during that period of time.

The Senator from Alaska has suggested a means by which that can be done even though it might have the very, very slight theoretical potential for some kind of very modest extension of the 100-hour period. That is far more theoretical in its possibility than is the theoretical possibility that the 100 hours could be used up.

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

Mr. McCLURE. I am happy to yield to the Senator from Alaska.

Mr. STEVENS. Mr. President, it seems to me this discussion convinces me that we are going to have to find some way to modify my amendment to meet some of the objections raised by the Senator from West Virginia and the Senator from Maryland.

Let me make a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. STEVENS. I had unanimous consent that it would be in order to bring the amendment up. Do I need unanimous consent now to have it withdrawn?

The PRESIDING OFFICER. The Senator is correct. Unanimous consent is required.

Mr. STEVENS. Maybe we could, under that circumstance, get agreement to vote tomorrow morning on this amendment and allow it to be set aside until a time

certain tomorrow and then allow the Senator from New York, who wants to raise his amendment dealing with preferential recognition on points of order in the postcloture period, to raise his amendment this afternoon.

I do not know what the desires of the majority leader might be in that regard, but I think we are going to have to try to work something out and see if there might still be a possibility of a consensus we could reach with regard to the concept of an individual Senator having a right to time in a postcloture period. So I think we need overnight to think about that before bringing this to a vote.

It is my understanding we would be in agreement to bring this to a vote at 10 o'clock tomorrow morning.

Mr. SARBANES. Mr. President, if the Senator from Alaska will yield, before I enter into such an agreement obviously we should hear from the majority leader as to whether he wishes to schedule that at 10 a.m. Perhaps we should call a quorum, and then I will ascertain that.

Mr. STEVENS. Since it takes unanimous consent to have the amendment be in order, and I already have that, I would like to have it remain so under those circumstances, but I would like to be able to get an agreement that we could call up another amendment and have the vote on this one tomorrow. I recognize we will have to consult with the majority leader about that, but that is my feeling now that we should see if we can work on this overnight and get to the question of these other amendments tonight, if possible.

Mr. SARBANES. I understand the majority leader will be here shortly, and I suggest that either the Senator continue his discussion if he chooses to do so on this amendment or that there be a quorum call and temporarily await his arrival.

Mr. STEVENS. Mr. President, let me ask is it in order to modify my amendment now without unanimous consent?

The PRESIDING OFFICER. It would require unanimous consent to modify.

Mr. STEVENS. At the suggestion of the Parliamentarian, Mr. President, I ask unanimous consent that it be modified so that it read: "On page 2, line 6, after the word 'begins.'" It is a technical amendment modification and I ask unanimous consent that such modification be made now.

I will tomorrow morning ask for further modification of the amendment before it comes to a vote.

Mr. SARBANES. Reserving the right to object to this modification, could we find out what it is exactly? I am sorry, I was not listening.

Mr. STEVENS. It is a suggestion made by the Parliamentarian to correct a technical defect. I asked unanimous consent that that modification be made at this time. Tomorrow I will make further modifications.

Mr. ROBERT C. BYRD. What is the Parliamentarian's suggestion?

Mr. STEVENS. This amendment makes certain that the text of the amendment shows precisely where the striking commences on page 2 through page 3. It says, "On page 2, line 6, after the word 'begins' strike everything through page 3," and et cetera.

The PRESIDING OFFICER. Is there objection to the modification of the amendment? Without objection, the amendment is so modified.

Did the Senator from Maryland reserve the right to object?

Mr. SARBANES. No.

Mr. STEVENS. At this time, if I might say to my good friend from West Virginia, we are working on a modification to try to meet some of the objections raised by the Senator from West Virginia and the Senator from Maryland. I hope we will have an agreement to put this amendment aside until tomorrow, and to then vote at a time certain, that we could have a vote on it at a time certain, and to permit the Senator from New York or the Senator from Idaho to proceed with other amendments which they have at this time.

Mr. ROBERT C. BYRD. What would the Senator suggest?

Mr. BAKER. Mr. President, will the Senator yield to me?

Mr. ROBERT C. BYRD. Yes.

Mr. BAKER. I think if we could arrange to have a vote on this in the morning at 10 o'clock, provided the majority leader intends to convene in time to accommodate that, that we probably could obtain that consent. I am not certain again but I would hope we could.

Before the majority leader responds, if he would yield further, might I inquire, it is now well into the afternoon, and might I inquire if the majority leader does intend, in fact, to come in fairly early tomorrow?

Mr. ROBERT C. BYRD. I would like to come in at 10 o'clock, may I say to the distinguished minority leader and, if possible, if we could get a time agreement today, I would like to finish the action on this measure tomorrow at a given time, in which event I would expect to go over until Monday.

Mr. BAKER. I do, too. I am sure the majority leader will confirm that he and I had conversations in the course of today looking into the possibility that we might arrange a time certain to dispose of this so-called postcloture part of this controversy and, frankly, I had hoped we would have a number of votes, rollcall votes. I see a number—I do not see them now, but during the course of the day I have seen a number—of our Members here directly as a result of my suggestion that they be here with the possibility of a rollcall vote, and hoping we could break the ice and get on with this matter. But it appears less likely that we will have a rollcall, and I understand the majority leader thinks we ought to stack any rollcalls that would be asked for until later, until tomorrow.

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

Mr. BAKER. I do not have the floor.

Mr. McCLURE. Will the majority leader yield?

Mr. ROBERT C. BYRD. Yes.

Mr. McCLURE. Because it also deals with putting it aside and when it would be called up tomorrow.

Do I understand that we will not have the opportunity today to get votes on amendments which could be offered?

Mr. ROBERT C. BYRD. We could have voice votes or division votes or put rollcall votes over until tomorrow.

Mr. McCLURE. Is it the intention of the majority leader that we not have any rollcall votes on this matter this afternoon?

Mr. ROBERT C. BYRD. Personally I would like to have had votes, but it is now 4:30 and a good many Members have gone home because of the weather, and I would rather not have rollcall votes this afternoon.

Mr. McCLURE. Mr. President, will the Senator yield further?

Mr. ROBERT C. BYRD. Yes.

Mr. McCLURE. I have no disposition to delay the solution of this, as the Senator knows. I am as anxious as anybody in this body to get this pinned down and get it behind us. It has already consumed far more time than the Senator from Idaho would have debated one single subject, but because of the weather we did not meet on Monday or Tuesday, and we have not had the opportunity to have any rollcall votes on Wednesday. I think we are beginning to get into a very difficult time constraint, at least the possibility of it. I do not think there are endless numbers of amendments, but there are some, and some variations upon it, that various Members might wish to offer.

Mr. BAKER. Mr. President, if the majority leader would yield to me in that respect for just a moment——

Mr. ROBERT C. BYRD. Yes.

Mr. BAKER. I have some Members on this side, who, frankly, are not so interested in being here for the final vote on passage as they are in certain amendments that have to be disposed of before they would feel free to return to their States or keep other commitments.

So it appears now that until we can get some of these amendments out of the way—not many but a few—it is going to be very difficult for me to be able to try to arrange with the majority leader for a time certain to dispose of the postcloture part of this resolution.

I think at this point it might be well to take one bite out of the pie and see if we can arrange a time in the morning shortly after we convene to dispose of this amendment, and then after that to see where we are and how we might proceed with an arrangement to dispose of the postcloture part of this matter, either later in the day on Thursday or, if necessary, on Friday, and I know the majority leader had given some thought to going over, say, from Thursday to Monday as a possibility. But in all candor it might be necessary for me to ask for a session on Friday to accommodate some of the requirements I alluded to.

Now I think we can agree to come in in the morning and have a time to vote on this amendment, and I would suggest, if the majority leader considers 10 o'clock as a time for convening, that we consider 10:30 for a vote.

Mr. President, if the majority leader will yield, I have a very tight time problem with one Member on this side. I wonder if the majority leader would con-

sider coming in, say, at 9:45 and permitting a vote on this amendment, then at 10 o'clock.

Mr. ROBERT C. BYRD. Yes; that would be agreeable.

Now, it is understood that we are talking about this amendment, the amendment by Mr. STEVENS.

Mr. STEVENS. Mr. President, if the majority leader will yield, I would ask unanimous consent that I have an opportunity to seek to modify the amendment just prior to the vote, but not substantially. For instance, I am going to delete the last paragraph, which is redundant to a provision already in Senate Resolution 61, and I would hope we could reduce that time that would be transferred, up to 10 hours. We have 10 hours, and we are trying to find ways to reduce that to 6. We are looking for greater accommodation areas in this same basic format of the amendment. I would like to have an opportunity for some minor changes in the amendment before the vote takes place tomorrow morning.

Mr. ROBERT C. BYRD. The Senator understands it would require unanimous consent to get those modifications.

Mr. STEVENS. I do understand that. I hope that will be no problem, but I understand.

Mr. ROBERT C. BYRD. I do not want to interpose objections if the modifications are such as I feel we can accept.

Mr. STEVENS. I may try to make them this afternoon, if we have the opportunity.

Mr. ROBERT C. BYRD. I just wanted to be sure that we all understood that in agreeing to vote on this proposed amendment tomorrow, or in relation to the amendment, having a vote at 10 o'clock, any modifications would have to be by unanimous consent, because otherwise those of us who agree to a vote on this proposal at 10 o'clock tomorrow could be buying a pig in a poke, not knowing what the modifications would be. So we are protected by the fact that it would require unanimous consent for such modifications to be made.

Mr. BAKER. Mr. President, will the Senator yield to me?

Mr. ROBERT C. BYRD. Yes.

Mr. BAKER. Mr. President, two things occur to me. First, I would hope that the convening hour of the Senate would be arranged so that there was 15 minutes on this measure before we proceeded to a vote; and second, it is my understanding that one Member on this side requests that the vote occur on the amendment, and not on a motion to table.

Mr. ROBERT C. BYRD. Of course, I note a number of staff people nodding their heads in reference to that.

Mr. BAKER. The person I have reference to is here representing the State of Idaho. I will not further identify him, except to say that he stated he would prefer that, I believe on behalf of another Member.

Mr. ROBERT C. BYRD. The Senator asks that I give up my normal right to move to table?

Mr. BAKER. On behalf of Mr. HATFIELD, who does want an up or down vote on it.

Mr. ROBERT C. BYRD. Let us agree to the motion to vote on it at 10 o'clock, and let me think about it in the meanwhile. I might very well agree to an up or down vote.

Mr. McCLURE. If we might, then, reserve the right to make a motion on that subject at least eliminating the other 98 or 97 Senators from that proposition, I think that compromise might very well be agreeable.

Mr. BAKER. I do not understand. Will the Senator repeat that?

Mr. McCLURE. That there will be an up or down vote unless the majority leader exercises the right to offer a different motion with respect to the amendment.

Mr. BAKER. That sounds better than nothing, I suppose.

ORDER FOR RECESS UNTIL 9:45 A.M. TOMORROW

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in recess until the hour of 9:45 a.m. tomorrow.

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

ORDER FOR VOTE AT 10 A.M. TOMORROW

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that at the hour of 10 o'clock a.m. tomorrow a vote occur in relation to the pending amendment by Mr. STEVENS.

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

Mr. ROBERT C. BYRD. Does the Senator want to get the yeas and nays now, in case we vote up or down? It might be difficult to get them in the morning.

Mr. STEVENS. Yes, that is agreeable.

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

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

The yeas and nays were ordered.

Mr. BAKER. Mr. President, will the majority leader yield?

Mr. ROBERT C. BYRD. Yes.

Mr. BAKER. Is it the majority leader's intention, then, to make any provision for the preliminary proceedings of the Senate, such as morning business, special orders, or anything that might consume any part of that 15 minutes?

Mr. ROBERT C. BYRD. I have two requests for recognition in the morning, and each wants 15 minutes.

SPECIAL ORDERS FOR TOMORROW

Mr. ROBERT C. BYRD. I ask unanimous consent that following the prayer tomorrow, the Senator from Missouri (Mr. EAGLETON) be recognized for 7 minutes, and that he be followed by the Senator from Wisconsin (Mr. PROXMIRE) for 7 minutes.

The PRESIDING OFFICER. Is there objection?

Mr. BAKER. Mr. President, reserving the right to object, we have another request.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that Mr. EAGLETON, Mr. PROXMIRE, and the Senator from South Dakota (Mr. PRESSLER) each be recognized for not to exceed 5 minutes after the prayer and the approval of the Journal tomorrow.

Mr. BAKER. Mr. President, reserving the right to object, the problem I have in this respect is that Senator HATFIELD, who is the ranking minority member of the Rules Committee, simply has to have a vote on this amendment by 10 o'clock, otherwise we would have to rearrange the whole schedule; and I would hope we could have 15 minutes prior to the vote for debate. I wonder if we could move the convening time back.

ORDER FOR RECESS UNTIL 9:15 A.M. TOMORROW, WITH SPECIAL ORDERS AND DEBATE TO FOLLOW, AND A VOTE AT 10 A.M.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in recess until 9:15 a.m. tomorrow, which would give each of them 15 minutes.

You want 15 minutes for debate on this?

Mr. BAKER. Yes.

Mr. ROBERT C. BYRD. Does the Senator suppose each of these Senators would want 15 minutes? I take it Senator EAGLETON would. Senator PROXMIRE may or may not. Could we take a chance on 10 minutes for each of the Senators, and allow 15 minutes for debate on this amendment?

Mr. BAKER. I will if you will.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the Senate, when it completes its business today, stand in recess until the hour of 9:15 a.m. tomorrow; that after the prayer and the recognition of the majority leader to deal with the Journal, Mr. EAGLETON, Mr. PROXMIRE, and Mr. PRESSLER each be recognized for not to exceed 10 minutes; that there then follow 15 minutes of debate on the amendment by Mr. STEVENS, to be equally divided between the Senator from Alaska (Mr. STEVENS) and the junior Senator from West Virginia (Mr. ROBERT C. BYRD), and that a vote then occur in relation to the Stevens amendment; but that in any event the vote in relation to the amendment by Mr. STEVENS occur no later than 10 a.m. tomorrow.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. ROBERT C. BYRD. Now, Mr. President, I ask unanimous consent that if any Senator wishes to call up an amendment to the resolution at this time, it be in order to set aside the pending amendment by Mr. STEVENS and let such Senator call up such amendment.

Mr. STEVENS. Mr. President, reserving the right to object, and I hope my good friends will not object, I would like to make the request for two modifications of that amendment, and send those

modifications to the desk, prior to setting it aside, if that meets the majority leader's desire. I would like to see the amendment changed to provide that no Senator be yielded more than 5 additional hours, and ask that the last paragraph be deleted. If the Senator will withhold his unanimous-consent request, I ask unanimous consent that the amendment be so modified at this time.

Mr. ROBERT C. BYRD. Mr. President, I object to the modification at this time. I may not object tomorrow morning.

The PRESIDING OFFICER. Objection is heard.

Mr. ROBERT C. BYRD. Mr. President, I reserve—I withdraw that objection. I certainly have no objection to the latter part, because that part of the amendment would be redundant to the language in my own resolution.

Mr. STEVENS. I thank the majority leader. I renew the motion to modify the amendment in that manner, and I send a copy to the desk and ask that it be so done.

The PRESIDING OFFICER. Is there objection?

Mr. ROBERT C. BYRD. The Senator is referring to——

Mr. STEVENS. To delete the last paragraph of the amendment as modified. I send it to the desk. I will renew my motion to change the word "10" to "6" in the morning.

Mr. ROBERT C. BYRD. So the Senator at the moment is merely asking for the second half which, in reality, is duplicative of the language in the resolution?

Mr. STEVENS. That is correct.

Mr. ROBERT C. BYRD. I have no objection to that portion.

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

The amendment, as modified further, follows:

On page 1, line 6, following the word "invoked," insert the words: "which time is the aggregate of the one hour of time to which each Member is entitled".

On page 2, line 6, after the word "begins." strike everything through page 3, line 18 and insert in lieu thereof the following:

The last paragraph of paragraph 2 of rule XXII of the Standing Rules of the Senate is amended by striking out the first sentence and inserting in lieu thereof the following:

"After cloture has been invoked, no Senator shall be entitled to use more than one hour on the measure, motion, or other matter pending before the Senate, the amendments thereto, and motions affecting the same, except as hereinafter provided.

"A Senator shall be charged with the use of all time consumed after he is recognized and until he yields the floor, and any rollcall votes and quorum calls he requests except the time consumed in one quorum call immediately prior to a vote on final passage. A Senator may yield any of his remaining time to another Senator or may yield it back to the Presiding Officer, in which case the hours of consideration shall be reduced by the time so yielded back, and it shall be the duty of the Presiding Officer to keep the time of each Senator. No Senator may be yielded more than nine additional hours. If unanimous consent is requested to dispense with the remainder of a quorum call and an objection is heard to the request, the time consumed in the remainder of that quorum call is charged against the time of the objecting Member. If the objecting Senator does not have at least ten minutes remaining, he may not object to dispensing with the further proceedings under the quorum call. If the time required to call a quorum exceeds the balance of the objecting Senator's time, such time shall not be charged against the one hundred hours.

Mr. STEVENS. May I inquire, Mr. President, as the amendment is printed and put on the desks tomorrow, it will be in the modified form?

The PRESIDING OFFICER. The Senator is correct.

Mr. STEVENS. I thank the Senator.

Mr. ROBERT C. BYRD. I ask unanimous consent that the resolution placed on the desks tomorrow show the changes which have been made today by virtue of amendments, with language that has been deleted shown in stricken-through type and language which may have been added shown in italics, and that the clerk may be authorized to make technical and clerical corrections.

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

Mr. STEVENS. May I inquire—reserving the right to object, I am sorry—will that be considered original text for the purpose of any further amendment?

Mr. ROBERT C. BYRD. I have not yet agreed to that request, but, as I say, I may very well do that.

Mr. STEVENS. I thank the Senator.

The PRESIDING OFFICER. Without objection, the amendment of the Senator from Alaska will be laid aside.

UP AMENDMENT NO. 18

Mr. HELMS. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will state the amendment.

The assistant legislative clerk read as follows:

The Senator from North Carolina, Mr. HELMS, proposes an unprinted amendment No. 18.

On page 1, after line 3, insert the following:

"Between the invoking of cloture and the vote on final passage of the measure, motion, or other matter subject to cloture, consideration of such measure, motion, or matter shall be limited to not more than 8 hours per calendar day."

The PRESIDING OFFICER. The Senator from North Carolina.

Mr. HELMS. I thank the Chair.

Mr. President, I shall not consume time by discussing this amendment at length. It speaks for itself.

As I mentioned to my good friend, the distinguished majority leader in one of our conferences in connection with this resolution, I believe the Senate would be well served to limit the time devoted to an issue on which cloture has been invoked to 8 hours per calendar day. A prime reason is the impact upon the health of Members, particularly the most conscientious ones. I mentioned to several of my colleagues during the course of last session that I was concerned about the severe strain on our late dear friend Jim Allen, the distinguished Senator from Alabama, during many debates in this Chamber. He was only one of four of our colleagues who are no longer with the living.

Moreover, there is the question of the younger Members of the Senate who have families and young children, and who so seldom have an opportunity to spend an evening with their families. I believe all in all that if the Senate would agree to devote no more than 8 hours in any given day to the consideration of a matter on which cloture has been invoked, comity in the Senate would be increased, more participation would result on the part of Senators, and, in general, it would be a wholesome development.

I know the argument on the other side, that this proposal, to some degree, may appear to be tying the hands of the majority leader—which is certainly not the intent of the amendment. But I think it is an entirely reasonable request, and I do hope that the Senate will approve of it.

I am not going to spend any more time in discussing the amendment because, as I said at the outset, it does speak for itself. I gather it has considerable appeal. Needless to say, I hope it has sufficient appeal to be approved tomorrow.

I do not think we have enough Senators present to obtain a sufficient second, but I would advise the Chair that I do want a rollcall vote on this amendment tomorrow.

I yield the floor.

Mr. SARBANES. Mr. President, I wish to briefly speak against this amendment. Indeed, I will only make two or three observations.

First of all, the Senate on many days spends well in excess of 8 hours considering legislation pending before this body in a precloture time. In other words, it is necessary in handling legislation to take more than 8 hours in one day in order to work at it, and that is legislation on which 60 Senators have not yet invoked cloture. Is the Senator's amendment directed to that period only, to postcloture?

Mr. HELMS. Yes. Obviously, because all that is before the Senate in Senate Resolution 61 concerns postcloture. My amendment specifically limits itself to the period "between the invoking of cloture and the vote on final passage."

Mr. SARBANES. So the Senator would limit any consideration of a measure in a postcloture period to 8 hours per day?

Mr. HELMS. Except by unanimous consent, I would say to the Senator. The proposed amendment, I say to my friend from Maryland, contemplates that there may be a need for time on other legislative matters. So I am not calling for an 8-hour day. I am saying just an 8-hour limitation per day on the matter on which cloture has been voted.

Mr. SARBANES. The matter, of course, may be a matter on which we need to move to a resolution. Do I understand the Senator's amendment? The point made is that even in a precloture period 60 Members have not voted to cut off debate. Any measure we are considering involves an amendment process after cloture has been invoked.

In order to invoke cloture we require 60 Members, three-fifths of all those duly sworn as Members of the Senate. So we are in a period when 60 Members of the Senate have said, "Well, now, we think

we ought to start limiting the time and move toward a decision."

Even in the precloture period with respect to a great deal of the legislation it is necessary to spend more than 8 hours a day in considering a matter.

In one sense it is contradictory, almost, to use an 8-hour limit in postcloture when we have an unlimited period in precloture. It really would make more sense logically, though even then there would be difficulties connected with it, to have an 8-hour limit before cloture rather than after. There is more of an argument for an extended time after cloture, because three-fifths of the Senators have voted to move ahead on the measure.

Second, 8 hours a day with a 100-hour cap is 12½ days of consideration once cloture has been voted.

Now, cloture is difficult to come by, as our experiences here have shown. To have frozen in the absolute requirement, precluding unanimous consent, I would say to the Senator, that is tantamount to the absolute requirement that we would run then for 12½ days after cloture has been invoked.

That is almost 3 weeks of the Senate's time. I think it is unreasonable. I think that the majority leader has to have flexibility in the scheduling of legislation, and that there is, really, a strong argument that once cloture has been invoked, that the Senate really ought to spend very long days, indeed, on the matter pending before us.

In any event, whether that should or should not be done is a matter that can be worked out at the particular time with respect to the specific legislation and certainly ought not be frozen into place now by the rigid requirement that postcloture no more than 8 hours per day could be spent on the measure, which would guarantee 12½ days of consideration.

Mr. HELMS. Would the Senator prefer 6 hours?

Mr. SARBANES. The Senator would prefer no absolute requirement written into the rule.

The Senator does not regard that as the sensible way to go about this matter.

Mr. HELMS. Would the Senator feel just as strongly about 10 hours?

Mr. SARBANES. The longer we make the hours, the less strongly I would feel, and if we reached 24 hours I would not have any further negative feeling with respect to the matter because we, in effect, would have precluded any sort of arbitrary rule.

Mr. HELMS. I will say this to my friend from Maryland. I believe that this whole issue is born of something less than necessity.

If we look at the statistics, Mr. President, on extended debate in the Senate, on filibusters, we will see readily that, relatively speaking, there have been few major problems.

We know, of course about the Metzenbaum-Abourezk filibuster, and there have been some references to the parliamentary skill of my dear late friend Jim Allen.

But, on balance, if Senators are fair about it, and if they look at the record, they see that the alleged need for changes in rule XXII is just a contrived frustration.

Now, one day last week there were a few of us on this floor late in the afternoon, the distinguished Senator from Maine (Mr. MUSKIE), the distinguished Senator from New York (Mr. MOYNIHAN), the distinguished majority leader, and I think that was all, save for the Presiding Officer who, if memory serves me, was the junior Senator from Michigan (Mr. LEVIN).

But I advanced the observation, Mr. President, that we got in trouble in the Senate along about 1970 when the Senate began to tamper with the rules. Prior to that time, there was comity in this Senate that took care of the situation. When cloture was voted, there was no problem to secure a fairly hasty resolution of the issue.

As I believe I stated that afternoon on the Senate floor, I may be the senior Member of this Senate in one respect, certainly among those present today, in terms of having been here in the early 1950's, not as a Senator, but as administrative assistant to two successive Senators from North Carolina, one of whom died in office, and I saw two or three filibusters. I saw the great Dick Russell of Georgia, and others, fight as hard as they could; but when cloture was voted, comity in the Senate provided that there was a vote.

But at that time there was a constitutional two-thirds requirement before debate was shut off.

Then some of the wiser Members of the Senate, in their judgment, began to tamper with that rule. They reduced the constitutional two-thirds to two-thirds of those present and voting. Then a further reduction was made to three-fifths, a constitutional three-fifths, which is the rule now in existence.

I think, Mr. President, that if anybody took the time to plot it out, it could readily be shown that the more tampering that was done to the cloture requirement, the more diminution occurred in comity and cooperation in the Senate. So, maybe we ought to go back to the constitutional two-thirds. This Senator would favor it.

I fully and sincerely believe that if it were not that we sometimes witness the appearance of a slight majority apparently having the desire to railroad things through, that comity would be restored to a degree that would amaze a lot of Senators.

Sure, there is sometimes suspicion. Sure, there is a tendency not to cooperate. There is a tendency to read into various actions by the leadership motivations which I am sure do not exist.

But I say, Mr. President, to the Chair and to my colleagues, that the more we tamper with the right of the minority—and that is what we are talking about in this matter—the more we tamper with the right of the minority in the Senate, the more we risk reaping the whirlwind.

I am in favor of no change; no change in the rules with respect to filibusters. I say that in the face of the fact that, speaking as one Senator, I really do not care what happens postcloture, because I have always felt that the ball game was over at that point and that I had had my say and that we ought to go ahead and vote.

So, I have no burning obsession about this postcloture business, except what I fear to be a certain pretense that holiness and virtue reside on one side and the black hat boys on the other.

What is at stake every time we tamper with these rules, Mr. President, is the right of the minority, and the minority takes various forms. The Senator from Maryland may well be in a minority one of these days and he may well say, "Gee whiz, why did I ever vote to make it easier to put an end"——

Mr. SARBANES. Will the Senator yield?

Mr. HELMS. I will in a minute, if the Senator will forbear—"to make it easier to shut off debate."

So what we confront here, Mr. President, is not an exercise in who best knows the ropes, or who is the best parliamentarian on this floor, or even who has the most votes.

What we confront here is the very real question of how much farther shall we go in diminishing the rights of the minority.

I do not mean the Republican minority. I do not mean the conservative minority. I mean the minority on whatever issue, at whatever time.

I say, Mr. President, the minority could well shift to the other side.

I have heard several Senators say that they rue the day—rue the day—that they voted to reduce the cloture requirement to a constitutional three-fifths, and well they should. It ought to be two-thirds again.

As I said at the outset, I fully believe that the diminishment of comity and the watering down of cooperation began at the time that this Senate began to tamper with the rules, and that is the reason this is such an important issue to me.

Now, as for the proposed 8-hour day on matters where cloture has been invoked, if any Senator wants to change that to 9 hours, or 10 hours, or whatever, that suits the Senator from North Carolina, fine. But I think there ought to be a very careful limitation placed on how far we go in reducing the participation in these debates.

It is now exactly 5 o'clock, and I count in the Chamber seven Senators, including the distinguished Presiding Officer.

In the old days, Mr. President, this Chamber was virtually filled when there was an issue of this sort. But now, in terms of what we have developed in changing the rules, tampering with the rights of the minority, the Senators are not here. They are in their offices or they are at home. They know there will be no votes. There was a calculated effort made here today—successfully, I might add—to make sure that there were no votes because certain Senators were out of town.

We had 2 days of snow in the city of Washington, and some Senators could not get in. So here we are, in almost a spectacle of rushing this thing through——

Mr. ROBERT C. BYRD. Mr. President, will the Senator yield?

Mr. HELMS. In just a moment.

Of rushing this thing through in 2 days' time.

Mr. ROBERT C. BYRD. Mr. President, will the Senator yield to his bosom friend?

Mr. HELMS. The Senator is not pointing his finger at me, is he?

Mr. ROBERT C. BYRD. No. I merely flourished my hand.

Mr. HELMS. I yield.

(Mr. LEVIN assumed the chair.)

Mr. ROBERT C. BYRD. The Senator bemoans the fact that we are here today talking about a vote tomorrow. What about the days preceding the legislative holiday? What about the days that have ensued since January 15?

Mr. HELMS. I agree with the Senator.

Mr. ROBERT C. BYRD. We have had ample time to debate this matter. I stood on the floor, I believe, on Friday——

Mr. HELMS. I stood with the Senator.

Mr. ROBERT C. BYRD. The Senator was here. That is why I marvel at this. I thought his memory slipped temporarily, because he was here with me on that Friday. He was here with me the day before, on Thursday, when the only Senator who called up an amendment was the junior Senator from West Virginia.

The Senator was going to prove a point, because he foresaw the day when the Senator from West Virginia would say what I have just said—he would be able to stand and face down the Senator from West Virginia, at high noon, in the shootout.

The Senator is correct; he did offer some amendments. But here were the Senator from North Carolina and I—we had the floor to ourselves.

Mr. HELMS. Exactly. And the Senator from North Carolina did indeed offer some amendments.

Mr. ROBERT C. BYRD. For 2 days. The Senator from Maryland was here; the Senator from Montana was here; the Senator from Virginia was here. There were other Senators. The Senator from Idaho was here, and other Senators were here. But there was no action except voice votes.

So I hope the Senator will not leave the record with the impression that here is the majority leader today, Wednesday, February 21, pressing for a vote, pressing for a vote in 2 days, when we have had all this time prior to the legislative holiday to have called up amendments and to have had votes on them.

I have pleaded with Senators. My knees are still sore from my kneeling on this carpet, and my trousers are threadbare from my kneeling here, pleading with Senators to call up amendments. Only one Senator, only one valiant Senator, responded to the call, and that was the Senator from North Carolina.

Mr. HELMS. The Senator is absolutely correct.

Mr. ROBERT C. BYRD. By the way, while the Senator is yielding, will he yield further?

Mr. HELMS. I yield to my good friend.

Mr. ROBERT C. BYRD. The Senator said a moment ago—and I have heard this before—that we are seeing these postcloture filibusters because we changed the rules; that is when we began to see all these postcloture filibusters happen, because we tampered with the rules. Well, I have a little memory about that, myself. It is my amendment that is now in the rulebook which provides for 60 Members invoking cloture.

Does the Senator not recall that that amendment was adopted by the Senate, because of the increasing number of filibusters, the spate of filibusters, that came along? They were on antitrust bills, on extending the voting rights law. You name it; we had a filibuster for it. Back in those days, if a Member wanted to filibuster something he did not like, he filibustered it. That is what brought on the rules change.

So one can say, which came first, the chicken or the egg? You take your pick.

I recall that the rules change came about because the Senate was getting its belly full of these filibusters happening over every little old bill that came along. Any Senator who wanted a filibuster could have it his way—no charge, just have a filibuster. The Senate got tired of it. So we started to amend that rule in 1977.

A few days went by, and Senator LONG stood right back there, where Senator HARRY F. BYRD, JR., sits now, and he said, "Why don't we think in terms of making it a three-fifths vote?"

So some of us went back in the cloakroom, and we came out with that amendment.

So I must say, with all respect to my friend, who has yielded to me most courteously, that the present rule grew out of the abuse of the rule that preceded that change. Senators may say, if they wish, that we are having these postcloture filibusters, because of the tampering with the rules. The Senate does not tamper with its rules lightly. I have been here 20 years; I was in the other body 6 years. The Senate does not tamper with its rules lightly. It tampered with the rules, because it was trying to remedy an ill that had become an affliction, and it is about to tamper with them again today, because we have seen this abuse of the rules.

I hope the Senator will pardon my interruption, but I thought that at least that should be said, so that Senators who read the RECORD can make their choice as to whether it is the chicken or the egg.

Mr. HELMS. I appreciate the Senator's comments. He is, as always, most gracious, and frank in stating his thoughts. I was delighted to hear his response, even though the Senator from North Carolina cannot agree with it.

I want him to know that I meant no criticism of him personally in stating some of the facts.

The arithmetic of this cloture business is that in the first half of the century of the cloture rule—52 years to be exact—cloture was voted 45 times. Since 1970, when the Senate really began to tamper, and I use the word advisedly, tamper with the rules, it has been voted 95 times. Now, that is the arithmetic of it, and the arithmetic speaks for itself.

As for my own participation in extended debates, I think the distinguished majority leader will acknowledge that I have worked with him on countless occasions to reduce the time consumed by the Senate in consideration of various measures on which cloture had been voted.

As a matter of fact, with the exception of the so-called Metzenbaum-Abourezk filibuster, we really have not had a severe problem for the simple reason that Senators do not participate, as a rule, in postcloture filibusters.

I recall a number of times when Jim Allen and I patrolled this floor, Mr. President, looking for Senators who would consume or who would use a part or all of their hour.

But the truth of the matter is that in most cases, with the exception of the extreme case to which I referred, the postcloture consumption of time has been minimal. I do no want the record to indicate that otherwise may be the case.

So we are dealing with a straw man to a great extent with the exception of that extreme case which has come to be known in the Senate as the Metzenbaum-Abourezk episode.

I firmly believe, Mr. President, that it would be the course of wisdom for Senators to support the 8-hour limitation with the understanding that the majority leader is in no way shackled about calling up other business on either side of the 8 hours.

It would not mean an 8-hour day for Senators. I am perfectly prepared to work 12, 14, 16 hours a day. I have done it before and I am perfectly willing to do it again. But I do think that the ability to concentrate on an issue for more than 8 hours becomes questionable, and that is the purpose of this amendment.

I am going to urge its adoption, and, as I indicated earlier, Mr. President, tomorrow I want the yeas and nays on the question.

I yield the floor.

The PRESIDING OFFICER. What is the will of the Senate?

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

The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

The PRESIDING OFFICER (Mr. ROBERT C. BYRD). Without objection, it is so ordered.

ORDER TO HOLD BILL AT THE DESK—H.R. 1902

Mr. LEVIN. Mr. President, I ask unanimous consent that H.R. 1902, the Carson City silver dollar bill, be held at the desk, pending further disposition.

The PRESIDING OFFICER. Is there objection? Hearing none, it is so ordered.

REPRINTING OF THE REPORT ENTITLED "CHINA" (S. DOC. 96-4)

Mr. LEVIN. Mr. President, on behalf of Senator MUSKIE I send to the desk a resolution and ask for its immediate consideration.

The PRESIDING OFFICER. Has this

request been cleared with the leadership on both sides?

Mr. LEVIN. Yes it has been.

The PRESIDING OFFICER. The resolution will be stated.

The assistant legislative clerk read as follows:

S. RES. 77

Resolved, That there be printed an additional eight hundred copies of Senate Document 96-4, entitled "China".

The PRESIDING OFFICER. Is there objection to the present consideration of the resolution?

There being no objection, the Senate proceeded to consider the resolution.

Mr. STEVENS. Mr. President, I am constrained to ask, has there been any indication of the cost of that reprinting?

The PRESIDING OFFICER. Does the distinguished Senator from Michigan care to respond?

The Chair will state that the resolution provides for the printing of an additional 800 copies.

Mr. LEVIN. There has been no report on the cost, Mr. President.

Mr. STEVENS. Eight hundred copies?

The PRESIDING OFFICER. Eight hundred copies.

Mr. STEVENS. I have no objection.

The PRESIDING OFFICER. The question is on agreeing to the resolution.

The resolution (S. Res. 77) was agreed to.

MESSAGES FROM THE HOUSE

At 12:04 p.m., a message from the House of Representatives delivered by Mr. Berry, one of its reading clerks, announced that the House has passed the following bill in which it requests the concurrence of the Senate:

H.R. 1902. An act to amend the Bank Holding Company Act Amendments of 1970.

The message also announced that, pursuant to the provisions of 15 United States Code 1024(a), the Speaker has appointed Mr. BOLLING, Mr. REUSS, Mr. MOORHEAD of Pennsylvania, Mr. HAMILTON, Mr. LONG of Louisiana, Mr. MITCHELL of Maryland, Mr. BROWN of Ohio, Mrs. HECKLER, Mr. ROUSSELOT, and Mr. WYLIE as members of the Joint Economic Committee on the part of the House.

The message further announced that, pursuant to the provisions of section 5, Public Law 420, 83d Congress, as amended, the Speaker has appointed Mr. BONIOR of Michigan and Mr. BUCHANAN as members of the board of directors of Gallaudet College on the part of the House.

The message also announced that, pursuant to the provisions of section 1, Public Law 372, 84th Congress, as amended, the Speaker has appointed Mr. MURPHY of New York, Mr. HOWARD, Mr. FISH, and Mr. GREEN as members of the Franklin Delano Roosevelt Memorial Commission on the part of the House.

At 4:43 p.m., a message from the House of Representatives announced that, pursuant to the provisions of section 170 (a)(3)(B), Public Law 95-599, the Speaker has appointed Mr. ROE, Mr. ALEXANDER, Mr. BLANCHARD, Mr. GLICKMAN, Mr. SEBELIUS, and Mr. REGULA as members of the National Alcohol Fuels Commission on the part of the House.

H.R. 1902 HELD AT DESK

By unanimous consent, the following bill was read by title and ordered held at the desk:

H.R. 1902. An act to amend the Bank Holding Company Act Amendments of 1970.

COMMUNICATIONS

The PRESIDING OFFICER laid before the Senate the following communications, together with accompanying reports, documents, and papers, which were referred as indicated:

EC-517. A communication from the Comptroller General of the United States, transmitting, pursuant to law, a report entitled "Better Understanding of Wetland Benefits Will Help Water Bank and Other Federal Programs Achieve Wetland Preservation Objectives," February 8, 1979; to the Committee on Agriculture, Nutrition, and Forestry.

EC-518. A communication from the Assistant Secretary for Congressional Relations, Department of State, reporting, pursuant to law, a violation of Section 3679 of the Revised Statutes, as amended, for the appropriation: Migration and Refugee Assistance, State, 1978, 1981143; to the Committee on Appropriations.

EC-519. A communication from the Deputy Secretary of Defense, reporting, pursuant to law, on annual compensation of officers or employees of a Federal Contract Research Center (FCRC) in excess of $45,000 from federal funds; to the Committee on Armed Services.

EC-520. A communication from the Deputy Assistant Secretary of Defense (Installations and Housing), transmitting, pursuant to law, the Base Structure Annex to the Defense Manpower Requirements Report for FY 1980; to the Committee on Armed Services.

EC-521. A secret communication from the Assistant Secretary of Defense (Comptroller), transmitting, pursuant to law, 52 Acquisition Reports (SARs) and the SAR Summary Tables for the quarter ending December 31, 1978; to the Committee on Armed Services.

EC-522. A secret communication from the Comptroller General of the United States, transmitting, pursuant to law, a report on the major issues of the air-, sea-, and ground-launched cruise missiles program; to the Committee on Armed Services.

EC-523. A communication from the Principal Deputy Assistant Secretary of Defense (Manpower, Reserve Affairs, and Logistics), transmitting, pursuant to law, a Final Environmental Impact Statement (EIS) for the Disposal of Surplus Federal Military Properties in Rhode Island: Quonset Point Naval Air Station, Davisville Construction Battalion Center and Newport Naval Base; to the Committee on Armed Services.

EC-524. A confidential communication from the Comptroller General of the United States, transmitting, pursuant to law, a report on the major issues concerning the Army's General Support Rocket System program; to the Committee on Armed Services.

EC-525. A communication from the Deputy Secretary of Defense, transmitting, pursuant to law, an Annual Report of the Reserve Forces Policy Board (RFPB); to the Committee on Armed Services.

EC-526. A secret communication from the Comptroller General of the United States, transmitting, pursuant to law, a report on major issues concerning the advanced intercontinental ballistic missile weapon system; to the Committee on Armed Services.

EC-527. A communication from the Principal Deputy Assistant Secretary of Defense (Manpower, Reserve Affairs, and Logistics), transmitting, pursuant to law, the Defense Manpower Requirements Report for FY 1980; to the Committee on Armed Services.

EC-528. A secret communication from the Comptroller General of the United States, transmitting, pursuant to law, a report on the major issues of TRIDENT and SSN-688 submarine construction programs; to the Committee on Armed Services.

EC-529. A communication from the Associate Director, Legislative Liaison, Office of the Secretary, Department of the Air Force, transmitting, pursuant to law, a report on experimental, developmental and research contracts of $50,000 or more, by company, covering the period July 1, 1978, through December 31, 1978; to the Committee on Armed Services.

EC-530. A communication from the Assistant Attorney General, Civil Rights Division, transmitting, pursuant to law, a report of the Attorney General on the administration of the Equal Credit Opportunity Act for calendar year 1978; to the Committee on Banking, Housing, and Urban Affairs.

EC-531. A communication from the Secretary of Housing and Urban Development, transmitting, pursuant to law, a report on Housing Displacement; to the Committee on Banking, Housing, and Urban Affairs.

EC-532. A confidential communication from the Secretary of Commerce, transmitting, pursuant to law, the first annual report on the results of the review of export control country policy; to the Committee on Banking, Housing, and Urban Affairs.

EC-533. A communication from the Secretary of Transportation, transmitting a draft of proposed legislation to amend the National Traffic and Motor Vehicle Safety Act of 1966 and the Motor Vehicle Information and Cost Savings Act to authorize appropriations for fiscal years 1980, 1981, and 1982; to the Committee on Commerce, Science, and Transportation.

EC-534. A communication from the Secretary, Interstate Commerce Commission, reporting, pursuant to law, the Commission's decision to extend the time period for acting on an appeal pending before the Commission in Finance Docket No. 27620, Maine Central Railroad Company v. Amoskeag Company, Frederick Dumaine and Dumaines; to the Committee on Commerce, Science, and Transportation.

EC-535. A communication from the Chairman, U.S. Consumer Product Safety Commission, transmitting a draft of proposed legislation to discontinue or amend certain reporting requirements of law; to the Committee on Commerce, Science and Transportation.

EC-536. A communication from the Secretary of the Interior, transmitting, pursuant to law, a report on matters contained in the Helium Act (Public Law 86-777), for fiscal year 1978; to the Committee on Energy and Natural Resources.

EC-537. A communication from the General Counsel, Department of Energy, transmitting, pursuant to law, notices of meetings related to the International Energy Program; to the Committee on Energy and Natural Resources.

EC-538. A communication from the Under Secretary, Department of Energy, transmitting, pursuant to law, the Second Comprehensive Program and Plan for Federal Energy Education, Extension and Information Activities (CPP); to the Committee on Energy and Natural Resources.

EC-539. A communication from the Administrator, General Services Administration, transmitting, pursuant to law, a prospectus for alterations at the Chicago, Illinois, Everett McKinley Dirksen Federal Building, in the amount of $6,219,000; to the Committee on Environment and Public Works.

EC–540. A communication from the Administrator, General Services Administration, transmitting, pursuant to law, an amendment to the approved prospectus for the New Haven, Connecticut, Post Office and Courthouse, in the amount of $4,670,000; to the Committee on Environment and Public Works.

EC–541. A communication from the Administrator, General Services Administration, transmitting, pursuant to law, a prospectus for alterations at the Post Office and Courthouse, 5th Avenue and 9th Street, Huntington, West Virginia, in the amount of $3,623,000; to the Committee on Environment and Public Works.

EC–542. A communication from the Administrator, General Services Administration, transmitting, pursuant to law, a prospectus for alterations at the Scranton, Pennsylvania, U. S. Post Office and Courthouse, in the amount of $1,802,000; to the Committee on Environment and Public Works.

EC–543. A communication from the Administrator, General Services Administration, transmitting, pursuant to law, a prospectus for alterations at the Washington, D.C. Interstate Commerce Commission, Customs, and Connecting Wing, in the amount of $8,370,000; to the Committee on Environment and Public Works.

EC–544. A communication from the Staff Director, Science Advisory Board, United States Environmental Protection Agency, transmitting, pursuant to law, a report on the evaluation of the health effects research in the U.S. Environmental Protection Agency; to the Committee on Environment and Public Works.

EC–545. A communication from the Administrator, United States Environmental Protection Agency, transmitting, pursuant to law, a report entitled "Research Outlook 1979"; to the Committee on Environment and Public Works.

EC–546. A communication from the Secretary of Agriculture, transmitting, pursuant to law, a report on the review of 15 National Forest primitive areas; to the Committee on Environment and Public Works.

EC–547. A communication from the Director, Congressional Budget Office, U.S. Congress, transmitting, pursuant to law, a report entitled "Guidelines for A Study of Highway Cost Allocation," February 1979; to the Committee on Environment and Public Works.

EC–548. A communication from the President of the United States, transmitting, pursuant to law, a report setting forth his decision to provide import relief on wood and plastic clothespins in the form of a price-bracketed quota; to the Committee on Finance.

EC–549. A communication from the Secretary of Commerce, transmitting a draft of proposed legislation to amend the act of June 18, 1934, regarding the submission by the Foreign-Trade Zones Board of annual reports to Congress; to the Committee on Finance.

EC–550. A communication from the Secretary of the Treasury, reporting, pursuant to law, on actions taken, upon his instructions, by the U.S. Executive Director of the International Monetary Fund, to present to the Fund's Executive Board a comprehensive set of proposals on the compensation of Fund employees; to the Committee on Foreign Relations.

EC–551. A secret communication from the Director, U.S. Arms Control and Disarmament Agency, transmitting, pursuant to law, the administration's fiscal year 1980 Arms Control Impact Statements; to the Committee on Foreign Relations.

EC–552. A communication from the Administrator, Agency for International Development, Department of State, reporting, pursuant to law, on steps taken to review proposals for an African Development Foundation (ADF); to the Committee on Foreign Relations.

EC–553. A communication from the Chairman, Development Coordination Committee, transmitting, pursuant to law, a foreign assistance report, combining a number of previous reporting requirements; to the Committee on Foreign Relations.

EC–554. A communication from the Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting, pursuant to law, international agreements other than treaties entered into by the United States within 60 days after the execution thereof; to the Committee on Foreign Relations.

EC–555. A communication from the Inspector General, Department of Health, Education, and Welfare, transmitting, pursuant to law, a quarterly report covering the activities of the Office of Inspector General for the period October 1 to December 31, 1978; to the Committee on Governmental Affairs.

EC–556. A communication from the Special Counsel, Office of the Special Counsel, transmitting, pursuant to law, a report on a new system of records; to the Committee on Governmental Affairs.

EC–557. A secret communication from the Comptroller General of the United States, transmitting, pursuant to law, a report on various matters affecting the readiness of conventional U.S. Air Forces in Europe and the status of some of the initiatives they are taking in response to improvements in the offensive capabilities of Soviet and Warsaw Pact Air Forces; to the Committee on Governmental Affairs.

EC–558. A communication from the Executive Director, Advisory Commission on Intergovernmental Relations, transmitting, pursuant to law, the twentieth annual report of the Commission; to the Committee on Governmental Affairs.

EC–559. A communication from the Secretary of Health, Education, and Welfare, transmitting a draft of proposed legislation to establish the position of Deputy Secretary of Health, Education, and Welfare; to the Committee on Governmental Affairs.

EC–560. A communication from the Deputy Assistant Secretary of Defense (Administration), transmitting, pursuant to law, a report of the Department of the Air Force proposals for two new systems of records; to the Committee on Governmental Affairs.

EC–561. A communication from the Director, Office of Personnel Management, transmitting a draft of proposed legislation to amend title 5, United States Code, to provide survivor benefits to certain dependent children; to the Committee on Governmental Affairs.

EC–562. A communication from the Comptroller General of the United States, transmitting, pursuant to law, a report entitled "Food Salvage Industry Should Be Prevented From Selling Unfit and Misbranded Food to the Public," February 14, 1979; to the Committee on Human Resources.

EC–563. A communication from the Director, Agency for Volunteer Service, ACTION, transmitting a draft of proposed legislation to authorize appropriations for programs under the Domestic Volunteer Service Act of 1973, to amend such act to facilitate the improvement of programs carried out thereunder, to authorize urban volunteer programs, and for other purposes; to the Committee on Human Resources.

EC–564. A communication from the Comptroller General of the United States, transmitting, pursuant to law, a report entitled "The Federal Program To Strengthen Developing Institutions of Higher Education Lacks Direction," February 13, 1979; to the Committee on Human Resources.

EC–565. A communication from the Chairman and members, U.S. Commission on Civil Rights, transmitting, pursuant to law, a report entitled "Desegregation of Nation's Public Schools: A Status Report"; to the Committee on the Judiciary.

EC–566. A communication from the Public Information Officer, Occupational Safety and Health Review Commission, transmitting, pursuant to law, a report on the administration of the Freedom of Information Act during calendar year 1978; to the Committee on the Judiciary.

EC–567. A communication from the Commissioner, Immigration and Naturalization Service, Department of Justice, transmitting, pursuant to law, orders in the cases of certain aliens who have been found admissible to the United States under the Immigration and Nationality Act; to the Committee on the Judiciary.

EC–568. A communication from the Commissioner, Immigration and Naturalization Service, Department of Justice, transmitting, pursuant to law, orders suspending deportation, as well as a list of persons involved; to the Committee on the Judiciary.

EC–569. A communication from the Commissioner, Immigration and Naturalization Service, Department of Justice, transmitting, pursuant to law, a report of conditional entry activities as required by Section 203(f) of the Immigration and Nationality Act for the period covering June 1, 1978 through December 31, 1978; to the Committee on the Judiciary.

EC–570. A communication from the Public Printer, United States Government Printing Office, transmitting, pursuant to law, the annual report of the Public Printer for fiscal year 1978; to the Committee on Rules and Administration.

EC–571. A communication from the Director, Office of Management and Budget, Executive Office of the President, transmitting, pursuant to law, a cumulative report on rescissions and deferrals for February 1979; to the Committee on Appropriations, the Committee on the Budget, the Committee on Agriculture, Nutrition, and Forestry, the Committee on Armed Services, the Committee on Banking, Housing, and Urban Affairs, the Committee on Commerce, Science, and Transportation, the Committee on Energy and Natural Resources, the Committee on Foreign Relations, the Committee on Finance, the Committee on Governmental Affairs, the Committee on Human Resources, the Committee on the Judiciary, and the Select Committee on Small Business, jointly, pursuant to order of January 30, 1975.

EC–572. A communication from the Secretary of Energy, transmitting a draft of proposed legislation to authorize appropriations to the Department of Energy for national security programs for fiscal year 1980 and fiscal year 1981, and for other purposes; to the Committee on Armed Services and the Committee on Energy and Natural Resources, jointly, by unanimous consent.

Mr. LEVIN. Mr. President, I ask unanimous consent that a communication transmitted by the Secretary of the Department of Energy, relative to authorizing appropriations for the Department of Energy's national security programs for fiscal years 1980–81, be referred jointly to the committees on Armed Services, and Energy and Natural Resources.

The PRESIDING OFFICER. Has this request been cleared with the chairmen involved?

Mr. LEVIN. Yes, it has been.

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

EC–573. A communication from the Director, Office of Management and Budget, Executive Office of the President, transmitting a draft of proposed legislation to continue the work of the President's Commission on Pension Policy to develop a national retirement income policy in the United States, and for other purposes; to the Committee on Finance and the Committee on Human Resources, jointly, by unanimous consent.

Mr. LEVIN. Mr. President, I ask unanimous consent that a communication transmitted by the Director of the Office of Management and Budget, relative to the development of a national retirement income policy by the President's Commission on Pension Policy, be referred jointly to the committees on Finance and Human Resources.

The PRESIDING OFFICER. Has this request been cleared with the majority and minority leaders?

Mr. LEVIN. Yes; it has been.

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

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. CHURCH, from the Committee on Foreign Relations, without amendment:

S. Res. 75. An original resolution authorizing additional expenditures by the Committee on Foreign Relations for inquiries and investigations (Rept. No. 96–6). Referred to the Committee on Rules and Administration.

By Mr. BAYH, from the Select Committee on Intelligence, without amendment:

S. Res. 76. An original resolution authorizing expenditures by the Select Committee on Intelligence. Referred to the Committee on Rules and Administration.

FOREIGN CURRENCY REPORTS

In accordance with the appropriate provisions of law, the Secretary of the Senate herewith submits the following report(s) of standing committees of the Senate, certain joint committees of the Congress, delegations and groups, and select and special committees of the Senate, relating to expenses incurred in the performance of authorized foreign travel:

CONSOLIDATED REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION, TRAVEL AUTHORIZED BY SENATOR HOWARD W. CANNON, TRAVEL DATES: FROM JAN. 27 TO DEC. 31, 1978

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S.-dollar equivalent or U.S. currency	Foreign currency	U.S.-dollar equivalent or U.S. currency	Foreign currency	U.S.-dollar equivalent or U.S. currency	Foreign currency	U.S.-dollar equivalent or U.S. currency
Koch, Christopher L.: England	Pounds	307.29	600.00					307.29	600.00
	U.S. dollars				680.00				680.00
Subtotal			600.00		680.00				1,280.00
Gehrig, James J.:									
Yugoslavia	Dinar	11,059.00	590.44	19,188.89	1,024.50	2,988.50	159.56	33,236.39	1,774.50
France	Franc	1,257.00	293.00	292.40	68.05	5.60	1.30	1,555.00	362.35
Germany	Mark	201.00	108.06	72.50	38.98	5.50	2.96	279.00	150.00
Subtotal			991.50		1,131.53		163.82		2,286.85
Total			1,591.50		1,811.53		163.82		3,566.85

Feb. 5, 1979.

HOWARD W. CANNON, Chairman.

CONSOLIDATED REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE COMMITTEE ON ARMED SERVICES, TRAVEL AUTHORIZED BY SENATOR JOHN C. STENNIS, CHAIRMAN. TRAVEL DATES: FROM NOV. 12 TO DEC. 10, 1978

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
John Culver: France	Franc	1,513	356.00					1,513	356.00
	Appropriated funds				1,449.00				1,449.00
Sam Nunn: France	Franc	1,958	445.00					1,958	445.00
	Appropriated funds				449.00				449.00
Jeff Record: France	Franc	1,958	445.00					1,958	445.00
	Appropriated funds				449.00				449.00
George F. Travers: Germany	Deutsche mark	1,204.35	665.82					1,204.35	665.82
	Appropriated funds		107.87		770.88				878.75
Total			2,019.69		3,117.88				5,137.57

Jan. 3, 1979.

JOHN C. STENNIS, Chairman.

CONSOLIDATED REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION, TRAVEL AUTHORIZED BY SENATOR WARREN G. MAGNUSON, TRAVEL DATES: FROM JAN. 15 TO JAN. 24, 1978

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Perles, Steven R.: Japan	Yen	161,534	675.00					161,534	675.00
	U.S. dollars				1,365.00				1,365.00
Total			675.00		1,365.00				2,040.00

Feb. 5, 1979.

WARREN MAGNUSON.

REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, HENRY BELLMON, U.S. SENATE, TRAVEL AUTHORIZED BY HON. HOWARD BAKER, MINORITY LEADER OF THE SENATE, TRAVEL DATES: FROM NOV. 19, TO NOV. 21, 1978

Country	Name of currency	Per diem		Transportation		Other purposes		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency [1]	Foreign currency	U.S. dollar equivalent or U.S. currency [1]	Foreign currency	U.S. dollar equivalent or U.S. currency [1]	Foreign currency	U.S. dollar equivalent or U.S currency [1]
Hungary	Forints			12,047.72	644.01			12,047.72	644.01
Switzerland	Swiss franc	552.60	327.00					552.60	327.00
Germany	German marks			18.00	9.46				
				143.40	75.38			161.40	84.84
Total									1,055.85

RECAPITULATION

Foreign currency (U.S. dollar equivalent) (total) $1,055.85

[1] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

Dec. 21, 1978. HENRY BELLMON.

CONSOLIDATED REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE JOINT COMMITTEE ON PRINTING, TRAVEL AUTHORIZED BY SENATOR CLAIBORNE PELL, CHAIRMAN, TRAVEL DATES: FROM OCT. 22, TO NOV. 6, 1978

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Denver Dickerson: Germany (4 days)			79.00						316.00
Denver Dickerson: Italy (3 days)			75.00		152.25	Car rental	331.71		708.96
Denver Dickerson: Spain (3 days)			75.00		117.41				342.41
Denver Dickerson: London (4 days)			90.00		266.00				626.00
Total			319.00		535.66		331.71		2,193.37

Jan. 29, 1979. CLAIBORNE PELL, Chairman, Joint Committee on Printing.

CONSOLIDATED REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS FOR FOREIGN TRAVEL, ROBERT C. BYRD, VISIT TO THE MIDDLE EAST, NOV. 25 TO DEC. 11, 1978—EXPENDED BETWEEN JAN. 1 AND DEC. 31, 1978

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S.-dollar equivalent or U.S. currency	Foreign currency	U.S.-dollar equivalent or U.S. currency	Foreign currency	U.S.-dollar equivalent or U.S. currency	Foreign currency	U.S.-dollar equivalent or U.S. currency
Jeanine J. Drysdale:									
Morocco	Dirham	117.00	29.25					117.00	29.25
Egypt	E. pounds	121.570	173.81					121.570	173.81
Israel	I. pounds	2,916.76	155.31					2,916.76	155.31
Jordan	Dinars	22.800	76.00					22.800	76.00
Syria	S. pounds	207.00	53.08					207.00	53.08
Turkey	T. lira	3,290.00	131.60					3,290.00	131.60
England	Pounds	85.85	169.97					85.85	169.97
Robert C. Byrd:									
Morocco	Dirham	200.59	50.15					200.59	50.15
Egypt	E. pounds	115.000	164.29					115.000	164.29
Israel	I. pounds	2,875.50	153.11					2,875.50	153.11
Jordan	Dinars	22.800	76.00					22.800	76.00
Syria	S. pounds	192.50	49.36					192.50	49.36
Turkey	T. Lira	2,125.00	85.00					2,125.00	85.00
England	Pounds	85.85	169.97					85.85	169.97
Walter J. Stewart:									
Morocco	Dirham	117.50	29.38					117.50	29.38
Egypt	E. pounds	126.500	180.71					126.500	180.71
Israel	I. pounds	3,575.50	190.39					3,575.50	190.39
Jordan	Dinars	22.800	76.00					22.800	76.00
Syria	S. pounds	192.50	49.36					192.50	49.36
Turkey	T. lira	4,115.00	164.60					4,115.00	164.60
England	Pounds	85.85	169.97					85.85	169.97
Barbara Videnieks:									
Morocco	Dirham	117.00	29.25					117.00	29.25
Egypt	E. pounds	45.420	64.89					45.420	64.89
Israel	I. pounds	4,225.50	225.00					4,225.50	225.00
Jordan	Dinars	22.800	76.00					22.800	76.00
Syria	S. pounds	292.50	75.00					292.50	75.00
Turkey	T. lira	1,500.00	60.00					1,500.00	60.00
England	Pounds	85.85	169.97					85.85	169.97
Hoyt H. Purvis:									
Morocco	Dirham	172.79	43.20					172.79	43.20
Egypt	E. pounds	157.500	225.00					157.500	225.00
Israel	I. pounds	2,565.50	136.61					2,565.50	136.61
Jordan	Dinars	22.800	76.00					22.800	76.00
Syria	S. pounds	182.50	46.79					182.50	46.79
Turkey	T. lira	2,036.00	81.44					2,036.00	81.44
England	Pounds	73.52	145.57					73.52	145.57
J. Michael Willard:									
Morocco	Dirham	120.00	30.00					120.00	30.00
Egypt	E. pounds	136.600	195.14					136.600	195.14
Israel	I. pounds	2,986.21	159.01					2,986.21	159.01
Jordan	Dinars	22.800	76.00					22.800	76.00
Syria	S. pounds	174.00	44.61					174.00	44.61
Turkey	T. lira	2,035.00	81.40					2,035.00	81.40
England	Pounds	75.02	148.54					75.02	148.54

CONSOLIDATED REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS FOR FOREIGN TRAVEL, ROBERT C. BYRD, VISIT TO THE MIDDLE EAST, NOV. 25 TO DEC. 11, 1978—EXPENDED BETWEEN JAN. 1 AND DEC. 31, 1978—Continued

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S.-dollar equivalent or U.S. currency	Foreign currency	U.S.-dollar equivalent or U.S. currency	Foreign currency	U.S.-dollar equivalent or U.S. currency	Foreign currency	U.S.-dollar equivalent or U.S. currency
Mary Jane Checchi:									
Morocco	Dirham	117.00	29.25					117.00	29.95
Egypt	E. pounds	157.500	225.00					157.500	225.00
Israel	I. pounds	3,215.51	171.22					3,215.51	171.22
Jordan	Dinars	15.800	52.67					15.800	52.67
Syria	S. pounds	182.50	46.79					182.50	46.79
Turkey	T. lira	2,725.00	109.00					2,725.00	109.00
England	Pounds	79.65	157.52					79.65	157.52
Gina G. Sangster:									
Morocco	Dirham	117.00	29.25					117.00	29.25
Egypt	E. pounds	134.113	191.59					134.113	191.59
Israel	I. pounds	2,347.50	125.00					2,347.50	125.00
Jordan	Dinars	22.800	76.00					22.800	76.00
Syria	S. pounds	184.00	47.18					184.00	47.18
Turkey	T. lira	1,960.00	78.40					1,960.00	78.40
England	Pounds	77.35	153.14					77.35	153.14
Freeman H. Cary:									
Morocco	Dirham	300.00	75.00					300.00	75.00
Egypt	E. pounds	115.300	164.71					115.300	164.71
Israel	I. pounds	4,225.50	225.00					4,225.50	225.00
Jordan	Dinars	22.800	76.00					22.800	76.00
Syria	S. pounds	117.50	45.51					117.50	45.51
Turkey	T. lira	3,005.00	120.20					3,005.00	120.20
Saudi Arabia	Saudi riyals	17.25	5.16					17.25	5.16
England	Pounds	80.85	160.07					80.85	160.07
Total			6,950.39						6,950.39

RECAPITULATION

	Amount
Foreign currency (U.S. dollar equivalent) (total)	$6,950.39

[1] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

Note: Delegation traveled also to Iran and Saudi Arabia. In Iran no per diem funds were received by any member of the delegation. In Saudi Arabia all per diem funds were returned in full except where indicated in the breakout above.

Jan. 8, 1979.

ROBERT C. BYRD, Chairman.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

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

By Mr. BAKER (for himself and Mr. RANDOLPH):

S. 436. A bill to amend section 15(d) of the Tennessee Valley Authority Act of 1933 to increase the amount of debt which may be incurred by the Tennessee Valley Authority; to the Committee on Environment and Public Works.

By Mr. EAGLETON:

S. 437. A bill to delay the date certain child support requirements became effective in the case of certain States; to the Committee on Finance.

By Mr. HELMS:

S. 438. A bill to limit the jurisdiction of the Supreme Court of the United States and of the district courts to enter any judgment, decree, or order, denying or restricting, as unconstitutional, voluntary prayer in any public school; to the Committee on the Judiciary.

By Mr. RIEGLE:

S. 439. A bill for the relief of Antoinette Slovik; to the Committee on the Judiciary.

By Mr. RIEGLE (for himself, Mr. WILLIAMS, and Mr. HATCH):

S. 440. A bill to revise and extend the Comprehensive Alcohol Abuse and Alcoholism Prevention Treatment, and Rehabilitation Act of 1970; to the Committee on Human Resources.

By Mr. DOLE (for himself, Mrs. KASSEBAUM, Mr. HATCH, Mr. MCCLURE, Mr. STEWART, Mr. COCHRAN, and Mr. YOUNG):

S. 441. A bill to modify the method of determining quantitative limitations on the importation of certain articles of meat and meat products, to apply quantitative limitations on the importation of certain additional articles of meat, meat products, and livestock, and for other purposes; to the Committee on Finance.

By Mr. EAGLETON:

S. 442. A bill for the relief of Isaac N. Hulver of Kansas City, Missouri; to the Committee on the Judiciary.

By Mr. STEVENSON (for himself and Mr. PERCY):

S. 443. A bill to amend the Federal District Court Organization Act of 1978 with respect to certain administrative matters arising from the redrawing of the federal judicial districts in the State of Illinois, and for other purposes; to the Committee on the Judiciary.

By Mr. EAGLETON:

S. 444. A bill for the relief of the Jewish Employment Vocational Service, Saint Louis, Missouri; to the Committee on the Judiciary.

By Mr. PERCY (for himself and Mr. ROBERT C. BYRD):

S. 445. A bill to reorganize Federal regulatory agencies to prevent excessive, duplicative, inflationary, and anti-competitive regulation, and to make regulation more effective and responsive to the public interest; to the Committee on Governmental Affairs.

By Mr. RANDOLPH:

S.J. Res. 39. A joint resolution to provide for the designation of the second full calendar week in March of each year as "National Employ the Older Worker Week"; to the Committee on the Judiciary.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. BAKER (for himself and Mr. RANDOLPH):

S. 436. A bill to amend section 15(d) of the Tennessee Valley Authority Act of 1933 to increase the amount of debt which may be incurred by the Tennessee Valley Authority; to the Committee on Environment and Public Works.

TENNESSEE VALLEY AUTHORITY

● Mr. BAKER. Mr. President, I send to the desk for introduction and appropriate referral a bill, forwarded from the administration, which will increase the authority of the Tennessee Valley Authority to incur debt in the financing of its power operations over the next 5 years.

Since 1959, the power program of TVA has been totally self-funding. Its debt obligations are neither obligations of the Federal Government nor are they guaranteed by it. However, in order to maintain periodic oversight of the progress and operation of the TVA power program, Congress has imposed a ceiling on the amount of debt which TVA may incur. Traditionally, the ceiling has been raised periodically at approximately 5-year intervals. The original ceiling was set at $750 million in the 1959 TVA Self Financing Act and has been increased in 1966 to $1.75 billion, in 1970 to $5 billion, in 1975 to $15 billion.

The President's recommendations is for an increase now to $30 billion. I attach at the end of these remarks, a copy of the transmittal letter explaining in detail the need for this measure.

I am happy to have the cosponsorship of the chairman of the Senate Environment and Public Works Committee in the introduction of this bill. He has been a powerful force over the past several years in shaping the TVA power program, the largest coal consumer in the United States. His influence has led to a more flexible attitude in planning for future capacity. The current funding request is based upon future needs for capacity planned around both coal and nuclear power. The addition will also be

used for capital improvements to keep TVA's coal-fired units in service and to provide environmental control systems to assure that their continued use is environmentally sound.

I intend to use the committee hearing process to explore the plans and analysis of demand that the current board of directors have undertaken in justification of this request. While the continued economic growth of the Valley must be assured, it must be planned so as to minimize the inflation of basic costs, such as, energy for cooking, lighting, and home heating. This additional authority must be used to enhance the efficiency of TVA, encourage conservation, and lead to the lowest practicable rates.

I ask unanimous consent that the transmittal letter accompanying the administration's bill and a brief explanation of the request be printed in the RECORD.

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

TENNESSEE VALLEY AUTHORITY,
Knoxville, Tenn., February 16, 1979.

Hon. WALTER F. MONDALE,
President of the Senate,
Washington, D.C.

DEAR MR. PRESIDENT: I am pleased to transmit to Congress proposed legislation to amend the Tennessee Valley Atuhority Act of 1933 by raising the ceiling on TVA's authority to issue revenue bonds to finance its electric power program.

In 1959 Congress amended the TVA Act by adding Section 15d, which authorized TVA to borrow up to $750 million and made the TVA power program financially self-supporting. Power program costs, capital and operating, are now paid for from power system revenues and borrowings secured solely by those revenues. Bonds issued under Section 15d are not financial obligations of or guaranteed by the United States.

Since 1959 the dollar ceiling on TVA's bond authority has been increased roughly once every five years—to $1.75 billion in 1966, to $5 billion in 1970, and to $15 billion in 1975. These increases were necessary to keep pace with the demand for more electric power generation in the Tennessee Valley region and the rising cost of new generating plants. The increase to $30 billion in the proposed legislation would maintain that 5-year historical pattern of funding.

The proposed legislation would amend Section 15d of the TVA Act to increase the ceiling on TVA's indebtedness from $15 to $30 billion. This increase is necessary to fully fund TVA's existing construction program of generating units which include the Sequoyah, Watts Bar, Bellefonte, Hartsville, Phipps Bend, and Yellow Creek Nuclear Plants; the obligations incurred for cost-effective investment in conservation facilities to reduce the need for additional generating facilities, transmission facilities, nuclear fuel investments, pollution control equipment; and other additions and improvements to the TVA power system. It would also provide the necessary resources to make fully funded commitments through 1985 for an additional 7,200 megawatts of generating facilities now anticipated to be needed to meet the electric energy requirements of the Tennessee Valley through 1995.

TVA has recently completed its forecasts of electric energy needs for the Valley to the year 2000, based on anticipated growth in the economy and an increasing emphasis on energy conservation. We have also estimated the cost of investments necessary to meet these loads in the face of continuing inflation. Obviously there is a fair amount of uncertainty with respect to future rates of growth and our estimates, therefore, reflect a range of differing assumptions. The $15 billion will provide TVA with the borrowing authority to meet its utility responsibility to the electric energy consumers in the power service area on the basis of healthy economic growth modified by aggressive conservation measures. TVA is simply seeking the authority to meet the projected increased demands for electric energy as such demands materialize. TVA will use the new authority only as carefully determined estimates of load growth justify such investments.

The importance of this amendment cannot be underestimated. Without this authority TVA cannot discharge its utility responsibility, and economic progress in the 7-state Tennessee Valley region would be seriously impeded. The ability of TVA to raise sufficient capital for its self-supporting and self-financing electric power system is the principal factor in the economic and social well-being of this region.

TVA can meet the growing demands for electric power only if it has the authority to finance expansion to meet those demands. The homeowners and businesses dependent on TVA for power are entitled to build homes and expand their industrial plants with confidence that electricity will be available. The same is true for homeowners and businesses in other areas of the country who, in power emergencies, are often directly affected by the power supply situation on the TVA system with which their own systems are interconnected.

I, therefore, respectfully urge Congress to give favorable consideration to this proposed legislation.

The Office of Management and Budget advises that as herein described it has no objection to the presentation of this proposed legislation from the standpoint of the Administration's program.

Sincerely,

S. DAVID FREEMAN,
Chairman.

INCREASE IN TVA'S AUTHORITY TO BORROW

BACKGROUND

Since 1959 under the self-financing authority of the TVA Act, the Public Works Committees and the Congress have increased the dollar ceilings on TVA's borrowing roughly once every five years—to $1.75 billion in 1966, to $5 billion in 1970, and to $15 billion in 1975. The president's budget proposes legislation authorizing an increase in TVA's authority to borrow from $15 billion to $30 billion. The increase will require the amendment of Section 15d(a) of the TVA Act. The increase is needed to cover the cost of the generating plants currently under construction and to finance the construction of additional power system facilities that will need to be started over the next five years. Failure to obtain a borrowing authority increase would result in the deferral of decisions to start construction on new generating facilities and in fiscal year 1981 the curtailment of construction activities on plants now underway.

RELATIONSHIP OF TVA BORROWING AUTHORITY TO BUDGET AUTHORITY

TVA power program borrowings and outlays do not affect the Federal budget in the usual sense. The obligations represented by TVA bond issues do not result in the outlay of any government funds, and TVA borrowings are not guaranteed or in any way secured by the Federal Government. Interest and bond principal must be paid out of the proceeds of the power program.

TVA Act Section 15d(b) states:

"Bonds issued by the Corporation hereunder shall not be obligations of, nor shall payment of the principal thereof or interest thereon be guaranteed by the United States. Proceeds realized by the Corporation from issuance of such bonds and from power operations and the expenditures of such proceeds shall not be subject to apportionment under the provisions of Revised Statutes 3679, as amended (31 U.S.C. 665)."

Although TVA's borrowing authority is not budget authority in the conventional sense, such authority effectively serves as "no year budget authority" for the power program. New authority is entered in the *Budget of the United States* as a lump sum in the year it is enacted and is diminished over time as obligations are made against this authority.

As TVA makes contractual commitments for the construction of new plants and facilities and other capital investments, obligations, net of reinvested earnings, are made against the authority to borrow balance as if it were conventional budget authority. Proceeds from borrowing and the sale of electricity cover disbursements as contractual commitments are liquidated. Because of the long-term nature of many of these commitments a significant lag in the timing of the initial obligation and ultimate disbursement occurs. For example, at the end of fiscal year 1980 the cumulative impact of the capital investment program on the borrowing authority balance (obligations against borrowing authority) is estimated to be $14.139 billion while outstanding borrowings will be about $10.775 billion. The unobligated balance or remaining "budget authority" will be $0.861 billion. *This unobligated balance will be exhausted in 1981, making it necessary to increase the borrowing limitation before that time.*

Outlays as reported in the budget approximate borrowings and do not flow immediately or automatically from the issuance of new borrowing authority. Because of the self-financing nature of the TVA power program, such outlays do not contribute to the deficit of the United States.

RATIONALE FOR THE BORROWING AUTHORITY INCREASE

The additional $15 billion increase will finance the completion of the existing construction program of generating units; obligations incurred to carry out TVA's conservation programs, transmission facilities, nuclear fuel investments, pollution control equipment; and other additions and improvements to the TVA power system. It will also provide the financing needed for new generating plants that may be started between now and 1985.

The need for generating facilities beyond those now existing or under construction was determined by comparing the projected energy requirements of the region to the energy which can be produced by these facilities. Even with the anticipated effectiveness of TVA's conservation efforts in reducing peak demands including contemplated rate and load management actions, additional capacity will be required to meet system generating requirements in the early 1990's. The projected requirements are based upon a study of an array of load growth forecasts and alternative means of meeting load requirement. The $15 billion increase requirement is based on relatively conservative assumptions that provide a degree of flexibility for the power program.

Based on these assumptions Exhibit 1 shows how the current construction program might be augmented with additional generating facilities designed to meet the region's energy requirements through 1995. For cost estimating purposes, some 8,400 megawatts of conventional central station

generating capacity has been assumed for installation by 1995.

The energy provided by these plants could, alternatively, be supplied by a variety of power supply technologies, including cogenerating or fluidized-bed combustion plants, where these options prove to be economical. The type of capacity would be determined late in the planning process. No retirement of existing facilities was considered in determining the need for new facilities even though 40 of TVA's 63 coal-fired units will have been in operation in excess of 40 years by 1995.●

By Mr. EAGLETON:

S. 437. A bill to delay the date certain child support requirements became effective in the case of certain States; to the Committee on Finance.

● Mr. EAGLETON. Mr. President, my colleagues will recall that in 1975 Congress enacted the Child Support Enforcement program (Public Law 93–647), which was primarily supported by Senators LONG, TALMADGE, and NUNN. The purpose of this program is to establish a cooperative mechanism for the State and Federal Government to enforce support obligation owed by absent parents to their children by locating absent parents, establishing paternity when necessary and obtaining child support. This, the sponsors told us, will result in savings to the taxpayers, because the Federal and State Governments would ultimately be required to pay out less in Aid to Dependent Children benefits.

At the time of the debate on this legislation, many so-called experts predicted that the program would be a failure. These experts suggested that one of the main reasons absentee fathers do not make their payments is because they are penniless, and that to try to collect from them would be like trying to squeeze blood from a rock.

The program is now 3½ years old and in those 3½ years, the record has shown us that the experts were wrong, and that Senators LONG, TALMADGE, and NUNN were right. Health, Education, and Welfare Secretary Califano has termed the program "a success," and projects that we will collect during the fourth quarter of fiscal year 1979 at a rate of over $2 billion a year. In fiscal year 1978 child support collections by State and local governments increased to $1,050 million at a cost to Government of about $300 million—in other words, more than $3 were recovered for every $1 spent. This is truly an outstanding program.

In my own State of Missouri, the child support enforcement program got off to a slow start, but now it is functioning with much success. I will return to our initial problems in a moment, but first I would like to tell my colleagues a little about the record of this program in Missouri thus far.

The program went into full operation in my State on July 1, 1977. There now are seven child support field offices in Missouri, and the statewide staff numbers 155 persons. Missouri has approximately 70,000 ADC families; we already have received more than 112,000 child support program assignments and referrals from ADC staff and after just four quarters of operation in Missouri the program has more than 86,000 open cases. Since the beginning of the program we have collected approximately $4.6 million in delinquent payments. Furthermore, after only four quarters of operation, for every $1 the State of Missouri spent on this program, we received approximately $2.67 in return. This remarkable record is bound to improve even more as the State gains in experience.

Missouri has a problem with this program, however. It is a historical problem which could end up costing my State about $5 million because we did not initiate the child support program until July 1977.

The story goes back to 1976. At that time, in his message to the State legislature in January of 1976, former Governor Bond described enactment of State enabling legislation for this program as one of his top priorities. Leaders of both the State house of representatives and the State senate echoed the Governor's sentiment on this, and it looked like the bill would win quick approval in Jefferson City. However, the bill ran afoul of parliamentary maneuvering. Two State senators—realizing that passage of the bill was crucial—decided to turn the child support legislation into a "Christmas tree bill," to use one of Senator RUSSELL LONG's favorite expressions. These two legislators encumbered the bill with so many nongermane amendments that the bill became unacceptable to the House-Senate conference. When the State house deleted the nongermane amendments and sent the bill back to the senate on the last day of the legislative session, the two State senators filibustered the bill to death.

Needless to say, our State division of family services officials were shocked by this unexpected turn of events. The division already had prepared the policy manual and the statewide staffing and organizational plan for the program, and all was ready for implementation in April of 1976. However, with the authorizing legislation dead, and with the legislature out of session until 1977, there was absolutely nothing the division could do to bring Missouri into compliance and actually get the program underway. Division officials could only spend the rest of 1976 laying ground work with prosecutors all across the State, so that the child support program could be fully implemented as soon as the necessary State legislation was enacted in the 1977 legislative session.

In January of 1977 the Legislature returned to Jefferson City and Gov. Joseph F. Teasdale repeated Governor Bond's call for speedy enactment of the child support enforcement program. Again, the leadership of each house of the general assembly included this legislation on its "must" list. This time, fortunately, agreement was reached with the two filibustering Senators of 1976, and the bill was enacted into law with an effective date of July 1, 1977.

Administrative machinery for the program had been ready to go for a year, and thus it took very little time for the Division of Family Services to get our Child Support Enforcement program operating at full speed. In fact, start up was so rapid and trouble free that by the end of the first quarter of operation, cooperative agreements had been signed with all 114 counties and the City of St. Louis. Missouri may have been late in getting this program off the ground, but once the wheels began to turn progress was very rapid. In fact, Missouri accomplished more during its first quarter of operation than some States have accomplished to this day.

The problem Missouri faces does not arise out of our operation of the program, but rather out of our delay in getting the program started. As my colleagues know, the Department of HEW must audit each State's Child Support Enforcement program for the period January 1977, through September 1977. If a State's program is found to have been deficient during this period, HEW is required to assess a 5-percent penalty against ADC Federal payments to the State. In Missouri's case such a penalty would amount to about $5 million. At this time the Federal officials have completed their audit of Missouri but have not issued their final report. However, since Missouri's enabling legislation did not allow our program to go into effect until July of 1977 it is unlikely that Missouri can successfully complete the audit.

Mr. President, the legislation I am introducing today is identical to legislation which passed the Senate last year as an amendment to H.R. 12232. Unfortunately, this legislation died because during the last minute rush in the 95th Congress a House-Senate conference committee failed to meet. Simply stated, my legislation would exempt Missouri from the requirement of a January 1977 through September 1977 audit. As I have explained today colleagues, Missouri now has in operation one of the best child support enforcement programs in the country, and I think this is the result Congress wanted when we passed the title 4(d) legislation.

In my judgment it would be unfair to penalize the people of my State for the actions of two State senators in 1976, and I think such an action would be inconsistent with the spirit of Federal/State cooperation which motivates this program.

Mr. President, since this legislation did pass the Senate during the 95th Congress, I am hopeful that the Senate Finance Committee and the Senate will see fit to act on my legislation expeditiously during the 96th Congress.●

By Mr. HELMS:

S. 438. A bill to limit the jurisdiction of the Supreme Court of the United States and of the district courts to enter any judgment, decree, or order, denying or restricting, as unconstitutional, voluntary prayer in any public school; to the Committee on the Judiciary.

THE RIGHT OF VOLUNTARY PRAYER IN PUBLIC SCHOOLS CAN BE RESTORED BY CONGRESS

● Mr. HELMS. Mr. President, earlier this morning as we joined in prayer, as we do each day the Senate is in session, the thought came to mind that while we begin our day's work by asking God's blessing on our efforts, the Supreme Court has effectively denied this right

and privilege to millions of schoolchildren across this Nation.

Mr. President, one would think that if the legislators of this country are entitled to ask for divine blessing upon their work, then so are schoolchildren. However, the Court has ruled to the contrary and in so doing has overturned more than 200 years of American custom. Indeed, the Supreme Court has ruled that schoolchildren may not read the prayer of the House or Senate Chaplain as printed in the CONGRESSIONAL RECORD as a beginning to their school day.

Mr. President, the interpretation of the first amendment used by the Supreme Court to strike down this practice of the American people, distorted the intent and language of the amendment. The Justices of the Court held that a voluntary prayer constituted a violation of the "establishment of religion" clause of the first amendment. The Court's interpretation of the first amendment indicated not only an animosity toward the effect of religion in the public life of our Nation, but also a misunderstanding of its historical role.

This week, the Senate once again assembled to listen to George Washington's Farewell Address. Washington brought the unique experiences of his service as first President of the United States, as commander of the continental forces during the War of Independence and as president of the convention which wrote and presented the Constitution to the States for ratification. He rejected the narrow opinion that religion must be excluded from the public life of the Nation. In his final counsel to the Nation, Washington warned that—

> Of all the dispositions and habits which lead to political prosperity, religion and morality are indispensable supports. In vain would that man claim the tribute of patriotism who should labor to subvert these great pillars of human happiness.

Mr. President, Washington's view has, indeed, been the mainstream of the legal and social attitude of the American people and the drafters of the Constitution in regard to the religious rights preserved in the Bill of Rights. Prof. Edward Corwin, one of our most distinguished constitutional scholars, rejected any interpretation of the first amendment which would force upon Government institutions a formal agnosticism. Professor Corwin writes:

> The historical record shows beyond peradventure that the core idea of an "establishment of religion" comprises the idea of preference; and that any act of public authority favorable to religion in general cannot, without manifest falsification of history, be brought under the ban of that phrase.

THE SUPREME COURT DECISIONS

Nearly 200 years after the drafting of the Constitution, the Supreme Court for the first time ruled that prayer and Bible reading in public schools encouraged by the State constitutes an establishment of religion in violation of the first amendment. At the time of these decisions, 26 States permitted Bible reading in the public schools and 13 authorized the saying of the Lord's Prayer.

The first amendment provides that "Congress shall make no law respecting an establishment of religion or prohibiting the free exercise thereof." In *Engel* v. *Vitale*, 370 U.S. 421 (1962), the Court prohibited a requirement of the New York State Board of Regents that each class begin the school day with the following prayer:

> Almighty God, we acknowledge our dependence upon Thee, and we beg Thy blessings upon us, our parents, our teachers and our Country.

In *Abington School District* v. *Schempp*, 374 U.S. 203 (1963), the Court struck down a Pennsylvania statute requiring the reading of at least 10 verses from the Holy Bible without comment and the saying of the Lord's Prayer at the beginning of each school day. In a companion case, the Court invalidated a Maryland requirement concerning the reading of a chapter of the Holy Bible and/or saying the Lord's Prayer.

In each case, the Court ruled that voluntary school programs including Bible reading or prayer violate the establishment clause of the first amendment. In Engel, Justice Black wrote:

> The constitutional prohibition against laws respecting an establishment of religion must at least mean that in this country it is no part of the business of government to compose official prayers for any group of the American people to recite as a part of a religious program carried on by government. (370 U.S. at 425)

In Schempp, Justice Clark concluded that the Bible reading programs:

> Are religious exercises, required by the States in violation of the command of the First Amendment that the Government maintain strict neutrality, neither aiding nor opposing religion. (374 U.S. 203)

In both rulings the Court went beyond the language of the establishment clause to construct an interpretation of it which would overturn the longstanding State practices. In Engel, Justice Black asserted:

> Its first and most immediate purpose rested on the belief that a union of government and religion tends to destroy government and to degrade religion . . . The Establishment Clause thus stands as an expression of principle on the part of the Founders of our Constitution that religion is too personal, too sacred, too holy, to permit its "unhallowed perversion" by a civil magistrate. (370 U.S. 431–32)

Justice Clark argued in Schempp that the Court had previously "rejected unequivocally the contention that the establishment clause forbids only governmental preference of one religion over another." (374 U.S. 216) He maintained that the establishment clause must be considered together with the free exercise clause, and that they impose on Government a "wholesome neutrality" toward religion. In Justice Clark's view, the first amendment prohibits Government from any action favoring one religious sect over all others, or religion in general over nonreligion.

Justice Clark formulated a new standard by which to measure legislative action regarding the first amendment:

> The test may be stated as follows: what are the purpose and the primary effect of the enactment? If either is the advancement or inhibition or religion the enactment exceeds the scope of legislative power as circumscribed by the Constitution. That is to say that to withstand the structures of the Establishment Clause there must be a secular legislative purpose and a primary effect that neither advances nor inhibits religion. (374 U.S. at 222)

The Court maintained that even though the prayer and Bible reading activities were voluntary, this did not prevent them from violating the establishment clause. In Engel, the Court held that—

> The Establishment Clause, unlike the Free Exercise Clause, does not depend upon any showing of direct governmental compulsion and is violated by the enactment of laws which establish an official religion whether those laws operate directly to coerce nonobserving individuals or not. (370 U.S. 421)

COURT'S INTERPRETATION—SHEER INVENTION

Thus the Supreme Court reached a position which earlier the highest court of New York State had concluded "is so contrary to history as to be impossible of acceptance." Constitutional scholars also took issue with the Court's new interpretation. For example, Prof. Charles Rice of Notre Dame Law School found that the Court interpreted "the establishment clause in abstract and oversimplified terms, doing violence thereby to the history and informed logic of the first amendment" and Erwin Griswold, dean of Harvard University Law School, viewed the Court's holding as "sheer invention."

The Court reached its holdings in Engel and Schempp by way of a myopic and narrow view of the history of the Constitution. Only by a thorough distortion of the work of the authors of the Constitution is it possible to arrive at the sweeping condemnation of America's spiritual heritage presented in the Court's opinions.

Professor Rice, writing in the South Carolina Law Review, explains:

> It has been incorrectly asserted, by the Supreme Court and others, that the establishment clause ordained a government abstention from all matters of religion, a neutrality between those who believe in God and those who do not. An examination of the history of the Clause, however, will not sustain that analysis. Its end was neutrality, but only of a sort. It commanded impartiality on the part of government as among the various sects of theistic religions, that is, religions that profess a belief in God. But as between theistic religions and those nontheistic creeds that do not acknowledge God, the precept of neutrality under the establishment did not obtain. Government, under the establishment clause, could generate an affirmative atmosphere of hospitality toward theistic religion, so long as no substantial partiality was shown toward any particular theistic sect or combination of sects.

Justice Joseph Story, who served on the Supreme Court from 1811 to 1845 and who was a contemporary of the framers of the Constitution, maintained that at the time of the drafting of the first amendment:

> The general if not the universal sentiment in America was, that Christianity ought to receive encouragement from the state so far as was not incompatible with the private rights of conscience and the freedom of religious worship. An attempt to level all religions and to make it a matter of state policy to hold all in utter indifference, would

have created universal disapprobation, if not universal indignation.

COURT IGNORED HISTORY

The first amendment provides that Congress shall make no law respecting an establishment of religion. Those assembled at the Constitutional Convention did not arbitrarily choose the phrase "an establishment of religion." There was much history behind the term. Not only did England and Scotland have an established church, but five of the States which later adopted the first amendment had established churches as well.

In the Engel and Schempp opinions, the Court ruled that the phrase "establishment of religion" really meant not just the creation of a national church, but any Government action dealing or touching religion. To cite Justice Clark's new test outlined in Schempp, the "primary effect" of any governmental act must not "advance religion."

Yet, it is just this view of what the first amendment should provide that the authors of the amendment specifically rejected. During the Constitutional Convention the delegation from New Hampshire proposed that the first amendment should read:

> Congress shall make no laws touching religion . . .

Needless to say, that language was rejected.

An elementary rule of statutory construction provides that when a legislative assembly rejects language which has a broad application and substitutes in lieu of it language with a specific, narrow application, that the legislative intent is to exclude the broad application. Had the proposal that Congress make no law "touching religion" been accepted, it would undoubtedly have prevented Congress from doing much more than establishing a national religion. If applied to the States, it undoubtedly would have prohibited the type of prayer at issue in the Engel and Schempp cases. However, it is equally clear that this broad language was rejected and that Congress viewed the official encouragement of voluntary prayer, even on the national level, as to be contrary to the first amendment's establishment provision.

On September 24, 1789, the first Congress passed a resolution requesting that the President "recommend to the people of the United States a day of public thanksgiving and prayer, to be observed by acknowledging, with grateful hearts, the many signal favors of Almighty God, especially by affording them an opportunity peaceably to establish a constitution of government for their safety and happiness." Congress passed this resolution calling for a national day of prayer on the same day on which it adopted the first amendment to the Constitution. Nine days later President Washington issued the Thanksgiving proclamation. Could any action more clearly indicate the intent of the authors of the first amendment regarding its establishment clause and Government-encouraged public prayer? The framers of the Bill of Rights clearly rejected the doctrine imposed upon the Nation in their name nearly 200 years later when the Supreme Court demanded that "in the relationship between man and religion, the State is firmly committed to a position of neutrality."

A threshold issue presented in the Engel and Schempp cases was whether the establishment clause of the first amendment could be applied to the action of State governments through the 14th amendment. The Court rejected an historical analysis of the meaning of the 14th amendment and relied on unsupported assertions. Wrote Justice Clark:

> First, this Court has decisively settled (that the establishment clause) has been made wholly applicable to the States by the Fourteenth Amendment.

For proof, he cited an opinion of Justice Roberts in Cantwell against Connecticut. The difficulty here is that the Cantwell case does not deal with the establishment clause and, therefore, does not settle anything at all. Thus the fundamental issue before the Court was disposed of by hypothesis.

Here again, an open historical inquiry would lead to a result far different than that of the Court's. The framers of the 14th amendment themselves did not intend nor did they believe that the amendment would prohibit the States from encouraging prayer in public schools. How else can one understand the serious attempt by some in Congress only 7 years after the ratification of the 14th amendment to amend the Constitution once again to prohibit the State establishment of religion? If the 14th amendment was intended to do this, why would those who had just adopted it propose to do it again?

The answer is that the 14th amendment did not apply the establishment clause of the first amendment to the States. Only a distortion of both amendments and their history permit such an application.

In part, the 14th amendment provides that no State "shall deprive any person of life, liberty, or property, without due process of law." Before its decisions in the Engel and Schempp cases, the Court had applied other aspects of the Bill of Rights to the States through the 14th amendment by asserting that the word "liberty" as used in the amendment included all the liberties included in the Bill of Rights. Hence the liberties annunciated in the Bill of Rights could be protected from encroachment by the States.

But as Prof. Edward Corwin has explained, the establishment clause is not like the liberties outlined in the first nine amendments such as the right to bear arms. Rather it is like the 10th amendment which distinguishes the proper constitutional powers of the national and State governments under our Federal system.

The framers of the first amendment rejected the proposal by the delegations of Virginia and North Carolina that "no particular religious sect or society ought to be favored or established, by law, in preference to others," because this language would have allowed Congress to disestablish the established churches of five States. The Congress then rejected Madison's proposal that the first amendment not apply to Congress at all, but that it prohibit only the States from violating "the equal rights of conscience."

The authors of the first amendment sought to protect religious liberty by providing that "Congress shall make no law * * *prohibiting the free exercise" of religion. However, regarding the purpose of the establishment clause, the legislative history is clear that the framers sought to prohibit Congress from establishing a national church or interfering with the individual State's policy regarding religion. As Justice Story later wrote:

> The whole power over the subject of religion is left (by the amendment) exclusively to the State governments to be acted upon according to their own sense of Justice and the State constitutions.

The authors of the first amendment sought a division of power in which the States would retain their ability to establish or disestablish a religion, while Congress had no power in this area. There simply is no liberty contained in the establishment clause to be "incorporated" through the 14th amendment and applied to the States. To interpret both amendments in such a way as to construe such an application would amount to prohibiting a State from establishing a national religion or from interfering with its own arrangements regarding religion.

CONGRESS CAN RESTORE THE RIGHT TO SCHOOL PRAYER

Mr. President, Congress need not yield to any Justice of the Supreme Court in its respect for the words of the first amendment or for the principles or history behind them. Neither must Congress yield its responsibility under the Constitution to insure that the freedoms protected by the first amendment are not undermined by actions of other institutions. There is no more pressing duty facing Congress than to restore the true spirit of the first amendment.

In anticipation of judicial usurpations of power, the framers of our Constitution wisely gave Congress the authority, by a simple majority of both Houses, to check the Supreme Court by means of regulation of its appellate jurisdiction. Section 2 of article III states in clear and unequivocal language that the appellate jurisdiction of the Court is subject to "such exceptions, and under such regulations as the Congress shall make."

Today, I am introducing legislation to implement the prerogative of Congress. It states simply that the Federal courts and the Supreme Court shall not have jurisdiction to enter any judgment, decree, or order denying or restricting, as unconstitutional, voluntary prayer in any public school. Implicit in this bill is the understanding that the American citizen will have recourse to a judicial settlement of his rights, but this settlement will be made in the State courts of this Nation and not in the Federal courts. This is where our religious freedoms were always safeguarded for 173 years until they were nationalized by the Supreme Court.

The limited and specific objective of this bill, then, is to restore to the American people the fundamental right of vol-

untary prayer in the public schools. I stress the word voluntary. No individual should be forced to participate in a religious exercise that is contrary to his religious convictions, and the bill recognizes this important freedom. At the same time, the bill seeks to promote the free exercise by allowing those who wish to recite prayers—and they are the vast majority of our citizens—to do so, with or without the blessings of the Government.

I think the conclusion is inescapable that in the Engel decision the Supreme Court in effect gave preference to the dissenters and at the same time violated the establishment clause of the first amendment by establishing a religion—the religion of secularism.

Public school children are a captive audience. They are compelled to attend school. Their right to the free exercise of religion should not be suspended while they are in attendance. The language of the first amendment assumes that this basic freedom should be in force at all times and in all places.

Mr. President, I ask unanimous consent that my legislation be printed at this point in the RECORD.

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

S. 438

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) chapter 81 of title 28, United States Code, is amended by adding at the end thereof the following new section:

"§ 1259. Appellate jurisdiction; limitations

"(a) Notwithstanding the provision of sections 1253, 1254, and 1257 of this chapter, the Supreme Court shall not have jurisdiction to review, by appeal, writ of certiorari, or otherwise, any case arising out of any State statute, ordinance, rule, regulation, or any part thereof, or arising out of any Act interpreting, applying, or enforcing a State statute, ordinance, rule, or regulation, which relates to voluntary prayers in public schools and public buildings.".

(b) The section analysis at the beginning of chapter 81 of such title 28 is amended by adding at the end thereof the following new item:

"1259. Appellate jurisdiction; limitations.".

Sec. 2. (a) Chapter 85 of title 28, United States Code, is amended by adding at the end thereof the following new section:

"§ 1364. Limitations on jurisdiction

"Notwithstanding any other provision of law, the district courts shall not have jurisdiction of any case or question which the Supreme Court does not have jurisdiction to review under section 1259 of this title.".

(b) The section analysis at the beginning of chapter 85 of such title 28 is amended by adding at the end thereof the following new item:

"1364. Limitations on jurisdiction.".

SEC. 3. The amendments made by the first two sections of this Act shall take effect on the date of the enactment of this Act, except that such amendments shall not apply with respect to any case which, on such date of enactment, was pending in any court of the United States.●

By Mr. RIEGLE:

S. 439. A bill for the relief of Antoinette Slovik; to the Committee on the Judiciary.

ANTOINETTE SLOVIK

● Mr. RIEGLE. Mr. President, today I am introducing a bill to correct an egregious wrong that happened 34 years ago last month. Many of us are familiar with the story of Pvt. Eddie Slovik, the only man executed by the United States for desertion since the Civil War. Over 20,000 desertions occurred in the European theater in World War II, some of these resulted in general courts-martial and convictions, 49 were sentenced to death, but only one was shot: Eddie Slovik.

His widow is still alive, though her physical condition and spiritual strength appear to be waning. Recently, Mrs. Slovik was admitted to a hospital suffering from a multitude of ailments; not the least being frustration and defeat.

Mrs. Slovik has been living as a virtual pauper for all these years, and has been fostering the hope that some relief would be forthcoming from the Government. She has filed appeals and taken the required bureaucratic steps to obtain the life insurance benefits from a Government policy in her husband's name. None of these efforts has been successful.

The circumstances surrounding the desertion, trial and execution of Eddie Slovik are by no means clear. His Army counsel has suggested that Eddie Slovik's due process was denied. These questions may never be resolved, but one fact remains; a lonely woman has suffered for many years and has but one remaining hope.

The legislation that I introduce would mandate the payment of those life insurance benefits with accrued interest to Mrs. Slovik. Congressman RANGEL has introduced a similar measure in the House and, last year, President Carter indicated his support for such measures. I believe that compassion and justice should guide using the consideration of this legislation. This is a chance to alleviate some of the suffering and indignity that Mrs. Slovik has undergone, and I urge the adoption of this bill.●

By Mr. RIEGLE (for himself, Mr. WILLIAMS, and Mr. HATCH):

S. 440. A bill to revise and extend the Comprehensive Alcohol Abuse and Alcoholism Prevention, Treatment, and Rehabilitation Act of 1970; to the Committee on Human Resources.

COMPREHENSIVE ALCOHOL ABUSE AND ALCOHOLISM PREVENTION, TREATMENT, AND REHABILITATION ACT AMENDMENTS OF 1979

● Mr. RIEGLE. Mr. President, today I am introducing, together with Mr. WILLIAMS and Mr. HATCH, the Comprehensive Alcohol Abuse and Alcoholism Prevention, Treatment, and Rehabilitation Act Amendments of 1979. This bill, which renews and revises the authorizations for the National Institute of Alcohol Abuse and Alcoholism, will be the subject of hearings by the Subcommittee on Alcoholism and Drug Abuse of the Committee on Human Resources on the 22d and 26th of this month.

I am particularly pleased that this bill represents a bipartisan effort supported by Senators from both sides of the aisle who are known for their commitment to the prevention and treatment of alcoholism. I am honored to be jointed in introducing this bill by Mr. WILLIAMS, the chairman of the Human Resources Committee, whose longstanding interest and activities in this field are reflected in his membership on the Alcoholism and Drug Abuse Subcommittee and by Mr. HATCH, ranking minority member of the subcommittee noted for his concern for the problems faced by families dealing with alcoholism. I look forward to working with all the members of the subcommittee, the full Human Resources Committee, and other interested Members of the Senate through the hearing and markup process.

Mr. President, as the new chairman of the Subcommittee on Alcoholism and Drug Abuse, I feel very strongly that we are at a crucial point in terms of Federal involvement in the prevention and treatment of alcoholism and alcohol abuse. The Federal Government has been actively concerned with alcohol abuse for less than a decade. During this period, we have begun to coordinate Government efforts on Federal, State, and local levels in the treatment of this devastating disease. We have initiated research into the causes and effects of alcoholism. We have focused attention on the magnitude of alcohol abuse in this country—estimated at a cost to the Nation of more than $42.75 billion in 1975—and we have begun to sensitize more and more health care providers, employers, and citizens across the country to the very great need for understanding, assistance, and respect for individuals and families stricken with alcoholism.

Yet, despite these promising beginnings, the Federal role in the battle against alcoholism and alcohol abuse has not been firmly established. This year, for example, we confront suggestions that Federal assistance to States for dealing with alcoholism and alcohol abuse be diminished and diluted. Such a move could be disastrous for the more than 10 million Americans directly affected by alcoholism, as well as for many of the 40 million others indirectly affected.

Mr. President, like the other Members of this body, I am determined to work diligently for more efficient, cost-effective Government programs. In the area of alcoholism, such programs can be encouraged. Studies evaluating federally funded alcoholism service programs have generally found benefits outweighing costs by factors ranging from 2 to 1 to 5 to 1. I might add that many of these benefits accrue directly to the Federal Government in the form of reduced health and social service expenditures. Accordingly I believe it is essential to expand and improve the accountability of Federal grants to States and to individual projects in order to reduce the tremendous losses our economy suffers due to alcohol abuse.

The amendments I am introducing today to the Comprehensive Alcohol Abuse and Alcoholism Prevention, Treatment, and Rehabilitation Act of 1970 are also designed to shift Federal

emphasis on programs that will help prevent the spread of this disease. Prevention and education programs are emphasized throughout the bill, including a provision requiring that at least 8 percent of funds apropriated for projects grants and contracts be awarded to prevention projects. In addition, research efforts that may result in improved and increased ability to prevent alcoholism are expanded.

The bill also focuses Federal efforts on the needs of members of groups at risk of alcoholism, including youth, women, the aged, and families of alcoholics. Furthermore, it directs NIAAA to develop model occupational programs for prevention and treatment of alcohol abuse that can be adapted for use on a cost-effective basis in different types of business and governmental entities, including small businesses. These model programs will be able to enlist both employers and employee associations in projects that hold tremendous potential for assisting alcoholic workers and their families.

Other new initiatives include a restructuring of the Interagency Committee on Federal Activities for Alcohol Abuse and Alcoholism into a policy-level Interdepartmental Committee with White House participation; expansion of the prohibition on discrimination against alcoholics in health care to include other Federal social services; and expanded authority for NIAAA to offer tehnical assistance to States for coordinating data collection, program management, and similar activities between alcohol and drug abuse programs.

Finally, the bill includes a proposal for a new program of small Federal grants to States willing to conduct demonstration projects or implement, through their insurance regulatory process, procedures designed to bring treatment of alcoholism within the mainstream of public and private health insurance systems. This new program, which utilizes the funding authorization already in place for project grants and contracts, would build on existing trends toward financing alcoholism treatment through third-party health financing systems, which should be the ultimate goal for providing adequate care to all alcoholics and alcohol abusers.

I would like to point out, Mr. President, that the bill as introduced does not set specific authorization levels. These levels will be added by the subcommittee following our hearings, during which I anticipate that the administration and witnesses involved in all aspects of the alcoholism field will present their funding recommendations.

Mr. President, I ask that the section-by-section analysis and text of the bill be printed in the RECORD.

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

S. 440

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

SHORT TITLE—REFERENCE TO ACT

SECTION. 1. (a) This Act may be cited as the "Comprehensive Alcohol Abuse and Alcoholism Prevention, Treatment, and Rehabilitation Act Amendments of 1979".

(b) Whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or repeal of, a Section or other provision, the reference shall be considered to be made to a section or other provision of the Comprehensive Alcohol Abuse and Alcoholism Prevention, and Rehabilitation Act of 1970.

SEC. 2. (a) Section 2 (a) is amended—

(1) by striking out "and" at the end of paragraph (6);

(2) by redesignating paragraph (7) as paragraph (8) and amending it to read as follows:

"(8) alcoholism is an illness requiring treatment and rehabilitation through the assistance of a broad range of community health and social services and with the cooperation of law enforcement agencies, employers, employee associations, and associations of concerned individuals."; and

(3) by inserting after paragraph (6) the following paragraph:

"(7) alcohol abuse and alcoholism, together with abuse of other legal and illegal drugs, present a need for preventing and informational programs designed to reach the general population and members of particularly vulnerable groups such as youth and families of alcohol abusers and alcoholics; and".

(b) Section 2 (b) is amended—

(1) by striking out "and" at the end of paragraph (2);

(2) by redesignating paragraph (3) as paragraph (5); and

(3) by inserting after paragraph (2) the following new paragraphs:

"(3) the development and encouragement of prevention programs designed to combat the spread of alcoholism, alcohol abuse, and abuse of other legal and illegal drugs;

"(4) the development and encouragement of effective occupational prevention and treatment programs within government and in cooperation with the private sector; and".

SEC. 3. (a) Section 101 (b) is amended by inserting "after consultation with the Executive Director of the Domestic Council" after "Secretary".

(b) Section 101 (c) is amended by adding at the end thereof the following new sentence: "The Director, if authorized by the National Advisory Council on Alcohol Abuse and Alcoholism, may obtain (in accordance with section 3109 of title 5 of the United States Code, but without regard to the limitation in such section on the number of days or the period of such service) the services of not more than 100 experts or consultants who have scientific or professional qualifications."

SEC. 4. Section 102 is amended—

(1) by inserting "and" after the semicolon at the end of paragraph (3);

(2) by striking "; and" after paragraph (4) and substitute a period; and

(3) by striking out all that follows the "." inserted by the preceding paragraph. Paragraph (5) and all that matter following such paragraph.

Sec. 5 (a) Section 103 (a) is amended to read as follows:

"(a) The President shall establish an Interdepartmental Committee on Federal Activities for Alcohol Abuse and Alcoholism (hereinafter in this section referred to as the 'Committee'). The Committee shall (1) evaluate the adequacy and technical soundness of all Federal programs and activities which relate to alcoholism and alcohol abuse and provide for the communication and exchange of information necessary to increase and maintain the coordination and effectiveness of such programs and activities, (2) seek to coordinate efforts undertaken to deal with alcohol abuse and alcoholism in carrying out Federal health, welfare, rehabilitation, highway safety, law enforcement, and economic opportunity laws, and (3) monitor, in cooperation with the Institute, the establishment and operation of occupational alcoholism and alcohol abuse prevention and treatment programs among Federal contractors.".

(b) Section 103 (b) is amended to read as follows:

"(b) The Secretary, acting through the Director of the National Institute on Alcohol Abuse and Alcoholism (hereinafter referred to as the 'Director'), shall serve as Chairman of the Committee, the membership of which shall include (1) representation with policy level authority and appropriate scientific, medical, or technical expertise from the Department of Transportation, the Department of Justice, the Department of Defense, the Department of Treasury, the Veterans' Administration, and such other Federal departments, agencies, and offices as the President determines administer programs directly affecting alcoholism and alcohol abuse, and (2) five individuals from the general public appointed by the President from individuals who by virtue of their training or experience are particularly qualified to participate in the performance of the Committee's functions. The Executive Director of the Domestic Council shall serve as an ex officio member. The Committee shall meet at the call of the Chairman, but not less often than four times a year.".

(c) Section 103 (e) is amended by striking out "Secretary" and substituting "President, acting through the Secretary or otherwise,".

(d) Section 103 is further amended by adding at the end thereof the following new subsection:

"(f) The President shall submit to the Congress every two years, at the end of said calendar year, beginning with the first submission no later than the end of calendar year 1980, a report on the extent to which Federal programs and departments are concerned and dealing effectively with the problems of alcohol abuse and alcoholism, and on the prevalence of occupational alcoholism and alcohol abuse prevention and treatment programs among Federal contractors. Such report shall be prepared by the Committee and under the general supervision of the Chairman.

(e) The Interagency Committee on Federal activities for Alcohol Abuse and Alcoholism is hereby dissolved.

SEC. 6. Such Act is amended by inserting following section 103 the following new section:

"INTRADEPARTMENTAL COMMITTEE

"Sec. 104. The Secretary shall establish an Intradepartmental Committee on Departmental Activities on Alcohol Abuse and Alcoholism (hereinafter in this section referred to as the 'Intradepartmental Committee'). The Intradepartmental Committee shall (1) evaluate the adequacy and technical soundness of all Departmental policies, programs, and activities which relate to alcoholism and alcohol abuse and provide for the coordination and exchange of information necessary to increase and maintain the coordination and effectiveness of such policies, programs, and activities, and (2) seek to coordinate efforts undertaken to deal with alcoholism and alcohol abuse in carrying out the provisions of law administered by the Department. The Director, acting on behalf of the Secretary, shall serve as Chairman of the Intradepartmental Committee, the membership of which shall include representation with policy level authority and appropriate scientific, medical, and technical expertise from the Office of Civil Rights, Office of the General Counsel, Office of Assistant Secretary for Management and Budget, Office of Assistant Secretary for Personnel Administration, Office of Assistant Secretary for Planning and Evaluation, Office of Human Development, Office of Education, Health Care Financing Administration, Social Security Administration, Public Health

Service and its appropriate component agencies, and such other offices as the Secretary determines administer responsibilities directly affecting the Department's response to alcoholism and alcohol abuse problems. The Intradepartmental Committee shall meet at the call of the Chairman, but not less often than four times a year. The Secretary, acting through the Director or otherwise, shall make available to the Intradepartmental Committee such staff, information, and other assistance as it may require to carry out its activities effectively.".

SEC. 7. (a) Section 201 (a) is amended—

(1) by striking out "Civil Service Commission" and substituting "Office of Personnel Management";

(2) by inserting "and in accordance with the provisions of subpart F of part III of title 5, United States Code, as amended by the Civil Service Reform Act of 1978" following "other Federal agencies and departments"; and

(3) by inserting "and their families" after "Federal civilian employees".

(b) Section 201 (b) is amended to read as follows:

"(b) (1) The Secretary, acting through the Institute, shall be responsible for fostering and encouraging similar alcohol abuse and alcoholism prevention, treatment, and rehabilitation programs and services in State and local governments and in private industry.

"(2) Consistent with such responsibility, the Secretary, acting through the Institute, shall develop a variety of model programs suitable for replication on a cost-effective basis in different types of business concerns and State and local governmental entities, taking into account the number of employees, geographical location, proximity to other concerns and entities, and availability of existing services from public agencies and private organizations. With respect to small business concerns, the Secretary, acting through the Institute, shall consult with the Small Business Administrator in the development of model programs affecting such concerns.

"(3) With respect to business concerns and governmental entities which employ individuals represented by labor organizations, such model programs shall be designed to operate through the collective bargaining process.

"(4) The Secretary, acting through the Institute, shall disseminate information and materials relative to such model programs to single State agencies designated pursuant to section 303 of this Act, and shall provide technical assistance to such agencies as requested.".

SEC. 8. Section 301 is amended—

(1) by striking out "and" following "September 30, 1978,"; and

(2) by inserting "and such sums as may be necessary for each succeeding fiscal year ending prior to October 1, 1982," after "September 30, 1979,".

SEC. 9. Section 302 of such Act is amended by adding at the end thereof the following new subsection:

"(e) On the request of any State, the Secretary shall make available technical assistance for the purposes of developing and improving systems for data collection; program management, acountability, and evaluation; certification, accreditation, or licensure of treatment facilities and personnel; monitoring compliance to Federal requirements of hospitals and other facilities; and implementing the provisions of the Uniform Alcoholism and Intoxification Treatment Act through model education and training packages for personnel at State and community levels. Insofar as practicable, such technical assistance shall be provided in such a manner as to improve coordination between activities funded under this Act and under the Drug Abuse Office and Treatment Act of 1972, as amended. The fair market value of such technical assistance shall be deducted from such State's allotment under section 302 of this Act and from such State's allotment under section 1176 of title 21, United States Code, in such apportionment as the Secretary may prescribe. The amount by which such State's payment under section 301 of this Act is reduced pursuant to this subsection shall be available for payment of the costs of providing such technical assistance, but shall for purposes of determining the allotment under section 302 (a), be deemed to have been paid to the State.".

SEC. 10. (a) Section 203 (a) is amended—

(1) by inserting "women, youth, families of alcoholics and alcohol abusers," after "minority and poverty groups," in paragraph (3);

(2) by inserting after subparagraph (4) (B) the following new subparagraph:

"(C) provide assurances satisfactory to the Secretary that, insofar as practicable, the survey conducted pursuant to subparagraph (A) is coordinated with and not duplicative of the drug abuse and dependence survey conducted pursuant to section 1176 of title 21, United States Code;";

(3) by inserting ", with State and local drug abuse planning agencies," after "alcoholism and alcohol abuse planning agencies," after "alcoholism and alcohol abuse planning agencies" in paragraph (12);

(4) by striking out "and" at the end of paragraph (15);

(5) by redesignating paragraph (16) as paragraph (17); and

(6) by inserting following paragraph (15) the following new paragraph:

"(16) provide assurance that the State agency—

"(A) will foster and encourage the development of alcohol abuse and alcoholism prevention, treatment, and rehabilitation programs and services in State and local governments and in private businesses and industry;

"(B) will make available to all business concerns and governmental entities within such State information and materials concerning such model programs suitable for replication on a cost-effective basis as are developed pursuant to section 201 (b) of this Act; and

"(C) will furnish technical assistance as requested to such business concerns and governmental entities; and".

(b) Section 303 (b) is amended by inserting at the end thereof the following new sentence "To the extent feasible, the Secretary shall assist States in coordinating data collection required by this Act with that required by section 1176 of title 21, United States Code.".

(c) Section 303 (c) of such Act is amended by inserting "and an evaluation of the extent to which other State programs and political subdivisions throughout the State are concerned and dealing effectively with the problems related to alcohol abuse and alcoholism" after "implementation of its State plan".

SEC. 11. Section 310 (a) is amended by striking out "1979" and inserting in lieu thereof "1982".

SEC. 12. (a) Section 311 (a) is amended—

(1) by redesignating paragraphs (1), (2), (3), and (4) as (2), (3), (4), and (5), respectively;

(2) by inserting before the newly designated paragraph (2) the following new paragraph:

"(1) to conduct demonstration and evaluation projects, with a high priority on prevention and early intervention projects in occupational and educational settings and on modified community living and workcare arrangements such as halfway houses, recovery homes, and supervised home care,";

(3) by striking out "conduct demonstration and evaluation projects, including projects designed to develop" and substituting "support projects of a demonstrable value in developing" in the newly designated paragraph (2); and

(4) by inserting after "and alcohol abusers, families of alcoholics and alcohol abusers" after "female alcoholics" in the newly designated paragraph (3).

(b) Section 311(b) is amended by inserting "(in the case of prevention and treatment services)" preceding "to insure care of good quality".

(c) Section 311(c)(4) is amended to read as follows:

"(4) The Secretary shall give special consideration to applications under this section for programs and projects for prevention and treatment of alcohol abuse and alcoholism and their consequences among women and youth.".

SEC. 14. (a) Section 312 is amended—

(1) by striking out "and" following "September 30, 1979,"; and

(2) by inserting "and such sums as may be necessary for each succeeding fiscal year ending prior to October 1, 1982, not less than 8 percent of which shall be devoted to programs intended wholly or in part to prevent the occurrence, recurrence, or spread of alcoholism or alcohol abuse," after "September 30, 1979".

SEC. 14. (a) Section 312 is amended—

(1) by redesignating such section as section 313;

(2) by striking out "sections 310 and 311" and inserting in place thereof, "sections 310, 311, and 312";

(3) by striking out "and" following "September 30, 1979,"; and

(4) by inserting "and such sums as may be necessary for each succeeding fiscal year ending prior to October 1, 1982, not less than 8 percent of which shall be devoted to programs intended wholly or in part to prevent the occurrence, recurrence, or spread of alcoholism or alcohol abuse.".

(b) Such Act is further amended by inserting the following new section following section 311:

"Sec. 312. (a) To assist States which are taking steps through their insurance regulatory systems to treat alcoholism and alcohol abuse equivalently with other chronic health conditions, the Secretary, acting through the Institute, shall, during the period beginning October 1, 1979, and ending September 30, 1982, make grants to such States for demonstration and implementation of programs designed to achieve such equivalence. A grant under this section to any State may be made for such costs (as determined in accordance with regulations promulgated by the Secretary) as may be incurred by such State, political subdivisions thereof, medical facilities, or public or private organizations involved in such demonstration or implementation.

"(b) No grant may be made under this section unless an application therefor has been submitted to, and approved by, the Secretary. Such application shall be in such form, submitted in such manner, and contain such information as the Secretary shall by regulation prescribe. The Secretary may not approve an application of a State unless he determines the following:

"(1) The State, through its insurance regulatory system, is committed to eventual coverage of alcoholism and alcohol abuse equivalently with other chronic health conditions under all comprehensive public and private health insurance systems operating within the State.

"(2) Each public or private health insurance plan provided by the State or any political subdivision thereof to its own employees has set forth a plan for coverage of alcoholism and alcohol abuse equivalently with other chronic health conditions.

"(3) The State proposes to conduct a demonstration project or to implement a requirement through its insurance regulatory process that will constitute significant prog-

ress towards its goal of coverage of alcoholism and alcohol abuse equivalently with other chromic health conditions.

"(c) The amount of any grant under this section to any State for any fiscal year may not exceed the sum of $150,000 and an amount equal to 20 percent of the allotment of such State for such fiscal year under section 302 of this Act. Payments under grants under this section may be made in advance or by way of reimbursement, and at such intervals and on such conditions, as the Secretary finds necessary."

SEC. 15. Such Act is further amended by inserting after section 321 the following new section:

"SEC. 322. (a) Alcoholic abusers and alcoholics who are suffering from personal, emotional, or social conditions shall not be discriminated against in admission or care, solely because of their alcohol abuse or alcoholism, by any private or public social service, mental health, intermediate care, rehabilitation, or other service-related facility which receives support in any form from any program supported in whole or in part by funds appropriated to any Federal department or agency.

"(b) The Secretary shall issue regulations not later than 12 months after the enactment of this section for the enforcement of the policy of subsection (a) with respect to the admission and care of alcohol abusers and alcoholics in facilities covered by this section. Such regulations shall include procedures for determining (after opportunity for a hearing if requested) if a violation of subsection (a) has occurred, notification of failure to comply with such subsection, and opportunity for a violator to comply with such subsection. If the Secretary determines that a facility which receives support of any kind from any program administered by the Secretary and subject to such regulations has violated subsection (a) and such violation continues after an opportunity has been afforded for compliance, the Secretary may suspend or revoke, after opportunity for a hearing, all on part of any support of any kind received by such facility from any program administered by the Secretary. The Secretary may consult with the officials responsible for the administration of any other Federal program from which a facility covered by subsection (a) receives support of any kind, with respect to the suspension or revocation of Federal support for such facility found to violate such subsection.".

SEC. 16. (a) Section 217(a) of the Public Health Service Act is amended, in the fourth sentence thereof, by inserting "Appointed members may serve after the expiration of their terms until their successors have taken office." at the end of clause (3).

(b) Section 217(d) of the Public Health Service Act is amended by inserting "and to evaluate the results of such projects or programs," preceding "and (2) to collect information".

SEC. 17. (a) Section 501(a)(1) is amended to read as follows:

"(1) the social, behavioral, and biomedical etiology of,".

(b) Section 501(b) is amended—

(1) in paragraph (3), by inserting ", with particular emphasis on understanding the relationship between alcohol abuse and domestic violence, the effects of alcohol use during pregnancy, and the relationship between the abuse of alcohol and other drugs" before the ";";

(2) in paragraph (5)—

(A) by inserting ", to the extent practicable to further the purposes of this Act," following "promote";

(B) by inserting "the National Institute of Drug Abuse and by" following "similar programs conducted by"; and

(C) by inserting "departments," preceding "agencies";

(3) in paragraph (6), by striking out "biomedical and behavioral" and substituting "biomedical, behavioral, epidemiological, and social"; and

(4) in paragraph (8), by inserting "and other scientific research" following "statistical".

SEC. 18. Section 502 is amended—

(1) by striking out "and" following "treatment,"; and

(2) by inserting ", and evaluation" following "prevention".

SEC. 19. Section 503 is amended—

(1) by striking out "and" following "September 30, 1978"; and

(2) by inserting ", and such sums as may be necessary for each succeeding fiscal year ending prior to October 1, 1982," following "September 30, 1979".

SEC. 20. (a) Section 504(a) is amended—

(1) by striking out "alcohol problems" and inserting in lieu thereof "biomedical, behavioral, and social issues related to alcoholism and alcohol abuse";

(2) by inserting "or constortium of entities" following "entity";

(3) in subparagraph (1) (B), by striking out "laboratory facilities and reference services (including reference services that will afford access to scientific alcohol literature," and inserting in place thereof "facilities (including laboratory, reference, and data analysis facilities) to carry out the research plan proposed to be conducted under this section;";

(4) in subparagraph (1) (D), by striking out "and" at the end thereof;

(5) in subparagraph (1) (E), by striking out "medical and osteopathic students and physicians;" and inserting in lieu thereof "medical, nursing, social work, osteopathic, and other specialized graduate students;"; and

(6) by inserting following subparagraph (1) (E) the following:

"(F) the applicant has the capacity to conduct programs of continuing education in such medical, legal, or social service fields as the Secretary may require; and

"(G) the Secretary finds that designating such Center will not dilute funds available for existing Centers in such a manner as to hamper their ability to carry out the provisions of the research plans submitted under subsection (a) (2);".

(b) Section 504(b) is amended—

(1) in the first sentence thereof, by inserting "or contracts" after "grants";

(2) in the second sentence thereof, by inserting "or contract" after "grant"; and

(3) in the third sentence thereof by inserting "or contract" after "grant".

(c) Section 504(c) is amended by striking out the "." at the end thereof and substituting ", and such sums as may be necessary for each succeeding fiscal year ending prior to October 1, 1982.".

COMPREHENSIVE ALCOHOL ABUSE AND ALCOHOLISM PREVENTION, TREATMENT, AND REHABILITATION ACT AMENDMENTS OF 1979

SECTION-BY-SECTION ANALYSIS

Sec. 1. Short Title.

Sec. 2. Findings and Purpose.

Amends section 2 to emphasize need of cooperation with employers, employee associations, and other groups; to highlight prevention programs aimed at the general population and vulnerable groups including youth and families of alcoholics; and to emphasize both prevention and occupational programs as primary concerns.

Sec. 3. NIAAA.

In light of the proposed role of the NIAAA Director in acting for the Secretary in chairing the Interdepartmental Committee established under Sec. 5 of these amendments, calls for Secretary to consult with Executive Director of Domestic Council in appointing Director; clarifies NIAAA authority to hire scientists and other professionals as consultants, if approved by NIAAA Advisory Council.

Sec. 4. Reports by the Secretary.

Deletes requirement of report by Interagency Committee abolished under Sec. 5 of these amendments.

Sec. 5. Interdepartmental Committee.

Replaces Interagency Committee with Interdepartmental Committee on Federal Activities for Alcohol Abuse and Alcoholism, chaired by the Secretary acting through the NIAAA Director; requires policy level representation of appropriate Departments on such Committee; makes Executive Director of Domestic Council an ex officio member; and requires biennial report on Federal activities and the prevalence of occupational programs among Federal contractors.

Sec. 6. Intradepartmental Committee.

To enable Director to coordinate HEW activities at a lower level than through the Interdepartmental Committee; establishes Intradepartmental Committee within HEW.

Sec. 7. Federal Civilian Employees.

Reconciles Act with Civil Service Reform Act by recognizing Office of Personnel Management and requiring compliance with statutory collective bargaining procedures; makes families of Federal employees eligible for services. Instructs Secretary to develop model occupational programs.

Sec. 8. Authorization for Formula Grants.

Authorizes (pending hearings) such sums as may be necessary for the next three years.

Sec. 9. Technical Assistance.

Authorizes provision of technical assistance to States, emphasizing coordination of data collection; program management and evaluation; certification, accreditation, or licensing; and related areas where NIAAA and NIDA activities may be parallel.

Sec. 10. State Plans.

Emphasizes women, youth, families of alcoholics along with minority and poverty groups on State advisory councils; requires coordination with NIDA drug abuse and dependence survey and planning; and requires evaluation by States of effectiveness of other State programs and political subdivisions in dealing with alcohol-related problems. Requires States to encourage and assist occupational programs.

Sec. 11. Uniform Act Grants.

Extends authorization for special grants to implement Uniform Alcoholism and Intoxication Treatment Act.

Sec. 12. Project Grants and Contracts.

Gives priority to demonstration and evaluation projects concerned with prevention and early intervention in occupational and educational settings and to modified community living and work-care arrangements; authorizes continued support of effective projects; adds emphasis on families of alcoholics along with ethnic minorities, native Americans, youth and women.

Sec. 13. Insurance Incentive Grants.

Establishes new grant program for demonstration and implementation of insurance regulations to treat alcoholism and alcohol abuse equivalently with other chronic health conditions.

Sec. 14. Authorization for Project Grants.

Authorizes (pending hearings) such sums as may be necessary for next three years; requires that at least 8 per cent of appropriations be devoted to prevention activities.

Sec. 15. Service-related Facilities.

Prohibits discrimination, solely because of alcohol abuse and alcoholism, by social service, mental health, intermediate care, rehabilitation, or other service-related facilities supported wholly or in part by Federal funds.

Sec. 16. NIAAA Advisory Council.

Authorizes appointed members to serve until their replacements take office; instructs Council to evaluate results of projects.

Sec. 17. Encouragement of Research.

Includes social consequences of alcohol abuse as subject of research; emphasizes relationship with domestic violence, effects of alcohol use during pregnancy, and relationship with abuse of other drugs; emphasizes coordination with NIDA programs.

Sec. 18. Peer Review.

Includes evaluation in peer review process.

Sec. 19. Research Authorizations.

Authorizes (pending hearings) such sums as may be necessary for next three years.

Sec. 20. National Alcohol Research Centers.

Specifies research on biomedical, behavioral, and social issues; authorizes designation of consortia as Centers; requires laboratory, reference and data analysis facilities suited to research plan; requires capacity to provide both graduate medical, nursing, social work, and osteopathic education and continuing education for practicing professionals in legal, medical, or social service (in addition to undergraduate programs); restricts Secretary in designating new Centers unless they will not dilute progress under research plans of existing Centers; authorizes grants as well as contracts; and authorizes (pending hearings) such sums as may be necessary for next three years.

Report Language will cover a number of additional issues, including coordination of NIAAA activities with funds available from other sources (including community education, CETA, ACTION, and similar authorizations); relationship of States to administration of continuing project grants; congressional intent regarding purposes of National Centers; role of Executive Director of Domestic Council in assisting Interdepartmental Committee; compliance with employment protections under the Rehabilitation Act and its coordination with NIAAA; etc.●

By Mr. DOLE (for himself, Mrs. KASSEBAUM, Mr. HATCH, Mr. MCCLURE, Mr. STEWART, Mr. COCHRAN, and Mr. YOUNG):

S. 441. A bill to modify the method of determining quantitative limitations on the importation of certain articles of meat and meat products, to apply quantitative limitations on the importation of certain additional articles of meat, meat products, and livestock, and for other purposes; to the Committee on Finance.

MEAT IMPORT ACT OF 1979

● Mr. DOLE. Mr. President, in the closing days of the last session of Congress, a Beef Import Act was passed by an overwhelming margin in the House of Representatives and with corresponding support here in the Senate. Senators BENTSEN, Curtis, Bartlett, and many others, including this Senator, spent countless hours working on beef import legislation, and we were convinced that the bill which finally passed Congress was a piece of legislation that would serve both the consumer and producer in a rational and economically effective manner. Unfortunately, the President vetoed the legislation. In so doing, he took a rather dogmatic approach to the bill—trying to protect his own authority rather than the interests of the millions of people in this country involved in beef production and consumption.

History has dictated the need for a revision of the current Meat Import Act—enacted in 1964. We have learned since that date that without a countercyclical formula on which import levels are based, our cattle producers, related industries, and consumers suffer from irregular supplies and fluctuating prices. In fact, even the President admits that the countercyclical formula is necessary.

The bill I am introducing today is simply a reaffirmation of what we in the Congress recognized last session. It incorporates the same formula which will permit more beef imports—about 1.7 billion pounds more to be exact—to enter our country over the next 10 years than if the current law is maintained. It will dampen the drastic price fluctuations that have such a crippling impact on producers and consumers. The formula, in effect, will promote a balance between supply and demand, taking into account the role imports must play in supplying the domestic market.

In his memorandum justifying the veto of the last session's bill, the President really raised two arguments—both of which had nothing to do with U.S. consumers or producers. First, he disapproved the bill because it did not provide a big enough guarantee to foreign interests for access to our market. It should be pointed out to the President that in the past, there has been no guarantee of minimum access, that any guarantee is pure and simple charity on our part. I also think that this minimum access argument was an attempt to disguise the real reason for the veto.

The real reason for the President's veto was that Congress was attempting to restrict the authority it had originally bestowed upon him in 1964. The restriction of that authority would not be detrimental to anyone interested in beef prices. The restriction would simply require that in order to step outside the import quota formula, it will have to be done for economic, rather than political, reasons.

The bill I am introducing attempts to find a compromise that will mollify the President's need for authority and yet still recognizes the basic economic interests of producers and consumers. I am proposing that the President may suspend or increase quotas only in times of a national emergency or when, for two consecutive calendar quarters, the ratio of cattle prices to beef and veal prices is greater than or equal to 1.10. The President could take action based on this ratio for up to two calendar quarters and then would have to fulfill strict criteria in order to renew his action. He would also have to give 30-day notice to allow public comment before he acts.

The result of this formula will be less restrictive than the approach adopted in last year's legislation. It will, however, be tight enough that the president could not act under market conditions such as those that existed in the summer of 1978. At that time, the President had acted to increase beef import quotas by 200 million pounds. His action had been motivated by a number of political factors. It was not taken on sound economic reasoning nor with recognition of how the action would prejudice the cattle industry which was just beginning to climb out of 4 years worth of financial disaster. My formula would protect the industry from such untimely and ill-advised actions.

I think it is time that we put the beef situation in its proper perspective. We are fooling ourselves if we think that we can continue to obtain quality beef products at prices we experienced a few years ago. Those prices were rockbottom because the cattle-producing sector was at rockbottom. When prices are low, the majority of people in the country are pleased because they can buy more beef. But, low prices also mean that U.S. producers suffer to the point of going out of business. We witnessed a definite erosion of our cattle-producing sector during the low point of the last cattle cycle. Unless the situation changes and prices are balanced to benefit both consumers and producers, the erosion of the sector will continue in the next inevitable low point of the cattle cycle. Let this happen too many times and the consumers will be complaining about the high cost of imported beef—because that will be the basic source of supply.

I have withheld introducing or cosponsoring any meat import legislation until I could judge what the balance was between the positions of the administration and the cattle industry. It is fairly clear what the administration wants. It also is fairly clear, now, that the cattle ranchers do want to pursue meat import legislation in this session of Congress. They will be supporting the concepts of the vetoed bill but will be willing to rethink the extent to which the President's authority should be limited. My bill attempts to establish a compromise position from which we can work.

It is clear that some legislation correcting the current provisions in the law is necessary; Congress and even the President agree on that point. The bill I am placing before you will establish an equilibrium in our market that must be attained if we are to protect a vital sector of our agricultural economy. Without a new meat import program, we can only look forward to another 10 years of huge price swings, ranchers going out of business, and consumers suffering the consequences.●

By Mr. EAGLETON:

S. 442. A bill for the relief of Isaac N. Hulver of Kansas City, Mo.; to the Committee on the Judiciary.

ISAAC N. HULVER

● Mr. EAGLETON. Mr. President, I am reintroducing a private claims bill for the relief of a wounded World War II veteran. Mr. Isaac "Ike" N. Hulver of Kansas City, Mo. Last year I introduced this identical legislation late in the session and unfortunately, the Judiciary Committee was not able to act on this matter prior to the end of the session.

In 1976, the U.S. district court in Kansas City awarded Mr. Hulver $202,298.12 in damages because of negligent medical treatment he received from a doctor at a Veterans' Administration hospital. Because of this negligence, Mr. Hulver can no longer work, he can barely walk. Even though the U.S. circuit court of appeals in St. Louis was silent on the issue of negligence it reversed a district court's ruling in favor of Mr. Hulver because of

a legal technicality. Recently, the U.S. Supreme Court has announced it will not review this case.

Mr. President, following my remarks I will include in the RECORD a summary of Mr. Hulver's situation as reported by the Kansas City Star. I will also include an editorial that appeared in the April 10, 1978, issue of the Kansas City Star, regarding this same matter. After reading these two articles I think my colleagues will agree that Mr. Hulver has suffered immeasurably because of negligence on the part of the doctor at the Veterans' Administration hospital. The ultimate responsibility for this malpractice must be borne by the Federal Government. Therefore, I am proposing that Mr. Hulver receive payment from general revenues in the amount he was awarded in damages by the district court judge. In my years in the Senate I have never before introduced a private claims bill, but, in this unique situation, action of this type is justified.

Mr. President, I ask unanimous consent that the articles to which I have referred be printed in the RECORD.

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

[From the Kansas City Star]

SAD END TO EX-GI's "OVERSIGHT"

(By Harry Jones, Jr.)

The U.S. Supreme Court already has written an unhappy ending to this story—unhappy, anyway, for Isaac "Ike" Hulver, who is 65.

He was Private Hulver, a 33-year-old draftee, the morning of Dec. 1, 1944, the day this story began.

Ike had felt himself lucky when he awoke that morning. It had been the first night's sleep in several that he had spent under a roof. The roof was on a barn, true, and Ike was outside Saarbrucken, Germany, fighting World War II at the time. But a roof is a roof and Ike appreciated that one.

It was cold outside and foggy. A road lay ahead. Ike's lieutenant ordered him and another GI to advance to it and scout the area. Germans were nearby but they did not know how near.

The two soldiers advanced to the road, saw nothing threatening in view and signaled to the lieutenant that the rest of his squad could advance.

Ike had signaled by raising his M–1 rifle over his head with both hands, then had relaxed and lit a cigarette.

Suddenly he saw movement from behind a railroad embankment. It was a German soldier. He fired twice at the soldier and, although an expert marksman, missed both times. The German retaliated with a long burst from his machine gun.

One bullet caught Ike's buddy between the eyes and he fell forward, dead. Five other bullets hit Ike—one in the right knee, three in the abdomen, one in the chest, puncturing a lung.

Ike managed to crawl back to his outfit but 45 minutes later, as he was lying on his back, an 88-millimeter shell burst in a tree above him and riddled his body wth shell fragments.

That was the end of World War II for Ike Hulver, who now lives at 2808 N.E. 45th. He spent the next seven months in military hospitals where he underwent 15 operations. In July 1945 he was discharged with a 100 per cent disability rating.

A year later that was reduced to 70 per cent disability and a little later was raised to 80 per cent. It has remained at that level since. He now receives a government check of $410 a month.

Ike worked as a monotype operator for The Star from 1953 until 1971. The job required him to do a great deal of lifting all day—35-pound, hot metal "pigs" and 25-pound galleys made from the "pigs," between 200 and 300 of them each day.

It had taken Ike three years to learn how to walk. His right leg, because of one bullet wound, would bend in either direction at the knee instead of just back. Until he learned to walk, he found himself falling frequently whenever the leg bent in the wrong direction.

After consulting with his private physician, he went to the Veteran Hospital here in 1968 complaining of pain and numbness in his right hip and leg. It was determined that he needed a bilateral aortoiliac endarterectomy—removal of mineral deposits in the artery leading to his right leg to improve his circulation.

As Ike related it in an interview at his home earlier this week—and as he testified in federal court in 1976—when told by the surgeon at the VA hospital that X-rays had shown a small mineral deposit in the artery leading to his left leg, he specifically told the doctor not to touch his left leg—this was the leg he had favored since the war and he wanted nothing done to it.

He said the surgeon was from Argentina and spoke poor English. He thought the doctor understood him, however, he said.

After undergoing surgery Oct. 17, 1968, he awoke the next day to find his left leg numb. His right leg, however, was improved.

As described in a ruling by the 8th U.S. Circuit Court of Appeals in St. Louis: "As a result of the operation, plaintiff's (Ike's) left leg, which had previously caused him no pain or trouble, was disabled by a clot that formed in the left branch of the arterial tree in the weeks following the operation. In addition, his sexual function was seriously impaired."

He returned to the hospital in December 1968 for corrective surgery by the same surgeon. The surgeon's attempt to remove the clot, however, was unsuccessful.

He underwent surgery a third time on March 10, 1969, this time by a different surgeon, who inserted a plastic tube for part of the artery in a bypass operation.

Friends familiar with his leg problems began urging him to sue the government over the October operation. Finally, in late 1970, he went to see William Pickett, a lawyer. Pickett investigated the case and filed notice of a lawsuit in Feb. 18, 1971—two years and four months after the first operation, one year and 11 months after the third operation.

Ike quit his job at The Star. His legs could not stand the strain.

Pending trial, he continued to go to hospitals for more operations. He underwent two at the North Kansas City Memorial Hospital in 1973 and two more at the Mayo Clinic in Rochester, Minn., in 1974 and 1975.

He was out of work. He could no longer pursue his two favorite hobbies—hunting and flying. He was sexually impotent (a nerve had been cut accidentally in the October 1968 operation). And he could barely walk.

The case went to trial before Judge William H. Becker in the U.S. District Court here in 1976. It lasted three days.

The judge ruled in his favor and awarded him $202,298 in damages.

The judge found that Ike had proved negligence in the October 1968 operation when the surgeon elected to perform work on Ike's left leg after having been told not to and in the post-operative care provided him by the VA Hospital staff.

But there was another issue before the court and it was this that led to the unhappy ending provided Monday by the Supreme Court.

The statute of limitation on this type of case is two years—in other words, Ike was required by law to file his lawsuit within two years of the time he "discovered, or in the exercise of reasonable diligence should have discovered" that he had been the victim of malpractice.

Judge Becker ruled that Ike "proved by a preponderance of the evidence that he did not discover the alleged acts of malpractice which he contends caused his sexual impairment and the impairment of the functions of his left lower extremity until after Feb. 18, 1969."

Ike had maintained he did not become aware of the actual cause of his problems with his left leg and his sexual capacity until *after* undergoing the third operation, at which time the new surgeon explained to him what had gone wrong in the first operation.

The Justice Department decided to appeal Judge Becker's ruling. It based its appeal on the statute of limitations issue solely, not arguing the negligence ruling.

The Eighth U.S. Circuit Court of Appeals in St. Louis overruled Judge Becker in October of last year. The appeals court said that while it supported the finding of negligence in the first operation, Ike should have known he had been the victim of malpractice shortly after the first operation and well before the third operation.

In other words, it ruled, Ike had filed his lawsuit a few months too late.

Pickett appealed that decision to the U.S. Supreme Court. The Supreme Court announced Monday it had decided not to hear the appeal.

[From the Kansas Cty Star, Apr. 10, 1978]

WHEN JUSTICE IS ERODED

The first reaction to the Isaac "Ike" Hulver case is a burst of emotion. How can this 65-year-old war-scarred veteran, the victim of gross medical malpractice, be turned away by the courts in his attempt to recover damages for his permanent impairments from surgery? Even on reflection it is a fair and appropriate question—one that unfortunately raises doubts about the capability of our system to deliver justice in a compassionate and equitable way.

A ruling by a federal appellate court prevented Hulver from receiving the $202,298 that he was awarded by a federal district jurist here. From the lay person's view, the appeals decision appears to hand on a technicality. Namely that the statute of limitations expired shortly before the case was filed. This was a reversal of the district court judge who had listened to witnesses and made a determination that the case had indeed been filed before the deadline.

The U.S. Supreme Court has refused to consider the case, which leaves standing the ruling against Hulver. That means the damages, unless there is further legal action or an administrative ruling in the executive branch of the government, will not be paid by the federal government.

It is difficult to say where the fault in this case lies. But we are troubled deeply by the results. The ultimate responsibility for this malpractice, which occurred in a Veterans Administration hospital, must be borne by the federal government. The case was defended by federal attorneys in the line of their duty. They did not contest the ruling on negligence in their appeal; that action was based on the law that prohibits legal action being taken after a prescribed time has elapsed. Had the Justice Department not appealed the district court decision that favored Hulver, he would have received the settlement.

We submit that justice, irrespective of the

narrow interpretation of the law, has suffered in this instance. It may stand as a good legal exercise. It does not stand the test of equity under the law. Perhaps this injustice can be remedied by the Veterans Administration, further litigation or by a special appropriation by Congress. But something needs to be done—and fast.●

By Mr. PERCY (for himself and Mr. ROBERT C. BYRD):

S. 445. A bill to reorganize Federal regulatory agencies to prevent excessive, duplicative, inflationary, and anti-competitive regulation, and to make regulation more effective and responsive to the public interest; to the Committee on Governmental Affairs.

REGULATORY REFORM ACT OF 1979

Mr. PERCY. Mr. President, I am very pleased to introduce today, along with the distinguished majority leader, Senator ROBERT BYRD, the Regulatory Reform Act of 1979.

Senator BYRD and I have worked together on this legislation since we introduced the first version in December, 1975. The bill went through a careful hearing process in 1977, and we were very pleased when a modified version of it was accepted by the Senate last fall as an amendment to S. 2, the Sunset Act.

During the evolution of the legislation, the Governmental Affairs Committee has been conducting what Chairman ABE RIBICOFF described as "the most comprehensive study of the Federal regulatory agencies ever undertaken by the Congress." The study, which has produced six volumes on various aspects of Federal regulation, was authorized by Senate Resolution 71 in 1975. Several deficiencies in the regulatory process were examined, and, in volume II, the committee recommended that:

In order to enhance systematic Congressional review of regulatory agencies, Congress should require that all regulatory agencies be made subject to a periodic reauthorization process. In-depth scrutiny of the agencies should be assured by requiring a thorough review of an agency's activity before it may be reauthorized. Under a "sunset" device, agencies with similar functions should be reviewed in the same years.

We were to find that the Governmental Affairs Committee was not alone in its endorsement of sunset for regulatory agencies. During our 1977 hearings on the Regulatory Reform Act, a wide range of groups, individuals, and businesses endorsed the bill. I am attaching a list of supporters of the bill at the end of my statement, including such prominent groups as Common Cause, the American Bar Association, and the Business Roundtable.

Mr. President, during the hearings 2 years ago, several witnesses testified in support of the concept of sunset for regulatory agencies but expressed concern that it should be limited to a pilot program in the first years. I intend to explore this suggestion further in the coming months. As presently drafted, our bill would subject 32 agencies to a sunset review over an 8-year period. This is far from a complete listing of all Federal regulatory bodies. However, we will solicit the views of a wide range of interests on both the number of agencies covered and on specific additions or deletions which might be desirable.

NEED FOR REFORM

Regulatory reform has garnered much attention in the recent years as Americans have begun to realize the impact regulation has on the economy. The actual cost of regulation is difficult to ascertain. There is, of course, the estimated $5 billion we will spend in 1979 to fund the agencies themselves. This is not, however, the cost which alarms so many students of our economy. Rather, it is the cost to the economy of complying with the many regulations issued by these agencies. Estimates vary considerably, but according to Commerce Secretary Kreps, the cost of compliance by private industry is between $60 and $130 billion each year.

The following chart, excerpted from a Library of Congress study of regulatory costs, suggests where some of the greatest burden lies.

Annual cost of Federal regulation, by area—1976

[In millions of dollars]

Area	Administrative cost	Compliance cost	Total
Consumer safety and health	1,516	5,094	6,610
Job safety and working conditions	483	4,015	4,498
Energy and environment	612	7,760	8,372
Financial regulation	104	1,118	1,222
Industry specific	474	26,322	26,796
Paperwork	(1)	18,000	18,000
Total	3,189	62,309	65,498

(1) Included in other categories.

SOURCE.—DeFina, Robert. Public and Private Expenditures for Federal Regulation of Business. (Working Paper No. 22.) St. Louis, Washington University Center for the Study of American Business, 1977. p. 3.

These additional costs place enormous pressure on the domestic economy. Barry Bosworth, Director of the Council on Wage and Price Stability, noted last summer that the cost of regulation could be responsible for as much as three-quarters of a percentage point in the rate of inflation.

At the heart of inflation is our declining productivity growth rate. Between 1955 and 1965, when inflation was a mere 1.5 percent a year, labor productivity grew at over 3 percent annually. Since 1965, however, our productivity growth has slowed to less than 2 percent a year while inflation grew steadily to a peak of 11 percent in 1974.

Regulation is certainly not the sole reason for this decline, but it has had a significant impact as resources have been shifted from investment in plant and equipment to meeting government rules and regulations. Edward Denison of the Brookings Institution estimated that in 1975 the effect of private expenditures for environmental safety and health regulations and for crime prevention had cut our productivity growth by 20 to 25 percent. In addition, the regulatory burden has contributed to the shift of industry's research and development activity away from basic research and new product development, which has significantly impaired our capacity to innovate.

Regulation can also choke off competition and prevent new firms and ideas from entering the marketplace. The Interstate Commerce Commission's rules alone are estimated to cost $4 to $6 billion a year. The best example of how less regulation can benefit consumers and business alike is airline deregulation. Air fares have tumbled since the CAB began to get out of the way. At the same time, profitability of air carriers—large and small alike—has risen dramatically.

Mr. President, I am also greatly concerned about the impact of our current regulatory environment on Americans' perception of their government. I sense from my constituents and the businessmen I speak with that the Federal Government is not seen so much as a friend as it is an adversary. Regulation has often removed decisionmaking from the private sector and increasingly placed it in the hands of regulators who are immune from the ballot box and the marketplace. This is consistent with neither our democratic heritage nor our economic traditions.

APPROACH TO REFORM

It is clear that Congress can and must take steps to reduce the various costs of regulation. Substantial savings can be realized through administrative improvements in the regulatory process. The Governmental Affairs Committee's Study on Federal Regulation identified several administrative problems which contribute greatly to the overall costs of regulation such as delay, needlessly complex proceedings, and unqualified personnel. President Carter has begun to address these problems by establishing the Regulatory Council and requiring several new procedures through Executive order. Senator RIBICOFF and I have recently introduced legislation (S. 262) which will further improve the regulatory machinery in several respects.

Yet we must go beyond administrative reforms to a more fundamental review of the underlying purposes of regulation in order to determine whether we need regulation in a certain field, to what extent, and how it might best be structured. In some cases, such as the airline industry, actual deregulation is the answer. In others, the American people need and expect various forms of protection and our task is to determine whether that need is being met at the least cost.

S. 262 will make an important contribution to this process by requiring agencies to analyze the costs and benefits of major new regulations, review existing regulations, and increase opportunities for public comment. However, these procedures can only do part of the job since the regulators themselves will always be susceptible to the very human tendency to defend past mistakes and justify pet projects. What is needed to complement this process is a more objective, systematic analysis which can best be performed by Congress.

REGULATORY REFORM ACT OF 1979

The legislation we are introducing today provides such a mechanism for structured congressional oversight of Federal regulation. The bill focuses primarily on a zero-based analysis of regulation along sectoral lines. This will permit a comprehensive examination of the purpose, effectiveness, and efficiency of regulation in each major functional area. In addition, the bill calls for a review of the cumulative impact of regulation on particular industry groupings. Action-forcing provisions are included to insure congressional action in this important area.

Specifically, the Regulatory Reform Act requires the President to submit a reform plan to Congress every 2 years for an 8-year period according to the following schedule: 97th Congress (1981–82) energy, the environment, housing, occupational safety and health; 98th Congress (1983–84) transportation and communications; 99th Congress (1985–86) banking and finance, international trade, Government procurement; 100th Congress (1987–88) food, consumer health and safety; economic trade practices and labor management relations. Along with each plan, the President will report on specific industry impacts and recommend steps to improve regulatory performance.

The General Accounting Office and the Congressional Budget Office will submit reports to Congress at the same time that the President submits his plan. This should provide more thorough study and a wider perspective, and will make Congress less dependent on administration ideas. The GAO and CBO reports with assess the affected agencies with respect to:

The purposes for which each agency was established;

Significant changes which have occurred in regulated areas, the impact of such changes on agency effectiveness, and the continued appropriateness of original statutory purposes;

The net impact of the agency and the degree to which it has achieved its purposes;

The cost-efficiency of the operations of each agency; and

Practical, more efficient, alternative approaches to achieving those regulatory needs which currently must be served.

ACTION-INDUCING MEASURES

Both Congress and the Executive demonstrate a history of reluctance to take action in certain highly sensitive areas even where such action is clearly warranted. Regulatory reform is an unfortunate example. Rather than merely providing for a meaningless reform agenda, this legislation incorporates certain action-forcing measures. They are provisions requiring that:

The President must submit a reform plan to Congress by April 30 of the first year of each 2-year cycle.

The relevant committees must report a reform bill to the floor of each House by May 1 of the second year of each cycle.

If no comprehensive reform plan has been enacted by August 1 of the second year, the affected agencies lose their authority to issue any new rules except those essential for preserving public health and safety—a concurrent resolution of Congress would be needed to overturn an agency's certification to that effect.

If no comprehensive reform plan has been enacted by October 1 of the second year, enforcement of the existing rules of the affected agencies would be suspended, except those essential for preserving the public health and safety—again, a concurrent resolution of Congress would be needed to overturn an agency's certification to that effect.

If no comprehensive reform plan has been enacted by December 31 of the second year, each affected agency which has not been the subject of comprehensive reform would be terminated, unless other appropriate provision is affirmatively enacted by the Congress providing for the continuation of such agency.

The last "sunset" proposal will insure that neither the President nor Congress will duck consideration of reform. Altogether these provisions afford an incentive for affected agencies and regulated industries to cooperate in the process of reform. Due to institutional inertia or a misguided desire to preserve the status quo, certain agencies and affected industries have not been helpful in past reform efforts. Some have consistently resisted reform of any sort. Thus, the last two provisions eliminate the advantage an agency or regulated industry might otherwise expect to experience in working to kill reform legislation. If no legislation passes, agency rules—other than those essential to insuring public health and safety—would no longer have effect, and regulated industries would suddenly face unregulated competition.

Following the initial 8-year agenda from 1981 to 1988, Congress will have another 8 years to monitor the regulatory process before the comprehensive review cycle begins anew in 1997. In this way Congress will have the opportunity to review the results of its action prior to considering additional reform measures.

The American people want a responsive Government that helps them work efficiently and productively. Our present regulatory system too often does just the opposite. I believe Congress can help restore the public's faith in government and invigorate the economy by providing a disciplined agenda for reforming Federal regulation. Such reform is long overdue. Let us not pass up the opportunity.

Mr. President, I ask unanimous consent to have printed in the RECORD, the list of those who have endorsed the Regulatory Reform Act, a brief summary of the legislation and the text of the bill itself.

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

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Regulatory Reform Act of 1979".

FINDINGS AND PURPOSES

SEC. 2. (a) The Congress finds that Government regulation can at times be more of a burden than a benefit to American consumers, American businesses, and to the American economy as a whole.

(1) Regulatory policies have fueled inflation through approval of rules and regulations not commensurate with the public interest, frequently without due consideration of the relative costs and benefits involved in such decisions, or without due consideration of the competitive impact of such decisions.

(2) Some regulatory policies harm both industry and consumers by denying businesses the chance to compete and, thereby, depriving consumers of the lower prices and diversity of services that greater competition would present.

(3) Too often, regulatory agencies have squandered their limited resources by focusing on trivial aspects of regulation while neglecting critical economic issues. By failing to set clear priorities or to articulate cogent policies, certain agencies have fostered a pattern of bureaucratic stagnation and waste, and consequent public frustration and confusion.

(4) The outmoded and inefficient case-by-case adjudicatory approach of most regulatory agencies has burdened business with excessive paperwork and unreasonable delays, impaired the ability of many industries to adapt to changing market conditions and beneficial new technology, and contributed to price rises, inefficiencies, and misallocations of resources.

(5) By consistently failing to take consumer and small business interests adequately into account and by arbitrarily limiting the operation of the free enterprise system, regulatory agencies have poorly served the public interest often in disregard of their congressional mandates.

(b) It is the purpose of this Act to require over a period of eight years the President to submit at least once in each Congress, and to require the Congress to act upon, a plan designed to prevent unnecessary or harmful regulation because such regulation has led to inflationary consumer prices, a reduction of competition in providing of important goods and services, and other economic inefficiencies which distort and disrupt the operation of a free enterprise system without correspondingly benefiting the health, safety, or economic welfare of the Nation.

DEFINITIONS

SEC. 3. For the purposes of this Act—

(1) "agency" has the same meaning as provided in section 552(e) of title 5, United States Code; and

(2) "rule" has the same meaning as provided in section 551(4) of title 5, United States Code, and includes any rulemaking, adjudication, agency proceedings, or agency action, as defined in paragraphs (5), (7), (12), and (13), respectively, of section 551 of title 5, United States Code.

AGENCY REORGANIZATION PLANS

SEC. 4. (a) Not later than the last day of April in each of the years referred to in

paragraphs (1) through (5) of this subsection, the President shall submit a plan containing the information required to be included under subsection (c) with respect to the following areas:

(1) Regulation of energy, the environment, housing, and occupational health and safety by the Federal Government, by the last day of April 1981, for the following agencies:

(A) Environmental Protection Administration;

(B) Energy Regulatory Administration;

(C) Federal Energy Regulatory Commission;

(D) Nuclear Regulatory Commission;

(E) the relevant regulatory functions of the Department of the Interior;

(F) Federal Housing Administration, Department of Housing and Urban Development; and

(G) Occupational Safety and Health Administration, Department of Labor.

(2) Regulation of transportation and communications by the Federal Government, by the last day of April 1983, for the following agencies:

(A) Civil Aeronautics Board;

(B) Interstate Commerce Commission;

(C) Federal Maritime Commission;

(D) Department of Transportation; and

(E) Federal Communications Commission.

(3) Regulation of banking and finance, international trade, and Government procurement by the Federal Government, by the last day of April 1985, for the following agencies:

(A) Office of the Comptroller of the Currency, Department of Treasury;

(B) Federal Deposit Insurance Corporation;

(C) Federal Home Loan Bank Board;

(D) Board of Governors of the Federal Reserve System;

(E) National Credit Union Administration;

(F) Federal Savings and Loan Insurance Corporation;

(G) International Trade Commission;

(H) Commodity Futures Trading Commission;

(I) Securities and Exchange Commission;

(J) Farm Credit Administration; and

(K) General Services Administration.

(4) Regulation of food, consumer health and safety, economic trade practices, and labor-management concerns by the Federal Government, by the last day of April 1987, for the following agencies:

(A) Consumer Product Safety Commission;

(B) Federal Aviation Administration, Department of Transportation;

(C) Federal Trade Commission;

(D) Food and Drug Administration, Department of Health, Education, and Welfare;

(E) the relevant regulatory functions of the Department of Agriculture;

(F) National Highway Traffic Safety Administration, Department of Transportation;

(G) National Labor Relations Board;

(H) Federal Mediation Board; and

(I) Equal Employment Opportunity Commission.

(b) Each plan submitted under subsection (a) shall include provisions relating to such other agencies as the President elects to include, or the Speaker of the House of Representatives and the President pro tempore of the Senate may require. Notice of any additional agency to be included in such plan shall be sent to the President not later than the last day of September of the year immediately preceding the year in which such plan is required to be submitted.

(c) A plan submitted by the President pursuant to subsection (a) shall contain the following information with respect to agencies which are included in any such plan pursuant to paragraph (1) through (5) of subsection (a)—

(1) recommendations for the transfer, consolidation, modification, or elimination of functions;

(2) recommendations for organizational, structural, and procedural reforms;

(3) recommendations for the merger, modification, establishment, or abolition of Federal regulations or agencies;

(4) recommendations for eliminating or phasing out outdated, overlapping, or conflicting regulatory jurisdictions or requirements of general applicability;

(5) recommendations for eliminating agency delays; and

(6) recommendations for increasing economic competition.

(d) Along with each plan submitted by the President pursuant to subsection (a), the President shall report on the cumulative impact of all Government regulatory activity reviewed, up to that date, on specific industry groupings. The report shall include recommendations to insure that the cumulative impact of Government regulation is in the Nation's best interests. Wherever practicable, in the formulation of each plan, the President shall give explicit consideration to the particular impact of Government regulatory activity on the following relevant industry groupings.

(1) transportation and agriculture industries;

(2) mining, heavy manufacturing, and public utilities industries;

(3) construction and light manufacturing industries; and

(4) communications, finance, insurance, real estate, trade, and service industries.

(e) If by the first day of May in each of the years 1981, 1983, 1985 and 1987 the President—

(1) has failed to submit the appropriate plan as required by paragraphs (1) through (5) of subsection (a); or

(2) has submitted a plan which fails to provide such information as is required by subsection (c) of this section, the committees of Congress having primary legislative jurisdiction or oversight responsibilities with respect to any such areas, together with the Committee on Government Operations of the House or the Committee on Governmental Affairs of the Senate, shall prepare such plan(s) which shall become the pending business in the House of Representatives and the Senate not later than the first day of May of the following year. Such plan(s) shall be jointly reported if agreement between and among such committees can be made with respect to such plan(s) but otherwise shall be separately reported.

LEGISLATIVE AGENCY REVIEW

SEC. 5. The Comptroller General of the United States and the Director of the Congressional Budget Office shall submit, contemporaneously with the submission of the plans required under section 4, a report assessing each of the agencies included in the plan submitted by the President with respect to the following:

(1) the purposes for which each agency was established;

(2) any significant changes which have occurred in the areas regulated by each such agency, the impact of such changes on the effectiveness of such department or agency, and the continued appropriateness of its original purposes;

(3) the net impact of the agency and the degree to which it has accomplished its purposes;

(4) the cost-effectiveness and efficiency of the operations of each such department or agency; and

(5) practical and more efficient alternative approaches to achieving presently demonstrated regulatory needs.

CONGRESSIONAL REVIEW

SEC. 6. (a) The President shall submit each plan required under section 4 to the Congress and separately transmit such plan to the Speaker of the House of Representatives and the President pro tempore of the Senate.

(b) Each plan submitted under subsection (a) shall be referred jointly—

(1) to the Committee on Government Operations of the House of Representatives and the appropriate committee or committees of the House of Representatives having primary legislative jurisdiction or oversight responsibilities with respect to the subject matter of such plan; and

(2) to the Committee on Government Operations of the Senate and the appropriate committee or committees of the Senate having primary legislative jurisdiction or oversight responsibilities with respect to the subject matter of such plan.

(c) The committees to which a plan is referred under this section shall review such plan and report a bill approving or disapproving such plan in whole or in part, with such amendments as are deemed appropriate. Such reports shall be joint reports if agreement between or among such committees can be made with respect to any such plan(s), but otherwise shall be separate reports. The reported bill shall become the pending business in the House of Representatives and the Senate not later than the first day of May of the following year.

(d) If no comprehensive regulatory reform legislation in a designated area as described in section 4(a) and which conforms to criteria set forth in section 4(c) is enacted by August 1 of the year following the year in which a comprehensive plan has been submitted by the President then all departments and agencies affected thereby shall have no authority to issue or promulgate any new rules or regulations except those essential for preserving public health and safety. A concurrent resolution of either House of Congress stating in substance that such rule or regulation is not essential for such preservation would render such regulation null and void.

(e) If no comprehensive regulatory reform legislation in a designated area as described in section 4(a) and which conforms to criteria set forth in section 4(c) is enacted by October 1 of the year following the year in which a comprehensive plan has been submitted by the President, then all departments and agencies affected thereby shall have no authority to enforce any rule or regulation except those essential for preserving public health and safety. A concurrent resolution of either House of Congress stating in substance that such rule or regulation is not essential for such preservation, would render such regulation null and void.

(f) Within nine months after the date of enactment of this Act, the President shall, upon comprehensive review of the anticipated application and effect of this section, transmit to the Congress a detailed listing of the agency rules of general and specific applicability the enforcement of which would be suspended by the application of subsection (e).

TERMINATION OF AGENCIES

SEC. 7. (a) In the event that no comprehensive regulatory reform legislation has been enacted with respect to a designated area described in section 4(a), every agency described in each plan submitted under this Act shall be terminated after the last day of December in the calendar year next following the calendar year in which such plan is required to be submitted, unless other appropriate provision is enacted by the Congress providing for the continuation of such agency.

(b) Under the circumstances described in

subsection (a), all rules or regulations of the affected agencies essential for preserving public health and safety shall remain intact and shall continue to be enforced by a designated office created for that purpose within the Department of Justice, which has funding and staff sufficient to insure effective enforcement, until such time as other appropriate provision is enacted by the Congress.

CONTINUING REVIEW

SEC. 8. The agency reorganization plans submitted pursuant to section 4 shall be submitted in the same order and for the same or succeeding departments or agencies ten years after the date of submission of the last original plan and on every succeeding tenth anniversary of the submission of the last of each such plan in each eight-year cycle, unless otherwise provided by law.

SUPPORT FOR THE REGULATORY REFORM ACT OF 1979

The legislation has gained the endorsement of the U.S. Chamber of Commerce, National Association of Manufacturers, Business Roundtable, American Bar Association, American Medical Association, National Grange, Common Cause, Prudential Insurance Company of America, Kaiser Aluminum, Coca-Cola, DuPont, Monsanto, Pepsico, The Continental Group, Inc., and Southern Pacific Company. The legislation also has been endorsed by academicians from the University of Chicago Graduate School of Business, Harvard University, Harvard Law School, UCLA Graduate School of Management, University of Rochester Graduate School of Management, Trinity College and California State Polytechnic University, Pomona.

PRINCIPAL PROVISIONS OF THE REGULATORY REFORM ACT OF 1979

Government regulation has all too often become a burden to consumers, workers, American business and to the economy as a whole. Indiscriminate regulation has fueled inflation, stifled competition, and produced mountains of paperwork and red tape. Agency functions tend to overlap. Individual regulations are frequently made without due consideration of the relative costs and benefits involved. Any case-by-case handling of matters, in the absence of broad guidelines, produces unreasonable delays and fragmented and incoherent policy, often focusing on trivia while neglecting priorities. Clearly, some regulatory agencies have poorly served the public interest in disregard of Congressional mandates.

To counter this, the Regulatory Reform Act of 1979 sets forth a discipline for action, to apply both to Congress and the President. Over a period of eight years, from 1981 through 1988, the President would submit to the Congress by April 30 of each year, comprehensive plans for reforming regulation in four specific areas of the economy, namely:

97th Congress (1981–82), energy the environment, housing, occupational health and safety.

98th Congress (1983–84), transportation and communications.

99th Congress (1985–86), banking and finance, international trade, and government procurement.

100th Congress (1987–88), food, consumer health and safety, economic trade practices and labor-management relations.

Each plan would include recommendations for increasing competition, and for procedural, functional, administrative and structural reforms. The plans would be referred to the relevant oversight committees of the Senate and the House and to the Senate Governmental Affairs Committee and the House Government Operations Committee.

To ensure that the impact of regulatory activity is in the Nation's best interest, the President will include in his plan a report on the cumulative impact of Federal regulation on the following industry groupings:

transportation and agriculture industries;

mining, heavy manufacturing, and public utilities;

construction and light manufacturing industries;

communication, finance, insurance, real estate, trade and service industries.

To provide a wider perspective on these problems, the General Accounting Office and the Congressional Office of the Budget will simultaneously submit comprehensive reports to Congress concerning:

The purposes for which each agency was established;

Significant changes which have occurred in regulated areas; the impact of such changes on the agency's effectiveness; and the continued appropriateness of original statutory purposes;

The net impact of the agency and the degree to which it has achieved its purposes;

The cost-efficiency of the operations of each agency; and

Practical, more efficient, alternative approaches to achieving those regulatory needs which currently must be served.

If the President does not submit a plan by May 1 of the first year, the relevant Congressional committees would write and report their own plan(s) in the form of a bill, to become the pending business of both Houses not later than May 1 of the second year.

Should Congress fail to approve comprehensive regulatory reform legislation in the designated area by August 1 of the second year, the affected agencies will lose their authority to make *new* rules (except those essential for preserving public health and safety).

Should Congress fail to pass comprehensive reform legislation by October 1 of the second year, enforcement of *existing* rules of the affected agencies will be suspended (except those essential for preserving public health and safety).

Should Congress fail to enact comprehensive reform legislation by December 31 of the second year, a "sunset" provision comes into play, terminating each affected agency for which Congress has not enacted reform. Responsibility for enforcing health and safety rules would pass to the Justice Department.

After an eight-year respite following the origina' review period (1981–88), Congress would begin the reform process again (in 1997), and continue such cycle thereafter, examining agencies in the same order unless the order is changed by law.

This timetable would not delay reform efforts already underway, or which may arise in the interim, until the designated year for that particular facet of regulation. Thus, it does not mean that transportation reform must wait until 1983, or consumer safety reform until 1987. Rather, it ensures that if no comprehensive reform has been accomplished by these dates, then the discipline imposed by the bill would come into play. If Congress wants to act sooner, all the better.

By Mr. RANDOLPH:

S.J. Res. 39. A joint resolution to provide for the designation of the second full calendar week in March of each year as "National Employ the Older Worker Week"; to the Committee on the Judiciary.

NATIONAL EMPLOY THE OLDER WORKER WEEK

● Mr. RANDOLPH. Mr. President, today I am introducing a joint resolution to designate the second full week in March of each year as "National Employ the Older Worker Week."

The resolution should be helpful as an educational tool in informing the public of the many advantages of hiring middle-aged and older persons. Additionally, such a campaign can make our Nation aware of the various attributes and meaningful capabilities of citizens 40 and above. They are now having extreme difficulty in obtaining employment because of the age barrier in spite of their vast reservoir of expertise, experience and knowledge.

For the past two decades, the American Legion, through its economic commission and employment committee, has designated a specific week during each year to make the public aware of the advantages of hiring the older worker, especially older veterans. At the beginning the Legion selected the first full week in May as "Employ the Older Worker Week." In 1973, the American Legion changed the observance of this week to the second full week in March. The principal reason for this change was to avoid any possible interference with youth employment promotional programs which are conducted during the month of May.

I join here in representing a State with one of the highest percentages of older citizens, and I have spent much of my career working with the problems of older Americans. My membership on the Labor and Human Resources Committee and the Subcommittee on Aging calls for me to devote much time in the Senate as we work to improve the working and living conditions of our older citizens.

Mr. President, at this point I ask to have printed in the RECORD the American Legion Resolution No. 533, adopted during the 60th Annual National Convention, August 22–24, 1978, New Orleans, La.

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

SIXTIETH ANNUAL NATIONAL CONVENTION OF THE AMERICAN LEGION, AUGUST 22–24, 1978, NEW ORLEANS, LA.

Resolution No. 533.

Committee: Economic.

Subject: Designate the second full week in March as "National Employ the Older Worker Week."

Whereas, The American Legion for a number of years has concerned itself with the difficulty encountered by the older worker, who in many cases is forty-five years or younger, inasmuch as many of this group are veterans; and

Whereas, The practice of discrimination in employment because of age for otherwise qualified persons is not only illegal, but is contrary to the American principles of liberty and equality of opportunity for all citizens; and

Whereas, The American Legion since 1959 has promoted annually a successful program to focus public attention on the advantages of employing older people, especially veterans, under which the second full week in March is designated as "Employ the Older Worker Week," and citations are presented annually to employers who do not discriminate against older workers; and

Whereas, Department participation and interest of the Legion, employers, and the public in the program has increased each

year for the past two decades and it has been recognized throughout the Nation and by the United States Congress as a meaningful and significant program to combat age discrimination in employment; now therefore be it

Resolved, By The American Legion in National Convention assembled in New Orleans, Louisiana, August 22, 23, 24, 1978, that The American Legion petition the Congress of the United States to adopt a Joint Resolution requesting the President of the United States to issue a Proclamation (1) designating the second full week in March of each year as "National Employ the Older Worker Week;" and (2) calling upon employer and employee organizations, other organizations concerned with employment, and the citizens of the United States in general to observe such a week with appropriate ceremonies, activities, and programs designed to bring about the elimination of discrimination in employment because of age.●

ADDITIONAL COSPONSORS

S. 3

At the request of Mr. HELMS, the Senator from Pennsylvania (Mr. SCHWEIKER) was added as a cosponsor of S. 3, a bill to provide procedures for calling constitutional conventions for proposing amendments to the Constitution.

S. 25

At the request of Mr. BAYH, the Senator from Montana (Mr. BAUCUS) was added as a cosponsor of S. 25, to designate the birthday of Dr. Martin Luther King, Jr., as a national holiday.

S. 55

At the request of Mr. BENTSEN, the Senator from Texas (Mr. TOWER), the Senator from Arkansas (Mr. BUMPERS), and the Senator from Idaho (Mr. MCCLURE) were added as cosponsors of S. 55, the Meat Import Act of 1979.

S. 265

At the request of Mr. DOMENICI, the Senator from Texas (Mr. TOWER), the Senator from North Carolina (Mr. HELMS), the Senator from Indiana (Mr. LUGAR), the Senator from Arizona (Mr. GOLDWATER), the Senator from Louisiana (Mr. JOHNSTON), the Senator from Wyoming (Mr. WALLOP), the Senator from Montana (Mr. MELCHER), the Senator from West Virginia (Mr. RANDOLPH), the Senator from South Carolina (Mr. THURMOND), the Senator from New Mexico (Mr. SCHMITT), and the Senator from New York (Mr. MOYNIHAN) were added as cosponsors of S. 265, the Equal Access to Justice Act.

S. 333

At the request of Mr. RIBICOFF, the Senator from Montana (Mr. BAUCUS) was added as a cosponsor of S. 333, the Omnibus Antiterrorism Act of 1979.

S. 390

At the request of Mr. METZENBAUM, the Senator from Arizona (Mr. DECONCINI) was added as a cosponsor of S. 390, the Antitrust Procedural Improvements Act of 1979.

S. 414

At the request of Mr. BAYH, the Senator from New York (Mr. MOYNIHAN), and the Senator from Hawaii (Mr. INOUYE), were added as cosponsors of S. 414, the University and Small Business Patent Procedures Act.

S. 423

At the request of Mr. KENNEDY, the Senator from Kansas (Mr. DOLE) was added as a cosponsor to S. 423, the Dispute Resolution Act of 1979.

SENATE JOINT RESOLUTION 4

At the request of Mr. LUGAR, the Senator from Tennessee (Mr. BAKER), the Senator from New Mexico (Mr. SCHMITT), and the Senator from North Dakota (Mr. YOUNG) were added as cosponsors of Senate Joint Resolution 4, proposing an amendment to the Constitution to require that congressional resolutions setting forth levels of total budget outlays and Federal revenues must be agreed to by two-thirds vote of both Houses of the Congress if the level of outlays exceeds the level of revenues.

SENATE RESOLUTION 50

At the request of Mr. KENNEDY, the Senator from Texas (Mr. BENTSEN) and the Senator from New Hampshire (Mr. DURKIN) were added as cosponsors of Senate Resolution 50, a resolution disapproving the proposed deferral of budget authority to promote and develop fishery products and research pertaining to American fisheries.

SENATE RESOLUTION 74—SUBMISSION OF A RESCLUTION CONCERNING TERRORISM IN RHODESIA

Mr. HARRY F. BYRD, JR., submitted the following resolution, which was referred to the Committee on Foreign Relations:

SENATE RESOLUTION 74

Resolved, that the Senate condemns and deplores the senseless murder of fifty-nine civilian air-passengers killed by terrorists near Kariba, Rhodesia, on February 12, 1979, and expresses its sincere regret and sorrow to the families of each victim.

SEC. 2. The Secretary of the Senate is directed to deliver this resolution to the President within twelve hours of its adoption and to request on behalf of the Senate that a copy thereof be transmitted by the President to the Government of Rhodesia in Salisbury.

SENATE RESOLUTION 75—ORIGINAL RESOLUTION REPORTED AUTHORIZING ADDITIONAL EXPENDITURES BY THE COMMITTEE ON FOREIGN RELATIONS

Mr. CHURCH, from the Committee on Foreign Relations, reported the following original resolution, which was referred to the Committee on Rules and Administration:

S. RES. 75

Resolved, That, in holding hearings, reporting such hearings, and making investigations as authorized by sections 134(a) and 136 of the Legislative Reorganization Act of 1946, as amended, in accordance with its jurisdiction under rule XXV of the Standing Rules of the Senate, the Committee on Foreign Relations is authorized from March 1, 1979, through February 29, 1980, in its discretion (1) to make expenditures from the contingent fund of the Senate, (2) to employ personnel, and (3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable basis the services of personnel of any such department or agency.

SEC. 2. The expenses of the committee under this resolution shall not exceed $1,371,700 of which amount not to exceed $105,000 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended).

SEC. 3. The committee shall report its findings, together with such recommendations for legislation as it deems advisable, to the Senate at the earliest practicable date, but not later than February 29, 1980.

SEC. 4. Expenses of the committee under this resolution shall be paid from the contingent fund of the Senate upon vouchers approved by the chairman of the committee, except that vouchers shall not be required for the disbursement of salaries of employees paid at an annual rate.

SENATE RESOLUTION 76—ORIGINAL RESOLUTION REPORTED AUTHORIZING EXPENDITURES BY THE SELECT COMMITTEE ON INTELLIGENCE

Mr. BAYH, from the Select Committee on Intelligence, reported the following original resolution, which was referred to the Committee on Rules and Administration:

S. RES. 76

Resolved, That the Select Committee on Intelligence, in carrying out the duties and functions prescribed by Senate Resolution 400, Ninety-fourth Congress, agreed to May 19, 1976, as amended, is authorized from March 1, 1979, through February 29, 1980, to make expenditures from the contingent fund of the Senate not to exceed $1,890,000, of which amount not to exceed $12,000 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Reorganization Act of 1946, as amended).

SEC. 2. The committee shall report its findings, together with such recommendations for legislation as it deems advisable, to the Senate at the earliest practicable date, but not later than February 29, 1980.

SEC. 3. Expenses of the committee under this resolution shall be paid from the contingent fund of the Senate upon vouchers approved by the chairman of the committee, except that vouchers shall not be required for the disbursement of salaries of employees paid at an annual rate.

AMENDMENTS SUBMITTED FOR PRINTING

AMENDING RULE XXII OF THE STANDING RULES OF THE SENATE—SENATE RESOLUTION 61

AMENDMENT NO. 60

(Ordered to be printed.)

Mr. STEVENS (for himself and Mr. HATFIELD) proposed an amendment to Senate Resolution 61, a resolution amending rule XXII of the Standing Rules of the Senate.

AMENDMENT NO. 61

(Ordered to be printed.)

Mr. HELMS proposed an amendment to Senate Resolution 61, supra.

AMENDMENTS NOS. 62 THROUGH 65

(Ordered to be printed and to lie on the table.)

Mr. JAVITS submitted four amendments intended to be proposed by him to Senate Resolution 61, supra.

NOTICES OF HEARINGS

COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS

Mr. PROXMIRE. Mr. President, the Committee on Banking, Housing and Urban Affairs is about to begin hearings on issues related to Federal Reserve membership and the ability of the Federal Reserve to effectively implement monetary policy. These issues are important to the well-being of the Nation because the Federal Reserve is the Nation's central bank and must be in a strong position to effectively implement monetary policy if we are going to eliminate our persistent and dangerous inflationary problem. Monetary policy along with fiscal policy are the most important economic tools that we have to reduce inflation. The problem is that because of the current structure of the Federal Reserve not all depository institutions fall under the Fed's direct control of the reserves held against deposits. Since 1970 the percentage of total bank deposits covered by Federal Reserve requirements has declined from 80 percent to about 70 percent as banks have given up their membership in the Federal Reserve System. Unfortunately, the trend has accelerated in the past several years and more and more banks are leaving the Fed.

The committee is very aware of the concerns of both the Federal Reserve and the administration with regard to the attrition of membership and the adverse impact it could have on monetary control and our efforts to curb inflation, sustain economic growth and maintain the value of the dollar. The committee has expressed similar concerns and has made a commitment to give high priority to finding a permanent solution to this problem. Hearings were held last fall on this subject and we are about to give our full attention to it again.

On Monday, February 26, 1979, Chairman G. William Miller of the Board of Governors of the Federal Reserve System will appear before the committee to present their views on the issues and to comment on pending legislative proposals. The hearing will be held in room 5302 of the Dirksen Senate Office Building and will begin at 10 a.m.

The committee will continue its hearings later in March and will hear at that time from the Treasury Department, the financial regulatory agencies, representatives of the banking and financial industry, and others.

Additional information about the committee's hearings can be obtained by contacting Steven M. Roberts, chief economist for the committee, at 224–7391.

SUBCOMMITTEE ON ANTITRUST AND MONOPOLY

● Mr. METZENBAUM. Mr. President, the Senate Judiciary Subcommittee on Antitrust and Monopoly will hold 2 days of hearings on S. 390, the Antitrust Procedural Improvements Act of 1979. The first hearing was held on February 19, 1979. On February 26, 1979, the second hearing will take place in room 2228 of the Dirksen Senate Office Building. The hearing will begin at 9 a.m.●

SUBCOMMITTEE ON INTERNATIONAL FINANCE

● Mr. STEVENSON. Mr. President, the International Finance Subcommittee of the Committee on Banking, Housing and Urban Affairs, which I chair, will hold hearings on April 4 and 5 on the implications of the proposed multilateral trade agreements (the Tokyo Round) for U.S. exports. The hearings will begin each day at 10 a.m. in room 5302 of the Dirksen Senate Office Building.

The International Finance Subcommittee held extensive hearings last year as part of its study of U.S. export policy and economic competitiveness, and will release shortly a report containing findings and recommendations based on the study. The subcommittee has jurisdiction over export promotion, export controls, and export financing as well as exchange rates and the international monetary system generally.

The subcommittee intends to review the proposed tariff reductions and nontariff codes in order to determine what effect implementation of the draft agreements would have on U.S. exports and export policy. Particular attention will be paid to the draft code on export subsidies and countervailing duties, and to legislation to strengthen U.S. export performance to take advantage of trade possibilities opened by the agreements.

Persons wishing to submit testimony to the subcommittee or desiring additional information on the hearings should contact Robert W. Russell, counsel to the International Finance Subcommittee, at 224–0819.●

SUBCOMMITTEE ON ALCOHOLISM AND DRUG ABUSE

● Mr. RIEGLE. Mr. President, on behalf of the Subcommittee on Alcoholism and Drug Abuse, I wish to announce hearings on renewal authorization legislation for the National Institute on Alcohol Abuse and Alcoholism (NIAAA) and the National Institute on Drug Abuse (NIDA) on the following dates:

On February 22, 1979, in 1224 Dirksen Senate Office Building and February 26, 1979, in 4232 Dirksen Senate Office Building from 9 a.m. to 12 noon, the subcommittee will hear testimony on the Comprehensive Alcohol Abuse and Alcoholism Prevention, Treatment, and Rehabilitation Act Amendments of 1979, which I am introducing today.

On March 2, 1979, in 4232 Dirksen Senate Office Building, the subcommittee will hear testimony regarding the Drug Abuse Prevention, Treatment, and Rehabilitation Amendments of 1979.

This hearing will also be from 9 a.m. to 12 noon.

The subcommittee would be pleased to accept written statements from individuals or organizations who wish to comment on this legislation for the record. Typewritten statements should be submitted no later than 15 days following the hearings to the Subcommittee on Alcoholism and Drug Abuse, 119 D Street, NW., Washington, D.C. 20510.●

AUTHORITY FOR COMMITTEE TO MEET

COMMITTEE ON RULES AND ADMINISTRATION

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the Committee on Rules and Administration be authorized to meet during the session of the Senate today, February 21, and on Thursday, February 22, to consider the committee funding resolution.

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

ADDITIONAL STATEMENTS

THE GREAT IMBALANCING ACT

● Mr. GOLDWATER. Mr. President, throughout our history, the root foundation of our success in the field of foreign relations has been a proper balance between American commitments and American power. Today, we are seeing an alteration of this concept and the imbalance is placing this Nation in a position of peril. One of the finest expositions of this problem was published recently in Air Force magazine. That editorial, written by Editor John L. Frisbee, states that the course of U.S. foreign/defense policy is on a declining road due to the administration's misreading of Soviet goals or to plain self-deception.

I ask that this editorial entitled "The Great Imbalancing Act" be printed in the RECORD.

The editorial follows:

THE GREAT IMBALANCING ACT

(By John L. Frisbee, editor)

Thirty-five years ago, Walter Lippmann wrote that "in foreign relations . . . a policy has been formed only when commitments and power have been brought into balance." Those words, as true today as they were then, provide a basis for assessing where US foreign/defense policy stands and where it is going.

US commitments are less broad than they were a few years ago, but still extensive. They must be assayed on at least three levels. The first is the constant commitment to deter attack on the US itself by the only nation capable of launching such an attack—the USSR. The second relates to those areas where US and Soviet interests may clash, but where the US can expect little or no assistance from its stronger allies. The Middle East and Africa are two such areas.

The third level involves alliances headed by the US, conceived to protect allies from direct aggression and US interests from the effects of aggression. NATO is the prime example, followed by our bilateral treaties in the Pacific.

Putting the first level aside, the US commitment at the other levels is to maintain the status quo so far as domination by another power is concerned, but to a lesser—and lessening—degree relative to internal change. Advancement of human rights, while a worthy and still frequently articulated goal, has given a great deal of ground to the exigencies of economic and political life.

At all three levels, US power is falling behind commitments that we can ill afford to further reduce.

In contrast, the Soviet Union's commitment is to expansion of its direct control or hegemony on a global scale. Whether the impetus behind that commitment is ideological or nationalistic is important only to the extent that ideology helps or hinders expansion.

For the past decade, the US has attempted to balance commitments and power at a relatively low level of defense spending by seeking to persuade the USSR to reduce its base of power—its armed forces. Soviet policy, on the other hand, has sought with considerable success to balance commitments and military power by expanding the latter at the maximum rate allowed by Soviet resources. The two policies are diametrically opposed, with little if any middle ground on which to construct any sort of compromise

In the long term it may make little difference whether the Kremlin in fact agrees to a nuclear, intercontinental compromise at strategic parity (an unlikely prospect) so long as the Russians remain willing to continue their much greater investment in conventional forces, and so long as the USSR is seen by the non-Communist world as historically, hence currently, willing to spend lives at an exorbitant rate in order to reach its objectives.

The roots of the imbalance between US commitments and power do not lie in the Carter Administration. But the imbalance, which the previous Administration recognized and had set out to correct, has been exacerbated by three hallmarks of the Carter regime: consistent inconsistency, delay, and the frequent espousal of mutually exclusive goals.

A prime example of inconsistency is the President's pledge to the other NATO, heads of state that the US will increase defense spending by three percent in real terms if their countries will equal that growth. It now seems almost certain that this commitment will be hedged, on the pragmatic grounds that the US economy has suffered serious setbacks. This calls to mind Peter Viereck's comment that "pragmatism is unpragmatic; it won't work." It also brings to mind the fact that Soviet defense spending has grown by at least four percent a year for the past decade.

The foremost example of delay is the Administration's repeated postponement of a decision on production of the MX intercontinental ballistic missile. And from a gallery of mutually exclusive goals—both foreign and domestic—one could pick Mr. Carter's avowed aim of regenerating public confidence in the openness and integrity of US foreign policy formulation while concealing such adverse events as the stationing of MIG–23s in Cuba and Soviet encoding of their ICBM test transmissions in violation of SALT I understandings.

There is a subtle danger in the Carter Administration's handling of foreign relations: namely that the gap between commitments and power—in the final analysis, military power—will widen at a rate too slow to create public alarm until the US has reached a point where recovery may be impossible.

In our view, the course of US foreign/defense policy is on a declining road due to the Administration's misreading of Soviet goals, or to plain self-deception. The ultimate destination of that road is disaster. And the only way to avoid disaster is to take an uphill path that will close the gap between commitments and the military power needed to back them.●

OPEN DOORS: EMPTY HANDS

● Mr. STEVENSON. Mr. President, now that Teng has returned to China we should ask what we learned from his visit. Meg Greenfield sums it up in a recent column in the Washington Post: Teng provided none of the assurances the United States sought, but gave free advice no one needed on dealing with the Russians.

Teng's interest in buying U.S. goods and technology accompanies an apparent desire to exacerbate United States-Soviet Union tensions. It took the United States 30 years to recognize the People's Republic of China. I hope it will not take another 30 years to understand the China we now recognize.

Mr. President. I ask that Meg Greenfield's article be printed in the RECORD.

The article follows:

TENG'S VISIT: TOO MANY POLAR BEARS

(By Meg Greenfield)

By about Wednesday of China week it occurred to me that perhaps the nation had finally had one spectacular too many. Sitting there in an East Room illuminated by that now familiar blend of glaring TV lights and sparkling chandeliers, we watched Carter and Teng transmute ordinary pens into instant collectors' items by the mere act of signing agreements; there was Marine Band music; there was the constant stream of reminders that we were in the presence of something exotic, momentous, historic. There was all this—and yet there was also a sense, as there had been all week long, that something was "off" about the proceedings, not quite plausible, not quite right. It undermined the gush and gaiety of the ceremonies as well as the solemnity of the official pronouncements. What was it? What was wrong?

At the simplest level it may just have been a matter of anticlimax. Earlier excitements had made this one seem mild. For the fact is that like it or not, the truly breathtaking moment in the restoration of Sino-American relations was that famous televised landing of Richard Nixon's plane in Peking seven years ago. Teng in Washington, as theater goes, was not Nixon in Peking or Sadat in Jerusalem or even, for that matter Khrushchev in the U.S.A. And so far as wildly improbable, not to say surrealistic, Washington scenes go, there was virtually nothing Teng could have done—short of singing a duet with Brezhnev on the Kennedy Center stage—that would have touched the Begin-Sadat extravaganza of a few months back.

So chalk up part of the "offness"—the disappointment—to pre-visit hype of the event itself and to the inevitable jadedness of the audience to which the show was playing. But there was more, beginning, surely, with the way Deputy Prime Minister Teng seemed to have programmed his own computer: I thought of one of those missiles that can't be recalled or redirected once fired, but which must simply follow its preplanned trajectory. No matter what his interlocutors began with, they invariably seemed to end up with hegemony and more polar bears. He was really very impolitic, pushing his line and plying his wares in ways that verged on an affront to hospitality.

But, at least in public, he wasn't answered back; the whole thing just went forward on the American side as a kind of political love-in. Teng was no Nikita Krushchev, to be sure, hollering and threatening with stagy peasant roughness. But he did seem publicly to control events and to be beyond the reach of dialogue. And since none of this was publicly acknowledged by the American side, I think the effect was finally to make those of us who were mere spectators uneasy, suspicious that this show of rollicking amity was forced and that there were some fairly ugly realities lurking just underneath.

A Republican senator who was among those who met with Teng marveled to me about how unbending and unyielding the Chinese leader had been on the main questions. It was all very genteel, he said, but it all came down to the same thing: no. No to requests that he give some assurances against moving military on Taiwan; no to requests that he consider ending atmospheric nuclear tests; no to requests that he agree not to start something with the Vietnamese. And beyond all that there was the general, all-purpose no to requests that he cool it with the let's-you-and-him-fight anti-Soviet rhetoric. Teng may have tamed and modified some of his language on this point, but not really so you would notice.

In an interesting way, therefore, his message, as delivered to Americans, was a strange amalgam of directives that don't quite work together: Teng, roughly speaking, would have the United States be very tough and agressive and unyielding with the Soviet Union on questions of their interventions in third countries—and just the opposite with the Chinese on similar questions. Leave us alone on Taiwan and Vietnam . . . get cracking against the Russians on Afghanistan and the Horn of Africa. It is a measure of the incoherence of our own domestic politics at the moment that this curious message did not seem so much to offend or even bemuse our politicians as to attract them. Each seemed eager to pick up some single element of the Teng position—whichever appealed—and to use it to his advantage, while ignoring the rest.

And that brings us to what was certainly a main source and symptom of the oddity of the visit, especially in its five-day Washington phase. I am referring to the fact that within the American political and business worlds everyone seemed to be exploiting some single aspect of the Chinese visit for his own end—to prove a point, or further a policy or make a buck. It was a kind of festival of main-chancing.

Since the Chinese were so clearly out to "use" us, I can see no particular reason why Americans should not have responded in kind. And God knows I am beyond being surprised by the sight of that implacably anti-communist business community of ours rushing to make a deal with those equally avid anti-capitalists in Peking. That is the way it always turns out, and it is probably both good for our side and good for international stability. But I think there *was* something unseemingly and disquieting in the way some politicians and administration figures mirrored the businessman's single-minded pursuit of given particular goodies, affecting an oblivious indifference to questions that can stir them to great speechifying and anguished concern—elsewhere.

Such as, for example, good old human rights. The anti-Russian, anti-SALT right in Washington makes a very tony, high-minded big deal of these questions where Russian trespasses are concerned. But in their eagerness to exploit the Chinese anti-Sovietism, they seem to care little for the victims of Chinese internal repression or for the victims of Teng's loathsome client, the Cambodian butcher Pol Pot, or for the Taiwanese in whose behalf they seem willing to accept the flimsiest assurances that nothing bloody will probably happen.

That's what I mean by unseemly, and the effect was heightened for me by observing this part of the anti-Soviet anti-arms-control right being joined in the jovial, all-embracing celebrations by the good old liberal left, or parts of it, anyway. Which parts? For one, a lot of people who seem to think that they can only vindicate their (admirable) stand in favor of recognizing China long before it was even safe to do so, let alone fashionable, by professing the Chinese to be true and beautiful in all things. For another, those liberals who have never been particularly troubled by the high price of social and economic progress in totalitarian states.

I couldn't help wondering as the Teng show left Washington last week how much had actually been accomplished and learned from it and how much had got lost in the grabbing for narrow advantage and political self-justification. Maybe I am too hard on the spectacle. I only know it wasn't very edifying.●

ALLEN TATE, A GREAT AMERICAN

● Mr. BAKER. Mr. President, I would like to pay tribute to a great American man of letters, Allen Tate, who died February 9 at the age of 79 in Nashville, Tenn. Mr. Tate was a novelist, biog-

rapher, essayist, editor, teacher, and critic in addition to writing poetry, but he achieved perhaps his greatest renown as a poet. As a member of a writers' group at Vanderbilt University in the 1920's known as the Fugitives and as editor of the Sewanee Review, he was closely associated with my State, but his fine mind and Southern sensibility were recognized far beyond its borders. I ask that obituaries published in the Washington Post and the New York Times be printed in the RECORD to mark the loss of this distinguished American.

The articles follow:

ALLEN TATE, POET, CRITIC AND TEACHER, IS DEAD AT 79

Allen Tate, a poet and critic and one of the more distinguished figures in contemporary American literature, died yesterday. He was 79 years old.

Biographer, novelist, editor, teacher and critic, Allen Tate will most probably be remembered as a poet—a poet, to use the words of Dudley Fitts, of "aristocratic integrity." His poetry—weighed, balanced, declamatory—reflected the formal and classic virtues he defended in his criticism.

He was also one of the foremost spokesmen for the Southern tradition, not only in literature, but in values and politics.

Mr. Tate's poetry was considered "difficult" by some. It was often filled with references to Latin and Greek classics, and his tone was more intellectual than lyric. But at its best, as in his most famous poem, "Ode to the Confederate Dead," he fused his intellectuality with the Southern sensibility into a powerful philosophic statement.

MUCH SEEMED CONTRADICTORY

On the surface, much in his life seemed to be contradictory. He was a Southerner who spent much of the prime of his life in the North, a Protestant who became a Catholic, a polemicist who mellowed into a philosopher. But beneath the surface there was unity. In a book about Mr. Tate's work, Ferman Bishop described the writer as "consistently Classical, Christian and Southern in his outlook."

That outlook was molded largely by his background. John Orley Allen Tate was born Nov. 19, 1899, at Winchester, Ky., in Clark County, the heart of bluegrass country.

While still an undergraduate at Vanderbilt University, he became a member of a group called the Fugitives, who guided and influenced the Southern literary renaissance that flowed in the next decades.

The Fugitives included such other soon-to-be-famous writes as John Crowe Ransom and Robert Penn Warren and put out a magazine, The Fugitive, in which Mr. Tate's first poems appeared. They showed the influence of T. S. Eliot, whose poetry and criticism were to be a major source of inspiration to Mr. Tate throughout his career.

FLING AS BUSINESSMAN

After graduating from Vanderbilt in 1922, Mr. Tate had one brief fling as a businessman before devoting himself to letters. "My brother gave me a job in his coal office," he later recalled. "In one day I lost the company $700 by shipping some coal to Duluth that should have gone to Cleveland, and my business career was over."

Soon afterward, he came to New York, where he began his editing career on the magazine Telling Tales. Later, he was to become Southern editor of Hound and Horn, an advisory editor of The Kenyon Review and, most importantly, editor of The Sewanee Review.

While living in Paris on a Guggenheim Fellowship in 1928 and 1929, Mr. Tate published his first book: "Mr. Pope and Other Poems." It was followed by two biographies that were the result of his abiding interest in the Southern heritage: "Stonewall Jackson—The Good Soldier," and "Jefferson Davis: His Rise and Fall."

His only novel, "The Fathers," also drew on the Confederacy for its inspiration. The story of aristocrats in Virginia at the time of the Civil War, it pleased some reviewers, but puzzled others who thought it lacked the vivacity of more popularly written Civil War novels. Later critics were more sympathetic; Arthur Mizener, writing in 1947, called it "one of the most remarkable novels of our time."

A SENSE OF THE PAST

His sense of the past, of the antebellum South, led him to ally himself with the Agrarians, a group of Southerners who severely criticized the excesses of modern industrial life. In a book of essays, "I'll Take My Stand: The South and the Agrarian Tradition" and "Who Owns America?" Mr. Tate argued that by opting for industrialism, American society had invested in science and machines, an option he felt led to the decay of intellectual thought.

In his essays, he leaned increasingly to a consideration of such as Dante, Donne, Emily Dickinson and Eliot, as opposed to the poets of the Romantic school. He refused to go along with those critics who insisted that literature had to be viewed within its historic and social context. In "Tension in Poetry," one of his most ambitious works, he developed the theory that tension, the essential element in poetry, derived from the balance between connotative and denotative qualities of language.

Some of his most sensitive criticism was written about the poetry of his friend Hart Crane. "Out of the desperate conditions of his private life," Mr. Tate wrote, Crane created "the great poetic achievement of his generation".

In his own poetry, Mr. Tate continued to employ man's relationship to his past as a major theme. "Ode to the Confederate Dead," "The Mediterranean" and others considered to be his best works all focused on the past. One of his most unusual essays was "Narcissus as Narcissus," in which he examined his own "Ode to the Confederate Dead."

Mr. Tate's literary reputation, like that of the New Criticism, was at its highest in the 1940's and 50's. After that, it declined somewhat, with one reviewer, Helen Vendler, declaring in 1969 that "while Tate was trying * * * to counter what he considered a cult of rationalistic positivism, he became the high-priest of an arcane sect, an anticult."

SOUGHT RELEASE OF POUND

In the 1950's two of his actions drew public attention. Born a Protestant, he converted to Roman Catholicism in 1950, and his first book of essays published after the conversion, "The Forlorn Demon" (1953), was infused with Catholic and Thomist doctrine.

He was also among the literary figures who campaigned for the release of Ezra Pound, who had been committed to a mental institution after broadcasting for the Axis in World War II. The aging Pound was eventually freed.

Throughout his writing career, Mr. Tate worked as a teacher, lecturer and radio commentator. He taught at Southwestern College in Memphis, the University of North Carolina Women's College, New York University, the University of Rome and the University of Chicago.

From 1939 to 1942 he was poet in residence at Princeton, and he was a professor at the University of Minnesota from 1961 until his retirement in 1968.

A WITTY PUBLIC SPEAKER

Fair-haired and blue-eyed, with a high bulging forehead that gave him a scholarly appearance, he was a witty public speaker much sought after on the lecture circuit.

In the 1940's he became a regular member of the Sunday night radio show "Invitation to Learning." Each week he would discuss the classics with Mark Van Doren and Huntington Cairns; their discussions were later published in a book named after the program.

Mr. Tate received many literary honors, including the Bollingen Prize in poetry in 1956, the Brandeis University Medal Award for Poetry in 1961 and a $5,000 award from the Academy of American Poets in 1963. He served as president of the National Institute of Arts and Letters in 1968. His 75th birthday, in November 1974, was celebrated at a memorable occasion attended by literary persons from all over the United States and the Britsh Isles.

He was married three times. His first wife was Caroline Gordon, the novelist, whom he married in 1924. She was the mother of his only daughter, Nancy Meriwether (Mrs. Percy H. Woods Jr.). His second wife was Isabella Stewart Gardner, whom he married in 1959. Both marriages ended in divorce.

SON KILLED IN ACCIDENT

In 1966, Mr. Tate married Helen Heiny. Twin sons were born to the couple in 1967, but one of them died in an accident in infancy.

The poet Robert Lowell, a friend, described the accident in graphic detail in a poem, "For Michael Tate":

gagging on your plastic telephone,
while the one night sitter drew water for your bath,
unable to hear your groans . . .

In a companion poem, "Letter From Allen Tate," Mr. Lowell quoted some of Mr. Tate's reactions: "As you must guess, We're too jittery to travel after Michael's death."

The poem concluded, however, on a note of admiration:

How sweet your life in retirement! What better than loving
a young wife and boy; without curses writing,
"I shall not live long enough to 'see him through'"

Mr. Tate reportedly was so upset by the poems that he broke with Mr. Lowell over them. Mrs. Tate bore him another son in 1969.

Among Mr. Tate's books of poetry were "Mr. Pope and Other Poems" (1928), "The Mediterranean and Other Poems" (1936), "The Winter Sea" (1944) and "Poems" (1960). His critical works included "Reactionary Essays on Poetry and Ideas" (1936), "Reason in Madness" (1941), "The Man of Letters in the Modern World" (1955), and "Essays of Four Decades" (1969). His "Collected Poems" was issued by Farrar Straus & Giroux in 1977.

ALLEN TATE, POET, CRITIC, DIES AT 79

(By Eve Zibart)

Allen Tate, 79, the southern literary renaissance's great man of letters, died early yesterday, 10 days after being admitted to Vanderbilt Hospital in Nashville, Tenn. He had been bedridden with emphysema for several years.

Although a dyed-in-the-wool southerner, Mr. Tate became the most cosmopolitan of American critics and was one of the first to espouse the modernism of T. S. Eliot and William Faulkner. He won numerous literary awards—five major prizes in the past two years—but popular success eluded him and he became, instead, the "poet's poet."

Allen John Orley Tate was born in Kentucky and spent most of his childhood and youth in Nashville and the District of Columbia area.

An alumnus of Georgetown Prep, Mr. Tate graduated magna cum laude from Van-

derbilt University in 1922. At Vanderbilt, he helped found a literary magazine called The Fugitive, through which he and his colleagues, including Robert Penn Warren, Cleanth Brooks, John Crowe Ransom and Merrill Moore, explored the intellectual and socioeconomic traditions of the South. This later grew into the "agrarian movement" that prefigured the southern renaissance.

"As a young man, as a college student, Allen single-handedly invented for himself what you would call the modern poetic style before he'd ever read Eliot or Crane," Warren recalled recently. "He was a brilliant mind . . . I was constantly amazed by him."

In his late 20s, Mr. Tate and his wife, novelist Caroline Gordon, moved to Greenwich Village in New York, and lived off his acerbic and witty freelance criticism. What was to become his best known poem, "Ode to the Confederate Dead," was first published in 1927.

The poet based the physical description of the "Ode" on the Confederate cemetery in Richmond, which he saw as a child:

Row after row with strict impunity
The headstones yield their names to the element,
The wind whirrs without recollection;
In the riven troughs the splayed leaves
Pile up, of nature the casual sacrament
To the seasonal eternity of death;
Then driven by the fierce scrutiny
Of heaven to their election in the vast breath,
They sough the rumour of mortality.
Autumn is desolation in the plot
Of a thousand acres where these memories grow
From the inexhaustible bodies that are not
Dead, but feed the grass row after rich row.
Think of the autumns that have come and gone!

In 1928 he and Gordon simultaneously were awarded Guggenheim fellowships.

Subletting Ford Maddox Ford's Paris apartment, Mr. Tate and his wife entered the expatriate circle presided over by Gertrude Stein. He thought F. Scott Fitzgerald the most attractive of the group, but spent more time with Ernest Hemingway. "We were pretty friendly," he recalled in a recent interview, "but I think if I'd been writing prose, he wouldn't have had me around."

Returning to the United States in 1930, Mr. Tate embarked upon the writers' standard academic circuit, teaching, lecturing and publishing. By 1939 he had become head of the creative writing program at Princeton University.

He was a legend among young, aspiring writers. Then Princeton student William Meredith, who now holds the poetry chair at the Library of Congress, remembers the "authority of his criticism." The young Robert Lowell, in a fit of hero worship, pitched a pup tent in Mr. Tate's yard for several weeks, relishing the propinquity.

In 1942, Mr. Tate was named to the chair of poetry at the Library of Congress. His Victorian house across the Anacostia River turned into a literary menage. Novelist Brainard Cheney and his wife, Frances, former president of the American Library Association, shared the rent, Katherine Anne Porter lived in the basement, Meredith slept on the porch, and John Peale Bishop stayed in the guest room.

Mr. Tate was at the height of his reputation in the 1940s, transforming the Sewanee Review into one of the leading literary magazines in the country. He was considered the perfect dinner companion—witty, perhaps a little acidic, and immaculately dressed—addicted to classical music and charades, a chain-smoker and a passionate fan of ice cream. He had an unshakeable composure and a southern gallantry that women found extremely attractive.

Mr. Tate and his wife, who shared a "profound psychic and spiritual relationship," according to Cheney, were divorced, remarried and divorced.

In 1959, Mr. Tate married Boston socialite and author Isabella Stewart Gardner, but the marriage quickly disintegrated, and in 1966 he married a former student, Helen Heinz, who survives. They lived in Sewanee, Tenn., moving back to Nashville two years ago.

Mr. Tate had written relatively little in the past several years, being almost blind as well as bedridden. He worked intermittently on his memoirs. In 1977 his "Collected Poems: 1919–1976" was awarded the Lenore Marshall Prize by Saturday Review.

Mr. Tate is also survived by a daughter, Nancy Wood, of Mexico, and two sons, John Allen and Benjamin Bogen Tate, of Nashville.●

NATION HONORS THOMAS EDISON

● Mr. RIBICOFF. Mr. President, 100 years ago, in a laboratory in Menlo Park, N.J., Thomas Alva Edison developed the first economically practical incandescent lamp and electrical system to power it. Edison's engineering breakthrough was the start of the electric lighting industry. To commemorate this historic development, the beginning of a Centennial of Light, the Thomas Alva Edison Foundation of Southfield, Mich., is sponsoring educational programs throughout the Nation. Information about these programs may be obtained from the Centennial of Light Information Center, P.O. Box 1310, Greenwich, Conn. 06830. The toll free telephone number is 800–243–8561.

Edison is being honored at the National Inventors Hall of Fame at the U.S. Patent and Trademark Office in Arlington, Va. A permanent exhibit was opened to the public this past February 11. Edison was born February 11, 1847. Each February 11 is observed as National Inventors Day by the National Council of Patent Law Associations. This year's commemoration has taken on a special significance now as part of the Centennial of Light observance.

The Centennial of Light observance is to honor the memory of Thomas Edison, whose scientific and technological achievements changed the face of the Earth and human history. With the support of American businesses and industries, the centennial programs are striving to upgrade scientific education and develop an environment conducive to more research and development and a resulting economic growth.

Along with the development of the incandescent lamp and electric system, Edison also invented the phonograph in 1877 and the motion picture camera in 1891. Other inventions Thomas Edison is credited with are the electrical vote recorder (1868), the stock ticker (1869), telegraph improvements, paraffin paper, carbon telephone transmitter, microphone (1872–76), electric railway (1880), portland cement processes (1900–09), alkaline storage battery (1909–10), disc phonograph (1910–14), and the talking motion picture. In his lifetime, Edison received more patents than any other person—1,093. In 1882, his most prolific year, he was issued two patents a week.

Edison was also the first to use the team approach to solving scientific and technological problems. His "invention factory" in Menlo Park, N.J., was the first of its kind, a well-equipped and ably staffed laboratory dedicated solely to testing, improving and inventing useful products. This was the forerunner of the modern industrial research laboratory. In a very real sense, this may have been Edison's most important innovation since it established the method by which even today's industrial, academic, and governmental research teams engage in technical studies.

The Nation will always be in the debt of Thomas Edison, for his work and vision helped to make the United States achieve preeminence in technical competence. It is of particular importance today that we recognize the genius, discipline, and courage of an inventor and innovator like Edison because we very much need people of his caliber.

I wish to commend the people who compose the International Committee of the Centennial of Light. It is through efforts such as this one that we may rekindle an Edison-like enthusiasm for discovery of ways to improve the quality of life throughout the world. I am pleased to note that two companies based in Connecticut are represented on the International Committee, Reginald H. Jones, chairman and chief executive officer. General Electric Co., Fairfield, Conn., and Merle W. Kremer, president, GTE Sylvania, Inc., Stamford, Conn. Along with the participation of Mr. Jones and Mr. Kremer on a national scale, in Connecticut Northeast Utilities and United Illuminating have both begun public education programs in connection with the Edison observance. General Electric, GTE Sylvania, Northeast Utilities, United Illuminating, and other businesses taking part in the Centennial of Light are embarked, on a very useful endeavor. Projects such as the Centennial of Light help to insure continued American preeminence in technology.●

WATCHING THE TENG SHOW

● Mr. GOLDWATER. Mr. President, broadcast coverage of the recent visit to the United States of Chinese Vice Premier Teng Hsiao-p'ing by the Public Broadcasting Service failed entirely to address the vital issues raised by the Carter administration's abandonment of Taiwan. Instead, the American public was presented with a superficial image of a Communist dictator. This is the same Public Broadcasting Service which will benefit from the almost billion dollars in Federal funds authorized for public broadcasting in the 95th Congress.

Frankly, I am dismayed and disappointed at the willingness of some in public broadcasting to become tools of the Carter administration on such an important foreign policy matter. But, of course, this is not the first time that PBS has sought to improve the Carter administration's image. Not many months ago, I expressed the gravest concerns about the White House's use of public

broadcasting to cover the Vladimir Horowitz concert.

The President's media adviser at the time, Barry Jagoda, who was also involved in policy decisions affecting public broadcasting, reportedly advocated public broadcasting's coverage of the event as a good way of promoting the Carter cultural philosophy.

Barry Jogoda is no longer the President's media adviser. However, the lesson of the Jogoda-Horowitz affair has already been forgotten by PBS. Tom Shales' article in the February 11, 1979 issue of the Washington Post, "Watching the Teng Show" should serve as an effective reminder. As I read the article it seemed to me that PBS more appropriately stood for the Peking Broadcasting Service, rather than the Public Broadcasting Service. Many of the local public broadcasting stations, including those in my home State of Arizona, must have been greatly concerned about the coverage of this event.

I am sure my colleagues will agree that PBS should strive to promote a higher degree of journalistic excellence in reporting future national and international events.

Mr. President, I ask that Mr. Shales' article be printed in the RECORD.

The article follows:

[From the Washington Post, Feb. 11, 1979]

WATCHING THE TENG SHOW

(By Tom Shales)

We were bored. We were lonely. We lusted for a new superstar, and the media, especially television, were ready to supply one.

Teng went the strings of our hearts.

Now that the vice premier of China has gone home, it can't hurt to wonder if what we saw of Teng Hsiao-ping's visit to America on American television was reportage or the sale of a bill of goods. Network coverage of the visit—wags have dubbed it "The Teng Show"—seemed delicately deferential for the most part and unquestioning in a way that must have pleased the White House far too much.

More disturbing, in a subtler but perhaps more insidious way, was the treatment given Teng by federally funded public television on "America Entertains Vice Chairman Teng," a live special from the Kennedy Center that gave new meaning to the cliche "all smiles." Host Dick Cavett was all smiles, Jimmy Carter was of course all smiles, and public television was smiling itself into a dither.

George Stevens Jr., who produced the after-dinner entertainment, is certainly not to be faulted for the way he rushed together a presentable, warm and winningly eclectic smorgasbord of Americana—although highlights like the Joffrey Ballet and the Harlem Globetrotters were somewhat mitigated by the bumbling giggles of John Denver and the near-surgical heart-tugging of the cloyish Shirley MacLaine. But the production had both decorum and spirit, and this is certainly rare at a Kennedy Center gala, where things usually start on a level of stiff nightmarishness and get worse.

Public television's handling of the event, however, leaned toward obsequious reverence; public TV became a tool in the Carter Administration's campaign to put Teng, and normalization, over with the American people (the tool apparently needs sharpening, because a recent poll showed Americans divided over the president's decision to embrace China and foresake Taiwan).

It is true that an oil company coughed up the $500,000 to put the program on television, but there are still federal funds involved in any national public TV transmission. When we add that fact to the public-relations nature of the event, to the way public TV handled it, and to the political interests it served, the whole project takes on a distressingly propagandistic tinge.

It suggests that public television risks becoming, on such occasions of official ceremony, State Television, or Political Television, or, in this case, the People's Republic of Television. It might be healthier for the nation if the White House and public television were at each other's throats—as in Nixon days of yore—rather than have them bosom buddies scratching each other's backs.

At the opening of the broadcast, Cavett, ill-suited for such a role, narrated to fill time a taped replay of Teng's first day in the United States. Carter's repeated goofs in identifying the vice premier by title ("Mr. Prime Minister, Mr. Prime, Mr. Vice Premier . . .") were edited out of the tape and so were the appearances made by two pro-Taiwan demonstrators on the White House lawn. Nor was there any mention of the larger and noisier demonstrations that occurred on the other side of the White House and in Lafayette Park.

Instead, Cavett dismissed such events in a manner reminiscent of Marie Antoinette: "one or two inevitable hecklers were escorted away" was his only suggestion that discord had dared to intrude on nirvana. Was this because he didn't want to offend the vice premier, who could not possibly have been watching, or because he didn't want to upset the White House, which currently looks favorably on increased funding for public TV and might not look favorably on the exposure of a single wrinkle in the day's scenario?

As television, except for the lengthy translations of wordy introductions, this was not at all a bad show. Director Don Mischer caught a few privileged shots, like one of Carter escorting his guests into the presidential box of the Opera House, another of Teng, preparing to speak from the stage, removing a little piece of crumpled paper from his pocket and unfolding it as he had done earlier in the day. On it was his speech.

But then Cavett, whose eagerness to please bordered on *idee fixe*, committed his supremo blooper of the evening, identifying for the home audience a shot of "the distinguished Robert O. Anderson," president of the Atlantic Richfield Co. which had funded the broadcast. Considering the number of other dignitaries Cavett had failed to identify (including Kennedy Center Chairman Roger L. Stevens), this was an especially unfortunate mistake.

When it came to bowing and scraping before Teng and his allegedly charismatic presence, however, the commercial networks weren't exactly caught napping. Frank Reynolds ended an ABC News broadcast with a gush of flowery futurology about the wonderful new era beginning; it sounded not only premature, but also an expression less of Reynolds' awe at the grandeur of events at hand than of his desire to give TV viewers a cheerful little earful, no matter how windfilled and fanciful.

Over on the NBC Nightly News, Teng was bid farewell with a montage of happy images from the trip, while—though NBC News refused to credit the source—the Kennedy Center orchestra heard on the PBS broadcast played repeated chipper choruses of Rodgers and Hammerstein's "Getting to Know You." Again, discouraging words, or images, were verboten; none of the week's demonstrations or foul-ups were shown, nor did we see the fall, at a Houston Rodeo, of a horse whose rider carried the American flag.

It was at times as if television had decided to accept without debate precisely the symbolism that the White House wanted all the activities to have.

The American networks went out of their ways to assist the Chinese television personnel traveling with Teng. Much manpower and equipment was loaned for free. But Burton Benjamin, director of news for CBS News, said this week that the effort was not an attempt to curry favor with an eye toward future Chinese-network relations but rather reciprocity for help the Chinese gave American television when presidents Nixon and Ford visited China.

"No matter how hard we insisted, they charged us virtually nothing," Benjamin said. "So we offered to reciprocate. We supplied them a camera crew and producers. They paid for travel and living expenses and for satellite and transmission costs, by far the largest nut of the deal."

Benjamin said the CBS donation to the Chinese amounted to about $39,000.

He denied that "we gave this guy a free ride" and pointed to a piece done by correspondent Bernard Kalb on the CBS Monday Morning News telecast after Teng went home. Kalb expressed what many TV viewers may have been thinking—that there was a considerable disparity between the cuddly charming man that the correspondents kept describing and the actual figure of Teng we saw on the screen.

"Teng Hsiao-ping really is a feisty, tough, essentially ruthless political figure on the Chinese Communist scene," said Kalb. "And apparently, in some sort of hunger on the part of the media to establish an extraordinary personality, he has been endowed with attributes that I have not yet found."

Kalb didn't say it, but the thought has to arise: How much were the networks and public television used by the White House to communicate a point of view through the availability of staged events so terribly adorable that no news director would ever consider throwing them onto the cutting room floor?

"I don't think that people were really listening precisely to what Teng Hsiao-ping was saying," said Kalb. "It was a 'spectacular' that we were watching this week, but what we in fact were seeing was simply the packaging, the public packaging, for strategic self-interest."●

NATIONAL PARK SYSTEM

● Mr. JACKSON. Mr. President, section 8 of Public Law 94–458 directs the Secretary of the Interior to make several submissions to the Congress at the beginning of each fiscal year.

First, the Secretary is to transmit a listing, in generally descending order of importance or merit, of not less than 12 areas which appear to be of national significance and which may have potential for inclusion in the National Park System.

The law also requires a list of all National Natural Landmarks and all nationally significant areas on the National Register of Historic Places which exhibit known or anticipated damage or threats to the integrity of their resources, along with notations as to the nature and severity of damage or threats.

On February 1, the Department transmitted this information to the Congress. Also on February 1, I received a letter from Assistant Secretary Herbst providing additional information, not required by the statute, regarding these section 8 areas.

Mr. President, I ask that the letter of

transmittal from the Department of the Interior pursuant to section 8, as well as Mr. Herbst's letter to me regarding these areas, be printed in the RECORD.

The material follows:

U.S. DEPARTMENT OF THE INTERIOR,
Washington, D.C., February 1, 1979.

Hon. WALTER F. MONDALE,
President of the United States Senate, Washington, D.C.

DEAR MR. PRESIDENT: It is my pleasure to transmit to the Congress the annual report encompassing the National Park Service new area studies, and the list of those areas included in the Registry of Natural Landmarks and areas of national significance included in the National Register of Historic Places which exhibit known or anticipated damage or threats to the integrity of their resources. This report, prepared in compliance with Section 8 of Public Law 91-383, as amended by Section 2 of the General Authorities Act (P.L. 94-458) provides the Department of the Interior an excellent opportunity to institute a methodical approach for identifying potential new areas and monitoring the welfare of National Natural and Historic Landmarks.

The law requires that at the beginning of each fiscal year, the Secretary shall transmit a listing, in generally descending order of importance or merit, of not less than twelve such areas which appear to be of naticnal significance and which may have potential for inclusion in the National Park System. Such listing may be comprised of any areas heretofore submitted under terms of the law, and which at the time of listing are not included in the National Park System. In compliance with this provision, I am submitting ten studies. We had earlier planned to submit seventeen studies, but in the final days of the last Congress, seven of our study areas were added to the National Park System. In view of the length of time required to study an area for its feasibility/suitability as a park and our lack of a backlog of additional completed studies, we cannot submit the full twelve studies required. Of the ten studies submitted, seven are resubmissions of those in last year's report (November, 1977). Two of the new studies were completed under the requirement of P.L. 94-518, approved October 18, 1976.

In my judgment, these studies cover resources having potential for inclusion in the National Park System. Any recommendation to actually include these areas in the National Park System would, of course, be made only after a thorough study of all the potential land uses of the area. The list of areas presented, therefore, does not constitute a legislative proposal. The Administration's further views on these areas will be presented in an additional letter which you will receive shortly.

Recommendations embodied in six of the studies were accomplished by the enactment of the "National Parks and Recreation Act of 1978," which occurred during the review within the Administration of this annual report. One study area, the San Antonia Missions area, became a unit of the National Park Service by the enactment of S. 1829. In light of the enactment of these two pieces of legislation, we would question the necessity of printing these seven studies as required by section 8.

I have not included in this submission proposed additions to the National Park System for which the Administration has recommended the enactment of legislation. For example, these include the Alaskan proposals for the National Park System, and the addition to the Mississippi River. These areas are nationally significant and the Administration strongly supports legislation for them. However, I have chosen not to duplicate in this list the information contained in our legislative reports on those proposals.

The law also requires a list of all National Natural Landmarks and all nationally significant areas of the National Register of Historic Places which exhibit known or anticipated damage or threats to the integrity of their resources, along with notations as to the nature and severity of damage or threats. Separate lists of Natural and Historic Landmarks so damaged or threatened are enclosed.

Of the 44 Natural Landmarks reported as damaged or threatened last year, 14 have been deleted from the list because they are no longer considered to be endangered. As a result of the current review, an additional 25 landmarks have been included in the report for a total of 55. 41 are either entirely or partially in public ownership; Federal agencies administer, either wholly or in part, 31. The major threats to Natural Landmarks are posed by mining activities, commercial development, and water related projects.

There were 101 areas of national significance listed in the National Register of Historic Places which were reported as endangered in 1977. 40 of these are listed again in this year's report; 61 are not. For several, such as the Fox Theater in Atlanta and the John Adams and John Quincy Adams Birthplaces in Quincy, Massachusetts, resolutions to the imminent threat have been developed. For others, a year of monitoring and subsequent reevaluation of the anticipated threat or damage have caused those resources to be deleted from the report. Unlike Natural Landmarks, most of the Historic Landmarks reported this year are in private ownership. Few are directly affected by Federal projects. The primary threat to these nationally significant cultural resources is economic, either due to lack of funds for preservation and maintenance or due to commercial development pressures.

The Department of the Interior is the major, but not the sole, component in a nationwide conservation and preservation network which comprises Federal, State, and municipal agencies and the private sector. This network, however, is highly dependent upon the active participation of all its components in order to ensure the conservation of our natural and cultural resources. As expressed in my letter of transmittal last year, it is essential that the non-Federal participants continue to receive technical and financial support in their efforts. Some of this support is provided directly by the Department through the Land and Water Conservation Fund, and indirectly through the provisions of Section 2124 of the Tax Reform Act of 1976.

This past year, by Secretarial Order, I have transferred the responsibilities for the Historic and Natural Landmark Programs from the National Park Service to the Heritage Conservation and Recreation Service. The Heritage Conservation and Recreation Service will recommend to me additional natural areas and historic places to be given landmark status, monitor the welfare and integrity of all such areas and historic places, and provide information and technical and non-technical assistance to landowners of threatened resources to increase their awareness of the values of those resources. The Heritage Conservation and Recreation Service will also disseminate information on both landmark programs to State and local governments and encourage all levels of government to protect the areas by using a full array of protection and preservation techniques. With the rapid increase of land values and inflation, we must utilize every means available to ensure protection and wise stewardship of those resources.

Through section 8, the Congress has given the Department an expanded opportunity to provide more consistent direction for the growth of the National Park System and the protection of our Nation's natural and cultural heritage.

We appreciate the opportunity to provide this information.

Sincerely,

BOB HERBST,
Assistant Secretary.

U.S. DEPARTMENT OF THE INTERIOR,
Washington, D.C.

In Reply Refer To: L58(170)

Hon. HENRY M. JACKSON,
Chairman, Committee on Energy and Natural Resources, U.S. Senate, Washington, D.C.

DEAR MR. CHAIRMAN: In accordance with the authority of Section 8, of P.L. 94-548, we are submitting to you under separate cover the list of ten areas which may have potential for inclusion in the National Park System. The purpose of this letter is to inform your Committee of the Administration's further views as to whether or not these areas should be added to the System. These views depend not only upon professional evaluation of the resource encompassed by the study area, but also upon such factors as cost, management alternatives, immediacy of the threat to the resource, etc. Each of the ten study areas submitted have been placed into one of three categories:

1. areas which the Administration and the Department can support for inclusion in the System,

2. areas for which additional information must be obtained for consideration prior to a decision on whether or not to add the areas to the System,

3. areas which the Administration and the Department cannot support for inclusion in the National Park System.

The Department of the Interior is presently prepared to support the enactment of legislation to add to the System the following two areas, subject, of course, to the review and consideration of the specific legislative proposals: the City of Rocks National Monument in Cassia County, Idaho; and the Hopeton Earthworks Historic Site in Ross County, Ohio. With regard to these areas the Department will prepare and soon submit draft legislation.

With regard to six of the areas, the Department of the Interior is not yet prepared to recommend either for or against addition to the System. Although the resources of each of these areas appear to be of National Park System quality, we currently lack much of the information necessary to make a policy choice as to the disposition of each area. We recommend that congressional consideration of any of these areas await development of this information. The following is a brief description of the additional work which should be done regarding each of these study areas.

Olmsted Home and Office in Brookline, Massachusetts—We believe that some degree of Federal involvement in the preservation of the site and the collection of Olmsted's work would be appropriate. However, the statement made in the study notwithstanding, there may be some viable possibilities for non-Federal acquisition or management of the site or collection. In the near future we hope to settle on an appropriate Federal role at the site, and we expect that a legislative proposal can be ready within a couple of months.

Prairie Park in Kansas and Oklahoma—This study area will require additional work on boundaries and management concepts prior to any decision on whether or not to support addition of a prairie park to the System. We foresee being able to make this decision around mid-year of 1979.

Channel Islands in California—This study area is in the final stages of the review process, with updated land status information and costs data to be available shortly. Although acquisition cost data is currently

not available, there is a likelihood that the cost will be high. We cannot yet recommend whether or not to add the area to the System.

Valle Grande in New Mexico; Potomac River in Maryland, Virginia, and West Virginia; and the Great Basin in Nevada—For these areas we are updating basic resource data and exploring various boundary configurations and management concepts, be they local, State, or Federal. We do not expect recommendations on the Potomac River or the Great Basin to be made until after 1979, while the work on Valle Grande may be completed somewhat earlier.

Finally, there are two areas which we have studied thoroughly but which we cannot recommend for inclusion in the National Park System. The Mount Mitchell area of North Carolina is a significant natural area which contains some of the highest peaks in the Eastern United States.

However, the area is being adequately managed at present and there is strong local opposition to designating the area as a unit of the National Park System. The situation is similar at the Hagerman Fossil Beds Site in Idaho. The Bureau of Land Management, the present manager of the area, has produced a formal plan to protect the resource and the strong local support necessary for effective National Park Service management of the area does not exist.

The Office of Management and Budget has advised that there is no objection to the presentation of this report from the standpoint of the Administration's program.

Sincerely,

BOB HERBST,
Assistant Secretary.●

SIXTY-FIRST ANNIVERSARY OF THE ESTABLISHMENT OF THE MODERN REPUBLIC OF LITHUANIA

● Mr. WEICKER. Mr. President, subjugation of human rights has been the existing condition in many of the Eastern European nations for almost 35 years. Lithuania, a nation of 3 million people, is one such affected nation. Our attention to this matter is of particular importance now, as this week marks the 61st anniversary of the establishment of the modern republic of Lithuania.

The American people share a deep commitment to the ideals of freedom and equality. Because of this heritage, basic U.S. foreign policy considerations are, and always have been built upon a strong commitment to the rights and self-determination of all nations around the globe. We remain committed to the basic values of human life and continue to support and defend these ideals around the world. Our efforts in this area must continue unabated.

Mr. President, we are all aware of the great injustices which have been inflicted upon the peoples of Eastern Europe at the hands of the Soviet Union, with which we are currently engaged in a range of diplomatic negotiations. It is apparent that the Soviets have disregarded previously signed and enacted unilateral accords and treaties in this area. Obviously this is a crucial point for the United States to consider when approaching subjects such as détente, economic cooperation and strategic arms negotiations.

Mr. President, if the protection of human rights is to be an effective premise of U.S. foreign policy, it is imperative that we be aware of existing violations and put that knowledge into action. We in Congress must renew our efforts to attempt to deal with these blatant human rights violations. The oppressed peoples of the world must not be overlooked in the political interaction of the major superpowers. It is our duty and special responsibility as the leader of the free world to speak up and assist, whenever possible, those nations which suffer under the yoke of oppression.●

JOHNNY LONDOFF—HUMANITARIAN

● Mr. EAGLETON. Every day, Mr. President, our newspapers are filled with stories of men and women of noteworthy achievement. Almost always, those who have achieved great things have benefited greatly from their own achievements. Self-interest is a pervasive and powerful motivator.

Only occasionally are we privileged to read who has achieved not only greatly, but also selflessly. Such a man is my friend and fellow Missourian, Johnny Londoff of St. Louis.

By trade, Johnny Londoff is an automobile dealer, and I might add that he is one of the most successful auto dealers in our State. He rose to the top of his profession on the strength of his great ability as a salesman. That same ability also has served him and his community well in his avocation, as an organizer and fund raiser for many charitable enterprises. Among these charities, Johnny Londoff is known as a "soft touch." When a charity puts the touch on Johnny Londoff, though, they do not come away with $5 or $10. They come away with hundreds, thousands, even millions, all thanks to the energy, dedication, and good-heartedness of this man.

Recently, Mr. President, the St. Louis Globe-Democrat honored Johnny Londoff as St. Louis' "Humanitarian of the Year." It was a richly deserved honor, and I ask that the Globe-Democrat article describing the good works of this distinguished Missourian be printed in the RECORD.

The article follows:

[From the St. Louis Globe Democrat, Jan. 16, 1979]

JOHNNY LONDOFF WINS HUMANITIES AWARD

(By Mary Kimbrugh)

He could sell a jar of peanut butter to Jimmy Carter and a case of beer to Billy, wheedle a Christmas turkey and a smile out of Scrooge or trade a second-hand Edsel to Henry Ford for a 1979 Lincoln Continental and pocket the change.

As a matter of record, Johnny Londoff did sell Edsels once, not to Henry Ford but to eight fellow St. Louisans and all in the space of one weekend. It may have been the supersalesman's greatest coup.

That was in 1957. John H. Londoff, the promising young North St. Louis automobile dealer, had been given the entire North Side as his exclusive territory. When the other three St. Louis Edsel dealers folded, he had the whole town to himself.

He still lost money. Every week. But it was probably the last time.

Since then, the son of a Macedonian immigrant, trim, 5 feet 10 inches tall, his dark hair and eyes reflecting his middle European heritage, has been a Chevrolet dealer. In 1960, he moved his agency to Dunn Road in Florissant and today the little boy who worked in his dad's lounges and bowling alleys and delivered heavy cases of beer in the neighborhood for a 10-cent tip, is a well-to-do business executive. He is a civic and community leader, member of industry and agency boards, a happy husband and father and, even though he ladies out credit to others, a one-man charity blitz.

He's David Harum in a three-button suit, a born salesman with a silver tongue who long ago learned to turn gab into gold, and keeps two telephones on his desk to make sure he doesn't miss any calls. When that call is about one of his favorite charities, he's a self-admitted conman. His friends warn that when Londoff is collecting funds for one of his causes, keep your hands in your pockets and your checkbook out of sight or you haven't got a prayer.

But he also dips deep into his own.

This past June, the 200th scholarship was presented through the Johnny Londoff Chevorlet College Scholarship Program, which he established 16 years ago and personally finances.

As chief barker (president) of the St. Louis Variety Club, he has raised on his own more than $1 million of the $4 million contributed through the club's annual telethon, "The Crusade for Forgotten Children," and allocated to local children's charities. He gives the bulk of his time from October to February to the cause and holds the all-time record for the sale of $100 tickets to the Dinner with the Stars that precedes the telethon.

For his volunteer work, he has been named Man of the Year by the St. Louis Variety Club and in 1977 was awarded an International Presidential Citation by Variety Clubs International during their 50th annual convention in Monte Carlo.

He sponsors 14 Khoury League teams and has been North County chairman for Friends of Scouting. He sponsored an Invitational LPGA Golf Tournament at Glen Echo Country Club as a fundraiser for six agencies serving mentally retarded children.

He is president of the board of Holy Trinity Church in Madison, Ill., first and oldest Bulgarian Eastern Orthodox parish in America. It is a post his father, the late Harry Londoff, also held.

But exclusive franchises are for cars, not for charity. In addition to his own church activity, he is a member of the board of directors of Dismas House, a committee member of the City of Hope and Bonds for Israel, on the board of directors of the Child Center of Our Lady of Grace, and has raised funds for the Department of Special Education for the Archdiocese of St. Louis.

Add them all together and you come up with a new title for the big-hearted businessman.

Humanitarian.

Johnny Londoff, executive, community leader and activist for good causes, is the recipient of The Globe-Democrat's 20th Annual Humanities Award.

Presented to "that citizen whose entire life truly reflects the universal aspiration of mankind toward the Fatherhood of God and the brotherhood of man," the 1978 award recognizes Londoff as "special friend to special children, untiring champion of the handicapped, beacon of hope for the forgotten and unfortunate."

The award will be given, along with a $1,000 check from The Globe-Democrat, at a ceremony at 11 a.m. Monday, Jan. 29, at the Breckinridge Pavillion Hotel.

With the honoree that day will be the people closest to him: his mother, Mrs. Harry Londoff; his wife, Sylvia; his daughters and son, Laura, Linda, Jackie and John Jr.; and his sister and brother, Harriet and Harry Jr. He'll remember his dad and wish he were there to share the moment and tell him when to stop talking. And when he remembers, he just may choke up.

At 54, Johnny is as sophisticated as a cummerbund and as old-fashioned as a bathrobe. He has never left the North Side, where he was born, although he has moved west of the old neighborhood. Shortly after his marriage he built a handsome, though not palatial, house just a few doors from his mother's home and he stops by to see her and Harriet every day before he goes home for dinner.

When his father died in 1968, Johnny wrote in a special tribute:

"In Macedonian, there is a word 'dobrow chovek' which means 'good man.' This word, either in his native tongue or in English was used to describe Harry Londoff all his life . . . a good man who didn't understand a word of English. He knew only one thing, hard work. . . . His first 'business' was a candy counter with Uncle Mike in an area at Jefferson and Franklin. . . . My dad had unlimited faith in the future of St. Louis and invested his hard-earned savings in real estate. But as he moved from his hole-in-the-wall candy counter to the ice cream factory to progressively larger ventures, including two bowling alleys, a theater, a succession of cocktail lounges and several automobile agencies, his work habits were the same. He spent long hours at his place of business and was never too good for any job no matter how menial."

This, then, was Johnny Londoff's inheritance: faith in the future of St. Louis, business brains and hard work.

Johnny's dad had wanted him to go to Harvard and become a lawyer, but Harry Londoff had introduced him to the business world and it was in his blood.

Even so, a graduate of Beaumont High School and Western Military Academy, he continued his education, amassing nearly three years of credits at Washington University and in studies for two West Point appointments before he chose automobiles over the army.

At Washington U., he was a member of Sigma Nu fraternity, and he and Sylvia returned to the campus to be married in Graham Chapel.

His career had begun just after World War II. Back from service with the Marines, he was so eager to get into the automobile business that his dad gave him a financial boost.

In 1947, with $30,000 capital from the senior Londoff and more spunk than know-how, he and his sister opened a Kaiser-Frazier agency at 4718 Natural Bridge Ave.

Harriet is now active in her own businesses but his brother, Harry Jr., works with him some and Laura, 24, and Linda, 22, both graduates of Southern Methodist University, are full-time employees. John Jr., who at 8 was his hard-working, pinch-hitting "porter" during a nine-month-long labor dispute, works there during vacations and probably will be the next generation Johnny Londoff, St. Louis automobile dealer. The youngest of the clan, 18-year-old Jackie, attends school in St. Louis.

Sylvia, the slim, attractive daughter of Londoff family friends, who shared the Londoffs' European heritage, worked at the agency for a brief time after their marriage more than 25 years ago. Her career, they agree with a laugh at the memory, was terminated by mutual consent and the imminent arrival of Laura.

"She would watch me leave at 7 in the morning and I wouldn't get home from work until 10 or 11 at night. She complained about not being with me so I told her to come down and work. She answered the phone and made out the bank deposits.

"One day a banker called and said 'John your checks are bouncing all over town.'

"I told him he was crazy, that we had a sizable amount of money in the company account. He said, 'John, you haven't got a dime.'

"We started checking and found that Sylvia had been depositing everything simply to John Londoff. I had $106,000 in my personal account."

Just at that time, Sylvia became pregnant and both agreed it was time for her to stop working. Since then, the auburn-haired Sylvia, as outgoing and amiable as her husband, has been a mother and homemaker.

Their romance was, if anything, unusual. Their parents thought they would make a perfect pair. John and Sylvia weren't so sure.

"We didn't like each other at first, when we were kids," says Johnny.

"Everyone called him 'Pretty Boy,'" adds Sylvia.

"I remember the first time we went dancing, he told me, 'You sure have big feet,' I walked right off the floor and left him."

At first, Sylvia was convinced he was not only a 'pretty boy' but also a confirmed playboy.

"He could go out only on Saturday nights because he worked the rest of the time and we would stay on the east side dancing and having drinks until 3 or 4 in the morning."

But once they fell in love and decided to marry, Johnny's image as a breezy, blithe playboy changed, and Sylvia learned that, if anything, he's a workaholic. Today, he neither drinks nor smokes. He quit both, along with coffee, cold turkey.

But, despite his long hours at the office and in his volunteer work, there's always time for the family.

With his children, Johnny can be as stern as a Victorian father, as generous as a doting uncle and as sentimental as a bunch of violets. Laura and Linda sophisticated and popular girls, live at home by choice, and usually the whole family vacations together.

When each of his older daughters reached her 18th birthday, while she was away at school, he wrote a letter so sentimental that everyone, including Johnny and his secretary who typed it, cried.

"You have brought us great love, tenderness, warmth and happiness and a few headaches. But a jubilation and joy I pray the good Lord give you someday as a parent."

But, with the affection, there was also some "plain fatherly advice."

"Start off on the right foot," he wrote, "keep your cool, run slow, pray for your dad, continue to work and study industriously and try to make us more proud of you than we are (if that is possible). Drive carefully. Accept your freedom in an adult manner. Be discriminating in choosing your friends. Pray for your dad! Just strive to do your best honey, and as you often heard me say to our loveable Jackie, 'Be a lady'—which I know you are and will always be. I am so very proud to have you as my daughter!"

He also has been known to ask their boyfriends so many questions that some of them have disappeared forever.

Nightly, in a long-standing ritual, Johnny goes from room to room, kneels and prays over each of his children.

"Once," remembers Linda, "he prayed over Jackie so long that she told him to hurry up and pray faster so she could get some sleep."

Linda laughs. So does her dad. In the Londoff household, they can dish it out and they can take it.

He and his family have made special gifts to St. Mary's School for Special Children, whose director, Msgr. Elmer H. Berhmann, received the 1977 Humanities Award. But Londoff's public charity is not limited to one agency or institution. He wants to help all children.

That's why, one day in his office, he got the idea of his scholarship program.

"It was really no big deal. I had had a pretty fair year in 1962 and so I called the principal of McCluer High School right across the street and offered to give $1,000 for some student to go on to college.

"He came to see me a few days later and asked if I would make that four scholarships of $250 each for the Junior College which was just then starting. He said that would give four young people a foot in the door and, if they were the right kind, they'd find a way of staying there."

It was supposed to be a one-shot deal, but Johnny just couldn't give it up. The program was expanded and today, the recipients attend schools throughout the country.

"I can't tell you the letters I have received. You would think I had given them $250,000 instead of $250—and incidentally, that has now gone up to $300. Sometimes a child will feel that he was bypassed and cheated because he never had an opportunity. But if you give him that opportunity and he finds he isn't college material at least he will know it instead of thinking all his life he could have made it with the right opportunity, and condemning parents or society or whatever."

Londoff has nothing to do with the selection. He is told what school the recipient will attend and sends the money directly there.

Often, years later, he has run into one of the winners who has told him how much the assistance meant in his life. Many are now St. Louis business people and some have gone on to become doctors or lawyers.

But Johnny is also an impulse giver, points out one associate. If his heart is touched, his billfold will be, too.

"Once he heard of a family which needed help at Thanksgiving. He pulled out $75 and sent two of us over to the supermarket to buy food."

He admits he could be taken in by a sad story. But that doesn't hold him back.

"I really feel," he said, "no one is going to ask for help who doesn't need it."

One day Londoff received a letter that was destined to change the lives of many more thousands in need of help. It was form Joe Simpkins, chairman of Tiffany Industries Inc., recipient of the 1972 Globe-Democrat Humanities Award and at that time chief barker of the Variety Club. The letter was an invitation to join.

"I accepted," says Londoff. "It probably was the best thing I ever did."

It meant that the supersalesman would give young people not only a foot in the door but a second chance at a good life.

He does much of it over the telephone and the luncheon table.

Londoff makes more calls than a houseful of teen-agers or the town gossip just back from the beauty shop. Put him up in front of a public meeting and he's as jittery as a 12-year-old on his first formal date. But hand him a telephone and he becomes the sweetheart of Ma Bell and a one-man benevolent boilerroom.

On his paper-laden desk is a yellow pad, methodically filled with names of individuals and corporations and suggested pledges. They're checked off as they promise to give —and Johnny isn't about to hang up until he hears the magic word.

He usually hears it, too.

"Most people want to help. If I could sell cars like I can sell tables and ads for the program, I'd have so much money of my own that I wouldn't have to go after pledges. I could just buy out the whole Khorassan Room and give it away."

As it is, he personally sells at least half the tables that are bought for that special extravaganza.

When the Chase-Park Plaza, for 24 hours of show time and charity, it transformed into the Palace on the Mississippi, the self-confessed ham with the heart of a hoofer is a stagedoor Johnny, as gleeful as a Broadway investor reading first-night rave reviews.

He not only signs up pledges. He signs up the stars. And his favorites of all who have appeared on the show are Monty Hall and Carol Lawrence.

"They are a special breed," he says.

Their household is a blend of discipline and easy-going cameraderie. Londoff religiously does his 75 push-ups every day and rides three miles on his stationary bicycle to keep his weight at 155. He's a meticuluous dresser, with so many suits that he may wear one of them only four times a season, and he can't stand to see anything out of place.

But he's a martinet with a marshmallow heart and his love for his family, says one good friend, is like a pebble dropped into the water.

"It just keeps on going out and out and encircling more people."

Still, when he's mad, he can turn into a bulldog. That's what happened in his church a year or so ago when a schism developed and a priest was threatened with ouster.

Johnny didn't like the odds.

"He couldn't defend himself," he says.

Londoff even went to court to help get a permanent injunction.

Now that the matter has been settled legally, Londoff is like a Macedonian Henry Kissinger, a diplomat helping to heal the painful wounds.

Come to think of it, the supersalesman of cars and charity probably could sell Kissinger an airline ticket—and give the money to one of his causes.●

SEVEN LEAN YEARS

● Mr. GOLDWATER. Mr. President, President Carter and the leaders of his administration would like the world to believe that the conclusion of a SALT II agreement and its subsequent ratification by the U.S. Senate would be a cause for rejoicing, that it would greatly enhance the prospects of peace in the world and contribute greatly to a reduction in the international arms race.

A recent article in the Economist magazine claims that there is no cause for rejoicing. It explains: "For a mixture of reasons, ranging from the nuclear weakness Mr. Jimmy Carter inherited on becoming President 2 years ago to his own failure to bargain adamantly enough since then, the SALT II treaty . . . which is designed to last until the end of 1985 could be the beginning of seven singularly dangerous years."

Mr. President, I ask that this editorial entitled "Seven Lean Years" be printed in the RECORD.

The article follows:

[From the Economist, Dec. 30, 1978]

SEVEN LEAN YEARS

An eve-of-Christmas near-agreement between Russia and America about nuclear weapons, with the last details almost certain to be wrapped up in the new year, might seem occasion for rejoicing. It is not. For a mixture of reasons, ranging from the nuclear weakness Mr. Jimmy Carter inherited on becoming president two years ago to his own failure to bargain adamantly enough since then, the Salt-2 treaty which Mr. Cyrus Vance and Mr. Andrei Gromyko carried to the verge of completion in Geneva on December 23rd, and which is designed to last until the end of 1985, could be the beginning of seven singularly dangerous years.

THE ROCKS AHEAD

The relatively minor problem the Salt-2 negotiators have been quibbling about all through 1978—the treaty was originally supposed to be ready by the time Salt-1 ended in October, 1977—seem to be coming out rather more in Russia's favour than America's (see the box overleaf). But none of these affects the core of the Salt-2 agreement. The disturbing basic shape of that agreement was settled in the first wavering year of the Carter administration. It points to three large future problems.

1. On the surface, the proposed new treaty is neatly balanced; but it conceals, just under the surface, a large imbalance in Russia's favour. The supposed superiority of the Salt-2 agreement—compared with the first Salt deal in 1972, which merely froze the Soviet lead in missile numbers at the time—is that it lays down exactly equal permitted totals for each side; 2,250 nuclear launching vehicles of all kinds, of which 1,320 can carry Mirv multiple warheads or cruise missiles, and so on down through the various sub-sections.

But in fact, whereas the current Soviet missile-building programme will have no difficulty in filling most of the permitted totals, the existing American armoury and present American building plans mean that by 1985 the United States will be behind Russia both in the overall total and in some of the most important sub-categories. (The most striking example is "modern large" missiles, where the Russians will be allowed to keep their 308 huge 10-warhead SS–18s but the Americans will have none at all.) Anyway, this deceptive equality in simple numbers also conceals a growing Russian advantage in other aspects of nuclear power. This second-level Soviet advantage is a result of the fact that the Russians are building several land-based missiles bigger than anything the Americans possess, which can carry a much larger explosive load. By 1985, the Russians could have a lead of more than 3 to 1 in the total number of megatons that can be dropped on the other side, and 7 to 1 in megatons carried in land-based missiles; in consequence, a lead of 3 to 2 in their ability to destroy protected targets, such as missile silos; and a lead of more than 2 to 1 in their ability to destroy unprotected targets, such as cities.

Even if these figures were not militarily important (and they are: see point three), they would have unpleasant political consequences. The allies of the United States have got into the habit of measuring its ability to protect them against Russia by totting up the units of American nuclear power. That is the "nuclear umbrella". If that power is seen to be getting smaller than Russia's, one spoke of the umbrella after another, public opinion in these allies will grow more nervous about the value of American protection; and nervousness could crack the alliance.

2. The most dangerous place for such mistrust to grow is western Europe. The second major criticism of Salt-2 is that it has managed to increase Europeans' doubts about America most of all.

The planned treaty, while setting limits on the number of missiles Russia can aim at America, says nothing about the growing number of missiles it points at western Europe, especially the powerful new SS–20; and the only reference to Russia's Backfire bomber will apparently be some sort of Soviet "assurance" (outside the treaty itself) that this Europe-busting nuclear-bombing aircraft will not be used to bust America too. This hardly encourages the Europeans. They are not reassured by the fact that the American-designed cruise missile, which could be one way of equaling things may be denied to them under the Salt–2 clause which says that neither side may do anything to "circumvent" the treaty. The Americans say this should not prevent them providing the Europeans with the knowhow, and maybe some of the parts, to make the cruise missile; but Russia says flatly it will prevent just that.

The Europeans also find it worrying that the kinds of cruise missiles most useful to them—the ones launched from ships or from the ground—will be limited to a feeble 375-mile range by the protocol which will regulate a few particularly tricky problems during the first two or three years of the general treaty. They suspect that when those two or three years are over Russia will try to bully Mr Carter or his successor into prolonging the protocol, and with it the range restriction, and they are not confident of Mr Carter's ability to defy Russia. All in all, Mr Carter may discover at the Guadeloupe summit next Friday that the Europeans are not comforted by the suggestion that "your problems will be dealt with in Salt-3"—after 1985.

3. But the biggest problem with Salt-2, the wobbly cornerstone which makes the whole structure tremble, is that it may leave the United States itself vulnerable to a surprise Russian attack.

By the early 1980s, the growing number of increasingly accurate warheads Russia can pack into its huge missiles will put it in a position of being able to destroy virtually all of America's land-based missiles in a single half-hour cataclysm, while still keeping quite a lot of its own missiles in reserve, ready for a second blow. (By comparison, the Americans could probably knock out only about two thirds of Russia's land-based missiles in a similar first strike of their own.) If that Russian first strike did happen, an American counter-attack against the Soviet missile system would have to depend mainly on the aircraft-carried cruise missiles permitted under Salt-2, which would take 10 hours to trundle towards their targets—and even then would destroy not much more than half of the Soviet launching silos.

This is not "parity". It is often said, quite correctly, that even with these advantages the Russians would probably not press the button for the unimaginable ghastliness of a nuclear exchange. This misses the point of nuclear mathematics. The point is that the Russians would not have to. If they know that even a theoretical exchange of Soviet first strike and American counter-strike would leave them with more surviving missiles, which would then hold America's cities hostage, they would know that the American president would know it too; and that he would be paralysed by his knowledge as the grisly game of bluff and counter-bluff moved closer to button-pressing point. This is the political reality behind the apparently abstract calculations of who-would-have-more-missiles-left.

HOW IT WENT WRONG

It is by no means entirely Mr Carter's fault that Salt-2 is now carrying the west towards these three rocks. The first Salt agreement, in 1972, set limits on the number of missiles the Russians could build but not—the heart of the present trouble—on the size of those missiles. In the years after 1972, while the Russians were testing and then deploying their new giants, the Americans were so mesmerised by Vietnam and Watergate that they failed to spot the danger and start an adequate new missile-building programme of their own. Mr Carter went into Salt-2 with this inherited weakness. Nevertheless, he could have made things better—or less bad—if he had stuck to his original demand of March last year that the Russians should halve the number of their very biggest SS–18 missiles. Instead, the Russians shook their heads and he backed down.

SALT TILTED, EVERYTHING TILTED

The nuclear balance, or imbalance, is the starting-point of every international political calculation. But there are other factors at work, too, which could tip the balance even more steeply against the west.

There is the competition in non-nuclear military power, where Russia is also trying to establish its claim to be primus inter pares. In central Europe the Russians are already ahead of the Nato allies in several of the main things by which non-nuclear strength

is measured, and the 3%-a-year increase in Nato defence spending which was meant to restore the balance is now threatened by Mr. Carter's desire to cut the next American budget. Even if Nato's 3% is saved, it may be at the cost of cutting the "non-Nato" part of the American defence budget (if such a distinction is in fact possible), which would make America weaker in the world outside Europe. But the loss of the old American nuclear superiority makes it even more necessary for the west to match the Russians in non-nuclear forces anywhere, if it is not to find itself faced down in one local confrontation after another.

There is also the matter of what can only be called political-military will. The Russians have, among their allies, a Cuba willing to keep 40,000 or more troops in Africa and south-west Asia, a Vietnam content to have put its army across the Cambodian border, an East Germany lavish with "advisers" in foreign parts; and in Russia itself, a public opinion that is no obstacle to the generous distribution of Soviet military aid between Kabul and Luanda. The lone example of Mr. Giscard d'Estaing's France apart, can the Americans find among their allies—or in themselves—even a fraction of the countervailing political-military will that may be needed in the next seven years?

It is not possible to stop the Soviet Union from expanding its military power: guns, after all, are the one thing the Soviet economy is good at. It is estimated to prevent that Soviet expansion proceeding to the point where it controls the commanding heights, nuclear or non-nuclear. There are still things that can be done to avoid that. The American senate may insist, as the price of its ratification of Salt-2, on an acceleration of the new mobile missile the treaty allows America to build, and other measures to shorten that dangerous period of American first-strike vulnerability. The 3% increase in general Nato defence spending may be rescued, and its benefits not confined to Europe. But unless something is done to block the trend, the coming years are going to be the roughest the west has yet faced against Russia.●

APPOINTMENTS TO THE NATIONAL ALCOHOL FUELS COMMISSION

● Mr. BAYH. Mr. President, I am pleased to announce that on January 31, the congressional members of the National Alcohol Fuels Commission, which I chair, were appointed.

My bill S. 2400 establishing this Commission was incorporated into the Surface Transportation Assistance Act in the closing days of the last Congress. The Commission will have 19 members—12 from the Congress and seven public members, representing the fields of industry, labor, agriculture, small business, and consumer affairs, who will be appointed by the President shortly.

Mr. President, I am extremely optimistic about the potential of alcohol fuels in this country. They represent a way to use domestic renewable resources, such as agricultural products and even urban wastes, to lessen our dependence on fossil fuels and on foreign suppliers. Gasohol—a 90-percent gasoline/10-percent alcohol blend—is a prime example of how alcohol fuels can be used to stretch our present energy supplies. Gasohol is being used successfully in automobiles without modifications to the engine, and is being sold in more and more locations throughout the country.

I would like to emphasize, Mr. President, that the National Alcohol Fuels Commission does not represent another layer of bureaucracy which would only serve to hamper the development of this resource. Instead, the panel will make a year-long study of alcohol fuels, their potential end-uses, and ways in which the Federal Government can assist the private sector in their development. After this study is completed, the Commission will end.

Mr. President, I am hopeful that we will soon be able to get the Commission underway, and I am looking forward to working with those of my distinguished colleagues who have been appointed to serve. In accordance with the language of Public Law 95–599, two members each have been appointed from the Senate Committees on Appropriations, Agriculture, and Energy, and two each from the House Committees on Appropriations, Science and Technology, and Agriculture. The Senate members, appointed by the President pro tem, are: Myself and the Senator from Oklahoma (Mr. BELLMON) from Appropriations; the Senators from South Dakota (Mr. MCGOVERN) and Kansas (Mr. DOLE) from Agriculture; the Senators from Idaho (Mr. CHURCH) and Oregon (Mr. HATFIELD) from Energy. The House members, appointed by the Speaker, are: Congressmen ROBERT ROE from New Jersey (who will be vice chairman) and JAMES BLANCHARD from Michigan, from Science and Technology; Congressmen BILL ALEXANDER from Arkansas and ROBERT MICHEL from Illinois, from Appropriations; and Congressmen DANIEL GLICKMAN from Kansas and THOMAS HAGEDORN from Minnesota, from Agriculture.●

SECTION 504, REHABILITATION ACT, AND THE NATIONAL ENDOWMENT FOR THE ARTS

● Mr. JAVITS. Mr. President, section 504 of the Rehabilitation Act of 1973 is recognized throughout our Nation as landmark legislation which affirmed the Federal Government's commitment to equal opportunity for the handicapped. After considerable discussion over regulation, section 504, which states "No otherwise qualified handicaped individual in the United States * * * shall, solely by reason of his handicap, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance," is beginning to be implemented in Federal agencies and federally supported programs.

The National Endowment for the Arts has worked diligently to insure that the arts are accessible to handicapped individuals throughout America. Livingston Biddle, Chairman of the Arts Endowment, has written me outlining the efforts made by the endowment to assist arts organizations in providing the handicapped equal opportunity for participation in the arts. I commend his letter to my colleagues and ask that it be printed in the RECORD.

The letter follows:

JANUARY 17, 1979.

Hon. JACOB K. JAVITS,
U.S. Senate, Washington, D.C.

DEAR SENATOR JAVITS: I want to take this opportunity to report to you on the National Endowment for the Arts' progress concerning nondiscrimination of the handicapped and the promuglation of new regulations to implement Section 504 of the 1973 Rehabilitation Act.

Since the passage of the 1973 legislation, the National Council on the Arts has passed two resolutions urging arts organizations to include the handicapped in their programs. Since 1974, the Endowment has had the National Arts and Handicapped Information Service provide information and conduct research on arts programs for the handicapped. Materials from the Service have been widely distributed throughout the country to individuals and organizations representing the arts and the disabled. Copies of the Service's recent materials are enclosed for your information.

In 1976, the Endowment created the new position of Coordinator of Special Constituencies with primary responsibilities for advocacy with arts organizations to encourage them to develop ways of including the handicapped, older adult and institutionalized populations in their programs. As well as initiating an advocacy program, the Coordinator has been able to provide information and direct technical assistance to many Endowment grantees seeking to serve special constituencies.

Early in 1978, the Endowment convened a task force composed of Endowment panel members and handicapped individuals to review our proposed regulations and to suggest ways the Endowment could be of most assistance to its grantees during the compliance period. In June, the proposed regulations were mailed to 8,000 arts organizations for comment. This was done to alert them to their new responsibilities for nondiscrimination of the handicapped, as well as to permit them ample opportunity to respond to the draft regulations. The Endowment's final regulations will reflect their comments.

Recognizing that the 504 issue is primarily one of communicating grantee's responsibilities and how they can comply,. the Endowment has initiated a technical assistance program which was endorsed by the National Council on the Arts at its December meeting. The elements of this technical assistance are:

1. Printed technical assistance brochures will be mailed to Endowment grantees and arts organizations one month prior to the issuance of the Endowment's final 504 regulations. One brochure will be directed to visual arts organizations, the other brochure will be directed to performing arts organizations. These materials will contain practical information on how to plan for and implement compliance, visual illustrations of solutions to common architectural and program barriers, and other pertinent resource information.

2. Training seminars will be conducted by the Endowment for a) Endowment Regional Representatives; b) State Arts Agency Directors and staff; and c) art service organization directors and staff.

These seminars will be held in January and February 1979.

3. Slide shows for each of the major art discipline areas will be prepared for use by arts organizations. These slide shows will be accompanied by a tape cassette and will visually illustrate compliance planning and implementation.

4. The Endowment will make every effort to make presentations to all the annual meetings of art service organizations to communicate the substance of the regulations and how to comply.

5. The Endowment will be prepared to give telephone ("hot line") assistance to individual inquiries.

6. Materials from the National Arts and Handicapped Information Service such as information on "Technical Assistance" and "Funding Sources" will be updated. In fact, the "Technical Assistance" materials have already been updated and are available. The "Funding Sources" materials will be updated shortly.

In addition, the National Council on the Arts has set aside $200,000 to encourage arts organizations to research and implement new ways of making their programs accessible to physically, sensory and mentally impaired individuals. The first grant to be awarded for an Accessible Arts Model Project is to the Buffalo Philharmonic Orchestra to experiment with ways of amplifying its music to accommodate hearing impaired audiences. The purpose of these demonstration projects is to experiment with new ways of making existing Endowment supported programs available to the handicapped. The findings can, in turn, be shared with other grantees. I believe the results of these Accessible Arts Model Projects not only will be very exciting, but will also have direct application to other fields, such as education.

I trust this information is useful to you. If you have any questions concerning the Endowment's initiatives for ensuring that the arts are accessible to the handicapped, please do not hesitate to contact me.

Sincerely,

LIVINGSTON L. BIDDLE, Jr.,
Chairman.●

ROBERT G. VIEHMAN: A SPECIAL KIND OF VOLUNTEER

● Mr. EAGLETON. Mr. President, we read and hear so much these days about the so-called "me generation," it is refreshing to hear about those Americans who are dedicated to helping others. One such person is Robert G. Viehman, of St. Louis, Mo., who—along with his wife and 12-year-old son—spent 9 weeks last year in Thailand helping the Bank of Agriculture and Agricultural Cooperatives of Bangkok streamline some of its credit and accounting procedures.

The Viehmans traveled to Thailand as part of a program sponsored by the Volunteer Development Corps, a private, nonprofit organization established in 1970 to provide short-term technical help to cooperatives in the developing countries. Mr. Viehman was selected, because of his expertise in the field of farm credit. Mr. Viehman is the coauthor of the widely used accounting manual now in use throughout the nationwide farm credit system.

While in Thailand, Mr. Viehman introduced several new systems to the 58 branch banks of the Bank for Agriculture and Agricultural Cooperatives of Bangkok. Among these were a shortwave radio system which permits quicker and more efficient communications between the branches, and an electronic data processing system which greatly improved the efficiency of the collection of statistical data within the bank.

Mr. President, I know that the Viehman family found this a rewarding and fulfilling experience and that they made many fine friends during the 9 weeks they spent in Thailand. I know, too, that the bank officials in Bangkok are grateful for the invaluable assistance Mr. Viehman provided them. I think it is a tribute to the Viehman family that they were willing to take on this volunteer project and give so generously of their time and energies. The world is a better place for people like the Viehmans, who are so willing to reach out to others.

Mr. President, Mr. Viehman prepared two detailed reports of his accomplishments in Thailand, and I ask that they be printed in the RECORD.

The material follows:

OCTOBER 9, 1978.

DEAR MR. CHAMLONG: Since my arrival in Thailand four weeks ago, I have been privileged to visit 2 branch banks and 2 district field offices. With the able assistance of Sompop and Prim, I have observed the operation and conversed at great length with management and staff of these offices. I have learned much. Here at headquarters I have held lengthy conferences with department heads of Planning, Budgeting, Working System Development, Accounting and their Staff personnel and also EDP personnel.

The following abbreviated outline of topics is set forth, in my opinion, in the order of importance and expediency on which I will further expound in our conversation today:

A. BRANCH BANKS

1. Improve service to farmer patron. Do required recording and posting work after all farmers have departed the bank for the day.

2. Improve and develop the member relations between farmer and branch and district field office.

3. Develop a "work team" operation which will permit the branch bank to meet unusually heavy activity; e.g., when a very large number of farmers are requesting advances of funds on their loans, the extra help can be shifted from their regular routine duties to assist in processing the farmers through expeditiously.

4. Consolidate receipt records wherever possible; e.g., combine the interest receipt with loan payment receipt, etc.

5. Adopt a numerical control number on the daily activity records; i.e., deposits, withdrawals, loan advances and repayments.

6. Improve the security in the cashier's department by having constructed a cage or screening around the cashier's desk area.

7. In branches with exceptionally large number of patron loans, the use of a bookkeeping posting machine(s) could handle all the daily activities of both the banking and loan departments.

8. Report only the daily changes that occur in the trial balance accounts. The headquarters bank could update preparing new daily trial balance from these changes.

9. If short wave radio is adopted, the recording on cassette tape would be made only on the trial balance accounts that have had activity that day.

10. If a branch bank has more farmers than it can process through before noon on the average day, consideration should be given to establishing a sub-branch bank.

11. A team composed of manager, assistant manager, credit manager and chief accountant collaborate to ascertain their branch bank's reserve for bad debts, using the new reserve for bad debts form but not using the headquarters suggested percentages.

B. AUDIT OF FIELD BRANCHES

1. The role of auditor and/or credit reviewer be broadened in scope to encompass:
(a) Personnel evaluation.
(b) Security evaluation.
(c) Adequacy of branch's accounting system.
(d) Work flow and processing evaluation.
(e) Effectiveness of new innovations recommended or adopted by the branch bank.
(f) Credit quality.
(g) Adequacy of the branch's "reserve for bad debts" estimations.

2. Recommend that both the auditor and the credit reviewer assign a "scoring rate" to each of the branch banks and each of the branch bank's district field offices both as to accounting and/or credit.

C. BAAC HEADQUARTER BANK

1. Radio communications center be established to receive from and to transmit to the branch banks daily:
(a) Accounting date.
(b) Bank balances information.
(c) Any and all other necessary types of communication.

2. A Uniform chart of accounts be adopted by headquarter bank and all the branch banks. The uniform chart of accounts be assigned numerical identification numbers (account numbers) which can readily be adaptable to hand posted record keeping, machine accounting or EDP.

3. The daily short wave radio transmissions received from the branch banks on the daily accounting activities be recorded on cassette tape as well as posted on ledger sheet by the receiving operator. The cassette tape and hand posted record can be passed to accounting department for an update of the branch's trial balance accounts.

4. A pilot program be adopted in conjunction with the university wherein a program for EDP is tested for the compiling of trial balance account information.

5. Headquarter bank compile and evaluate the 58 branch banks' "reserve for bad debts" calculations to produce a consolidated report. This would be a once a year project. The adjustment—plus or minus—would be amortized over 12 months.

6. A top management study team composed of a selected representative from each of the four major departments would evaluate the confidential auditor/credit examiner report and condense said report for top management's evaluation. They will also recommend any new innovations in use by the audited branch which, in their opinion, should and/or could be adopted at all branches. Their recommendation, if approved and endorsed by top management, would become an order that would be carried out by the "regional training teams", who will see that the branches in their regions are trained and the change put into practice.

Respectfully submitted,

BOB VIEHMAN.

OCTOBER 27, 1978.

MR. CHAMLONG: As my last working day at the Bank of Agriculture and Agriculture Cooperatives, October 31, draws near, I would like to discuss with you the many new programs from the October 9th outline that are presently in process of implementation by your fine, capable staff.

For discussion purposes, the topics or programs in process are, for reference, indexed to conform with my outline of October 9.

BRANCH BANKS

Item No. 3: Develop a "work team" operation which will permit the branch bank to meet unusually heavy activity. E.g., when a very large number of farmers are requesting advances (or making payments) of funds on their loans, the extra help can be shifted from their regular routine duties to assist in processing the farmers through expeditiously.

(a) The concept of a "work team" has been fully developed and written up with flow charts and operating procedures by Mr. Sompop Panprapakorn of the Working Systems Development Division. Mr. Sompop's report now awaits upper management's review and concurrence before implementation. Present plans are that within the week personnel from the BAAC will go to Chieng Mai; and,

with the branch bank management's assistance, the "team" will be trained. This team will be utilized in the daily ongoing operation of that branch bank. It is also anticipated that the "work team" concept will be presented and thoroughly explained to all the chief accountants during their meeting at Chieng Mai. A copy of the work flow chart and operating procedures can be given to each chief accountant; and they, as a group, can witness the "work team" in action. The chief accountants, having seen the "team" in action, will be able to envision a like team at work in their own branch banks.

(b) In all probability, there are many work areas in both the BAAC and branch banks where a sporadic, unusually heavy work activity occurs and temporary additional help can be effectively utilized. The "work team" can be a satisfactory solution to this type of problem.

(c) Most clerical employees who are engaged in routine work will usually welcome a temporary change in their regular work routine. Also, being proficient in an additional area of the bank's operation makes the individual a more valued employee.

Item No. 8: Report only the daily changes that occur in the trial balance accounts. The headquarters bank could update and prepare a new daily trial balance from these changes.

(a) The operational procedures and new trial balance forms are presently being compiled by Mr. Sunan Sakulkarn, Mrs. Ngaokae and their staff. The new procedures will be thoroughly explained to the operational staffs of both the branch bank and BAAC. When they are familiar with both the operation and the routine, the change will be put into effect.

(b) The information in Item No. 8 (a) will be demonstrated at the Chieng Mai chief accountants meeting. The procedures and operating instructions, together with the new accounting forms, will be given to each chief accountant at this meeting.

(c) With the adaptation of the new accounting forms and the simplification in preparing these forms, together with a reduction in the number of items reported to the BAAC, a savings in time for the accounting department at the branch bank should be effected.

Item No. 9: If short wave radio is adopted, the recording on cassette tape would be made by the BAAC on the trial balance accounts of the branch banks that have had activity that day.

(a) Preparations are presently being made by the BAAC to demonstrate, at the chief accountants meeting in Chieng Mai, an actual transmission of accounting data from the branch bank to the BAAC accounting department using the high frequency solid state broad band radio.

(b) Future considerations should be given to the use of a cassette recording and transmission device; i.e., a small dictating machine that could be used to record the daily trial balance changes in data and replayed aloud into the radio when transmitting daily to the BAAC accounting department.

This cassette, so recorded, could be kept for short period (possibly two weeks) as a proof of transmission to the BAAC. Later this tape could be reused again and again. Daily the branch bank's accounting department could use the cassette to record information as soon as they have completed their daily trial balance work; and it would be ready, awaiting the assigned time to transmit to the BAAC accounting department.

(c) Further use of the radio receiver/transmitter would be for communications of a general type between management personnel of the branch bank to the BAAC and/or other branch banks in the system. There are certain modifications to the radio/transmitter that can be added where a conversation between two people can be a "private conversation".

The useful life of the radio equipment is conservatively estimated to be 15 years. The cost of the radio equipment should be fully recovered in 6 to 7 years by the savings realized in long distance telephone and telegraph charges.

(d) A future consideration in the use of radio receiver/transmitter would be the installation of a similar device, of a less powerful type, in the district field offices and sub-branch banks.

(e) If at some future time management desires to have all the credit activity occurring that day transmitted and recorded in the BAAC's EDP computer, the use of a cassette tape recording of said data could be transmitted from the branch bank to the BAAC and re-recorded on their cassette recorder for entry into the EDP computer for updating of individual borrower's loan accounts.

BAAC HEADQUARTER BANK

Item No. 1: Radio communication center be established to receive from and to transmit to the branch banks daily:

a. Accounting data.

b. Bank balances information.

c. Any and all other necessary types of communication.

(a) Assuming that the "pilot program" with the Chieng Mai branch bank proves successful, the BAAC's departmental management staff will collaborate in preparing a report for top management's evaluation recommending establishing a "Communication Center". Their report will contain recommendations in the number and kind of radio receiver/transmitters that would be in use at headquarters. Also, in detail, the uses that can be made of said equipment and how the bank's staff will operate this equipment.

(b) The transmission of accounting data from the branch banks to BAAC, reporting only the daily changes that have occurred in the trial balance accounts, will be recorded by the operator at headquarters bank on new trial balance forms as the transmission is being received. Also, this same transmission will be recorded on a cassette tape which will be used as a further check in the accuracy of the clerk's hand recorded data. This tape will be kept for a reasonable period for proof of the prepared form, then reused again. Daily data just received from the branch bank will be processed through the BAAC's accounting department, where the new updated trial balance will be prepared on the new forms (presently being developed) and dispatched to management personnel. A machine copy of the daily changes in the branch banks' trial balance accounts will be sent to the EDP key punch department where IBM cards will be made and sent to the computer for an updating of the accounting data and records.

(c) The branch banks will report to the BAAC their bank balance information. Said information, upon being received, will be promptly given to the appropriate management personnel.

(d) The operation of the "Communication Center", a service to all management in the BAAC system, should, in my opinion, not be the direct responsibility of any one department, but should be in the "general services" activity.

(e) The "Communication Center" will make arrangements for the personal radio calls of management staff at BAAC to the management staff of the branch banks, and also transfer of personal radio calls from the management staff of the branch banks to the management staff at BAAC. All of the conversations in the personal calls will not be overheard by the radio operators or other radios.

(f) If management should, at some future time, desire to have all the credit information on the individual borrowers' accounts kept on the computer and updated daily, this could be easily accomplished through the use of your "computer center". Ref. Item #9 (e).

(g) For future considerations, there are presently on the market many devices that can be utilized with your radio receiver/transmitter. These devices can give further capabilities to this equipment; e.g., the equipment can be in use 24 hours a day. It can receive data, on tape, automatically from branch banks which could be transmitting automatically during the night information that had been pre-recorded on cassette tape.

Item No. 2: A uniform chart of accounts to be adopted by headquarter bank and all the branch banks. The uniform chart of accounts be assigned numerical identification numbers (account numbers) which can readily be adaptable to hand posted record keeping, machine accounting or EDP.

(a) The assigning of account numbers to the general ledger accounts and their related subsidiary accounts has been accomplished by Mr. Sunan Sakulkarn, Mrs. Ngaokae Sapitakm and the able assistance of their staff member, Miss Premchitra Khadee.

The assigning of identification numbers to the general ledger accounts of the BAAC's and branch banks' accounts will enable all of the system's accounting records to be recorded in identically the same manner whether the records are on a hand posted system, a machine accounting system or an EDP computerized system.

(b) The management of the accounting departments will have a report prepared for the chief accountants meeting in Chieng Mai, which gives full explanation to account numbering system and how it is to be used in their branch banks. An explanation will be given as to "why" the BAAC has adopted the account number method of identifying the general ledger accounts. Explanation will also be given to why certain accounting forms have been slightly modified, together with a demonstration of the proper use of these new forms.

Item No. 4: A "pilot program" be adopted in conjunction with the university wherein a program for EDP is tested for the compiling of trial balance account information.

(a) Since our conference of October 9, BAAC employees, Mrs. Somnung Fongsarun, Miss Premchitra Khadee and I have conferred with Miss Natchavee Kunaporn, a systems analyst at Chulalongkorn University, to ascertain the capabilities and the availability of the university's computer to accept the BAAC's entire chart of accounts together with the chart of accounts of all the 58 or more branch banks, and the daily update of each account which has an activity. Also to prepare, if requested, a consolidated (all branches) trial balance.

We were told that this could be accomplished for a very nominal costs; and also that the program had already been compiled and tested by Mrs. Somnung Fongsarun.

(b) We further explored future uses that the BAAC may choose to make of the computer; e.g., could the university's computer accept, store and update information on over a million individual borrowers' loan accounts. We were assured that with the capacity of their IBM #370 computer this would pose no problem.

(c) At the conclusion of our conference at the university we asked that with the entire accounting chart of accounts and their updated daily changes, could the computer be programmed to compile accumulation of data on each account so that meaningful management reports could be prepared on a monthly and yearly basis. We were advised that the computer could be so programmed. We further asked if programs of a similar nature could be made from the million individual loan accounts where computerized. Again, the answer was in the affirmative.

(d) A week after our conference at the university, a conference here at BAAC was

conducted by a representative from the university's computer department to familiarize the BAAC's staff in the accounting and planning departments with the process and capabilities of the computer.

(e) At the present time, Mrs. Fongsarun is working on a program for the payroll department wherein certain statistical information can be compiled.

(f) It would be my personal recommendation that should the BAAC decide to embark upon any EDP program the EDP program be made a tool of the planning department to gather statistical data for reports to be used in planning, forecasting and budgeting. In conclusion, I would like to make the following recommendations:

1. When a pilot test program proves successful that it be put into operation for the entire BAAC system as quickly as possible.

2. If management should decide to embark upon an extensive EDP program, beyond the chart of accounts for the trial balance records, they contact the Washington offices of VDC, ACDI or AID to make arrangements for a BAAC management staff member to visit, say for 2 weeks, with a district Farm Credit Bank (hopefully St. Louis) to observe the computer programs in operation and to understand the capabilities of the computer.

3. When the numbered general ledger accounts have been put into effect and are operating satisfactorily, consideration should be given to compiling a complete accounting manual wherein each of the general ledger accounts in use is fully described. I have left with the accounting department a copy of my bank's old accounting manual, and have written to my superior to mail a copy of the new Farm Credit Banks accounting manual to BAAC. These manuals can be used as guides when preparing a BAAC accounting manual.

The 52 days that we have spent in Thailand will always remain in our memories as some of our most pleasant days on earth. We have come to love Thailand, its wonderful people and customs.

I do so regret that I cannot be here to witness the many new programs that the BAAC management and its capable staff will be putting into effect in the foreseeable future.

Respectfully submitted,

BOB VIEHMAN.●

LITHUANIAN INDEPENDENCE DAY

● Mr. DOLE. Mr. President, on February 16, 1918, the Lithuanian people declared themselves free of the domination of czarist Russia, ending centuries of tyranny and persecution. Today, 61 years later, this event is being celebrated by Lithuanians throughout the world.

The people of Lithuania, however, are once again laboring under the yoke of Russian tyranny. While giving lipservice to the concept of human rights, the Soviet Union has failed to follow the principles set forth in the Helsinki Agreements. Instead, it has repeatedly violated the individual rights of Lithuanian citizens, and at the same time has denied the rights of the Baltic peoples to self-determination.

While there are many outstanding examples of those who have stood up to this oppressive Soviet rule, I would like to single out two Lithuanians for their exceptional bravery.

Viktoras Petkus, who has dedicated his life to the struggle for Lithuanian self-determination, has been once again sent to jail. His crime?—Mr. Petkus was part of a committee attempting to monitor Soviet compliance with the Helsinki Agreements. Mr. Petkus now languishes in the same jail as fellow political prisoner Anatoly Shcharansky.

BALYS GAYAUSKAS

Balys Gayauskas, who has already spent 25 years in jail for his activities in support of a free Lithuania, was arrested and sentenced to 10 years in jail, followed by 5 years of exile. While in prison, Mr. Gayauskas has given further evidence of his tremendous courage by joining the Helsinki Monitoring Group.

LITHUANIA'S STRUGGLE CONTINUES

With brave citizens such as Mr. Petkus and Mr. Gayauskas leading the way, the Lithuanian people continue to struggle for liberation from Soviet tyranny. In December a committee was formed to defend the rights of Catholic believers, and the publication of underground literature continues to flourish in Lithuania.

CALL TO THE UNITED STATES

We in the United States would be remiss if we did not do what we can to aid the people of Lithuania in their quest for freedom. In order for the underground press in Lithuania to remain effective we must insure that they have access to information from Radio Free Europe, Radio Liberty, and Voice of America.

HOPE FOR THE FUTURE

I remain convinced that with the courage and determination of the Lithuanian people their freedom is inevitable. A pursuit as vigorous and unyielding as their quest for self-determination and religious and political freedom cannot be thwarted, for the power of freedom is irresistible.●

OMB REPORTS ON COMPUTERS, TELECOMMUNICATIONS

● Mr. RIBICOFF. Mr. President, the Office of Management and Budget, which sets policy and fiscal priorities for computer operations in Federal programs, issued a summary of resources in the President's fiscal year 1980 budget for general purpose data processing and telecommunications. I ask that the summary be printed in the RECORD.

The summary follows:

RESOURCES FOR DATA PROCESSING AND TELECOMMUNICATIONS IN THE FY 80 BUDGET

This document provides a summary of resources included in the President's FY 1980 Budget for general purpose data processing and telecommunications.

This summary is being issued in order to identify the extent to which the Executive Branch of the United States Government is taking advantage of the opportunities afforded by data processing and communications technology to provide better services to the American public, expand the capacity and productivity of the Federal workforce without increasing its size, improve the management of Federal agencies and programs, reduce fraud and waste in Federal programs and reduce the cost of government.

The figures presented in Table 1 are preliminary estimates of the resources devoted to general purpose data processing and telecommunications. Some minor adjustments in these figures can be expected as agencies continue to reflect the effects of program budget decisions. A more complete analysis of data processing and telecommunication resources included in the budget and trends in the distribution of these resources will be published in March 1979.

GENERAL PURPOSE DATA PROCESSING RESOURCES

Obligations for general purpose data processing activities of executive agencies are expected to increase $651.4 million (15.8%) from FY 1978 to FY 1979 and $492.4 million (10.3%) from FY 1979 to FY 1980.

The 15.8% and 10.3% growth rates for general purpose data processing activities exceed the 9.4% and 7.7% growth rates for the Federal Budget during these same years.

During the two year period covering FY 1979 and FY 1980 the largest absolute growth in these activities is expected in:

Department of Defense, $666.7 million (34.4%).

Department of HEW, $99.0 million (23.0%).

Department of Energy, $74.6 million (26.9%).

Department of the Treasury, $65.3 million (12.5%).

In addition, significant relative growth is also expected in:

Department of State, 69.4% ($8.6 million).

Department of HUD, 54.3% ($10.2 million).

Department of Transportation, 41.9% ($29.1 million).

General purpose data processing resources included in these figures are defined in Section 43.2 of OMB Circular No. A–11. While they include most of the resources for general purpose data processing activities of Federal executive agencies, they do not include Federal data processing activities funded by Federal grants, classified systems or computers which are an integral part of weapons, space or similar systems.

GENERAL PURPOSE RESOURCES TELECOMMUNICATIONS

The figures for general purpose telecommunications provided in Table 1 represent a first step toward identifying all Federal executive agency expenditures for telecommunications.

The estimates compiled this year do not include resources for telecommunications activities related to certain command and control applications, tactical operations, intelligence operations, radar or navigation systems, operations outside the U.S. and certain other special applications. A more complete definition of resources included in this summary can be found in Section 43.3 of OMB Circular No. A–11.

This year's experience will be used as a basis for refining and expanding telecommunications resource reporting during the next year.

EFFECTIVE USE OF TECHNOLOGY

Table 1 identifies the magnitude of Executive Branch resources devoted to general purpose data processing and telecommunications. A separate document entitled "Federal Government Use of Data Processing and Telecommunications" has been prepared which provides specific examples of the benefits expected from the effective use of technology. Federal agencies are using these resources to:

Determine eligibility for benefit programs in a more cost effective and efficient manner.

Identify and reduce fraud in Federal benefit programs.

Save lives by speeding up emergency rescue operations in time of disaster.

Advance scientific knowledge.

Reduce energy consumption.

ACQUISITION PLANS

A compilation of Federal executive agency plans for major acquisitions of general purpose computer and telecommunication systems, facilities and related services during FY 1979 through FY 1984 will be published before the end of January 1979.

TABLE 1.—PRELIMINARY ESTIMATES OF DATA PROCESSING AND TELECOMMUNICATION RESOURCES IN THE FISCAL YEAR 1980 BUDGET

[In millions of dollars; fiscal years]

	General purpose data processing			General purpose telecommunications		
	1978	1979 (estimate)	1980 (estimate)	1978	1979 (estimate)	1980 (estimate)
Department of Agriculture	94.3	111.5	118.3	36.1	41.1	48.0
Department of Commerce	107.7	125.8	140.4	24.9	30.0	40.1
Department of Defense	1,936.0	2,278.6	2,602.7	474.4	495.5	503.2
Department of Energy	277.0	306.9	351.6	56.3	71.2	79.0
Department of HEW	430.0	492.2	529.0	162.7	188.4	207.7
Department of HUD	18.8	23.8	29.0	12.5	16.4	17.6
Department of the Interior	52.0	63.1	67.9	23.8	26.3	31.3
Department of Justice	39.9	47.2	50.1	44.8	52.9	50.6
Department of Labor	44.9	56.6	59.5	2.5	2.3	2.8
Department of State	12.4	18.6	12.0	5.3	6.3	7.1
Department of Transportation	69.4	85.5	98.5	29.6	30.4	34.3
Department of the Treasury	520.9	557.8	586.2	73.3	73.3	84.5
Environmental Protection Agency	35.2	38.5	40.9	9.2	9.8	10.6
General Services Administration	60.7	53.5	55.2	11.1	14.2	14.0
National Aeronautics and Space Administration	184.9	202.7	210.2	24.9	27.2	27.8
Veterans' Administration	80.5	113.4	74.9	62.9	83.0	74.9
Corps of Engineers	29.1	39.3	40.6	7.6	8.4	8.8
National Science Foundation	14.2	17.4	17.9	.1	.2	.2
Office of Personnel Management	12.5	11.9	12.0	4.6	4.7	3.9
Other agencies	95.9	123.4	154.2	16.5	20.5	21.9
Total	4,116.3	4,767.7	5,260.1	1,082.6	1,201.8	1,268.3

TRIBUTE TO THADDEUS KOSCIUSZKO

● Mr. DOMENICI. Mr. President, on February 12, our Nation observed the birthday of Abraham Lincoln. The stature of President Lincoln and his contributions to our country are as giant as a mountain and their shadow covers our entire land. But these shadows, by their magnitude, often obscure other great and noble figures.

February 12, Mr. President, is also a day of observance for the deeds of Thaddeus Kosciuszko. A Polish soldier and statesman, he entered the American Continental Army as a volunteer. He distinguished himself in the battles of New York and Yorktown and out of respect for his heroic contribution to the American Revolution, Congress, by special act, bestowed on him the rights and privileges of American citizenship and the rank of brigadier general.

His dedication and sacrifice in helping to found this great Nation should never be forgotten. Let us here in the Congress, and in the Nation, reflect and remember his deeds, his ancestry, and the role they have played in our Nation's birth.●

NOTED HISTORIAN ARTHUR BESTOR AGREES PRESIDENT CARTER USURPS LEGISLATIVE POWER BY BREAKING TAIWAN TREATY

● Mr. GOLDWATER. Mr. President, I am delighted to report that I have just received a letter from Prof. Arthur Bestor, one of the country's preeminent historians, who writes that he is "in complete agreement" with the position taken in my lawsuit against President Carter.

In referring to the President's attempted abrogation of the defense treaty with Taiwan without first obtaining legislative approval, Professor Bestor says:

I am happy that you are raising the constitutional issue in so forthright and effective a way. The termination of the Mutual Defense Treaty by the President without obtaining the advice and consent of the Senate—indeed, in flagrant disregard of the "sense of the Congress" clause in the International Security Assistance Act of 1978 (which comes close to being what the Constitution describes as the "advice" of the Senate)—represents a usurpation of power of the most dangerous sort. Like you, I believe this precedent, unless counteracted and repudiated, would permit a President to cancel any commitment whatever of ours—to Britain or France, to NATO, to Israel—even, ironically, to the People's Republic of China, should we make a purportedly binding treaty with them.

Mr. President, none could put it more clearly or succinctly. I am especially impressed with the clear-cut conclusions of Professor Bestor since he is one of a handful of academicians who have reached the pinnacle of their profession. His article entitled, "The Separation of Powers in the Domain of Foreign Affairs," in the Seaton Hall Law Review in 1974, is widely recognized as a landmark work on the original intent of the Framers based on an exhaustive review of contemporary 18th century material.

It might be mentioned that Who's Who in America notes Professor Bestor is a Democrat and Contemporary Author states that he was on a state board of directors of the American Civil Liberties Union. I give this information only to refute any false assumptions that Professor Eestor's conclusions might have been colored by his political philosophy.

Mr. President, in support of his conclusion that President Carter has usurped legislative power, Professor Bestor has generously prepared an historical note which discusses the issues fully. The paper is an important new contribution to literature on the subject of treaties and I ask that it be printed in the RECORD.

The material follows:

LOCATION OF THE CONSTITUTIONAL POWER TO ABROGATE OR TERMINATE A TREATY: THE ORIGINAL INTENT OF THE CONSTITUTION HISTORICALLY EXAMINED

(By Arthur Bestor)

The Constitution of the United States provides that the President "shall have Power, by and with the Advice and Consent of the Senate, to make Treaties, provided two thirds of the Senators present concur." [1] It likewise decrees that "[t]his Constitution, and the laws of the United States which shall be made in Pursuance thereof; and all Treaties made, or which shall be made, under the Authority of the United States, shall be the supreme Law of the Land." [2]

On the 2nd of December 1954 the United States signed a Mutual Defense Treaty with the Republic of China (that is, with the government which claimed to be the legal sovereign of the whole of China but which in fact governed only the island of Taiwan and certain adjacent islands). On the 9th of February 1955 the Senate adopted by a vote of 65 yeas against 6 nays (with 25 Senators not voting) a resolution in customary form reading: "*Resolved (two-thirds of the Senators present concurring therein)*, That the Senate advise and consent to the ratification of . . . the Mutual Defense Treaty between the United States . . . and the Republic of China, signed at Washington on December 2, 1954." [3] On the 3rd of March 1955 ratifications were exchanged at Taipei and the treaty immediately entered into force. On the 1st of April 1955 the President proclaimed the treaty as part of the law of the land.

The first paragraph of the fifth article of the treaty declared: "Each Party recognizes that an armed attack in the West Pacific Area directed against the territories of either of the Parties would be dangerous to its own peace and safety and declares that it would act to meet the common danger in accordance with its constitutional processes." The tenth and final article read as follows: "This Treaty shall remain in force indefinitely. Either Party may terminate it one year after notice has been given to the other Party." [4]

The International Security Assistance Act of 1978, which became law with the President's signature on the 26th of September 1978, referred to the twenty-four years of faithful performance by the Republic of China of its obligations under the treaty, and went on to make the following declaration: "It is the sense of the Congress that there should be prior consultation between the Congress and the executive branch on any proposed policy changes affecting the continuation in force of the Mutual Defense Treaty of 1954." [5]

Somewhat less than twelve weeks later, on the 15th of December 1978, President Jimmy Carter read to the nation a joint communiqué announcing the establishment of diplomatic relations between the United States and the People's Republic of China (often referred to as "mainland" China), recognizing the latter as "the sole legal Government of China," and announcing that the United States "acknowledges the Chinese position that there is but one China and Taiwan is part of China." [6] A simultaneous official statement was more specific: "On . . . January 1, 1979, the United States . . . will notify Taiwan that it is terminating diplomatic relations and that the Mutual Defense Treaty between the United States and the Republic of China is being terminated in accordance with the provisions of the Treaty." [7]

The President had not received, nor did he request, the formal advice and consent of the Senate to the termination of the Mutual Defense Treaty of 1954 with the Republic of China. Moreover, he had not received, nor did he request, a joint resolution by both houses of Congress authorizing or approving such termination. The constitutionality of the President's action has been challenged in the courts in a suit filed on the 22nd of Decem-

Footnotes at end of article.

ber 1958 by Senator Barry Goldwater and other members of the legislative branch.

The present paper will address the constitutional issues historically. An attempt will be made to ascertain, as precisely as direct and indirect evidence permits, the views of the framers of the Constitution and their contemporaries regarding the location within the constitutional system of a power to abrogate or terminate treaties previously made by the President by and with the advice and consent of two-thirds of the Senate. A particular aim will be to determine whether the procedure followed in terminating the above-mentioned Mutual Defense Treaty is consistent with the framers' intentions respecting the making of crucial decisions in the realm of foreign affairs.

Constitutional questions alone will be discussed herein. No judgment will be expressed on the wisdom of the original Mutual Defense Treaty, on the diplomatic or political justification for terminating it, on the necessity of bowing to the wishes of the People's Republic of China in the matter in order to achieve normalization, or on the danger of forfeiting the confidence of other of our allies in the reliability of American commitments to their defense.

ACTUAL PROVISIONS OF THE WRITTEN CONSTITUTION

The power to abrogate or terminate a treaty that has been completed and put into effect did not figure in the discussions of the Federal Constitutional Convention of 1787 or in the state ratifying conventions that followed. This can hardly be considered remarkable in view of the fact that the framers neither discussed nor provided for other comparable procedures—notably the repeal of a statute once enacted. The principal concern of the members of these conventions was the proper allocation of the various *positive* powers of government. The commonsense view—which the framers apparently took for granted save when they specified an exception—is that the power to rescind an action normally belongs to the same authority that is empowered to take the action in the first place. The framers recognized, however, that this principle could not be applied without qualification to all situations.[8]

Speaking generally, three important areas exist wherein it may become constitutionally important to determine who possesses the power to negate or reverse or rescind a particular exercise of some power granted in positive terms only in the Constitution. The first such area comprises alterations in the Constitution itself, including the elimination of existing provisions. The second is the repeal or abrogation of one of the two other sorts of measures that make up the supreme law of the land, namely federal statutes and treates. The third is the removal from office of an elected or appointed official. In the first and third of these areas, the Constitution makes specific provision (in certain cases but not in all) for the repeal of a measure or the dismissal of an official by an authority different from the one that was responsible for the original enactment or appointment.

These various exceptions to the commonsense rule that links together the power of enactment and the power of repeal must be examined carefully if one is to reach a valid conclusion about the intent of the framers. In particular the instances in which the Constitution empowers a body with more inclusive authority to annul the action of one possessing lesser scope, must be carefully distinguished from those other instances (if any) in which the joint action of two authorities is made reversible by only one of the two.

ALTERATION OF THE CONSTITUTION ITSELF

Future changes in the Constitution were provided for in Article V, which prescribed in detail several procedures for amending the instrument. Recognizing that amendments might be used to subtract from as well as to add to the document, the framers introduced one permanent restriction on this negative use of the amending process. No state, without its consent, was to "be deprived of its equal suffrage in the Senate."[9] With this exception (plus a temporary one relating to the importation of slaves[10]), the Constitution tacitly indicated that the repeal of one of its provisions was to be accomplished in prescisely the same way as the addition to it of a new provision.

The framers, however, left completely unsettled the gravest of all the possible questions involving constitutional change. Article VII prescribed the method by which the Constitution was to be established. Could the Union be dissolved by applying the procedure in reverse? And if so, could one state, or a minority of all the states, accomplish this? Or would three fourths of the states have to approve, as with amendments? Or was the Union to be perpetual, as it had been described as being in the antecedent Articles of Confederation, now superseded by the "more perfect Union" of the Constitution?[11] These were the constitutional questions posed by secession in 1860–61, and settled—definitively, it is thought—by arms and blood.

The framers also left unsettled a relatively minor question in the same area of constitutional alteration. Can a state which has voted to ratify a proposed constitutional amendment rescind its favorable vote while the amendment is still pending? This question, unanswered by the framers, may have to receive a definitive answer in connection with the pending Equal Rights Amendment.

REPEAL OF STATUTES

So far as the repeal of a statute is concerned, there seems never to have been the slightest doubt that the Constitution (although silent on the point) requires action of precisely the same kind, by precisely the same authorities, for either the enactment or the repeal of a law. In other words, an Act of Congress can be repealed only by another Act of Congress. No authority to repeal is vested in the President alone, or in the two houses of Congress apart from him (except through the special procedure involved in overriding a presidential veto), or in one of the houses singly. It is appropriate to say that this principle has been firmly embedded in both English and American constitutionalism since, at the very latest, the so-called Glorious Revolution of 1688/9. The English Bill of Rights of 1689 declared illegal "the pretended power of suspending of laws, or the execution of laws, by regal authority, without consent of parliament." With suitable alteration of terms, this was carried over into the very first American bill of rights, prefixed to the Virginia Constitution of 1776, which condemned "all power of suspending laws, or the execution of laws, by any authority without consent of the representatives of the people." Other state constitutions followed suit, and in 1788 and 1789 two ratifying conventions urged the inclusion of a similar article in the new federal Constitution.[12] The proposal did not survive the subsequent winnowing process, presumably because the principle seemed too obvious to need reiteration. In any case, if long-established tradition forbade so much as the suspension of laws without full legislative permission, then a fortiori it forbade the repeal of laws by executive authority alone.

There is another point to consider, however. In the United States a duly enacted law can be voided by a body completely different from the one that enacted it. The Supreme Court can do so. The theory here is that the court is faced with a conflict of laws (namely, a conflict between the statute and the higher laws of the Constitution), and that it is enforcing the latter instead of the former not because the court itself is superior in authority to the legislature, but because the constitutional provision emanates from an authority which is superior to the legislature, namely the people of the United States, who have spoken through the conventions that ratified the original document or subsequently amended it.[13]

Nothing whatever in the situations examined thus far suggests that the framers of the American Constitution intended to give the President power to undo by his own unaided authority something that had been done (and had been required to be done) only in concurrence with at least some part of the legislature. Only when an authority of higher or broader scope entered the picture could any enactment (of the types thus far discussed) be voided without the consent of all the authorities that had concurred in its making.

Unless clear evidence to the contrary can be offered, it is reasonable to suppose that the framers intended the same principle to apply to the abrogation of a treaty as to the repeal of a statute, both being parts of the supreme law of the land by constitutional definition. The principal argument to the effect that an exception was intended in the case of treaties is based upon an analogy drawn from a widely different constitutional area. The validity of this analogy must next be examined.

REMOVAL FROM OFFICE

The election or appointment of an individual to office bears little resemblance to either the ratification of a treaty or the enactment of a law. Each process, however, is capable of being reversed: officials can be dismissed, treaties abrogated, and statutes repealed. Though the Constitution says nothing about the procedure for repealing a statute or abrogating a treaty, it does say something about procedures (in the plural) for removal from office. These procedures, it must be pointed out, differ markedly according to the nature of the office held.

Members of the federal judiciary are nominated by the President and appointed by and with the advice and consent of the Senate (a simple majority being sufficient). The judges are, however, guaranteed tenure during good behavior, which means that they cannot be removed by those who jointly appointed them. The only method provided by the Constitution is impeachment, commencing with charges brought by the House of Representatives and concluding with trial by the Senate, the latter's members being "on oath or affirmation" and a two-thirds majority being required for conviction.[14] The President, though crucially involved in the appointing process, is completely excluded from the impeachment proceedings.

So far as elected officials are concerned, the framers of the federal Constitution never contemplated giving the electorate a power of recall, such as several states have provided in twentieth-century amendments to their constitutions. The power to remove is thereby separated, in this instance as in the other, from the power to appoint. Instead, the Constitution grants each of the houses of Congress the power to judge and punish its own members and, by two-thirds vote, to expel them.[15] The electorate (who chose the member in the first place) has only the power to deny him another term.

Only two members of the executive branch are elected, the President and the Vice-President, and neither is removable by the electors who chose him or by the wider electorate who chose the electors. As with judges, the only procedure for removal is impeachment.

With respect to the dismissal or removal of appointed officers of the federal government, the Constitution is completely silent, except that impeachment is possible for any of them, and except that military officers can be made dischargeable by court martial if Congress exercises its power "[t]o make Rules

Footnotes at end of article.

for the Government and Regulation of the land and the naval Forces." [16]

Aside from military officers, four different types of appointed officials are mentioned in the appointing clause of the Constitution, namely (i) "Ambassadors, other public Ministers and Consuls"; (ii) "Judges of the Supreme Court"; (iii) "other Officers of the United States"; and (iv) "inferior officers," whose appointments Congress is permitted to vest "in the President alone, in the Courts of Law, or in the Heads of Departments." [17] Except for the last group, all are to be appointed in accordance with the same procedure, nomination by the President and approval by a majority of the Senate. Obviously, however, it is impossible to suppose that the procedure for dismissal was intended to be the same in all cases. Judges were to be removed only by impeachment; if this were required in the case of all officials, then the latter would in effect enjoy life tenure. This was pointed out in the great debate on the removal power that took place in 1789 in the First Congress. James Madison was most emphatic in repudiating the idea that the Constitution was designed to "establish every officer of the Government on the firm tenure of good behavior." He continued: "If the constitution means this . . ., we must submit; but I should lament it as a fatal error interwoven in the system, and one that would ultimately prove its destruction." [18]

The lumping together of appointed officials of such disparate kinds as judges and subordinate executive officers was the result of a compromise reached in the closing days of the federal Convention of 1787. On the 6th of August, ten weeks and a half after the beginning of deliberations and only six weeks before adjournment, a so-called Committee of Detail reported the first formal draft of a full-fledged constitution, bringing together and elaborating ideas that had previously taken the form only of resolutions. In this draft two classes of appointed officials—namely, ambassadors and judges—were singled out, and their appointment vested in the Senate, with no participation by the President. On the other hand, the President alone, with no reference to either house of Congress, was empowered to "appoint officers in all cases not otherwise provided for by this Constitution." [19] The logical conclusion from this document is that the President was expected to control his subordinates by wielding the power to dismiss those whom he alone had appointed, but that he would not have any such power over judges (who could only be removed by impeachment) or over ambassadors, who were to be diplomatic representatives of the Senate, a body which possessed (at this stage of the Convention's proceedings) the exclusive power to make treaties.

The arrangement proposed by the Committee of Detail was not accepted as it stood by the Convention. After discussion the provisions in question were sent back to committee, and on the 4th of September a compromise was reported. It was adopted on the 7th, ten days before the Convention ended. The new provision still distinguished from one another (in words at least) the three previously-mentioned classes of officers: ambassadors, judges, and "all other Officers." But it provided the same appointing procedure for all, thereby giving the Senate a veto over officials appointed in the executive branch, and admitting the President to a share in the process of appointing ambassadors and judges by requiring nominations to come from him.[20]

The First Congress, as has already been noted, was obliged to deal with the question of removal, the Constitution having failed to provide an explicit answer save in the case of judges. The question came up in connection with a bill establishing a Department of Foreign Affairs, later renamed the Department of State. The principal debate was in the House of Representatives, where, on the 19th of May 1789, James Madison introduced a resolution proposing the establishment of a Department of Foreign Affairs, headed by a Secretary, "who shall be appointed by the President, by and with the advice and consent of the Senate; and to be removable by the President." [21] Objection was immediately made to the concluding phrase, and the argument against removal by the president alone was succinctly stated by Madison's fellow Virginian, Theodorick Bland:

"He thought it consistent with the nature of things, that the power which appointed should remove; and would not object to a declaration in the resolution . . . that the President shall remove from office, by and with the advice and consent of the Senate. He agreed that the removal by impeachment was a supplementary aid favorable to the people; but he was clearly of opinion, that the same power that appointed had, or ought to have, the power of removal." [22]

Madison defended his resolution as follows:

"I think it absolutely necessary that the President should have the power of removing from office; it will make him, in a peculiar manner responsible for their conduct, and subject him to impeachment himself, if he suffers them to perpetrate with impunity high crimes or misdemeanors against the United States, or neglects, to superintend their conduct, so as to check their excesses." [23]

At the end of the day the House voted "by a considerable majority, in favor of declaring the power of removal to be in the President." [24]

This did not end the matter, for the vote was in Committee of the Whole and by its own terms simply expressed "the opinion of this committee." The bill that was drafted in consequence was subjected to five full days of debate between the 16th and the 22nd of June 1789.[25] Speeches on both sides reiterated the arguments outlined in May, and need not be traced in detail here. In the end a compromise was reached by striking from the bill the explicit provision making the Secretary "removable by the President," but inserting a provision recognizing such a power by indirection.[26] According to the measure finally adopted (by a vote of 29 to 22), the chief clerk (described as an "Inferior officer") was to take charge of the department "whenever the . . . principal officer shall be removed from office by the President of the United States, or in any other case of vacancy." [27] The compromise meant that those who considered removal by the president alone to be unconstitutional were left free to contest any dismissal that might occur.

On the whole, therefore, the act of the 27th of July 1789 creating the Department of Foreign Affairs embodied Madison's interpretation of the Constitution as set forth on the 19th of May. In the meantime, however, on the 29th of June, Madison himself had proposed limiting the scope and applicability of the principle he had originally stated. The occasion was a bill to establish a Treasury Department, one of whose officers would be a Comptroller. The latter's duties, Madison argued, "are not purely of an executive nature." The officer would have the responsibility of "deciding upon the lawfulness and justice of the claims and accounts subsisting between the United States and particular citizens." This, continued Madison, "partakes strongly of the judicial character, and there may be strong reasons why an officer of this kind should not hold his office at the pleasure of the executive branch of the Government." [28] In the face of objections that he was "setting afloat the question which had already been carried," Madison withdrew his proposal.[29] Though the presidential power of removal continued to be challenged over the years,[30] it was only in 1935 in the Humphrey case that the Supreme Court upheld the challenge in any substantial way. The dismissed official, William E. Humphrey, had been a member of a quasi-legislative, quasi-judicial regulatory commission (the Federal Trade Commission), and the Court held that the commissioners were intended by Congress "to act in discharge of their duties independently of executive control," and were accordingly given fixed terms and made removable only "for cause." [31]

Madison's interpretation of the Constitution can thus be said to have been sustained. *The president can remove on his own authority an officer in the executive branch who has been appointed with the consent of the Senate, but this power* (according to the Supreme Court in the Humphrey case) *is "confined to purely executive officers."* [32] In other cases (so Madison had said apropos of the Comptroller), it is necessary "to consider the nature of [the] office." [33] To phrase the idea more comprehensively, it is necessary to consider the nature of the governmental activity involved.

This last consideration has an important bearing on the validity of the analogy that is sometimes drawn between the president's power to remove officials appointed by and with the advice and consent of a majority of the Senate, and an alleged power of his to abrogate treaties made by and with the advice and consent of two-thirds of the Senate. It is well to revert to the precise reason given by Madison for inferring from the Constitution a strictly limited presidential power of removal. On the 17th of June 1789, in the course of the House debate, he spoke as follows:

"I agree that if nothing more was said in the constitution than that the President, by and with the advice and consent of the Senate, should appoint to office, there would be great force in saying that the power of removal resulted by a natural implication from the power of appointing. . . . But there is another part of the constitution which inclines, in my judgment, to favor the construction I put upon it; the President is required to take care that the laws be faithfully executed. If the duty to see the laws faithfully executed be required at the hands of the Executive Magistrate, it would seem that it was generally intended he should have that species of power which is necessary to accomplish that end. Now, if the officer when once appointed is not to depend upon the President for his official existence, but upon a distinct body, (for where there are two negatives required, either can prevent the removal,) I confess I do not see how the President can take care that the laws be faithfully executed." [34]

There is a close analogy between the power to abrogate a treaty and the power to repeal a statute. It is difficult to imagine a genuine analogy between either of these powers and the power to dismiss an incompetent or corrupt official. The president's ability to take care that the laws be faithfully executed may well be said to depend on his possession of the latter power. But a power to change the law (whether established by statute or treaty) is something utterly different—a contradiction rather than a corollary of the responsibility for seeing to its faithful execution.

Indeed, if the analogy is to be appealed to at all, it is more convincing when applied the other way round, as an argument against a presidential removal power. It was so used by Roger Sherman of Connecticut in the debate in the First Congress:

"I consider it an established principle, that the power which appoints can also remove, unless there are express exceptions made. Now the power which appoints the judges cannot displace them, because there is a constitutional restriction in their favor. . . . It is a general principle in law, as well as reason, that there shall be the same authority to remove as to establish. It is so in legislation, where the several branches whose con-

Footnotes at end of article.

currence is necessary to pass a law, must concur in repealing it. Just so, I take it, to be in cases of appointment; and the President alone may remove when he alone appoints, as in the case of inferior offices to be established by law." [35]

Roger Sherman's argument did not prevail; the power to dismiss a purely executive officer was carefully distinguished from the power to repeal a law. This merely underlines the fact that the presidential removal power which the First Congress implicitly sanctioned was an exception to what was otherwise accepted as a general rule. To argue that it established a general rule of opposite character is to subvert logic itself. In interpreting the so-called "decision of 1789," one must also remember that the President's carefully circumscribed removal power does not derive directly from an explicit clause of the Constitution. It is simply an inference from that document, and an inference that a substantial and articulate minority in the First Congress considered unsound.[36]

Furthermore, the procedures for making treaties and for making appointments were by no means put on the same level by the clause that happened to deal with both. In the first place, two-thirds of the Senate must give advice and consent to a treaty, whereas a simple majority is sufficient to approve an appointment. In the second place, the president is given the exclusive power to make nominations to office, whereas in treaty-making the Constitution does not set him apart in this special way from those who advise and share responsibility with him. On both these counts, accordingly, the President's constitutional role, as compared with that of the Senate, is proportionately far less where treaties are in question than where appointments are involved.

FOOTNOTES

[1] U.S. Constitution, art. 2, sec. 2, cl. 2.
[2] *Ibid.*, art. 6, cl. 2.
[3] Senate, *Executive Journal*, vol. 97, part 1, pp. 136–137.
[4] Department of State, *United States Treaties and Other International Agreements*, vol. 6, part 1, 1955, pp. 433–438.
[5] Public Law 95–384, sec. 26(b); 92 Statutes at Large 730, at 746.
[6] *Weekly Compilation of Presidential Documents*, vol. 14, no. 50 (18 Dec. 1978), pp. 2264–2266, at 2264.
[7] *Ibid.*, p. 2266.
[8] Cf. the remark by Representative James Jackson (Georgia) in the First Congress: "He agreed with . . . the general principle, that the body who appointed ought to have the power of removal, as the body which enacts laws can repeal them; but if the power is deposited in any particular department by the constitution, it is out of the power of the House to alter it." *Annals of Congress*, 1st Cong., 1st Sess., column 389 (19 May 1789). NOTE. This compilation of debates in the first seventeen and a half congresses (1789–1824) is customarily cited (as above) by what is actually the wording on its half-title, *Annals of Congress*. Its regular title-page reads: *The Debates and Proceedings in the Congress of the United States*. And, to compound the confusion, the running-head on individual pages is *History of Congress*. The work was compiled from newspaper and other reports (the only contemporaneously published record of the early debates) and was issued in 42 volumes between 1834 and 1856. There were apparently different printings, varying slightly in pagination, which explains why there are discrepancies between citations in different historical works. The copy of vol. I utilized here is dated 1834; it ends at column 1322 in the middle of a sentence dealing with the debate of 18 Feb. 1790; and a 30-page index then follows.
[9] U.S. Constitution, art. 5, final proviso.
[10] *Ibid.*, next to last proviso.
[11] Cf. Lincoln's remark in his First Inaugural, 4 March 1961: "It is safe to assert that no government proper, ever had a provision in its organic law for its own termination." Abraham Lincoln, *Collected Works*, ed. Roy P. Basler, vol. IV (New Brunswick, 1953), pp. 262–271, at 264.
[12] Texts in Edward Dumbauld, *The Bill of Rights* (Norman, Okla., 1957), pp. 167, 171, 183, 199. The English Bill of Rights also declared illegal the royal claim to a power of "dispensing" with laws, but American draftsmen obviously felt that "suspending" covered everything.
[13] Classic statements are those of Alexander Hamilton in *The Federalist*, No. 78 (1788) [see the ed. of Clinton Rossiter (N.Y. 1961), pp. 464–472, esp. 466–469]; and Chief Justice John Marshall in Marbury *v.* Madison, 1 Cranch [5 U.S.] 137 (1803), at 176–180.
[14] U.S. Constitution, art. 1, secs. 2 and 3; art. 3, sec. 1.
[15] *Ibid.*, art. 1, sec. 5, cl. 2.
[16] *Ibid.*, art. 1, sec. 8, cl. 14 and 16.
[17] *Ibid.*, art. 2, sec. 2, cl. 2.
[18] *Annals of Congress*, 1st Cong., 1st Sess., col. 387 (19 May 1789).
[19] Report of the Committee of Detail, 6 Aug. 1787, art. 9, sec. 1, and art. 10, sec. 2; in Max Farrand, ed., *Records of the Federal Convention of 1787* (4 vols., New Haven, 1911–37), II, 183, 185.
[20] Report of the Committee of Eleven (Brearley, ch.), 4 Sept. 1787, in Farrand, II, 495; Journal, 7 Sept., *ibid.*, 533–534.
[21] *Annals of Congress*, 1st Cong., 1st Sess., col. 385 (19 May 1789).
[22] *Ibid.*, col. 389.
[23] *Ibid.*, col. 387.
[24] *Ibid.*, col. 399. The debate was in committee of the whole, and no roll-call was recorded.
[25] *Ibid.*, cols. 474–608 (16–19 and 22 June 1789).
[26] House of Representatives, Journal, vol. i (reprinted Washington, 1826), pp. 50–52 (22 June 1822). The House first voted, 30 to 18, to add the ambivalent phrase "whenever the said principal officer shall be removed from office by the President, . . . or in any other case of vacancy"; then voted, 31 to 19, to strike out the positive phrase "to be removable from office by the President." The meaning that both sides put upon the new language is made clear in the debate, *Annals of Congress*, 1st Cong., 1st Sess., cols. 598–599, (19 June), 600–608 (22 June).
[27] Act of 27 July 1789. chap. 4, sec. 2; 1 Statutes at Large 28, at 29. The bill passed the House on 24 June; the Senate on 20 July. *Annals of Congress*, 1st Cong., 1st Sess., cols. 51, 614.
[28] *Annals of Congress*, 1st Cong., 1st Sess., cols. 635–636 (29 June 1789)
[29] *Ibid.*, cols. 638–639.
[30] For example in the Post Office Act of 12 July 1836, chap. 179, sec. 6; 12 Statutes at Large 78, at 80, which provided that postmasters in the top three classes "shall be appointed and may be removed by the President by and with the advice and consent of the Senate." The Supreme Court held the provision unconstitutional in Myers *v.* U.S., 272 U.S. 52 (1926).
[31] Humphrey's Executor *v.* U.S., 295 U.S. 602, at 629 (1935).
[32] *Ibid.*, at 632.
[33] *Annals of Congress*, 1st Cong., *1st Sess.*, col. 635 (29 June 1789).
[34] *Ibid.*, col. 516 (17 June 1789). Theodore succinctly in the subsequent debate on the Treasury Department: "He . . . conceived that a majority of the House had decided that all officers concerned in executive business should depend upon the will of the President for their continuance in office; and with good reason, for they were the eyes and arms of the principal Magistrate, the instruments of execution." *Ibid.*, col. 637 (29 June 1789).
[35] *Ibid*, cols. 510–511 (17 June 1789). In a speech the next day Sherman challenged the other side to "produce an authority from law or history which proves, that where two branches are interested in the appointment, one of them has the power of removal." And he asked scornfully whether anyone believed that in matters of legislation, where "the concurrence of both branches is necessary to pass a law, a less authority can repeal it." *Ibid.*, col. 559 (18 June).
[36] U.S. Constitution, art. 2, sec. 2, cl. 2: "He shall have power, by and with the Advice and Consent of the Senate, to make Treaties, *provided two thirds of the Senators present concur;* and he shall *nominate*, and by and with the Advice and Consent of the Senate, shall appoint Ambassadors, . . . [etc.]." (Emphasis supplied.) ●

GOVERNMENT USES OF NEW TECHNOLOGY

● Mr. RIBICOFF. Mr. President, a report on how Government is making new uses of computer and telecommunications technology has been written by the Office of Management and Budget. I ask that the report be printed in the RECORD.

The report follows:

FEDERAL GOVERNMENT USE OF DATA PROCESSING AND TELECOMMUNICATIONS

INTRODUCTION

The Federal Government is the world's largest user of computers and telecommunications. Innovative use of this technology by Federal agencies has provided substantial benefit to the American taxpayer by:

Providing more, better and faster services to the public.

Expanding the capability and productivity of the Federal workforce without increasing its size.

Improving the management of Federal agencies and their programs.

Reducing fraud and waste in Federal programs.

Reducing the cost of government programs.

The purpose of this document is to:

Recognize those departments and agencies who have contributed to a more effective and efficient government through innovative use of technology.

Stimulate the transfer of ideas and applications of technology.

Requests for further information on any particular application of technology included in this document should be directed to the agency that developed the application.

We welcome suggestions on other effective applications of technology which should be included in future revisions of this document.

OBTAINING SOCIAL SECURITY BENEFITS

By using a telecommunications system called SSADARS, the Social Security Administration has significantly reduced the waiting period for beneficiaries to receive their first check. Until recently, a potential beneficiary frequently had to make at least two trips to the local Social Security Administration Office before receiving a check. After going to the office to apply for benefits, the individual had to return after his or her records arrived from the central office in Baltimore. Days and sometimes weeks elapsed between interviews as a result of delays in the mails and the manual processing of records. Essential information is now usually available the first time the individual comes to the local office. In addition to providing faster and better service to the public, this system will save $25 million between FY 1980 and FY 1984 as a result of labor cost avoidance.

REDUCTION OF FRAUD AND WASTE

Agencies are reducing fraud and waste in Government programs through the conduct of computer matching programs conducted in a manner consistent with OMB guidelines to minimize unnecessary Government intrusion into the privacy of individuals.

Improper welfare payments have been identified by the Department of Health, Education and Welfare through computer matching of welfare recipient records and Federal employee records. "Project Match" which resulted in $330,000 savings in improper expenditure of Federal welfare funds during the last quarter of FY 1978 is expected to result in $11 million per year reductions in improper Federal, State and local government welfare payments beginning in FY 1979.

The Veterans Administration has developed an automated system to aid in the recovery of benefit overpayments. The Centralized Accounts Receivable System records such overpayments, determines delinquent accounts and automatically produces the forms, letters and reports required to refer such accounts to the Department of Justice for collection. Use of this system during calendar year 1978 assisted in the recovery of $42 million of overpayments.

The Department of Health, Education and Welfare, through a computer match called "Operation Cross Check," has identified 16,700 Federal employees or former Federal employees who have defaulted on payment of student loans amounting to a total of more than $16 million. Since September 1978 some 3,200 have either paid in full or begun systematic repayment of their loans. Collection action is continuing on the remaining accounts.

The Department of Health, Education and Welfare has used computers to identify improper Medicaid payments to doctors and druggists. "Project Integrity," which was established to screen the appropriateness of 250,000 medical payments made during 1976, identified questionable charges by 2,500 doctors and druggists. Administrative and legal actions are being taken to recover improper payments amounting to millions of dollars. These actions resulted in 27 indictments during FY 1978. Over 100 additional cases have been referred for possible prosecution and administrative action is being taken on 750 other cases. In FY 1979, the program will be expanded to include an analysis of payments to dentists and clinical laboratories.

WATER SUPPLY PREDICTION FOR WESTERN FARMERS

The Soil Conservation Service of the Department of Agriculture has established a system to predict spring and summer water runoff in States west of the Mississippi River to help farmers decide which crops to plant. The system, consisting of unmanned sensors to measure snowfall and related data, utilization of "meteor burst" telemetry and computers, will be operational on a limited scale (230 out of an eventual 460 stations) during the winter of 1978/1979. When fully operational by FY 1980, the system will be operated by the Government at an annual cost of $1.6 million and is expected to save farmers from $4.4 to $4.6 million annually.

DELIVERY OF VETERANS BENEFITS

Implementation of the TARGET system by the Veterans Administration will allow faster more responsive provision of benefits to Veterans while enabling the VA to reduce staffing requirements in their regional offices by 2,100 work years over the next 12 years.

CANCER RESEARCH

The National Center for Toxicological Research is expecting to improve the quality and accuracy of cancer research and significantly reduce research costs by the installation of a network of terminals and minicomputers in FY 1979. This system will be used to assist in studies of the biological effects of toxic substances on animals to determine their potential impact on people. Cumulative net savings of $930,000 during FY 1980 through FY 1984 are expected as a result of reduced labor and equipment rental costs. After FY 1984, when the $7.5 million cost of the system is fully amortized, savings of $1.8 million per year are expected.

INCOME TAX PROCESSING

Internal Revenue Service costs for depositing tax payments and posting taxpayer credits will be significantly reduced by a new computer system which combines two previously separate processes. The new system is expected to result in a savings of 150 staff years ($1.7 million) in FY 1979 and 292 staff years ($3.4 million) in FY 1980 and subsequent years.

TRANSPORTATION REGULATION

The Interstate Commerce Commission has used technology to enhance effectiveness of the transportation regulation process and provide faster delivery of services to the public. During a recent twelve month period, average processing time for handling a regulatory action was reduced by 15%, despite a 41% increase in new case openings. Use of on-line computer systems will result in an estimated cost saving of $400,000 in FY 80 and a saving of 30 persons.

AUTOMATION OF BUSINESS REPORTS

The Securities and Exchange Commission is reducing costs for processing reports on stock offerings, financial reports, and other business reports. This system will result in estimated annual savings of $50,000 in FY 79, $125,000 in FY 80, and $353,000 per year, thereafter, as a result of reducing staff requirements by 35 clerical personnel.

EMPLOYER REPORTS ON WORKER EARNINGS

The Social Security Administration costs for processing employer reports on worker earnings and tax payments will be significantly reduced beginning January 1979 as a result of the development and installation of new optical scanning devices. Installation of the new devices and the elimination of quarterly reports are expected to save $8.8 million in salaries (635 work years) and work related costs during the calendar year 1979. Similar or larger savings are expected in subsequent years.

AUTOMATED BANKING

The Export-Import Bank has recently developed a new computer system to improve internal bank operations. The new system permitted the bank to absorb a 31 percent increase in workload during FY 78 without increasing staff and at the same time realize an estimated net annual savings of $150,000. The savings which are expected to continue at the same or higher levels in future years are as a result of faster deposit of funds in the U.S. Treasury and the reassignment of 8 to 10 employees to other duties.

ELECTRONIC FUNDS TRANSFER

The use of electronic funds transfer by the Department of the Treasury has resulted in significant interest savings. These savings result from faster processing of government receipts from the sale of gold, foreign military sales, and similar transactions. These savings totalled $18 million in FY 77, $26 million in FY 78 and are expected to save $60 million in FY 79 and at least $350 million from FY 80–FY 84.

WEAPONS PROCUREMENT CONTROL

The Department of Energy weapons production plant at Kansas City operated by Bendix Corporation has developed a Computer Aided Material Procurement System (CAMPS) which is used to control inventories, procurement, and maintain financial records for non-nuclear materials and other components used in producing nuclear weapons. The system was developed at a cost of $700,000 which will be fully amortized by FY 79 and will result in reduced operating costs of over $300,000 per year thereafter as a result of approximately 15 fewer people required to perform these functions.

ENERGY CONSERVATION

A computer model developed by the Federal Aviation Administration is saving fuel for America's airlines. The aircraft flow control model can be used to schedule landings and departures during bad weather in order to minimize fuel consumption. This is accomplished by delaying aircraft at the point of departure consistent with the rate at which aircraft can be accommodated at the arriving airport. During one 21½ hour period at O'Hare Airport in Chicago, use of this model resulted in fuel cost savings of over $640,000.

LOCATING MISSING AIRCRAFT

The Federal Aviation Administration has developed a computer program which has reduced the average time to find a missing aircraft from 174 hours to 36 hours. Since the first 48 hours after a crash are the most critical, this has immeasurable benefits in terms of human lives. Another benefit of this program is that, since 1975, the number of search incidents has increased 12.5%, but the total hours flown on search missions has decreased 32%—resulting in large savings in equipment depreciation and fuel costs.

SEARCH AND RESCUE AT SEA

Two computer models developed by the Coast Guard have reduced the time needed to locate missing ships. The use of computer models has reduced the time required to develop search plans from approximately one hour to a few minutes and absorb a 50% increase in search and rescue cases since 1972. Without these models, the Coast Guard would have needed 65 more people to respond to the increasing number of distress incidents.

OVERSEAS TRAVEL

The State Department is developing a system to use computers to issue passports which will result in more rapid processing of passports and reduce costs. Current estimates indicate that when the new system is fully implemented, in 1985, direct labor requirements will be reduced 40% and direct costs will be reduced by over 30%, a direct cost savings of approximately $2.5 million a year.

SPACE PROGRAM

Technology is critical to the success of the U.S. space program. To assure efficient use of this technology, NASA utilizes the Computer Software Management Center (COSMIC) at the University of Georgia to reduce duplication in the development of software and make maximum use of existing software. In FY 78, this program saved $6.35 million, and this savings is expected to continue or increase on an annual basis.●

TRIBUTE TO LITHUANIAN INDEPENDENCE

● Mr. DOMENICI. Mr. President, Lithuania has a tradition of independence which can be traced back to the 11th century. To Lithuanian-Americans, February 16 is a day commemorating the proclamation of independence in 1918 and also a day of vigilance remembering the forcible incorporation by the Soviet Union.

While other of my colleagues in the Senate will certainly offer tribute to Lithuanian-Americans on this day, I wish to reflect on a somber thought.

The United States has never recognized Soviet domination of Lithuania. The most explicit reminder of this policy is the recognition of Free Lithuania as

a member of the diplomatic community. The legation offices are located at 2622 16th Street. Dr. Stasys A. Bachis, Chargé d'Affaires, has represented the free government here in Washington for decades. His quiet, diligent dedication to this arduous task is to be praised. Yet this symbol of hope of freedom from Lithuanians may soon be gone.

Dr. Bachis is grown old with the burden of his task. Lesser men would have long ago transferred the task to a younger shoulder. But in this case there is no one else to do the job.

By diplomatic laws, a diplomat must be a citizen of the country he represents and be appointed by that sovereign nation. Because of the Soviet domination, there is no remaining source of diplomats to replace Dr. Bachis.

What will happen to Dr. Bachis and the legation building? Funds held in trust by this country for maintenance of the residence and to pay for official expenses will soon expire. The Soviet diplomatic community gleefully awaits this day.

As the cunning fox who preys on the defenseless rabbit, so too the Soviets wait, for time is on their side.

When this day comes the statement of nonrecognition will become more rhetoric and soon thereafter will be forgotten.

To Lithuanian-Americans I say this must not happen. February 16th is the day to remember the past and rededicate to the future. Thank you, Dr. Bachis, for your example as a diplomat, and long may you serve. To the Lithuanian-American community the task of preserving his work is in your hands.●

LITHUANIA'S INDEPENDENCE DAY

● Mr. LEVIN. Mr. President, more than 700 years ago, the Lithuanian people united in a single nation whose boundaries, at the peak of its expansion, extended nearly to Moscow in the east and to the Black Sea in the south. The vicissitudes of her subsequent history included periods of domination by Russia and by Poland, but the flame of independence was never quenched in the hearts of the Lithuanian patriot. During some of the heightened episodes of foreign hegemony, many of these people emigrated to the United States and, during the late 19th and early 20th centuries, played a significant role in the growth of this country.

Although no citizens have been more loyal and devoted to their new country, the Lithuanians have never forgotten the proud traditions and culture of their ancestors. I served for several years as president of Detroit City Council which annually sponsored summer-long ethnic festivals. The participation of Lithuanian Americans has always been one of the most colorful and enlightening events.

On February 16, Lithuanians throughout the world observed the 61st anniversary of the Declaration of Independence of Lithuania when, in 1918, it announced the beginning of its most recent period of national autonomy. Lithuania flourished in her economy, polity, and culture for 20 years between two world wars until, overwhelmed by the sheer numbers, first by the Russian Army, then the invading Germans, and finally the Russians, she was made a Soviet republic.

However, resistance to Russian domination has never ceased, and the centuries-old spirit of independence still lives in the hearts of the indomitable Lithuanian patriots.

Mr. President, I am proud to salute the Lithuanian people for their achievements and for their example to the rest of the free world.●

MORMONS: TRIUMPH IN THIS WORLD

● Mr. HELMS. Mr. President, it has been said that every major question in history is a religious question. This observation has to do less with any particular church or theology than it does to the basic spirit within us all. Whether or not it is recognized, this spirit is the innate recognition of a God and a universal order.

For many Americans, religion is only a casual incident hardly affecting the day's routine. But for a growing number of Americans' religion has grown from a cavalier practice to that which is at the center of their lives.

Recently, the distinguished columnist, George F. Will, wrote a column celebrating one large group of Americans who are imbued with this spirit, the members of the Church of Latter-day Saints. As a Baptist, I commend to every American this column written by an Episcopalian about the Mormon Church and I ask unanimous consent that it be reprinted in the RECORD at the conclusion of my remarks.

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

[From the Washington Post, Jan. 21, 1979]

MORMONS: TRIUMPH IN THIS WORLD

(By George F. Will)

PROVO, UTAH.—An administrator of a private elementary school in Washington recently explained the school. "We have desks," she said, "and doors." Her listeners, parents aware of today's educational doctrines, understood perfectly. The school favors "structure" rather than "open classrooms."

I am agnostic about the desks-and-doors doctrine, but I admire schools that know their own minds. One such is Brigham Young University. Like its namesake, and like the state it adorns, BYU is pleased to be a bit different.

BYU is, broadly speaking, a desks-and-doors school. The honor code mandates "graciousness" and the dress and grooming "standards" say that beards and "bushy sideburns are "not acceptable," moustaches are "not encouraged," women's hemlines are to be of "modest length," and jeans are not acceptable women's wear for classes.

Who, you indignantly ask, do BYU's administrators think they are? The point is that they know exactly who they are and what they are about. Mormons are short on identity crises, and long on certitude. Where but among Utah's Mormons can you hear President James Buchanan denounced? That may seem like denouncing rye bread—an inherently disproportionate investment of passion—but Buchanan sent the army to break the Mormons to the saddle of federal authority. The government was slow to believe that Mormons could be a community within the national community without being a community against the national community.

"Utah," writes Daniel Boorstin, "remains even now a living monument to the scope that the West offered to the genius of the organizer." Utah's organizer was Brigham Young, who led the Mormons west.

"Rejected in one place after another," Boorstin writes, "their westward movement was a staccato series of enforced group transplantations, each more remarkable than the last as a feat of organization. . . . For the long march across Iowa, the Mormons built roads and bridges, and even planted crops to be harvested by those who came after them the next season."

Mormons make up the most singular great church to come into existence in the United States, and it is quintessentially American. It is about doing things, triumphing in this world, turning faith into works. There are no Mormon monasteries; it is hard to imagine Mormons given over to the purely contemplative life. Today, these "American Zionists" are conservative in distrusting dependence on a welfare state, but they practice the ethics of common provision through a remarkable church welfare program.

They were and, to an extent astonishing in this homogenizing nation, still are as distinctive as the first Americans, the Puritans. They, like the Mormons, considered themselves "visible saints" with a divinely ordained "errand into the wilderness." Mormons do utterly lack the Puritans' gloominess and could, perhaps, be improved by just a touch of it.

It is against the laws of nature to be as upbeat as Mormons can be over a 7 a.m. eye-opening cup of hot chocolate. But, then, one of Utah's charms for people like me (people so straight that they would not recognize marijuana if a bale of it fell on them) is that in Utah they often can feel conspicuously, thrillingly improper by just drinking coffee.

Recently, Barbara Walters interviewed Donny and Marie Osmond, the Henry Fords of show business. (They mass produce entertainment, each product indistinguishable from all the others.) Donny and Marie are Mormons who, supported by their extended family, live in Utah, and avoid the contaminations of entertainment capitals.

The interview turned, as Walters' interviews occasionally do, to the subject of sex. Would they, Walters asked, consider premarital sex? No, said he. No, said she. Not "No, except . . ." Or "No, unless . . ." Just: No. Walters waited for the qualifying clauses sought them; then surrendered to astonishment.

Walters has a veteran journalist's worldliness and could cover the general resurrection with an air of having seen it before. But she seemed never to have seen the likes of the Osmonds.

The Mormon sensibility sometimes makes Utah appear to others like an enclave surrounded on four sides by reality. Certainly a different reality is just an hour flight away, in Denver, where a nightclub advertises: "The Newest Entertainment Rage—Mud Wrestling: Beautiful Girls Fighting Topless in a Pit of Real Mud."

Some people evidently think it matters that the mud is "real." And those people probably think Mormons are peculiar.●

SUPPORT FOR CABINET DEPARTMENT OF EDUCATION

● Mr. RIBICOFF. Mr. President, on February 6, 7, and 8, the Governmental Affairs Committee held hearings on S. 210, legislation to establish a separate Cabinet Department of Education. The committee heard from 25 witnesses who dis-

cussed the importance of protecting State, local, and private control of education, the importance of insuring equal educational opportunity, the relationship between the new Department and higher education and nonpublic education and the transfer of the vocational rehabilitation programs.

The recent editorial comment by Carl Rowan in the Washington Star discusses the importance of this measure. I ask that this article be printed in the RECORD.

The article follows:

[From the Washington Star, Feb. 19, 1979]

EDUCATION NEEDS ITS OWN DEPARTMENT

(By Carl T. Rowan)

We Americans like to boast that we are "the best educated society on earth." We indulge in this rather harmless falsehood by way of paying tribute to education as the basis for a young nation's rapid rise to world pre-eminence.

But even as we boast of what learning has done for America, most of us are acutely aware of the shortcomings and failures of our system: the 21 million American adults who can't read or write well enough to cope; the army of dropouts and pushouts who swell the tragic ranks of the teen-age unemployed; the college graduates taking jobs as teachers who can't pass a test designed for 13-year-olds; the lingering warfare over racial segregation and discrimination at both the public school and college levels; the financial squeeze on many private colleges.

These problems have all grown more acute during the 55 years that Americans have been debating and studying the concept of a federal Department of Education. Unless blind opposition to change overwhelms logic, we ought to get approval of a cabinet-level Education Department out of the 96th Congress.

The Senate, prodded by President Carter and almost 100 major educational and other organizations, approved such a department last September. The bill won approval, 27 to 15, in the House Committee on Government Operations and then got crushed in the October rush to adjournment of the 95th Congress.

The House will be hard to bring to reason in this Congress, but the odds are that a majority of lawmakers now senses that there is urgent need to remove education from its semi-burial ground in the mammoth Department of Health, Education and Welfare.

The subordinate role of the "E" in HEW is only part of the problem. Federal education programs are spread out among more than 40 government agencies. In HEW alone, some programs are under the jurisdiction of the commissioner of education while others are overseen by the assistant secretary for education. Most programs are run by lower level bureaucrats who see the president only on TV.

That is why President Carter told a Pennsylvania town meeting that "less than 2 per cent of my time, or 1 per cent, is spent on education."

When our education system affects 60 million Americans so directly and deeply, and is so vital to the nation's well-being, it is time we gave it cabinet-level status, with direct access to the president and all the other advantages that go with cabinet-level rank.

A single Department of Education probably will be more effective in enforcing such things as policies forbidding racial discrimination, or the short-shrifting of the handicapped.

A cabinet-level Department of Education will never be a panacea for all our education woes, but it will be a vast improvement over the wasteful jumble that we now tolerate. The 96th Congress ought to move speedily to lift education to the high priority that it deserves.●

COMMEMORATION OF LITHUANIAN INDEPENDENCE DAY

● Mr. SCHWEIKER. Mr. President, February 16, 1979, marks the 61st anniversary of the reestablishment of Lithuanian independence and the 728th anniversary of the founding of the Lithuanian state. In publicly commemorating these events, Americans of Lithuanian descent reaffirm their commitment to the exercise of basic human rights which have so often been forcibly suppressed during Lithuania's tortured history.

In 1918, Lithuania achieved independence after 123 years of oppression by Russian czars. Nearly 40 years have passed since Lithuania was denied its right to self-determination by the Soviet Union's invasion, occupation, and annexation of the Baltic states during World War II. Although the U.S. Government has never recognized the Soviet occupation of the Baltic states of Latvia, Lithuania, and Estonia, the denial of human rights and the Soviet policy of forced assimilation have not generated the outspoken official protest they warrant.

The horrors of the Stalin era have been replaced with subtler, though no less invidious, means of repression. Although the hopes of many Eastern Europeans were raised when the Soviet Union signed the Helsinki Final Act in 1975, and again when human rights were brought before a world audience at Belgrade in 1977–78, first-hand accounts by Soviet prisoners of conscience and reports in the Western press indicate that the repressive practices have not abated. In Lithuania, the Soviets continue to arrest, imprison, exile, or harass increasing numbers of Lithuanian dissidents for alleged "crimes against the State."

In commemorating these Lithuanian anniversaries, the United States should rededicate itself to the tireless promotion of human rights in every world council so as to keep alive the aspirations of Lithuanians and all other persecuted peoples who desire the unfettered opportunity to exercise these rights.●

ETHICS IN GOVERNMENT

● Mr. RIBICOFF. Mr. President, concern has recently been expressed about the effect of a provision in the Ethics in Government Act, which was adopted last year. Specifically much of the concern has focused on the "aiding and assisting in representing" provision, which applies to certain conduct after high-ranking officials leave office.

These as well as the other provisions of the Ethics Act were carefully considered in Congress. They had the full support of the President and the Department of Justice.

However, I believe that regulations should be issued promptly by the administration in order to provide guidance and information to those who will be affected by the act. In order to assist the new Office of Government Ethics in its responsibility to issue such regulations, a memorandum was prepared by the chairmen and ranking members of the House-Senate conference on that legislation. The memorandum sets forth the legislative intent of that provision.

Thus interpreted, I believe the provision is both necessary and reasonable.

Mr. President, I ask that the covering letter and the memorandum, authored by Senator PERCY, Congressman DANIELSON, Congressman MOORHEAD of California, and myself, be printed in the RECORD.

The material follows:

U.S. SENATE,
February 16, 1979.

BERNHARDT K. WRUBLE,
Director Office of Government Ethics, Office of Personnel Management, Washington, D.C.

DEAR DIRECTOR WRUBLE: Recently there has been some misunderstanding regarding the scope of one of the provisions of the Ethics in Government Act, adopted by Congress last October. We believe clear and concise guidance by the Office of Government Ethics is essential.

As you know, the Ethics Act does not in any way prohibit forms of employment, or prevent a Federal employee from taking any position with any firm or organization which he chooses when he leaves the government. The major thrust of last year's "revolving door" provisions was to restrict contact by high-ranking officials with their former agencies for a period of one year after leaving the government.

One additional limitation was added by the Ethics Act. The additional limitation bars former high-ranking Federal officials from aiding or assisting in representing on specific matters involving their former agency.

It is this additional provision which seems to have created some misunderstanding. Both the transcript and the report of the House-Senate conference demonstrate that this provision applies only to subsequent representational activities, and applies only to those matters in which a former high-ranking official had been personally and substantially involved. The provision was addressed solely to the problem of "switching sides" on specific cases or matters after an employee leaves the government. The intent was to foreclose active, specific involvement in representation on the part of certain former government officials. It is not in any way designed to restrict involvement in general matters which may have fallen under an employee's official responsibility while he was in government service.

In connection with your responsibility to recommend regulations or guidelines under the Ethics Act, we are enclosing a memorandum which we hope will be helpful on the background and scope of this provision.

We stand ready to be of whatever assistance we can in connection with your efforts.

Sincerely,

GEORGE E. DANIELSON.
CARLOS J. MOORHEAD.
ABE RIBICOFF.
CHARLES H. PERCY.

MEMORANDUM ON THE "AIDING AND ASSISTING IN REPRESENTING" PROVISION OF 18 U.S.C. 207(b)

Title 18, section 207(b), as amended by the Ethics in Government Act, contains two distinct restrictions on post government employment of Federal employees, based upon the degree of personal knowledge and association a former employee had with a particular matter during government service.

Section 207(b)(i) is essentially a restatement of existing law. This provision applies to *all* former Executive Branch officers and employees. It provides that, for a period of two years, an employee may not knowingly act as agent or attorney on a particular matter which was pending under his "official responsibility" during his final year with the

government. As amended last year, the length of the prohibition is extended from one to two years.

In contrast, 207(b)(ii) applies *only* to high-ranking former Executive Branch officers, such as Presidential appointees, and others designated by the Office of Government Ethics as having major decision-making authority. This is the "aiding and assisting in representing"[1] provision. It provides that, for a period of two years, such high-ranking officials may not knowingly represent, or aid, counsel, advise, consult, or assist in representing any other person on a particular matter, in which the former official was "personally and substantially involved" while in office. 207)b)(ii) was added by last year's legislation.

Both 207(b)(i) and (ii) have important limitations. Both include only "particular matters involving specific parties" that were pending before the official while in government service. Therefore, rule-making, formulation of general policies or standards, other similar administrative matters and legislative activities—none of which typically involve specific parties in specific cases—are *not* included in the prohibition. In addition, both 207(b)(i) and (ii) require that the proscribed conduct must occur in connection with a "formal or informal appearance" before a court or agency.

Questions have arisen concerning the scope of the 207(b) provisions. Some have asked whether the "aiding and assisting in representing" provision may not be limited just to those matters in which the former official was personally and substantially under official responsibility. Questions have also arisen about the meaning of the term "representing."

However, we believe that both the policy and legislative history of the provision demonstrate that "aiding and assisting in representing" is restricted only to matters in which the former high-ranking official was "personally and substantially involved" while in office. They also demonstrate that representational activities are limited to those where the former official is directly involved in a formal or informal appearance before an agency or court.

"PERSONAL AND SUBSTANTIAL" INVOLVEMENT

The original Senate version of the Ethics Act, S. 555, contained a provision which imposed a lifetime ban on matters in which a former official had extensive involvement while in office. The Senate report on S. 555 stated, "The more intimate and extensive the involvement of the official, the greater the restriction is on the official's later involvement on those matters * * * on behalf of private clients." Thus S. 555, as passed by the Senate, provided a subsequent consultation restriction which was part of 207(a), a lifetime ban which solely concerned particular matters in which there had been "personal and substantial" involvement.

In conference, the Senate agreed to accept the House language on "aiding and assisting in representing." Thus what had been a lifetime ban in the Senate bill was reduced to a two-year ban, as proposed in the House-passed measure. That language, which was only slightly modified in conference, was recommended by the Administration.

The House-Senate Statement of Managers on the legislation demonstrates that the two parts of 207(b) apply to different matters: 207(b)(i) applies only to matters under "official responsibility," and 207(b)(ii) applies only to matters where there had been "personal and substantial" involvement. The Statement of Managers, in explaining the "aiding and assisting in representing" provision, states:

"It is the intention of the conference that this provision will prohibit a former officer or employee from subsequent consultation on a matter, *in which he was personally and substantially involved while in office*, even though he is not representing a party in that matter."

The transcript of the House-Senate Conference proceedings further supports that construction. During the conference, the "aiding and assisting in representing" provision was repeatedly linked to "personal and substantial" matters.[2]

Therefore, the legislative history indicates that the "aiding and assisting in representing" applies only to those particular matters in which the former official had "personal and substantial" involvement while in office. Thus "switching sides" on specific cases is restricted. Also that conclusion is supported on policy grounds. Matters more remotely under "official responsibility" would not involve such specialized knowledge and thus would not justify this type of restriction.

REPRESENTATIONAL ACTIVITIES

As previously mentioned, the House-Senate Conference on this legislation agreed to accept the House language on "aiding and assisting in representing." The Senate bill had provided in 207(a) that officials would not "aid, assist or represent" parties in certain matters. The Senate language thus suggested a distinction between aiding and assisting, as compared with representing.

The House language made no such distinction. Indeed, the language proposed by the House and adopted by the conference established a definite relationship between aiding and assisting, and representation. The relevant language of 207(b)(ii) as enacted is: "represents or aids, counsels, advises, consults, or assists in representing." The legislative history indicated that the words "in representing" were intended to qualify the language, "aids, counsels, advises, consults, or assists."

In its report on H.R. 1, the House Judiciary Committee stated that, "This revision [of 18 U.S.C. 207] makes it clear that subsections (a) and (b) prohibit *representational* activity . . ." In discussing this specific provision, the House report indicated that high-ranking officials would be "barred from aiding and assisting *in the representation* of any other person in any such matter before a government agency." According to that report, the conduct prohibited under the "aiding and assisting in representing" provision must occur in connection with some representational activities.

The transcript of the House-Senate conference proceedings fully supports the conclusion that aiding and assistance was linked to representation. Indeed, during the conference Congressman Stratton specifically objected to the "aids, assists or represents" approach that was contained in the Senate version:

"The guts of this [207(b)(ii)] would seem to me to be in representing some person, as an attorney or in some other way. But if an individual who had been in the government goes to work for IT&T let's say, and some other individual in the company is going to appear before . . . a regulatory agency and he writes a statement for him or prepares a graph or tells him what a particular chemical reaction would be under certain circumstances, without even leaving the IT&T office, he would be banned from doing this.

"That is not what we want to accomplish . . . So it would seem to me that if we make this simple change, knowingly represents, or aids or assists in representing any other person. *We are concerned about the aiding and assisting as it relates to the representation."*

The following exchange that took place between Congressman Stratton and Senator Ribicoff further clarified the point:

"Senator RIBICOFF. I want to know what your intentions are. Is it your intention that if a man works [in] the Antitrust Division on X case, that if he leaves and goes to work with Y law firm, he can then go and work with Y law firm on the X case when he is on the other side. You don't want that, do you?

"Mr. STRATTON. Then he would be aiding or assisting in the representation which is what we specifically prevent.

"Senator RIBICOFF. . . . What we are talking about is being involved on the other side of the case when he knew what was in the government's case.

"Mr. STRATTON. That is exactly it. So he is either representing or he is aiding or assisting in the representing."

"So the thing that each one of these paragraphs is trying to prevent is a representation, either as an agent or an attorney for.

"In this case, we would properly ban those who are aiding or assisting in that representation. That is the way it was drawn up. That is the way we understood it."

That interpretation was later accepted by the conference.[3]

In conclusion, 207(b)(ii) proscribes, for a period of two years, only aiding and assisting in connection with representation, which concerns a formal or informal appearance before a court or agency. Absent the element of representation, the provision has no application to consultation following Federal service, even in a matter in which the former official was personally and substantially involved.

One final point: It should also be noted that 207(b)(i) and (ii)—as with 207(a) and (c)—do not apply to "communications solely for the purpose of furnishing scientific or technological information." (See 18 U.S.C. 207(f).) Congressman Stratton, the author of that exception, indicated that its purpose was to ensure a free flow of technical information between government and the scientific community. As the Congressman stated during floor debate, scientists should not be "prohibited from furnishing information to their former agencies which could assist research and development programs."

Thus the "aiding and assisting in representing" provision of 207(b)(ii) applies only if all of the following conditions are met:

1. The former high-ranking official must have been "personally and substantially" involved in that matter during government service;

2. It must be a particular matter involving specific parties;

3. The "aiding and assisting in representing" must occur in connection with representation, which directly concerns a formal or informal appearance before an agency or court; and

4. The assistance or consultation must be something more than furnishing scientific or technological information, which is expressly excepted by 207(f).

EXAMPLES

A few examples may be helpful in understanding how these provisions will work.

Some situations where 207(b)(ii) applies:

a. A high-ranking Justice Department lawyer personally works on an antitrust case against ABC Company. After leaving the Department, he discusses legal strategy with lawyers representing ABC Company on that same antitrust case. Such consultation in the same case would be prohibited.

b. A high-ranking Defense Department official participated personally and substantially

[1] The actual language of the provision reads: "aids, counsels, advises, consults, or assists in representing . . ." Hereafter in this memorandum, it will be referred to as the "aiding and assisting in representing" provision.

[2] See Stenographic Transcript, "House-Senate Conference on S. 555," October 5, 1978, pp. 133–34.

[3] *Ibid.*, p. 138.

in an award of a government contract to XYZ Company for fighter planes. After leaving the Department, the former official goes to work for XYZ Company. Subsequently, the contractor desires to renegotiate prices on the fighter plane contract with the Defense Department. The former official could not assist the lawyers for the contractor in obtaining DOD approval of that revision.

Some situations where 207(b)(ii) would *not* apply:

a. A high-ranking Justice Department lawyer personally works on an antitrust case against ABC Company, which is represented by Y law firm. After leaving the Department, he goes to work with Y law firm, and represents DEF, Inc. in an antitrust case. Such representation would not be barred. Nor would he be prohibited from representing, or assisting the lawyers who represent, ABC Company in a separate antitrust case. The 207(b)(ii) restriction does not apply, because the "aiding and assisting" does not occur in connection with the same case.

b. A high-ranking official of the Department of Health, Education and Welfare leaves the government to take a university position. Thereafter the former official has broad responsibility for various HEW contracts which the university holds. He also advises lawyers, who represent the university, in contract matters which are pending before HEW. Those same matters were under the former officer's official responsibility while he was in government service. The 207(b)(ii) restriction does not apply because the "aiding and assisting in representing" does not concern matters in which the former official was personally and substantially involved while in office.

c. A high-ranking scientist with the Food and Drug Administration was personally and substantially involved in a licensing proceeding on a specific drug. After leaving the FDA, he is employed by the manufacturer of that drug. There he engages in research, indicating that the drug is safe and effective, which his employer later provides to FDA. The restriction does not apply because the former official is furnishing scientific information to the government. (See 18 U.S.C. 207(f).)

d. A former General Counsel of the Federal Communications Commission leaves the agency to join a law school faculty. In one of his courses, he discusses a specific licensing case in which he was personally and substantially involved while at the FCC. The restriction does not apply because the conduct does not occur in connection with any representational activities.●

THREATS TO AMERICAN SECURITY IN THE WESTERN PACIFIC AND INDIAN OCEAN

Mr. HARRY F. BYRD, JR. Mr. President, yesterday the Senate Committee on Armed Services held hearings on developments in the strategic balance in the Western Pacific and Indian Ocean region. The chief witness appearing before the committee was Adm. Maurice F. Weisner, U.S. Navy, who, as commander-in-chief, Pacific, heads all U.S. military forces in the Pacific area.

The testimony presented to the committee was extremely interesting and informative in several areas about which there is limited public knowledge.

First, contrary to many public announcements by members of the executive branch, Admiral Weisner, in response to a question I asked, stated his firm military judgment that the military and naval forces of Mainland China are at the present time fully capable of successfully attacking Taiwan. In fact, the admiral testified that Mainland China has the existing ability "to bring Taiwan to her knees." He added that he did not feel that the Republic of China has such intentions, however.

Now, Mr. President, I am concerned that the American public is inadequately informed with regard to the military capability of Mainland China and that the public may be misled as a result of statements made by the administration that Mainland China does not have such military capability to successfully attack Taiwan. I am hopeful that Admiral Weisner's informed military testimony provided to the Committee on Armed Services will set the record straight.

Second, Admiral Weisner reported to the committee that Mainland China is "working on a full range ICBM that will give them the capability to strike targets as far away as the continental United States."

I believe the American public is entitled to know when Mainland China will have the ability to attack the United States with nuclear weapons. The American public should be alerted to this ongoing work in Mainland China to develop an intercontinental ballistic missile. As Admiral Weisner pointed out in his statement, Mainland China already has the ability to hit European Russia with a limited range ICBM so certainly the American people are entitled to ask why efforts are being made to develop this new intercontinental missile capable of reaching North America.

Americans should be informed also that Mainland China has approximately 3.5 million ground troops organized in over 200 combat divisions; a 500,000-man air force with over 5,000 fighter aircraft; and the third largest Navy in the world (350,000 personnel) with more than 1,200 ships of all types, including at least 80 attack submarines. These facts Admiral Weisner provided to the committee, and he gave the further information that Mainland China is developing ballistic missile submarines.

Great care should be exercised in the coming months to guarantee that, in the Carter administration's rush to supply technology to Mainland China, no technology is supplied to Peking which would assist in these ongoing Chinese efforts to develop submarine launched ballistic missiles or ICBM's capable of hitting American cities. Let us not make the possibly fatal mistake of arming a potential adversary with advanced weapon technology dangerous to our own security.

Now, third, Mr. President, Admiral Weisner expressed grave concern over the ability of the U.S. Navy to protect the vital sea route from the Persian Gulf around the African Cape of Good Hope to Western Europe and to the United States. He pointed out that this route is used in transporting a major portion of Persian Gulf petroleum to the West.

He highlighted the danger of the growing Soviet military presence in the Horn of Africa and noted the potential threat posed to the Mozambique Channel by the pro-Soviet governments in power in Madagascar and Mozambique.

Finally, in response to a question by me, he stated his military opinion that a U.S. naval base in South Africa would be "very valuable."

Mr. President, the Senate should take account of this important testimony and should seek to assure that U.S. interests are not jeopardized by misinformation about the military capabilities of other nations, or by lack of sufficient naval strength to keep open the critical sea lanes of the world.

PROGRESS FOR PROJECT HOPE

Mr. PERCY. Mr. President, a recent edition of Newsweek magazine featured an "Update" article on Project Hope which I would like to share with my colleagues.

As some may recall, Project Hope last year celebrated the 20th anniversary of its founding. In that period of time, Hope has established a record for efficient, effective, self-help health teaching programs in developing areas of the world. A nonprofit, people-to-people organization, Hope today continues to help solve health problems on four continents.

The Newsweek article describes briefly the organization's newest undertaking, the Project Hope Health Sciences Education and Research Center in Millwood, Va. The center has been made possible by the generosity of major benefactors and is evidence of the public support Hope continues to generate.

Mr. President, I ask unanimous consent that the Newsweek article of January 15, together with a pamphlet, be printed in the RECORD.

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

THE NEW HOPE

The S.S. Hope, a floating medical center that became a symbol of U.S. aid to underdeveloped nations made its last voyage in 1974. But Project Hope, the private charitable organization that ran the ship, continues as a land-based operation and aims now to become a think tank in the public-health field.

A former World War II Navy hospital ship, the 15,000-ton S.S. Hope traveled more than 250,000 miles after being refitted for peacetime work in 1960, and its volunteer staff performed some 19,000 major operations, immunized roughly 3 million people and trained more than 7,000 doctors and nurses. But by 1974, the great white Hope was, as one volunteer puts it, "an old, leaky, squeaky rustbucket which only God held together," and it was auctioned to a dismantling company for $379,000.

"The ship had such great emotional appeal for everyone that I predicted donations would drop off dramatically when we did away with it," says Project Hope founder and president, William B. Walsh. "Some people did stop giving, but then there were others who started—people who had steadfastly refused to give to the ship because they thought it was just a gimmick." Last year, Project Hope, based in Washington, received $6 to $7 million in private donations and another $2 million in government grants.

Finding Jobs: The money is used for a variety of public-health works in thirteen countries in Africa and Central and South America, as well as in the U.S. Stateside projects include training the entire staff of an Indian-operated hospital on Arizona's 16 million-acre Navajo reservation and developing special health-career programs for Mexican Americans in Laredo and El Paso, Texas. In Laredo, says a spokesman, all of the first

200 trainees found jobs as nurses or medical technicians—freeing them from dependence on welfare.

The organization's main project at the moment is setting up the Project Hope Health Sciences Education and Research Center. Located on a 193-acre estate in Virginia, the center is designed to be, in Walsh's words, a "health-care think tank, the Dumbarton Oaks of the health field." Project Hope spent $1.1 million for the property—which includes a twenty-room mansion known as Carter Hall, formal boxwood gardens, tennis courts and a swimming pool—and expects to spend $3 million on renovations and construction.

The center will open in April, and plans are to have at least ten scholars-in-residence who will hold conferences and seminars. Possible topics: the relationship between patient satisfaction and the quality of care, the high cost of medical equipment, and the pros and cons of government-sponsored national health care. Walsh, 58, also hopes his experts will look into the American system of medical education, which he feels stresses sciences such as chemistry and physics at the expense of what he calls "humanism."

The new center, says Walsh, "will be a much better environment in which to work than Washington. When you put people in a think-tank atmosphere, what comes out is thought that translates into action. I think it's one of the most exciting things we've ever done."

PROJECT HOPE

BACKGROUND

Project HOPE began in 1958; the S.S. HOPE, the world's first peacetime hospital ship, sailed on her maiden voyage in 1960. That trip was to Indonesia, and South Vietnam, and missions followed to Peru, Ecuador, Guinea, Nicaragua, Colombia, Ceylon, Tunisia, the West Indies, and Natal and Maceio, Brazil. These missions averaged ten months. Upon the request of a host country, HOPE selected a cadre of medical personnel to remain when the ship departed after a mission. Teams of up to 20 physicians, dentists, nurses, and allied health personnel follow up on teaching programs instituted during the original mission. Today such programs continue in Peru, Tunisia, the Caribbean, and Natal and Maceio, Brazil, and new programs were developed for Colombia, Egypt, Barbados, Guatemala, and Poland.

Project HOPE departed from its ship-oriented programs in 1969 and began employing the teaching techniques learned abroad in existing facilities in the American Southwest, in the Mexican-American community of Laredo, Texas, and at Ganado, Arizona, on the Navajo Indian reservation. A new domestic program in El Paso, Texas, opened in mid-1974.

In April 1974, the decision was made to retire the S.S. HOPE. Operating from a ship limited the Project to countries which possessed adequate harbors and docking facilities, and HOPE found it essential to respond to the repeated invitations of landlocked nations equally in need of HOPE teaching and training programs.

ACCOMPLISHMENTS

Since 1960, more than 2,500 North American medical personnel have served with the Project, and HOPE has trained over 9,000 physicians, dentists, nurses, and allied health personnel. HOPE has also pioneered new concepts in the use of allied and basic health personnel; helped establish new schools of nursing, dentistry, and physical therapy; assisted in the development of existing teaching institutions; worked in hospitals to teach and implement improved methods of patient care; and helped expand public health efforts. In the process over 191,000 were treated, more than 18,750 major operations conducted, and over three million benefited from the services involved. This work has been documented in three books: A Ship Called HOPE; Yanqui, Come Back! and HOPE in the East. Each was written by William B. Walsh, M.D., HOPE's founder and President, and was published by E. P. Dutton & Co. Also available is Words of HOPE, a history of HOPE's first 12 years.

FINANCING

Ten million dollars are needed annually to sustain the operation of Project HOPE's ongoing programs both in the United States and abroad. The Project depends primarily on private resources and receives tax-deductible contributions from thousands of individuals and groups, including support from organized labor, business, and industry. Project HOPE has received grants from the Agency for International Development to cover a limited part of the costs of HOPE's international programs.

ORGANIZATION

William B. Walsh, M.D., is founder, President and Medical Director of Project HOPE. International Headquarters are in Washington, D.C. Field offices, volunteer chapters and committees are located in major cities throughout the United States. The Foundation is incorporated under the District of Columbia code. It enjoys tax-exempt status with the Internal Revenue Service of the U.S. Government.

CONTRIBUTIONS

Americans can help HOPE give to millions around the globe by donating their talents and financial contributions. Queries and donations may be sent to local HOPE offices or to: Project HOPE, Washington, D.C. 20007.

ROGER STEVENS—A GREAT "NATIONAL ASSET"

Mr. PERCY. Mr. President, with the opening of another theater at the Kennedy Center, it is an appropriate time to reflect upon the importance of the Kennedy Center to those of us in Washington and the Nation as a whole. Since its opening in 1971, 12 million spectators have filled its auditoriums and another 20 million visitors have taken the Center's free guided tours. Millions more have enjoyed televised broadcasts from the Kennedy Center in their homes. With an average attendance level of 82 percent, the Kennedy Center can be termed an unqualified success. Producer David Merrick has hailed the Center as the "most successful cultural facility in the world;" Mikhail Baryshnikov, perhaps the world's most highly acclaimed dancer, has said that "the Kennedy Center has given ballet new life;" and others have credited the Kennedy Center with raising Washington from the "cultural Sahara."

Indeed, Washington is now not only the political capital, but a cultural capital as well, of our Nation. A great measure of the credit for this new role for Washington should go to the Kennedy Center and Roger Stevens. As the unsalaried Chairman of the Board for the Kennedy Center, it is Roger Stevens who has been responsible for the stature that the Kennedy Center has attained. Involved in its planning from the early 1960's, Roger Stevens has guided the Kennedy Center from the conceptual stages, through construction, into its first years of operation and now into an era of expansion with the addition of the Terrace Theater, a magnificent gift from the people of Japan. The theater will be the cornerstone of a new complex that will enable the Kennedy Center to greatly expand its activities in the realm of cultural education and public service. New talents and new works will have the opportunity to be exhibited here in one of the world's finest cultural facilities. Through Roger Stevens' envisioned expansion of activities in this area, the Kennedy Center will truly earn the title of our Nation's cultural center.

Roger Stevens, whom the Smithsonian recently termed as a "national asset," is a gifted individual who has been able to combine the support of the Government, artistic community, and business to create this venerable institution, the Kennedy Center. An excellent portrait of Mr. Stevens was recently given in two articles by David Richards in the Washington Star and I believe that we can benefit from this insight into one of the most dedicated and extraordinarily talented man I have ever been privileged to know.

Mr. President, I ask unanimous consent that these articles appearing in the February 5 and 6, 1979, editions of the Washington Star be printed in the RECORD.

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

THE MAN WHO RESHAPED THE CULTURAL MAP

(By David Richards)

(First of two articles)

Like most superachievers, Roger Stevens enjoys reminiscing about the scruffiness of the past, if only to emphasize the distance he has traveled since then.

He culls an illustration out of the Depression—a time, he would have you believe, when he slept on park benches, jumped freight trains and even landed in jail on occasion for talking irreverently, if not drunkenly, to assorted officers of the law.

"I've always thought that I had a first-rate negative personality," he says with a hint of chuckle.

"I remember going into a bar with this friend of mine, who was pretty outspoken," Stevens says. "He liked to spout the revolutionary language of the left and he could really get a lot of people upset. Before long, he was having a loud argument with this guy at the bar. I was so scared, I wasn't saying anything, just sitting there. Well, when it appeared that things were really going to get nasty, the guy at the bar stopped, looked at me and then turned back to my pal and asked, 'Who's your terrible friend?'"

Stevens smiles. "I've always felt that was a good example of my ability to get along."

In many ways the anecdote presents a mirror image of the man today—a man who instills foreboding in others often by saying nothing at all; a man whose most demonstrable skill over the years has been his ability to forge business and political alliances of a complexity that would be the envy of a Chinese puzzle maker, a man who can indulge in a kind of shambling modesty, knowing full well that at this stage of his life the facts will prevail.

Roger Stevens—magnate, gambler, impresario, wheeler-dealer, monument builder—is the chairman of the board of trustees of the Kennedy Center for the Performing Arts. Even his most vehement detractors—those who call him a "cold fish" or a "tight-fisted Puritan"—admit that the Center would not be there, were it not for his vision and sheer doggedness.

More than any single person, Stevens is responsible for reshaping the cultural map of Washington, transforming a Southern backwater into a major artistic crossroads, second only to New York. In the dark days

before the Kennedy Center, the world's principal arts companies avoided Washington altogether, since playing here meant playing either cavernous Constitution Hall or cramped Lisner Auditorium, neither especially attractive or well-equipped.

With its three major halls, the Center offers the latest in stage technology, near-flawless acoustics and, no small drawing card, backstage creature comforts that border on the princely. It also offers a large, cosmopolitan audience and the very real promise that the president may come calling, an event that automatically generates free nationwide publicity. As a result, the Center can and does attract some of the finest artistic talent—from La Scala to the Berlin Philharmonic, from the Grand Kabuki of Japan to the latest Broadway show.

Because Washington is the seat of influence and appropriations, Stevens' impact has been national. As early as 1964, he was arguing the case for a national cultural center before Congress (which was sometimes dubious), big business (uninterested) and the arts establishment (suspicious). That he eventually reconciled all three groups and got the Center built prompts one friend to say that Stevens could forge an alliance "among a snake, a mongoose and Eve."

Everything about the Center—from its proposed site to its rapidly escalating cost—was matter for contention. "Roger was like a dog with a bone," says a long-time Washingtonian. "He just wouldn't let go. I don't know anyone who could have carried through the way he did." The emotionally-charged opening of the Center in 1971 was as much a tribute to Stevens' negotiating skills, as it was to Kennedy's memory.

Some critics may carp about the edifice, its location, its prices and its fare. In some artistic circles, Stevens continues to be viewed as "a very successful businessman, who has no point of view in the theater, will never have a point of view and is probably incapable of having a point of view," as one observer puts it.

No matter. Stevens has success on his side. Audiences want in. (Attendance at the Center runs at an astonishingly high 82 percent of capacity). Producers, including those who snipe behind his back, want in. Even President Carter has taken to visiting the place with flattering regularity. "Whatever anyone says, the Center works," beams Stevens, always the pragmatist.

At first glance, or even second, he appears to be an utterly improbable figure to head the country's only national cultural center. If he were to act in plays, instead of produce them, he would have been type cast long ago as the absent-minded professor, preferably on a midwestern campus. Tall, bald, and still ingenuously blue-eyed at 68, he plods through the world with a look of preoccupation on his face that suggests more than a passing kinship with one of Aesop's turtles.

Oblivious to fashion, he dresses as if out of an old clothes hamper. Summers, he has been spotted in Hawaiian shirts, rivaling in violence those of the tourists who throng the Center. After he had a heart attack several years ago, his doctor counseled him to keep his head warm. Stevens immediately took to wearing a bright red knit cap, with a pompom on top. During his morning walks through Georgetown, his one regular concession to exercise, he looks startlingly like the world's oldest kid.

Often Stevens will pass friends without so much as a nod, a slight that most of them now attribute to the fact that he is invariably pondering four or five problems at the same time. ("I've never purposefully ignored a good-looking woman in my life," he jokes.) He has an admittedly rotten memory for names and faces. When Arthur Miller's "The Archbishop's Ceiling" was playing in the Eisenhower, Stevens referred to it regularly as "The Archbishop's Cathedral." Recently, he boasted that "Every Good Boy Deserves Favour" was one of the crowning achievements of the Kennedy Center, and then characteristically couldn't remember which Previn wrote the music—Andre or Dory.

Several Center staff members refer to him as "The Great Stoneface" or "The Mumbler." Indeed, so marked is his habit of talking into his chin, or one of his thin, drab ties, that some observers construe it as a conscious tactic. In the buzz of half-articulated words, Stevens slips through the net. He knows exactly what he is doing and how he's doing it, even if he gives the impression that he has just reeled out of a game of Blind Man's Buff.

"I'm supposed to be very intuitive about people, which is why I can put so many deals together," he says. "I guess I know when to push and when not to push, when to listen and when to talk. I've certainly never had any lack of confidence in my ability to make a deal. But that's really the best of it. For the rest, well, I'm not very bright. I'm a bad businessman. I have no desire to make money. I have enough and all I've seen is trouble if you have more. I get bored buying and selling and saving a dollar here and there. I am really much more of a bohemian by nature."

Not many people would describe Stevens as a man of bohemia. Instead, most find him an enigma, although what they perceive as his aloof, diffident facade is prompted as much by his natural shyness as by anything else.

"Someone once compared him to an ancient Roman," says Stevens' wife, Christine. "I think there's an element of that. In other words, stoicism is a large part of Roger's character. He actively refrains from whining and he can't abide complainers. He's a very persistent man. During the height of the Depression, Roger was working on the assembly line of the Ford Motor Company. His job was to take a gear off a belt and hold it up to a rotating wire brush to remove the burrs. This was the time of the famous speed-ups and before long the brush had rubbed his hands raw. But he was supporting his whole family then and was determined to hold onto the job. Two weeks later, he was fired in a general lay-off. He's often said the experience had a great deal to do with his changing from a Republican to a Democrat."

Playwright Arthur Kopit, who was a student at Harvard when he was first befriended by Stevens, tells this story: "Years ago, I was in New York to go to the theater and I dropped by to see Roger in his office one afternoon. He drank then and as we were going out of the building, he remembered that he had just bought a restaurant called Rubens. 'Let's go see what it's like,' he said. Once there, he announced, 'The only drinker is a prohibition drinker,' which I took to be fighting words.

"Three double-martinis later, we pushed through the revolving door somehow, weaved out onto the street and tried to hail a taxi. There were none in sight and Roger was growing visibly impatient. Finally, he turned to me and said, 'That's the trouble with Philadelphia. You can never get a taxi when you need one.' "

Richmond Crinkley, who was Stevens' assistant for three years before recently becoming the executive director of the Vivian Beaumont Theater in New York, also associates Stevens with motion. "One day, we were walking down 45th St. on our way to Sardi's when this fire truck came careening down the street. The sirens were wailing and it was weaving in and out the traffic at top speed. Roger stopped dead in his tracks and said, "Look at that thing go, will you!" I mean, he was full of admiration.

"I really think activity is an absolute necessity for Roger. The most interesting and fruitful times I spent with him were not the times he was in his office or in a theater, but the times he was in a taxi or an airplane or walking down the street, going somewhere. Getting from A to B is really what Roger is all about."

"Roger's a mixture of two things," says Robert Whitehead, Stevens' partner in commercial producing for the past 25 years. "There's a very civilized quality that comes from a conservative upbringing. He has a deep respect for beauty and art and a strong sense of social responsibility. Along with that is this old time American gambler. Most of us feel nerve-wracked when the money dwindles. But Roger just sees money as a means to an end. He has no fear of it. In fact, he's even got a sense of humor about it that is rather marvelous. His attitude is, 'Don't worry. There's plenty lying around.' If you're an old frontier gambler, the theater is a great place to be, because it's one helluva gamble."

Stevens' gambling streak surfaced early. As a teenager, he kept himself in pocket money by taking on his friends at bridge, poker and blackjack, and winning. The aesthetic concerns didn't develop until he had dropped out of school and was discovering that the world could be a bleak place.

His life isn't so much a rags-to-riches saga, as it is a riches-to-rags-to-riches story. The son of a well-to-do real estate broker, Roger Stevens was born in Detroit in 1910 and seemed destined for the traditional Ivy League grooming. He muddled his way through Choate preparatory school and had been accepted for admission to Harvard University when the gathering Depression wiped out his father's fortune.

Instead Stevens went to the University of Michigan at Ann Arbor where the family lived. He lasted a year and quit at age 19. For the next five years, he knocked around Michigan, collecting some of the Depression stories he likes to drop into the conversation. Eventually, he found work as a real-estate broker during the day, and as a gas station attendant at night. Selling real-estate brought him nothing for the first six months; pumping gas brought him $12 a week. ("Even then," says Christine, "Roger was so preoccupied that he often forgot to put the cap back on the customer's gas tank.")

During this period, Stevens discovered books, a passion which has not deserted him and which prompts him to observe, "If I were a bit younger, I think I'd buy a publishing house. More interesting than theater. Books last." (He is a director of Farrar, Strauss & Giroux, and from 1970–75 was chairman of the advisory committee for the National Books Awards.)

He read voraciously, sometimes as many as five classics a week, discovering in the process Joyce and Proust (his favorite novelists) and Pirandello (his favorite playwright). To this day, Stevens continues to read as much as his schedule will allow. "I'll bet," he said, taking time from a recent lunch at the Sans Souci to gaze at the crowd of rich and powerful diners, "that I've read more books of all kinds in the last six months than anyone else in this room."

Stevens denies that reading has been a compensation for the university education he never had. "I just liked to read then and I like to read now," he says. Still, he lets it slip that "Eisenhower used to tell everybody to address me as Dr. Stevens. He assumed I had at least a Ph.D."

As the Depression began to abate, Stevens revealed the business acumen that would make him one of the two most powerful real estate men in the country in the mid-1950s. Trading in undervalued apartment houses and hotels, he had acquired by 1937 a nest egg of $50,000, a yearly income of $25,000 and a wife, the former Christine Gesell.

"My father was always saying when he had money how he was going to take me on trips and do this and that. And he never did," Stevens recalls. "So after Christine and I got married, we spent $10,000 for a six-month tour around the world. The world has never been the same since."

It was only after World War II that Stevens became a double threat, however—first as a real estate tycoon, then as a Broadway producer. The producer launched a variety of hits—and misses. The tycoon bought and sold hotels and office buildings and developed commercial centers, as if the whole country were his private Monopoly board. In 1951, he headed a syndicate that acquired the Empire State Building for $51.1 million, then the highest price ever paid for a building. "I developed something of a reputation as the greatest deal-closer in the country," Stevens boasts now.

Stevens' reputation as a producer developed somewhat slower than that as a real estate tycoon—although eventually he would have as many as 10 shows a season on Broadway. ("That's more than Merrick ever had," he can't help noting.) His first production was hardly a sure bet: Shakespeare's "Twelfth Night," as staged by the Ann Arbor Drama Festival. Stevens took it to New York in 1949, had the satisfaction of getting an encouraging notice from Brooks Atkinson, and then promptly lost $45,000 on the six-week run. "I didn't know that if you're going to do a revival, you have to have a big name in it," Stevens explains. He has since made the observation an iron-clad principle at the Kennedy Center.

He hit paydirt the following year with a musical version of "Peter Pan," starring Boris Karloff and Jean Arthur, with music by Leonard Bernstein, who would figure both prominently in Stevens' theatrical career ("West Side Story," "Mass") and not so prominently ("1600 Pennsylvania Avenue").

"Everything we did was wrong," Stevens recalls. "We opened in the spring and there was no air-conditioning. Our break-even point was 80 percent of our gross. The thing is, it was a helluva good show. Incidentally, it had the first integrated chorus line on Broadway. People told me it got much more applause on opening night than 'South Pacific.' You hear that kind of applause five or six times in a life. I can tell you it's quite a thrill."

For the next two decades, Stevens would pursue that thrill with a vengeance—as financial advisor to the prestigious Playwrights' Company, which, he says, gave him his theatrical education; as a board member of ANTA; and as one of the founding members (with Robert Whitehead and Robert Dowling) of the Producers' Theater. Although he has never been one to cut his partners out of a production, Stevens is also not one to put off a production if his partners demur. Hence, his multiple alliances. Today, he continues to produce independently of the Kennedy Center, both by himself and in conjunction with Whitehead. "Roger isn't happy, unless he's got five projects going all at once," remarks a friend.

Stevens is proud of his producing record during the 1950s and early 1960s and sometimes will imply that no one else contributed anything of worth during that time. He does have a list of distinguished, if not always profitable, shows. Among them: "The Four-poster," "Ondine," "The Golden Apple," "The Confidential Clerk," "Tiger at the Gates," "Separate Tables," "Bus Stop," "Waltz of the Toreadors," "Under Milkwood," "The Visit," "The Best Man," "Oh, Dad, Poor Dad," and "A Man for All Seasons."

"Of course, when you're producing as many shows as Roger did back then," says a rival producer, "you're bound to have a number of hits. It's the law of averages. But don't forget the other side: that Roger has had more flops in the theater than just about anyone else, living or dead." Lest one be overly mesmerized by the quality of his productions, Stevens is also the gentleman who brought Broadway "Under the Yum Yum Tree," "Everybody Loves Opal" and "A Hole in the Head."

As if theater and real-estate were not sufficiently time-consuming, Stevens, with his reputation as a crack money-raiser, found himself drifting into the world of politics. A political liberal, he was especially intrigued by Adlai Stevenson and for the campaign of 1956, Stevens served as chairman of the Democratic Finance Committee. "I went into politics out of curiosity," he says flatly. "I wanted to see how the inside worked . . . I found out."

Actually, Stevens was acquiring the kind of first-hand experience that would prove invaluable to him as the head of the Kennedy Center. A skilled real estate man, a successful Broadway producer and an adroit political fund-raiser—he had all the bases covered. When President Kennedy went looking for a general trouble-shooter for a proposed national cultural center, Stevens was the natural man for the job.

"I sometimes look back on the 1950s," says Stevens, "and wonder how the hell I did it all. I was making real estate deals in almost every city in the country, producing at least five plays each year on Broadway and raising money for the Democratic party. Well, I always said I could have done two out of three well, but not all three."

Stevens, whom the English press once called The Skyscraper King, would give up real estate, move to Washington, and take on what many believe was the biggest challenge of his career.

THE MAN WHO RESHAPED THE CULTURAL MAP

(By David Richards)

[Second of two articles]

"In the theater world, Roger Stevens is the great father figure," says a young New York producer. "When people are sitting around, trying to figure out how to get a play on and they have come to the end of their wits, someone is bound to ask, 'Does anyone know Roger Stevens?' "

As chairman of the board of the Kennedy Center for the Performing Arts Stevens is obviously in a position to extend a helping hand. Not only does he determine the fare for the Center's theaters—the Eisenhower, the Opera House and the just-opened Terrace Theater—but for the past four years he also has programmed the venerable National Theater, downtown. Until the Warner Theater reopened last December, a Broadway production had to meet with Stevens' approval or it just didn't play here.

And playing the Center does offer definite advantages. More than any other performing arts facility in the country, it seems to have a built-in constituency. Attendance averages 82 percent; four- to six-week runs are par for the course; and actors, who can be impossible in Philly, tend to be curiously cooperative once they get to the Center, focal point for many of the city"s social and political rituals.

Stevens' power extends far beyond the building he was instrumental in getting erected, however. Through Kennedy Center Productions, Inc., the Center's non-profit investing arm, he can and does provide financial help to pre-Broadway shows that run into trouble here. (He sunk $100,000 into "Pippin," which paid off handsomely, and $125,000 into "Annie," which has turned into the most successful Broadway musical since "A Chorus Line.") Sometimes, the mere expression of interest by the Kennedy Center can be a determining factor in a show getting financed.

"Washington was always a decent two-week stand," says Philip Langner, president of the Theater Guild. "Roger and the Kennedy Center have turned it into the most desirable tryout city in the country. It's electric and alive. Every producer I know wants to start his play there."

Frequently, there is a logjam, as a result. When the Theater Guild acquired the rights to Alan Ayckbourn's "Absurd Person Singular," Langner wanted a Washington break-in. "We started asking Roger for a booking in November, 1973. He said it was an interesting play, but he held off for months. It wasn't until July 1974 that he agreed to give us a date for September of that year, and then it was only after we told him that we had signed Richard Kiley and Geraldine Page. He has so many people trying to get into the Center that he can afford to be very choosey."

Despite lots of similar examples, Stevens bristles at the notion that he exercises any more power than your average 68-year-old self-made millionaire. "One of the very reasons I wanted to get out of the business world was that I didn't like determining the fates of other people," he says, a sudden flush of pique lending color to his face, which is usually a wintry gray. "At the time I purchased the Empire State Building, I had as many as 25,000 people working for me. I didn't want to have to worry about their damn lives, about whether or not this guy's wife was sick with TB or that guy was overdrawn at the bank. So I got out. I always liked to put together a deal for the sake of a deal, absurd as that may sound. But the daily operation of business—the buying, the selling, the chiseling—I found it . . . boring. I'm always reading about this great power I have. Nonsense!"

If a producer wants to bring a play to Washington and Stevens doesn't like it? "He can take it to Boston, instead," Stevens snaps. Subject closed. The mere reference to the Center as a booking house, in fact, is guaranteed to goad Stevens into a rare, but imposing, exhibition of displeasure.

"There is no doubt that Roger is the right producer in the right theater at the right time. God knows how, but he is largely in tune with the Kennedy Center audience," says one observer, who, when prodded, characterizes that audience as conservative, middle-aged, well-to-do and less concerned with theater, perhaps, than with promenading up and down the Grand Foyer at intermission. That, of course, is an exaggeration. Stevens will invest considerable time and energy in a "Semmelweiss" or a "Wings," plays not exactly tailored for mass consumption. By the same token, he has given Washington two productions of Noel Coward's fluffy "Present Laughter," and seems to have a high tolerance for the mustier forms of the theater plays like "The Jockey Club Stakes," "The Headhunters," "Do You Turn Somersaults?," "First Monday in October," "The Last of Mrs. Cheney" and "Gracious Living."

Stevens' critics—although not as blunt as Stanley Kauffmann, who described the Center as "a big, bad kitchen" and Stevens as "the dullard chef cooking up masses of flat grub for Washington"—still tend to be dismayed by his professional tastes, which are quixotic when they are not reactionary. Stevens doesn't put on a "season" of plays, they say, which would imply intriguing connections between the various works. He simply puts on one play after another. Finding the guiding intelligence behind them is not easy.

Stevens himself has neither the inclination nor the patience to discuss his "artistic direction" of the Center. For one thing, he dislikes the term itself. "This reminds me of a conversation between Lennie Bernstein and Alvin Ailey before 'Mass' opened," he says. "Lennie is a great intellectual, and he was asking Alvin how he choreographed. 'I don't know,' Alvin said. 'I just get those people up there on the stage and I tell them to move this way and then that way.' And Lennie said, 'Yes, but the theory behind it. You must have a theory.' And Alvin said, 'Not really. All I do is get them up there and move them around so they look pretty.'

"Well, it was one of the greatest conversations I ever heard in my life. Really very funny. I certainly wouldn't want to equate myself with either of those men. They're both geniuses. My point is: That's the way

I work. I don't have any deep theories. I just mix up the plays and put them up there. I try to find the best playwrights I can, and I try to do different kinds of plays because I think Washington demands a varied diet, and basically . . . well . . . that's it."

Those who know him well say he can be prudish. He did not want a touring production of "Equus" to play the Eisenhower (it went to the National, instead), leaving some of his staff members to speculate whether it was the nudity, the language or the vaguely homosexual undertones of the work that disturbed him. And yet Stevens subsidized the young and unknown Harold Pinter, in return for which Pinter now automatically offers Stevens the first American rights to his works. If Stevens objects to such ambiguous and sexually unsettling Pinter plays as "The Homecoming," "Old Times" and "No Man's Land," he's certainly not letting on.

As a rule, he shies away from contemporary playwrighting that suggests there may be a deep flaw in mankind or rot in the system. Having pulled himself up by the bootstraps, Stevens has no patience with whiners. Yet his favorite playwright is Pirandello, whose notions of the relativity of truth and human personality constitute a cornerstone of the modern theater. He also relishes Duerrenmatt ("The Visit," "The Physicist"), whose view of humanity is black and bitter.

"Roger's tastes are stuck back in the 1950s when he was a big Broadway producer," says a rival, who insists on remaining nameless. "His loyalities lie with the performers and playwrights he worked with back then. Deborah Kerr was wonderful in 'Tea and Sympathy,' but 'The Last of Mrs. Cheney'? Come on! Poor Samuel Taylor hasn't written a decent play since 'The Pleasure of His Company,' but Roger keeps putting them on anyway. And I really think the only reason he got involved in that awful 'Odyssey' was because 'The Golden Apple' won all those awards for him in the 50s." (Both musicals were based on Homeric legend.)

This, too, however, may be only partially true. Says Richmond Crinkley, once Stevens' assistant and now executive director of the Vivian Beaumont Theater in New York: "Roger is tremendously accessible. He will talk to anyone or read anyone's script. Usually, you have to give him two, because he loses one. But he's one of the least remote producers I know."

Always on the lookout for new playwrights, Stevens seems genuinely distressed that the species is not as plentiful as it was in the 1950s, when he was financial advisor to the Playwrights' Theater. He often accompanies his wife Christine, an ardent defender of the rights of animals, to wildlife conferences around the world, using the occasion to do a little scouting himself. On a recent trip to Australia, he picked up "Players." In East Berlin, he checked out the Berliner Ensemble. He regularly shops in London and faithfully gives American productions to the plays of Tom Stoppard ("Travesties," "Jumpers," "Dirty Linen" and "Every Good Boy Deserves Favour").

According to Robert Whitehead, who has been Stevens' Broadway partner for 25 years, "Theater is really totally different for us. I tend to do only two or three plays a year, but I believe in them deeply. They're almost an extension of something I feel about life and I take a personal responsibility toward them.

"I don't think Roger necessarily sees plays as an expression of some part of himself. For one thing, he does too many. He'll be working on four or five projects at the same time. If one doesn't pay off he figures another will. I think he truly enjoys the gamble, the roll of the dice.

"I was sick over the reception 'A Texas Trilogy' got in New York. I'd lived with that one intimately and I bled profusely when it closed. Roger was more objective. His attitude was, 'Let's get on to something else.' He's not interested in wasting time on postmortems or recriminations. It's one of his best qualities." (Stevens' comment: "I just don't bleed in public.")

Stevens does have a predilection for stars and recognizes that their drawing power is crucial to his cause—filled houses. "Sometimes Roger will find a particular play more appealing than it might otherwise be, because it has a prominent star connected with it," Whitehead admits. The Kennedy Center has housed its share of star vehicles, some more rickety than others, chiefly to show off the talents of such performers as Mary Martin, Ingrid Bergman, Pearl Bailey, Elizabeth Ashley, Jason Robards, Henry Fonda, Alexis Smith, Yul Brynner or Wilfrid Hyde-White. "It seems to me that performers are just as important as writers," says Stevens. "Is there anything worse than a bad Shakespearean production or better than a good one?"

Whether this makes for a national center is open to question. Joseph Papp, producer of the New York Shakespeare Festival, doesn't think so. "You'd have to have black, Puerto Rican, Mexican and Indian representation to call it a national cultural center," he says. "That's not the case. Nor does the Center represent what's happening with young writers across the country. Here it is, located in the capital, a city that deals with life and death issues, but it doesn't reflect that at all. It is what it is—one of those institutions of a certain size that cater largely to the conservative appetites of a white, middle-class audience and confirm its views of life. Could it be something more? I don't know. A certain conservatism is implicit in those big institutions—especially one associated indirectly with the government, as the Center is. Those large houses have to be filled. And middleground wares are what fill them.

"Of course, it's very easy to pick on the Center. It does serve a function and it stimulates theatergoing in the most general sense. I don't think you should downplay that at all. Stevens is an honorable man. He's keeping that place alive, and I know how hard that is."

Stevens' intimates find him charming and scrupulously loyal. However, Stevens himself recognizes that "for most people, my charm has always been my ability to raise money. Well, that doesn't bother me."

He possesses a resolve of iron and a sturdily oldfashioned belief that if you take on a job, you see it to the end. It was President Kennedy who summoned Stevens, then one of the country's most successful real-estate magnates to Washington and charged him not only with formulating plans and policy for a national cultural center, but also raising the money for it. It was slow going. After Kennedy's assassination, President Johnson affirmed his commitment to the Center, which would become a memorial to the slain president. (He also named Stevens as the head of the National Council on the Arts, which was to stimulate the country's arts groups with what now seems a risible $10 million yearly budget.)

Stevens receives no pay as chairman of the board and until recently picked up the considerable travel and entertainment expenses that his position entails. He professes a complete disinterest in money. Since "my daughter doesn't care about a big inheritance," he claims he has been living off his capital for the past 20 years. What money he does still earn comes mostly from investments in Seattle, where he has approximately 40 percent of the downtown office buildings on a long-term lease.

He frequently works 60-hour weeks, and although he hobnobs with ambassadors and politicians, all eager to bask to the reflected glory of the Center, he remains a creature of minimal social graces. At two successive luncheon interviews, he managed to spill something down his front. "Give me a plain colored tie and I'll do it every time," he railed overlooking the fact that all the ties he wears are plain-colored.

Not too long ago, as Stevens was leaving his office at the Center, his secretary handed him a piece of paper. As is customary, it had his evening schedule written on it. "Okay," said Stevens, reading it. "I've got dinner at the White House." Then with a perfectly straight face, "What else do I have on?" This kind of unintentional blitheness can make him enormously likeable.

At an age in life, when most men of his achievements have begun to look upon themselves as park monuments, Stevens is unconcerned with the past. "The past is dead and gone and there isn't a damn thing you can do about it," he says. "Anyway, I guess I've always been too busy to think much about the success or the failure of my actions. I'd prefer to think about what I want to do, not what I've done."

What he wants to do for the Center is solve, once and for all, the nagging bond issue. The cost of building the Center eventually ran to $73 million, of which $20.4 million was in the form of Treasury bonds, used to finance the underground parking garage. The interest on those bonds, some $2.2 million, comes due this year and the Center is not in a position to pay. Stevens is willing to settle on the principle at the rate of $1 million a year, but would like to see the interest dropped. The proposal will require some vigorous lobbying.

He would like to form a theater company with the best students from the American College Theater Festival, who would use the Terrace Theater as home base and tour the country. "That'll take some money, too" he says. He envisions a summer resident opera company for the Terrace Theater, as well.

He would like to see the day when every play at the Center is a new play.

Then this least probable of showmen adds, "I think I'd also like to have a few more hits before I roll over and fold up."

And somehow you sense that's what he really wants most of all.

ORDER OF BUSINESS

The PRESIDING OFFICER. What is the will of the Senate?

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

SENATE RESOLUTION 61—PROPOSED AMENDMENT OF THE STANDING RULES OF THE SENATE

TIME LIMITATION AGREEMENT—ORDER OF PROCEDURE TOMORROW

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that upon the disposition of the amendment by Mr. STEVENS tomorrow, there be a 10-minute limitation for debate on the amendment by Mr. HELMS; that time to be equally divided between Mr. HELMS and the junior Senator from West Virginia; and that a vote then occur in relation to the Helms amendment.

Mr. STEVENS. Reserving the right to

object, and I shall not object, it is my understanding that the majority leader is reserving his option on that to make a motion to table. It would be our hope, of course, that would not occur.

Mr. ROBERT C. BYRD. Yes.

Mr. STEVENS. But I want to make sure there is that understanding.

It is my understanding this is Senator HELMS' desire to have that type of time agreement on his amendment.

It is the amendment that deals with page 1, line 3, I might add, and to considering the measure not more than 8 hours per calendar day. That is the amendment we are talking about, No. 18.

Mr. ROBERT C. BYRD. That is true.

What it would do, it would guarantee, if Senators were so disposed, there could be a minimum of 12½ days of debate on a measure after cloture is invoked on it.

Of course, at the close of a session, an adjournment sine die at the end of a Congress, it could mean the death of a piece of legislation on which the Congress might have spent months or even years of energy.

So, just merely by providing that no more than a certain amount of hours could be spent in any one day on a measure, it automatically stretches out the time for debate after cloture.

Mr. STEVENS. Will the majority leader yield?

Mr. ROBERT C. BYRD. Yes.

Mr. STEVENS. I might state that I will have an amendment tomorrow—in the event my amendment is not adopted, I hope it will be adopted, but if it is not—to remove from S. Res. 61 the provisions that would permit the decrease in time, and I would be happy to discuss with the majority leader tomorrow the limitation of time on that so we could vote on that rather promptly.

Mr. ROBERT C. BYRD. Very well.

The PRESIDING OFFICER. Is there objection to the pending request?

Mr. STEVENS. There is no objection.

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

Mr. ROBERT C. BYRD. Mr. President, I will be delighted to discuss the matter with the distinguished Senator. I am sure other Senators will want to enter into that discussion.

I want to express appreciation to the Senator from Maryland (Mr. SARBANES) for his very active participation in the discussion today and his assistance.

Mr. President, may I express the hope in closing that the Senate can complete its action on Senate Resolution 61 tomorrow, and if it does that it would be my plan then to go over until Monday.

RECESS TO 9:15 A.M. TOMORROW

Mr. ROBERT C. BYRD. Mr. President, if there be no further business to come before the Senate, I move, in accordance with the previous order, that the Senate stand in recess until the hour of 9:15 a.m. tomorrow.

The motion was agreed to; and at 5:54 p.m., the Senate recessed until tomorrow, Thursday, February 22, 1979, at 9:15 a.m.

CONFIRMATIONS

Executive nominations confirmed by the Senate February 21, 1979:

FEDERAL ELECTION COMMISSION

John Warren McGarry, of Massachusetts, to be a member of the Federal Election Commission for a term expiring April 30, 1983.

Max L. Friedersdorf, of Indiana, to be a member of the Federal Election Commission for a term expiring April 30, 1983.

The above nominations were approved subject to the nominees' commitments to respond to requests to appear and testify before any duly constituted committee of the Senate.

HOUSE OF REPRESENTATIVES—*Wednesday, February 21, 1979*

The House met at 3 p.m.

The Chaplain, Rev. James David Ford, B.D., offered the following prayer:

Almighty God, as citizens of a restless world, only too aware of the pressures of change and conflict, give us the sensitivity to hear your still, small voice even in the midst of the clamor of competing events.

Give us, we pray, from the depths of our being, a moment of calm, that Your word of strength and power will give us the confidence to trust in Your love, to believe in Your name, and to act for the benefit of humankind. Amen.

THE JOURNAL

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

Pursuant to clause 1, rule I, the Journal stands approved.

THE MARCH 1 REDUCTION IN FOOD STAMPS

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

Mr. PEYSER. Mr. Speaker, the day of crisis for poor seniors and disabled citizens is rapidly approaching. On March 1 the new food stamp regulations will take effect. Let me illustrate for a moment the impact on a couple, a husband and wife.

The husband is 84 years old and blind. The wife is 77. They have total income of $380 a month. Rent and utilities take $195 a month of this. Under the present program, Mr. Speaker, they do receive $50 a month in food stamps. Starting on March 1 the $50 a month is reduced to $15.

Mr. Speaker, I once again urge my colleagues to look at the "Dear Colleague" letter they have received outlining the bill that can change this, and to contact my office and give their support to the seniors and disabled they represent.

I yield back the remainder of my time.

□ 1505

INCREASE INTEREST RATE CEILING ON SAVINGS BONDS TO 7 PERCENT

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

Mr. VANIK. Mr. Speaker, when the House considers the Public Debt Limitation, H.R. 1894, I hope the rule will make it in order for me to offer the following amendment:

Page 2, line 15, strike out "6½ per centum" and insert in lieu thereof "7 per centum".

This amendment would permit the Treasury to increase the interest payment on series E bonds to 7 percent. The bill would limit the increase in E bond interest to 6½ percent.

One out of every three Americans hold E bonds. More than 16 million Americans buy $8 billion in E bonds each year. As of January 1979, $80 billion in E savings bonds were outstanding.

Over the past 7 months, redemptions have consistently exceeded sales. A record was hit in January 1979 when redemptions exceeded sales by $533 million. If redemptions continue at this rate, it could cause a tremendous upheaval in handling the Federal debt.

E bonds are the average citizens participation in the national debt. It is simply unfair to deny a reasonable rate of return commensurate with the cost of all other forms of public borrowing.

□ 1510

JUST WHAT IS INFLATION?

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

Mr. PAUL. Mr. Speaker, the other day I questioned whether a false definition of inflation might not have hobbled this House in its attempts to bring this greatest of social evils under control.

The memorable Government ads of a few years ago told us that inflation is caused by greedy business, by pushy labor unions, by piggy consumers. Come to think of it, that is pretty much what Mr. Bosworth and his hardy band of price and wage controllers at the Council on Wage and Price Stability are still telling us.

But what are the facts?

Inflation ravaged our Nation in the late 1700's, under our predecessors, the

Continental Congress, and gave birth to the saying, "Not Worth a Continental."

During the Civil War, greenbacks flooded the North, and Confederate paper money the South, and prices in terms of both zoomed.

In the past 10 years, we have seen prices double—with some prices going up much more than that.

Just exactly what is this inflation everybody is against, but nobody seems to know how to fight? For the sake of our Nation I hope we as a Congress discover the exact nature of inflation.

VIOLATIONS OF HUMAN RIGHTS IN IRAN

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

Mr. MYERS of Indiana. Recent events in Iran have caused many to question just what is our foreign policy.

The President has spoken a great deal about human rights, and we are all concerned about human rights. He has struck down some of our friends around the world because they have violated what at least he judged to be human rights. Now eight generals who have been murdered by the Khomeini government, murdered because they made the mistake of being allied with the wrong political faction in that country. Now we have our own Marine who has been kidnaped from a hospital. It is strange that the President has been so silent on both these issues.

I think the President should be consistent. If human rights is an issue with our friends—and they should be—then they also should be addressed to the new found friends the President has made in Iran.

Mr. Speaker, I think the President has been negligent in not addressing this very serious problem.

DESIGNATING MEMBERSHIP ON A STANDING COMMITTEE

Mr. FOLEY. Mr. Speaker, as chairman of the Democratic Caucus and by direction of the Democratic Caucus, I send to the desk a privileged resolution (H. Res. 127) and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 127

Resolution designating membership on a standing committee of the House

Resolved, That the following-named Members be, and they are hereby, elected to the following standing committee of the House of Representatives:

Committee on the District of Columbia: A TOBY MOFFETT, Connecticut and WILLIAM H. GRAY III, Pennsylvania.

The resolution was agreed to.

A motion to reconsider was laid on the table.

□ 1515

APPOINTMENT AS ADDITIONAL MEMBERS TO SELECT COMMITTEE ON AGING

The SPEAKER. Pursuant to clauses 6 (e) and (g), of rule X, and without objection, the Chair appoints as additional members to the Select Committee on Aging the following members on the part of the House: The gentleman from California (Mr. WAXMAN); the gentleman from Oklahoma (Mr. SYNAR); the gentleman from Pennsylvania (Mr. ATKINSON); and the gentleman from Pennsylvania (Mr. MARKS) to rank after the gentleman from New Jersey (Mr. RINALDO); and without objection, the Chair reappoints the following members to rank after the gentleman from New York (Mr. GREEN); the gentleman from Kansas (Mr. WHITTAKER); the gentleman from California (Mr. SHUMWAY); the gentleman from Kentucky (Mr. HOPKINS); the gentlewoman from Maine (Mrs. SNOWE); and the gentleman from California (Mr. LUNGREN).

There was no objection.

APPOINTMENT AS MEMBERS OF NATIONAL ALCOHOL FUELS COMMISSION

The SPEAKER. Pursuant to the provisions of section 170(a)(3)(B) Public Law 95–599, the Chair appoints as members of the National Alcohol Fuels Commission the following members on the part of the House:

Mr. ROE, of New Jersey, vice chairman;
Mr. ALEXANDER, of Arkansas;
Mr. BLANCHARD, of Michigan;
Mr. GLICKMAN, of Kansas;
Mr. SEBELIUS, of Kansas; and
Mr. REGULA, of Ohio.

ANNOUNCEMENT BY THE SPEAKER

The SPEAKER. Pursuant to the provisions of clause 5(b)(1) of rule I, the Chair announces that he will postpone further proceedings today on each question of agreeing to resolutions on which a recorded vote or the yeas and nays are ordered, or on which the vote is objected to under clause 4, rule XV.

All such rollcall votes, if postponed, will be taken on Monday, February 26, 1979.

PROVIDING FOR EXPENSES OF INVESTIGATIONS AND STUDIES BY COMMITTEE ON VETERANS' AFFAIRS

Mr. BRADEMAS. Mr. Speaker, by direction of the Committee on House Administration, I call up a privileged resolution (H. Res. 35) to provide for the expenses of investigations and studies to be conducted by the Committee on Veterans' Affairs, and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 35

Resolved, That, effective January 3, 1979, the expenses of the investigations and studies to be conducted pursuant to House rule XI, by the Committee on Veterans' Affairs, acting as a whole or by subcommittee, not to exceed $425,000, including expenditures—

(1) for the employment of investigators, attorneys, and clerical, stenographic, and other assistants;

(2) for the procurement of services of individual consultants or organizations thereof pursuant to section 202(i) of the Legislative Reorganization Act of 1946, as amended (2 U.S.C. 72a(i)); and

(3) for specialized training, pursuant to section 202(j) of such Act, as amended (2 U.S.C. 72a(j)) of committee staff personnel performing professional and nonclerical functions;

shall be paid out of the contingent fund of the House on vouchers authorized by such committee, signed by the chairman of such committee, and approved by the Committee on House Administration. Not to exceed $25,000 of the total amount provided by this resolution may be used to procure the temporary or intermittent services of individual consultants or organizations thereof pursuant to section 202(i) of the Legislative Reorganization Act of 1946, as amended (2 U.S.C. 72a(i)) and not to exceed $10,000 of such total amount may be used to provide for specialized training, pursuant to section 202(j) of such Act, as amended (2 U.S.C. 72a(j)), of staff personnel of the committee performing professional and nonclerical functions; but neither of these monetary limitations shall prevent the use of such funds for any other authorized purposes.

SEC. 2. No part of the funds authorized by this resolution shall be available for expenditure in connection with the study or investigation of any subject which is being investigated for the same purpose by any other committee of the House; and the chairman of the Committee on Veterans' Affairs shall furnish the Committee on House Administration information with respect to any study or investigation intended to be financed from such funds.

SEC. 3. The authorization granted by this resolution shall expire immediately prior to noon on January 3, 1980.

SEC. 4. Funds authorized by this resolution shall be expended pursuant to regulations established by the Committee on House Administration in accordance with existing law.

Mr. BRADEMAS (during the reading). Mr. Speaker, I ask unanimous consent that the resolution be considered as read and printed in the RECORD.

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

There was no objection.

COMMITTEE AMENDMENT

The SPEAKER. The Clerk will report the committee amendment.

The Clerk read as follows:

Committee amendment: Strike out all after the resolving clause and insert:

That, effective January 3, 1979, the expenses of the investigations and studies to be conducted pursuant to House rule XI, by the Committee on Veterans' Affairs, acting as a whole or by subcommittee, not to exceed $400,000, including expenditures—

(1) for the employment of investigators, attorneys, and clerical, stenographic, and other assistants;

(2) for the procurement of services of individual consultants or organizations thereof pursuant to section 202(i) of the Legislative Reorganization Act of 1946, as amended (2 U.S.C. 72a(i)); and

(3) for specialized training, pursuant to section 202(j) of such Act, as amended (2 U.S.C. 72a(j)) of committee staff personnel

performing professional and nonclerical functions;

shall be paid out of the contingent fund of the House on vouchers authorized by such committee, signed by the chairman of such committee, and approved by the Committee on House Administration. Not to exceed $25,000 of the total amount provided by this resolution may be used to procure the temporary or intermittent services of individual consultants or organizations thereof pursuant to section 202(i) of the Legislative Reorganization Act of 1946, as amended (2 U.S.C. 72a(i)) and not to exceed $10,000 of such total amount may be used to provide for specialized training, pursuant to section 202 (j) of such Act, as amended (2 U.S.C. 72a (j)), of staff personnel of the committee performing professional and nonclerical functions; but neither of these monetary limitations shall prevent the use of such funds for any other authorized purposes.

SEC. 2. No part of the funds authorized by this resolution shall be available for expenditure in connection with the study or investigation of any subject which is being investigated for the same purpose by any other committee of the House; and the chairman of the Committee on Veterans' affairs shall furnish the Committee on House Administration information with respect to any study or investigation intended to be financed from such funds.

SEC. 3. The authorization granted by this resolution shall expire immediately prior to noon on January 3, 1980.

SEC. 4. Funds authorized by this resolution shall be expended pursuant to regulations established by the Committee on House Administration in accordance with existing law.

Mr. BRADEMAS (during the reading). Mr. Speaker, I ask unanimous consent that the committee amendment be considered as read and printed in the RECORD.

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

There was no objection.

The SPEAKER. The gentleman from Indiana (Mr. BRADEMAS) is recognized for 1 hour.

Mr. BRADEMAS. Mr. Speaker, in a few moments the House will begin consideration of 10 resolutions providing funds for studies and investigations to be conducted by various committees of the House.

These resolutions have been reported by the Committee on House Administration and its Subcommittee on Accounts, which I have the honor of chairing in this Congress.

Because I have this responsibility for the first time, I want to say just a word about the approach the Accounts Subcommittee has taken in reviewing these funding resolutions.

Before I do so, Mr. Speaker, I do want to pay tribute to my colleagues on the subcommittee—Mr. MINISH, Mr. DAVIS, Mr. ROSE, Mr. BURTON, Mr. PEYSER, Mr. RATCHFORD, Mr. FAZIO, and Mr. NEDZI on the majority side and Mr. DEVINE, Mr. CLEVELAND, Mr. BADHAM, Mr. LEWIS, and Mr. CAMPBELL on the minority side, I am most grateful to these Members for their dedication.

I also want to express my appreciation to the gentleman from New Jersey, Mr. THOMPSON, the chairman of the full committee who, as a former chairman of the Accounts Subcommittee, has been of invaluable assistance to the subcommittee.

Mr. Speaker, reviewing committee expense resolutions is a serious responsibility, requiring that we exercise great care, for the public mood—but even more, our public office—means that we must make certain that the American taxpayer's dollar is wisely spent.

We must help the House of Representatives set an example for the rest of Government for the times do not permit wasteful or unnecessary spending—and I believe that the funding resolutions before us today represent the commitment of the Committee on House Administration to this principle.

These resolutions reduced the levels of authorizations for the 10 committees involved by nearly $1.5 million—10 percent—from the amounts requested and reduce the levels of authorizations by $347,000—3 percent—compared with last year.

This is a record of which we are proud but at the same time I think we must be mindful of the old caveat not to be penny wise and pound foolish. For what good does it do us unduly to restrict the oversight functions of Congress if by so doing wasteful spending by the Executive is allowed to go unchecked?

Now I am aware the many observers of Congress, including some who should know better, berate the growth of congressional staff and budgets.

But we must remember that as Congress is a branch of Government equal to the Executive under our constitutional separation of powers system, Congress must have adequate resources to insure that the laws we pass are administered in the way we intended—without waste, mismanagement, or excessive regulation.

This is a formidable task with an executive branch budget approaching $500 billion and civilian employment of nearly 2.8 million people but to do otherwise is to abrogate our duty as Members of Congress.

I do not anticipate that the 96th Congress will be writing many sweeping, major new statutes. But I do expect that this Congress will be exercising more oversight than ever before. For since the Federal dollar must be stretched further than ever before in the next 2 years, Congress must be vigilant that it is used as effectively as possible.

Therefore, Mr. Speaker, the Subcommittee on Accounts will continue to exercise its twin responsibilities of eliminating any wasteful and unnecessary congressional spending over which we have authority and of insuring that Congress has the resources to oversee the proper implementation of the programs we have authorized.

□ 1520

Mr. Speaker, I would yield for debate only to the distinguished ranking minority member of the Subcommittee on Accounts, my colleague from Ohio (Mr. DEVINE).

Mr. DEVINE. Mr. Speaker, I thank the gentleman for yielding. I would like to point out to the Members here on the floor that this is the first of a series of 10 or 11 funding resolutions which are ordinary housekeeping matters that require a vote by the membership in order to be approved. They come up under the privileged resolution posture, under which unless recognized for purposes of amendment, Members are recognized for purposes of debate only. Therefore, amendments will not be in order unless the chairman of the Accounts Subcommittee recognizes for a purpose other than debate only.

I would say, Mr. Speaker, that the gentleman from Indiana, having just become the chairman of the Accounts Subcommittee, recognizes that we on the Accounts Subcommittee and we on the House Administration Committee cannot and do not act as rubber stamps for the requests of the chairmen or the ranking minority members standing committees. We find it necessary to go into these requests in depth, and take such action as we think is appropriate.

We have always maintained a posture that if we cut to a point where the committee feels that it cannot live with it, they always have the opportunity to come back to the Accounts Subcommittee and House Administration Committee at a later time and perhaps justify additional funds. We have made substantial cuts in some of the requests; we have made minor cuts or token cuts in some of them, but I would say that relative to House Resolution 35, having to do with the Veterans' Administration, we cut $25,000. We think the action appropriate, equitable, and support the resolution.

Mr. BRADEMAS. Mr. Speaker, I thank the gentleman from Ohio for his gracious remarks.

I yield to the gentleman from Ohio (Mr. ASHBROOK) for debate only.

Mr. ASHBROOK. Mr. Speaker, I thank my colleague for yielding to me. I would raise several questions—not questions that relate to the work of this fine committee and its effort to be very tightfisted with a dollar, but rather with the procedures that are involved here.

I have read the first three resolutions, and as nearly as I can tell—I would ask my friend and colleague, the gentleman from Indiana, to respond—as near as I can tell, the only changes made in the resolution before us relate to dollar amounts. Is that correct?

Mr. BRADEMAS. The gentleman is correct, and I would say further to the gentleman that that has been the traditional way in which these kinds of resolutions are handled.

Mr. ASHBROOK. Well, that is the exact point I want to raise, if my colleague would further yield. I kind of hate to see my colleague, the gentleman from Indiana, deviate from tradition. As I understand it, we will have a vote before us which will be for the adoption of a committee amendment in the nature of a substitute, which means that the Members get no vote whatsoever on this. In the past, we could at least offer a motion to recommit, and I think the gentleman knows that for the past 3 years I have done so on the Judiciary Committee resolution.

I would ask the gentleman if the practical effect of what he is doing is not to preclude any Member, including this Member, the opportunity of making any change or giving instructions to a committee.

Mr. BRADEMAS. The gentleman is always free to offer a motion to recommit a resolution.

Mr. ASHBROOK. I thought that is what he would answer. I am rather distressed to see him start his long and successful tenure as the chairman of the Accounts Subcommittee by following a routine here which, in effect, gags the Members from encouraging the House to work its will; not to cast any aspersions on the House Administration Committee, because I think everybody knows of my respect for the chairman and ranking minority member and all the members of the committee.

□ 1525

But I merely want to make the point that I think it should be noted that the use of the rules—and the gentleman is using the rules and I have no objection to that, I would use the rules also—the use of the rules to make impossible a vote is something we ought to at least question, and I am one of those who is very sorry to see my friend so use the rules.

Mr. BRADEMAS. I appreciate the remarks of my valued friend and colleague. I would only say to the gentleman from Ohio that the gentleman from Indiana is very conservative and likes to follow the established pattern of doing things.

Mr. Speaker, I yield for such time as he may consume, for debate only, to my valued friend the distinguished chairman of the Committee on House Administration, Mr. THOMPSON.

Mr. THOMPSON. Mr. Speaker, I thank my friend the gentleman from Indiana, and by the limitation on me he is indeed exhibiting his conservatism and his following the regular order.

I would like to commend the gentleman for the work which he has done, and all of the members of the subcommittee, particularly the chairman. There are a number of new members. The distinguished gentleman, my friend from Ohio (Mr. DEVINE), has been on the committee a great many years and has expressed very clearly what the rules of the game are with respect to these. They have been very carefully looked at.

With respect to one which will come a little later relating to the interests of my great and good friend the gentleman from Ohio (Mr. ASHBROOK) as the new ranking member of the Committee on Education and Labor, I am very much aware of the depth and the length of the discussions had between the gentleman from Ohio (Mr. ASHBROOK) and the chairman of the committee, the gentleman from Kentucky (Mr. PERKINS), before the presentation of the budget and with, I am sure, the Members of the minority party.

What I am saying I suppose translates to this: Essentially any disagreements or debates take place at the negotiation stage between the chairmen and the ranking Members, all of whom appear before the Subcommittee on Accounts, and each of whom has an opportunity to express himself or herself with respect to the amounts agreed upon, and in every instance that I know of in the years of experience that I have had, I believe that I was the first Accounts Subcommittee chairman to insist upon it, we have had the presence of the minority in each and every instance as well as funding for the minority. That is a tradition which I hope will not be broken in our time.

Once again briefly I would like to thank the new chairman of the Subcommittee on Accounts, my great and valued friend the gentleman from Indiana (Mr. BRADEMAS), and the members of his subcommittee.

Mr. BRADEMAS. Mr. Speaker, I thank the gentleman from New Jersey for his gracious comments.

I yield to my colleague, the gentleman from Indiana (Mr. BENJAMIN), the new chairman of the Subcommittee on Legislative Appropriations of the Committee on Appropriations, for debate only.

Mr. BENJAMIN. Mr. Speaker, I thank the gentleman for yielding.

Mr. Speaker, I would like to commend the distinguished gentleman, JOHN BRADEMAS of Indiana, chairman of the Accounts Subcommittee of the Committee on House Administration, for his leadership and fiscal restraint in bringing 10 funding resolutions to the floor, House Resolutions 35, 45, 60, 85, 87, 88, 91, 92 96, and 98. The amounts recommended by these funding resolutions, which supply the necessary resources for the standing committees to carry out the investigative duties and special studies, and which fund the special and select committees of the House, total $13,913,000, compared with the requests received from the committees of $15,386,000. This represents a reduction of $1,473,000, or almost 10 percent, under the amounts requested. Furthermore, the amounts reported are $347,000 or 3 percent, under the amounts authorized by this House last year in its 1978 funding resolutions for these 10 committees.

Mr. Speaker, this is the gentleman's first year as chairman of the Accounts Subcommittee and it is obvious that he is mastering his new job quickly. I know he shares my feelings that the Congress needs to maintain a very strong independent posture from the executive and judicial branches of Government and one way of insuring that independence is to support the committees of Congress in providing them with sufficient resources within which to get their work done. However, at the same time, we must set an example to the President and to the Nation that we mean to scrutinize our resource needs very closely and to make reductions whenever possible.

That is exactly what the gentleman has done, as has his Subcommittee on Accounts, and the full Committee on House Administration. There will be several more committee funding resolutions brought before this House in the next several weeks and I am confident that this pattern will continue.

I support these resolutions and urge their adoption.

□ 1530

Mr. BRADEMAS. Mr. Speaker, I thank my friend, the gentleman from Indiana (Mr. BENJAMIN), for his very fine comments.

Mr. PAUL. Mr. Speaker, will the gentleman yield?

Mr. BRADEMAS. I yield to the gentleman from Texas, for purposes of debate only.

Mr. PAUL. Mr. Speaker, I thank the gentleman for yielding.

Mr. Speaker, I oppose all the committee funding resolutions, for they appropriate far too many tax dollars to an already bloated bureaucracy.

From 1946 to 1978, appropriations for the House alone have increased $269 million, an increase of almost 2,100 percent in 32 years. Had the population of the United States kept pace, it would now be well over two billion people. At the same time as the appropriations were being increased at this astronomical rate, the committee staffs were growing from 181 in 1947 to 2,014 in 1977.

All this money and all these people have not been idle. That is not my complaint. I object to these resolutions, not because we are funding a bureaucracy that does nothing, but precisely the opposite. With these resolutions we are funding a bureaucracy that, more than any other single bureaucracy, with the possible exception of the Internal Revenue Service, is working hard and long to destroy what remains of our free society. The committee staffs are the unelected legislators of our country. Their skills have been necessary and are necessary in passing the type of legislation that has placed the heavy hand of Government on every portion of our lives. It is inconceivable that this Congress could have enacted the far-reaching legislation it has in the past few years if it had not been for the guidance and skill of the committee staffs.

Every dollar we slice from these resolutions will have a multiplier effect: It will result in several more dollars not being spent further on down the road. Every dollar we add to the committee budgets will also have a multiplier effect: It will result in several more dollars being spent further on the road. These are very high powered dollars we are spending here today. If this Congress is serious about reducing bureaucracy, cutting waste, balancing the budget, and reforming regulations, then let it begin at home by slashing funds from these resolutions. I propose an immediate 25 percent cutback this year. The results will be untold millions—perhaps billions—saved as a result of that action. Our failure to enact National Health Insurance because we do not have sufficient staff to perform the necessary background work all alone save the American taxpayers tens of billions of dollars. Multiply that result by the number of proposals now before Congress to increase spending by creating new programs and inflating old ones, and the savings we can effect here today become stupendous. If this Congress is serious—if its Members meant all their campaign promises to cut Government down to size—then we must put our own house

in order first. Bloated bureaucracy is bloated bureaucracy no matter where it may be found. Let economy in Government begin here, for if it does not, then I fear that it will never begin.

Mr. MICHEL. Mr. Speaker, will the gentleman yield?

Mr. BRADEMAS. I will be glad to yield to the gentleman from Illinois, the minority whip.

Mr. MICHEL. Mr. Speaker, I thank the gentleman for yielding.

In view of the comments of the gentleman from Indiana (Mr. BENJAMIN), who serves as chairman of the Legislative Subcommittee of the Committee on Appropriations—and this will be the first term I will serve on that subcommittee—I must say that I was rather disturbed when we heard the request from the Congressional Research Service of the Library of Congress for additional people. Their need for an increase in staff is predicated upon the number of requests which committee staffs are making to the Library for additional in-depth reports.

One just cannot get around the feeling that the more people we put on the staffs of committees, the more this results in a pyramiding effect that even stretches over to the Library of Congress in the form of requests for additional reports. To meet these additional requests for reports the Library has stated that they will need additional staff.

Admittedly, these requests are supposed to come from the chairmen or from the members of the committees themselves, but I get the distinct impression that unless we start putting a cap on the proliferation of staff around here, we will just continue to get this pyramiding effect for staff increases all up and down the line. This has become a vicious cycle. The ever-growing staff now is requiring an ever-increasing support staff to assist them.

Mr. Speaker, this is very difficult to justify. I think my chairman would corroborate what I have said and that he has had that same kind of concern as I have.

Mr. BRADEMAS. Mr. Speaker, I thank the gentleman from Illinois (Mr. MICHEL) for his contribution.

Mrs. FENWICK. Mr. Speaker, will the gentleman yield?

Mr. BRADEMAS. I yield to the gentlewoman from New Jersey, for purposes of debate only.

Mrs. FENWICK. Mr. Speaker, I thank the gentleman for yielding.

I am sorry that I am not sounding a more laudatory note; but, Mr. Speaker, every single one of these funding amounts has gone up from what was expended last year, every single one of these committee funding amounts, and substantially. I do not know how it can be justified.

If I read these amounts correctly, the funding expenditure, for example, last year for the Committee on House Administration was $599,200; and now the amount for the Committee on House Administration is going to go up to $845,000, an increase of nearly $250,000.

Mr. BRADEMAS. Mr. Speaker, I may say to the gentlewoman from New Jersey (Mrs. FENWICK) that we reduced in the subcommittee the requests of every one of these committees which appeared before us. I may also say—and here I refer to what my colleague, the gentleman from New Jersey (Mr. THOMPSON), the chairman of the committee, observed, as I think it is not irrelevant to the gentlewoman's observation—that in the case of every committee, the chairman of the committee was supported in his budget request by the ranking minority member of the committee. In some cases, I must confess to the gentlewoman from New Jersey, I was rather astonished to hear that support voiced by some of the ranking minority members on the other side.

Mrs. FENWICK. Mr. Speaker, if the gentleman will yield further, appetite grows by what it feeds on. These enormous expenditures for staff have increased year after year, and the appetite is obviously growing, and the requests will grow.

I just wonder whether we should not somewhere put a stop to this practice.

□ 1535

We are costing the taxpayers of this country a billion dollars a year, and if it goes on, it is going to be one billion, three, and one billion and a half.

Mr. BRADEMAS. I may say to the gentlewoman from New Jersey it was in that spirit that the Subcommittee on Accounts of the full Committee on House Administration reduced the budget requests of all the committees, despite the militant protestations of and support by every single ranking minority member of the full committee. I hope that if the gentlewoman will do some missionary work on her side, I assure her that the gentleman from Indiana will do what he can to work some salvation on this side.

Mrs. FENWICK. If the gentleman will yield further, the noble efforts of those who resist these appetites will be commended.

Mr. SNYDER. Mr. Speaker, will the gentleman yield?

Mr. BRADEMAS. I yield for purposes of debate only to the gentleman from Kentucky.

Mr. SNYDER. I thank the gentleman for yielding.

In response to the gentlewoman from New Jersey (Mrs. FENWICK), I would like to comment that the Committee on Public Works received $2 million last year. They voluntarily cut their request by 5 percent.

Mr. BRADEMAS. The gentleman is correct.

Mr. SNYDER. The gentleman's committee cut another $30,000, so our request was less than last year, and the gentleman's request in the resolution is less than last year.

Mr. BRADEMAS. I thank the gentleman for his observations.

I may say that our subcommittee was very pleased to see some of the budget requests such as the one brought in by the gentleman from California (Mr. JOHNSON), the chairman of the Committee on Public Works, and said so.

Mr. SNYDER. If the gentleman will yield, with the concurrence of the minority.

Mr. BRADEMAS. That is correct.

The SPEAKER. The question is on the committee amendment.

The committee amendment was agreed to.

Mr. BRADEMAS. Mr. Speaker, I move the previous question on the resolution, as amended.

The previous question was ordered.

The SPEAKER. The question is on the resolution, as amended.

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

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

The yeas and nays were ordered.

The SPEAKER. Pursuant to clause 5 of rule I, and the Chair's prior announcement, further proceedings on this resolution will be postponed.

PROVIDING FUNDS FOR EXPENSES OF INVESTIGATIONS AND STUDIES BY COMMITTEE ON SMALL BUSINESS

Mr. BRADEMAS. Mr. Speaker, by direction of the Committee on House Administration I call up a privileged resolution (H. Res. 45) to provide funds for the further expenses of the investigations and studies of the Committee on Small Business, and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 45

Resolved, That for the further expenses of the investigations and studies to be conducted by the Committee on Small Business acting as a whole or by subcommittee, not to exceed $1,053,513 including expenditures for the employment of investigators, attorneys, and clerical and other assistants, shall be paid out of the contingent fund of the House on vouchers authorized by such committee, signed by the chairman of such committee, and approved by the Committee on House Administration.

SEC. 2. No part of the funds authorized by this resolution shall be available for expenditure in connection with the study or investigation of any subject which is being investigated for the same purpose by any other committee of the House, and the chairman of the Committee on Small Business shall furnish the Committee on House Administration information with respect to any study or investigation intended to be financed from such funds.

SEC. 3. Funds authorized by this resolution shall be expended pursuant to regulations established by the Committee on House Administration in accordance with existing law.

Mr. BRADEMAS (during the reading). Mr. Speaker, I ask unanimous consent that the resolution be considered as read and printed in the RECORD.

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

There was no objection.

COMMITTEE AMENDMENT

The SPEAKER. The Clerk will report the committee amendment.

The Clerk read as follows:

Committee amendment: Strike out all after the resolving clause and insert:

That, effective January 3, 1979, the expenses of the investigations and studies to be conducted by the Committee on Small Business acting as a whole or by subcommittee, not to exceed $752,650 including expenditures for

the employment of investigators, attorneys, and clerical and other assistants, and for the procurement of services of individual consultants or organizations thereof pursuant to section 202(i) of the Legislative Reorganization Act of 1946 (2 U.S.C. 72a(i)), shall be paid out of the contingent fund of the House on vouchers authorized by such committee, signed by the chairman of such committee, and approved by the Committee on House Administration. Not to exceed $50,000 of the total amount provided by this resolution may be used to procure the temporary or intermittent services of individual consultants or organizations thereof pursuant to section 202(i) of the Legisative Reorganization Act of 1946, as amended (2 U.S.C. 72a (i)); but neither of these monetary limitations shall prevent the use of such funds for any other authorized purpose.

SEC. 2. No part of the funds authorized by this resolution shall be available for expenditure in connection with the study or investigation of any subject which is being investigated for the same purpose by any other committee of the House, and the chairman of the Committee on Small Business shall furnish the Committee on House Administration information with respect to any study or investigation intended to be financed from such funds.

SEC. 3. The authorization granted by this resolution shall expire immediately prior to noon on January 3, 1980.

SEC. 4. Funds authorized by this resolution shall be expended pursuant to regulations established by the Committee on House Administration in accordance with existing law.

Mr. BRADEMAS (during the reading). Mr. Speaker, I ask unanimous consent that the committee amendment be considered as read and printed in the RECORD.

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

There was no objection.

The SPEAKER. The gentleman from Indiana (Mr. BRADEMAS) is recognized for 1 hour.

Mr. BRADEMAS. Mr. Speaker, House Resolution 45 provides $752,650 for investigations and studies to be conducted by the Committee on Small Business.

Mr. Speaker, the amount approved by the Committee on House Administration is the same as this committee received last year and is $349,000 less than the committee requested.

Mr. SMITH of Iowa. Mr. Speaker, will the gentleman yield?

Mr. BRADEMAS. I yield for purposes of debate only to the gentleman from Iowa, the distinguished Chairman of the Committee on Small Business.

Mr. SMITH of Iowa. I thank the gentleman for yielding.

I just wanted to ask a question with regard to the ground rules. As I understood—I will ask the gentleman from Ohio (Mr. DEVINE) if he agrees with this—if we find that this is not adequate in this off-election year when we have increased activities, we are not expected to be held to one-twelfth of the appropriation here, and it is expected that we would come back in and justify further funding.

Mr. BRADEMAS. I would say to the gentleman from Iowa that with respect to every committee that requested funds from our subcommittee of the Committee on House Administration, if any committee does not feel that the funds provided it are adequate, that committee is certainly welcome to return to our subcommittee and make its request and make its case for such funds as it believes necessary to complete its work.

Mr. SMITH of Iowa. I thank the gentleman.

□ 1540

Mr. COLLINS of Texas. Mr. Speaker, will the gentleman yield?

Mr. BRADEMAS. Mr. Speaker, I yield to the gentleman from Texas (Mr. COLLINS) for purposes of debate only.

Mr. COLLINS of Texas. Mr. Speaker, if I could ask a question; as I understand it, what we are doing today is providing additional funds for these committees, in addition to the staff that is already furnished by the permanent standing committees; is that right?

Mr. BRADEMAS. The gentleman is correct.

Mr. COLLINS of Texas. Mr. Speaker, if the gentleman will yield further, on this particular Small Business Committee, this is a new committee that just got started a few years ago. In the first year they had 27 employees on the permanent committee. Now they are already up to 43 members. Why do they need additional staff, or why do they need 43 when they were getting by with 27? They have increased the size of their staff by 50 percent.

Mr. BRADEMAS. Well, if the gentleman from Texas will allow me to respond, it was precisely because our subcommittee did not feel that this particular committee was adequately utilizing the statutory positions allotted to it, that our subcommittee did not agree to the full request made by this committee. So it was in the spirit of the gentleman's question that our subcommittee and the full committee reduced the amount of money requested by this committee.

Mr. COLLINS of Texas. Well, a further question, if I may? They are up to 43 from the permanent standing committee staff. Just how many people will they have on the staff in addition with the funds of this bill that we are adding to the committee itself?

Mr. BRADEMAS. I can only say to the gentleman from Texas that the Committee on Small Business requested $1.1 million, of which approximately $950,000 was earmarked for salaries for 41 employees.

Under clause 6, rule X of the Rules of the House, each standing committee is entitled to 30 staff positions, the salary to be determined by the chairman.

As of January 1, this committee was utilizing only 10 of these 30 positions. The Committee on House Administration felt this committee should use these 30 positions before seeking additional funds in the funding resolution.

Mr. COLLINS of Texas. So what the gentleman from Indiana is saying is that, in addition to the 43, we are providing 30 more?

Mr. BRADEMAS. Mr. Speaker, I would be glad to yield to the gentleman from Iowa (Mr. SMITH) on that point.

Mr. SMITH of Iowa. Mr. Speaker, I want to point out, first of all, that under the rules of the House each subcommittee chairman and the ranking member are entitled to counsel. That is 12, with the minimum number of subcommittees. Of course, they have to have a secretary in order to utilize the services of counsel adequately; so now we are up to 24; so to a large extent, the extent to which the full amount of personnel is used depends on the subcommittee counsel and the ranking member. In an election year, quite properely, I think both the majority and the minority of the subcommittee did not use to the full extent the amount that they were entitled to. Because it is an election year, they did not need people in the last 3 months and many of them left the positions vacant; so to a great extent, they depend on the subcommittee chairman and the ranking committee members; so that is 24 right there.

The SPEAKER. The question is on the committee amendment. The committee amendment was agreed to.

Mr. BRADEMAS. Mr. Speaker, I move the previous question on the resolution, as amended.

The previous question was ordered.

The SPEAKER. The question is on the resolution, as amended.

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

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

The yeas and nays were ordered.

The SPEAKER. Pursuant to clause 5 of rule I, and the Chair's prior announcement, further proceedings on this resolution will be postponed.

PROVIDING FUNDS FOR EXPENSES OF INVESTIGATIONS AND STUDIES BY COMMITTEE ON ARMED SERVICES

Mr. BRADEMAS. Mr. Speaker, by direction of the Committee on House Administration, I call up a privileged resolution (H. Res. 60) to provide for the expenses of investigations and studies to be conducted by the Committee on Armed Services, and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 60

Resolved, That effective January 3, 1979, the expenses of investigations and studies to be conducted by the Committee on Armed Services, acting as a whole or by subcommittee, not to exceed $692,000, including expenditures—

(1) for the employment of investigators, attorneys, and clerical, stenographic, and other assistants;

(2) for the procurement of services of individual consultants or organizations thereof pursuant to section 202(i) of the Legislative Reorganization Act of 1946, as amended (2 U.S.C. 72a(i)); and

(3) for specialized training, pursuant to section 202(j) of such Act, as amended (2 U.S.C. 72a(j)), of committee staff personnel performing professional and nonclerical functions;

shall be paid out of the contingent fund of the House on vouchers authorized by such committee, signed by the chairman of such committee, and approved by the Committee on House Administration. Not to exceed $40,000 of the total amount provided by this resolution may be used to procure the temporary or intermittent services of individual

consultants or organizations thereof pursuant to section 202(i) of the Legislative Reorganization Act of 1946, as amended (2 U.S.C. 72a(i)); and not to exceed $25,000 of such total amount may be used to provide for specialized training, pursuant to section 202(j) of such Act, as amended (2 U.S.C. 72a(j)), of staff personnel of the committee performing professional and nonclerical functions; but neither of these monetary limitations shall prevent the use of such funds for any other authorized purpose.

SEC. 2. No part of the funds authorized by this resolution shall be available for expenditure in connection with the study or investigation of any subject which is being investigated for the same purpose by any other committee of the House; and the chairman of the Committee on Armed Services shall furnish the Committee on House Administration information with respect to any study or investigation intended to be financed from such funds.

SEC. 3. The authorization granted by this resolution shall expire immediately prior to noon on January 3, 1980.

SEC. 4. Funds authorized by this resolution shall be expended pursuant to regulations established by the Committee on House Administration, in accordance with existing law.

Mr. BRADEMAS (during the reading). Mr. Speaker, I ask unanimous consent that the resolution be considered as read and printed in the RECORD.

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

There was no objection.

COMMITTEE AMENDMENT

The SPEAKER. The Clerk will report the committee amendment.

The Clerk read as follows:

Committee amendment: Strike out all after the resolving clause and insert:

That effective January 3, 1979, the expenses of investigations and studies to be conducted by the Committee on Armed Services, acting as a whole or by subcommittee, not to exceed $677,000, including expenditures—

(1) for the employment of investigators, attorneys, and clerical, stenographic, and other assistants;

(2) for the procurement of services of individual consultants or organizations thereof pursuant to section 202(i) of the Legislative Reorganization Act of 1946, as amended (2 U.S.C. 72a(i)); and

(3) for specialized training, pursuant to section 202(j) of such Act, as amended (2 U.S.C. 72a(j)), of committee staff personnel performing professional and nonclerical functions;

shall be paid out of the contingent fund of the House on vouchers authorized by such committee, signed by the chairman of such committee, and approved by the Committee on House Administration. Not to exceed $40,000 of the total amount provided by this resolution may be used to procure the temporary or intermittent services of individual consultants or organizations thereof pursuant to section 202(i) of the Legislative Reorganization Act of 1946, as amended (2 U.S.C. 72a(i)); and not to exceed $25,000 of such total amount may be used to provide for specialized training, pursuant to section 202(j) of such Act, as amended (2 U.S.C. 72a(j)), of staff personnel of the committee performing professional and nonclerical functions; but neither of these monetary limitations shall prevent the use of such funds for any other authorized purpose.

SEC. 2. No part of the funds authorized by this resolution shall be available for expenditure in connection with the study or investigation of any subject which is being investigated for the same purpose by any other committee of the House; and the chairman of the Committee on Armed Services shall furnish the Committee on House Administration information with respect to any study or investigation intended to be financed from such funds.

SEC. 3. The authorization granted by this resolution shall expire immediately prior to noon on January 3, 1980.

SEC. 4. Funds authorized by this resolution shall be expended pursuant to regulations established by the Committee on House Administration in accordance with existing law.

Mr. BRADEMAS (during the reading). Mr. Speaker, I ask unanimous consent that the committee amendment be considered as read and printed in the RECORD.

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

There was no objection.

Mr. BRADEMAS. Mr. Speaker, House Resolution 60 provides $677,000 for the expenses for investigations and studies to be conducted by the Committee on Armed Services. The amount approved by the Committee on House Administration is $25,000 less than the committee requested.

The SPEAKER. The question is on the committee amendment.

The committee amendment was agreed to.

Mr. BRADEMAS. Mr. Speaker, I move the previous question on the resolution, as amended.

The previous question was ordered.

The SPEAKER. The question is on the resolution, as amended.

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

The yeas and nays were ordered.

The SPEAKER. Pursuant to clause 5 of rule I and the Chair's prior announcement, further proceedings on this resolution will be postponed.

□ 1545

PROVIDING FUNDS FOR EXPENSES OF INVESTIGATIONS AND STUDIES BY COMMITTEE ON BANKING, FINANCE AND URBAN AFFAIRS

Mr. BRADEMAS. Mr. Speaker, by direction of the Committee on House Administration, I call up a privileged resolution (H. Res. 85) to provide for the expenses of the investigations and studies to be conducted by the Committee on Banking, Finance and Urban Affairs, and ask for its immediate consideration.

PARLIAMENTARY INQUIRY

Mr. TREEN. Mr. Speaker, I have a parliamentary inquiry.

The SPEAKER. The gentleman from Louisiana (Mr. TREEN) will state his parliamentary inquiry.

Mr. TREEN. Mr. Speaker, will the Chair indicate when these votes that are being postponed will take place?

The SPEAKER. The Chair will inform the gentleman that they will take place on Monday next.

Mr. TREEN. On Monday next. I thank the Speaker.

The SPEAKER. The Clerk will report the resolution.

The Clerk read the resolution, as follows:

H. RES. 85

Resolved, That effective January 3, 1979 the expenses of investigations and studies to be conducted by the Committee on Banking, Finance and Urban Affairs, acting as a whole or by subcommittee, not to exceed, $2,504,600 including expenditures for the employment of investigators, attorneys, and clerical and other assistants, and for the procurement of services of individual consultants or organizations thereof pursuant to section 202(i) of the Legislative Reorganization Act of 1946, as amended (2 U.S.C. 72a(i)), shall be paid out of the contingent fund of the House on vouchers authorized by such committee, signed by the chairman of such committee, and approved by the Committee on House Administration. Not to exceed $15,000 of the total amount provided by this resolution may be used to procure the temporary or intermittent services of individual consultants or organizations thereof pursuant to section 202(i) of the Legislative Reorganization Act of 1946, as amended (2 U.S.C. 72a(i)); but this monetary limitation on the procurement of such services shall not prevent the use of such funds for any other authorized purpose.

SEC. 2. No part of the funds authorized by this resolution shall be available for expenditure in connection with the study or investigation of any subject which is being investigated for the same purpose by any other committee of the House; and the chairman of the Committee on Banking, Finance and Urban Affairs shall furnish the Committee on House Administration information with respect to any study or investigation intended to be financed from such funds.

SEC. 3. The authorization granted by the resolution shall expire immediately prior to noon on January 3, 1980.

SEC. 4. Funds authorized by this resolution shall be expended pursuant to regulations established by the Committee on House Administration in accordance with existing law.

Mr. BRADEMAS (during the reading). Mr. Speaker, I ask unanimous consent that the resolution be considered as read and printed in the RECORD.

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

There was no objection.

COMMITTEE AMENDMENT

The SPEAKER. The Clerk will report the committee amendment.

The Clerk read as follows:

Committee amendment: strike all after the resolving clause and insert:

That effective January 3, 1979, the expenses of investigations and studies to be conducted by the Committee on Banking, Finance and Urban Affairs, acting as a whole or by subcommittee, not to exceed, $2,444,600 including expenditures for the employment of investigators, attorneys, and clerical and other assistants, and for the procurement of services of individual consultants or organizations thereof pursuant to section 202(i) of the Legislative Reorganization Act of 1946, as amended (2 U.S.C. 72a(i)), shall be paid out of the contingent fund of the House on vouchers authorized by such committee, signed by the chairman of such committee, and approved by the Committee on House Administration. Not to exceed $15,000 of the total amount provided by this resolution may be used to procure the temporary or intermittent services of individual consultants or organizations thereof pursuant to section 202(i) of the Legislative Reorganization Act of 1946, as amended (2 U.S.C. 72a(i)); but this monetary limitation on the procurement of such services shall not

prevent the use of such funds for any other authorized purpose.

SEC. 2. No part of the funds authorized by this resolution shall be available for expenditure in connection with the study or investigation of any subject which is being investigated for the same purpose by any other committee of the House; and the chairman of the Committee on Banking, Finance and Urban Affairs shall furnish the Committee on House Administration information with respect to any study or investigation intended to be financed from such funds.

SEC. 3. The authorization granted by the resolution shall expire immediately prior to noon on January 3, 1980.

SEC. 4. Funds authorized by this resolution shall be expended pursuant to regulations established by the Committee on House Administration in accordance with existing law.

Mr. BRADEMAS (during the reading). Mr. Speaker, I ask unanimous consent that the committee amendment be considered as read and printed in the RECORD.

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

There was no objection.

The SPEAKER. The gentleman from Indiana (Mr. BRADEMAS) is recognized for 1 hour.

Mr. BRADEMAS. Mr. Speaker, I yield myself such time as I may consume.

Mr. JOHN L. BURTON. Mr. Speaker, will the gentleman yield?

Mr. BRADEMAS. Mr. Speaker, I am delighted to yield to the gentleman from California (Mr. JOHN L. BURTON), a distinguished and hard-working member of the subcommittee, for purposes of debate only.

Mr. JOHN L. BURTON. Mr. Speaker, I just want to propound an inquiry. Maybe some Member would know exactly what the cost will be to the taxpayers for these many rollcalls on procedural resolutions. Maybe some Member knows what those costs are going to be.

Everybody on the other side of the aisle seems so concerned about waste in Government, but they do not want to have the congressional committees investigate waste in Government to provide a savings to the taxpayers. They want to take up the time of this body and bring about more costs of printing, et cetera. I wonder if any Member here does have the cost of these rollcall votes to the taxpayers of the United States.

Mr. BADHAM. Mr. Speaker, will the gentleman yield?

Mr. JOHN L. BURTON. Mr. Speaker, I do not have the time. I would be happy to yield if the gentleman from Indiana would yield time to me.

Mr. BRADEMAS. Mr. Speaker, I would be glad to yield to the gentleman from California (Mr. BADHAM) for purposes of debate only.

Mr. BADHAM. Mr. Speaker, I appreciate the gentleman's yielding.

Mr. JOHN L. BURTON. Mr. Speaker, if I had the time I would yield to the gentleman right off.

Mr. BADHAM. Mr. Speaker, may I suggest to my distinguished friend and colleague, the gentleman from California (Mr. JOHN L. BURTON), that perhaps what he is suggesting is that we do not have a House of Representatives at all, and that perhaps our Government should be run by unanimous consent. I think President Johnson found that that was not a true way to run a government. I think that President Carter is also finding that is perhaps not too good a way to run a government either.

Mr. JOHN L. BURTON. Mr. Speaker, if the gentleman will yield further, all I asked was a question as to how much these rollcalls would cost, and I do not know why anybody would get uptight today about finding out what it would cost the taxpayers to have these rollcall votes.

Mr. BRADEMAS. Mr. Speaker, I may say to both my friends, the gentleman from California (Mr. BADHAM) and the gentleman from California (Mr. JOHN L. BURTON), that the gentleman from Indiana does not have the answer to that question, but whatever it is, it is too much.

Mr. Speaker, I will yield to the gentleman from California (Mr. DANNEMEYER) for purposes of debate only.

Mr. DANNEMEYER. Mr. Speaker, in response to the observation as to the cost to the taxpayers of these rollcalls that some of us think are appropriate, let me say it would appear that whatever the cost is, that cost would be substantially less than the increase in what it cost the taxpayers to maintain the Congress of the United States over the last decade.

Ten years ago this Congress cost the people of this Nation $44.7 million. Last year that had gone up to $167.7 million. In the same decade, during that period of time, the staff has expanded from 4,489 to 13,276.

So it appears to me that the cost to the taxpayers of a rollcall to record how we vote on whether we are going to keep this spiral going pales to insignificance in terms of the increased cost to the taxpayers over the last decade to run this Congress and this House of Representatives.

Mr. BRADEMAS. Mr. Speaker, I may say that I am always interested in hearing contributions from the gentleman from California (Mr. DANNEMEYER), but I would have to confess a good deal of skepticism about those figures that are flying around.

Mr. Speaker, I will yield finally to the gentleman from California (Mr. JOHN L. BURTON).

□ 1550

Mr. JOHN L. BURTON. Mr. Speaker, I am just shocked to think that any Member of this body would say any waste of the taxpayers' money pales to insignificance.

I happen to know for a fact that during the time we were in the State legislature the cost of that body went up, despite our efforts to keep a tight rein on it.

Mr. Speaker, I just say that a penny saved is a penny earned.

Mr. BRADEMAS. Mr. Speaker, I hope that all Members of this body will give careful attention to the eloquent observation just made by my friend, the gentleman from California (Mr. JOHN L. BURTON).

Mr. Speaker, does the distinguished gentleman from Texas (Mr. COLLINS) wish me to yield for debate only?

Mr. COLLINS of Texas. For debate only.

Mr. BRADEMAS. Mr. Speaker, for that purpose I yield to the gentleman.

Mr. COLLINS of Texas. Mr. Speaker, I want to refer again back to this subject as to just how far we have grown in size and cost of committee staff.

I took 1977, which was the last year I had figures, to see what the total number of members of staff was on the standing committees, and I found at that time that Congress had 517, and the average salary at that time was $31,840. That means that on our standing committees we have excellent people, well qualified, well paid, and they are doing a good job.

And then I reviewed this Committee on Banking, Finance and Urban Affairs—and we are talking about the Committee on Banking, Finance and Urban Affairs right now, are we not? We are on the Committee on Banking, Finance and Urban Affairs?

Mr. BRADEMAS. The gentleman is correct.

Mr. COLLINS of Texas. The Committee on Banking, Finance and Urban Affairs, 10 years ago, had 47 members in addition on its subcommittee staff.

Ten years ago this committee was spending $475,000. Today the committee's recommendation is $2,444,000. They have gone in spending from $475,000 to $2,444,000, and we still just have one Federal Reserve System.

Mr. BRADEMAS. Mr. Speaker, if I may say to the gentleman from Texas, I appreciate his observation. I just wish to make two points before yielding to the gentleman from Wisconsin (Mr. REUSS), the chairman of the committee.

Mr. Speaker, the gentleman from Texas ought to address himself more appropriately, it seems to me, to the ranking minority member of that committee, the Committee on Banking, Finance and Urban Affairs, who came in and fully supported the request of the committee for this budget. And, second, the country has, to some extent, grown in the last 10 years.

Mr. Speaker, I yield for the purpose of debate only to the distinguished gentleman from Wisconsin (Mr. REUSS), the chairman of the Committee on Banking, Finance and Urban Affairs.

Mr. REUSS. I thank the gentleman for yielding.

Mr. Speaker, I thank the gentleman from Texas (Mr. COLLINS) for raising what on the surface appears to be a valid point. It is true that 10 years ago the Committee on Banking and Currency, as it was called, had 30 less positions than it does today. I can explain this. Those 30 positions that it has today result from the fact that 10 years ago the minority had nothing, null, zilch, no positions. Now those 30 positions have been given to the minority, and it ill-behooves the recipients of this bounty to complain about 30 slots that they have been given.

Mr. BRADEMAS. Mr. Speaker, I think the point made by the gentleman from Wisconsin is well taken. There were many members on the majority side, as my friend, the gentleman from Texas (Mr. COLLINS), knows, who were not enthusiastic about making available all of those staff positions for the minority.

Does the gentleman from Texas seriously propose that we begin to reduce

positions made available to the minority in order to effect the savings of which he so eloquently speaks?

Mr. Speaker, I yield to the gentleman from New Jersey (Mr. THOMPSON), who is the father of the minority staffing proposal.

Mr. THOMPSON. I thank the gentleman for yielding.

Mr. Speaker, it is a matter, of course, of choice among the members of the minority as to whether or not they want the one-third of the staff which we very carefully allocated to them.

In the event that our distinguished friend, the gentleman from Texas (Mr. COLLINS), were to answer in the affirmative; namely, that he would like to see the minority not have that one-third, I would resist that. I think that they need it. I think that they use it well. I think the employees are productive.

We are dealing with a $3 trillion economy, and Members up here asking such absurd things, or making such absurd statements, as to say that we are in a never-ending upward spiral, that we have a billion dollar Congress. Maybe it ought to be a $2 billion Congress, to operate a little bit more efficiently. We go over these things with exquisite care. I might suggest to the gentleman from Texas, and to anyone else, that they reduce the number of requests for such things, all of which costs money, and all of which, in our judgment, after we review them, are necessary.

□ 1555

Mr. BRADEMAS. No one is more fair than the gentleman from New Jersey (Mr. THOMPSON). I would like to observe, I may say—and this may not be the time to get into it—but this figure that is thrown around so easily of a billion dollar Congress is a figure that ought to be very carefully analyzed because, as I recall, that particular figure included the Botanical Gardens which, attractive as they are, make no great contribution to our work as legislators here. It also includes certain other institutions of the Government such as the Government Printing Office, which is, of course, helpful to us but is helpful to all of the rest of the Government of the United States and to the private sector as well.

I might observe as well that the Smithsonian Institution, which is a mighty empire, and of which the chairman of our committee, Mr. THOMPSON, now is a Regent and perhaps can address himself to that huge figure, is also included in the legislative budget. It does seem to me that we ought to look at the figures with somewhat greater care than we have been doing.

Mr. Speaker, I would be pleased to yield to my friend from Arizona, the distinguished minority leader (Mr. RHODES) for debate only.

Mr. RHODES. Mr. Speaker, I thank my friend for yielding. First, I want to say that what the gentleman from Wisconsin said about the previous state of the minority was absolutely true. There were very few minority staff positions in any of the committees, and I would also like to pay tribute to my friend from New Jersey, the chairman of the House Administration Committee, because he has seen for years, as we of the minority have, the justice of providing minority staff.

But, I would not like the record to indicate that the reason that the staffs of the Congress have become swollen is because of the better treatment that the minority has been accorded at the hands of the gentleman from New Jersey and the gentleman from Indiana and others on their side. As a matter of fact, I think that the gentleman from Indiana will agree with me that the total numbers involved as far as bodies are concerned, staff members of the committees, is about 10 percent minority and 90 percent majority. I am not really complaining about this. In fact, I do not know of any committee right now on which the members of the minority do not feel that they are being relatively well treated. Maybe we still remember the dark days before the gentleman from New Jersey cast the light of justice on the situation in the Congress, but nevertheless I just do not think it would be wise or fair for anybody to believe that the minority is the reason why we have seen a rather amazing increase in the staffs, both in bodies and funds.

Mr. BRADEMAS. I always appreciate the contribution of the gentleman from Arizona, the distinguished minority leader, even though I may not always agree with him.

Mr. Speaker, I am very pleased to yield to the gentleman from New Jersey (Mr. THOMPSON).

Mr. THOMPSON. Mr. Speaker, I did not mean, I might say to my distinguished friend from Arizona, the minority leader, to imply that the sole cause or anything like the sole cause of the overall increase over the years is attributable to the mere fact of minority staffing. What I meant to emphasize is what I honestly believe, as a former minority leader who got absolutely nothing in a State legislature, the need that the minority has in order to be responsible, or in some cases even irresponsible, in the exercise of its legislative responsibility.

They cannot do that without staff. Obviously, a large portion is attributable to increased staff, the majority's increased staff as well, but on the very pragmatic as-needed basis. So, I think we are all responsible.

Now, it might look just splendid for the RECORD to rollcall everything we have here, not to recognize the fact of the absolute limitation which the distinguished chairman of the subcommittee has put on these committees and the reductions. In the final analysis, the work has to be done. You need the people to do it; we need the people to do it. We are both responsible, and let us just vote it that way.

Mr. BRADEMAS. Mr. Speaker, for a final observation only, I will yield to the gentleman from Texas (Mr. COLLINS).

Mr. COLLINS of Texas. I want to add this about your chairman, the gentleman from New Jersey (Mr. THOMPSON). Mr. THOMPSON has always been as fair as any man on the floor and also in committee. But I want to tell the Members of some experiences I have had, where there was no equity.

I was on a subcommittee last year with 32 members; 2 members were given to the minority and 30 taken by the majority, which is roughly 15 to 1. The minority has worked for a ruling here that all subcommittees would be one-third, but not in our committee; they would not agree to that. This one-third is usually a matter of when you find a chairman and committee who want to do it. It is not a matter of overall procedures in our committees.

Let us cut the size of the majority committee staff. A smaller staff would be more efficient.

Mr. BRADEMAS. I may say to my friend, the gentleman from Texas, that I have even heard complaints from Members on our side that some chairmen have been excessively generous with the minority in the way in which they have staffed their committees.

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

Mr. BRADEMAS. I yield to the gentleman from New Jersey.

Mr. THOMPSON. Mr. Speaker, I thank the gentleman from Texas for his comment, but may I say this: In every single instance where it has been brought to the attention of the Committee on House Administration that a chairman or a ranking Member has treated anyone unfairly as to his staff, we have seen to it that that situation is rectified. If the gentleman from New York (Mr. WYDLER) were on the floor, he would agree with this, as would a number of other ranking minority Members. We have actually withheld money. In one instance, on the Committee on Merchant Marine and Fisheries, we held them up for a full quarter until they agreed—this was some years ago, not under the incumbent chairman—until they agreed to staff the minority. We did the same thing with the Committee on Veterans' Affairs a few years ago and the same thing with the Committee on Banking and Currency and the same thing with the Science and Technology Committee in the past, and we would do it again. So we require not only that our Members be treated fairly but that the minority be treated fairly. At any time if the minority has a complaint, come to us and we will rectify it.

Mr. BRADEMAS. Mr. Speaker, House Resolution 85 provides $2,444,600 for investigations and studies to be conducted by the Committee on Banking, Finance and Urban Affairs.

Mr. Speaker, the amount approved by the Committee on House Administration is $169,000 less than this committee received last year and is $60,000 less than the committee requested.

The SPEAKER. The question is on the committee amendment.

The committee amendment was agreed to.

Mr. BRADEMAS. Mr. Speaker, I move the previous question on the resolution, as amended.

The previous question was ordered.

The SPEAKER. The question is on the resolution, as amended.

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

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

The yeas and nays were ordered.

The SPEAKER. Pursuant to clause 5, rule I and the Chair's prior announce-

ment, further proceedings on this resolution will be postponed.

PROVIDING FOR EXPENSES OF INVESTIGATIONS AND STUDIES BY COMMITTEE ON HOUSE ADMINISTRATION

Mr. BRADEMAS. Mr. Speaker, by direction of the Committee on House Administration, I call up a privileged resolution (H. Res. 87) to provide for the expenses of investigations and studies to be conducted by the Committee on House Administration, and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 87

Resolved, That effective January 3, 1979, the expenses of investigations and studies to be conducted by the Committee on House Administration, acting as a whole or by subcommittee, not to exceed $860,000, including expenditures—

(1) for the employment of investigators, attorneys, and clerical, stenographic, and other assistants;

(2) for the procurement of services of individual consultants or organizations thereof pursuant to section 202(i) of the Legislative Reorganization Act of 1946, as amended (2 U.S.C. 72a(i)); and

(3) for specialized training, pursuant to section 202(j) of such Act, as amended (2 U.S.C. 72a(j)), of committee staff personnel performing professional and nonclerical functions;

shall be paid out of the contingent fund of the House on vouchers authorized by such committee, signed by the chairman of such committee, and approved by the Committee on House Administration. Not to exceed $100,000 of the total amount provided by this resolution may be used to procure the temporary or intermittent services of individual consultants or organizations thereof pursuant to section 202(i) of the Legislative Reorganization Act of 1946, as amended (2 U.S.C. 72a(i)); and not to exceed $5,000 of such total amount may be used to provide for specialized training, pursuant to section 202 (j) of such Act, as amended (2 U.S.C. 72a(j)), of staff personnel of the committee performing professional and nonclerical functions; but neither of these monetary limitations shall prevent the use of such funds for any other authorized purpose.

SEC. 2. No part of the funds authorized by this resolution shall be available for expenditure in connection with the study or investigation of any subject which is being investigated for the same purpose by any other committee of the House; and the chairman of the Committee on House Administration shall furnish the Committee on House Administration information with respect to any study or investigation intended to be financed from such funds.

SEC. 3. The authorization granted by this resolution shall expire immediately prior to noon on January 3, 1980.

SEC. 4. Funds authorized by this resolution shall be expended pursuant to regulations established by the Committee on House Administration in accordance with existing law.

Mr. BRADEMAS (during the reading). Mr. Speaker, I ask unanimous consent that the resolution be considered as read and printed in the RECORD.

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

There was no objection.

COMMITTEE AMENDMENT

The SPEAKER. The Clerk will report the committee amendment.

The Clerk read as follows:

Strike out all after the resolving clause and insert in lieu thereof:

That effective January 3, 1979, the expenses of investigations and studies to be conducted by the Committee on House Administration, acting as a whole or by subcommittee, not to exceed $845,000, including expenditures—

(1) for the employment of investigators, attorneys, and clerical, stenographic, and other assistants;

(2) for the procurement of services of individual consultants or organizations thereof pursuant to section 202(i) of the Legislative Reorganization Act of 1946, as amended (2 U.S.C. 72a(i)); and

(3) for specialized training, pursuant to section 202(j) of such Act, as amended (2 U.S.C. 72a(j)), of committee staff personnel performing professional and nonclerical functions;

shall be paid out of the contingent fund of the House on vouchers authorized by such committee, signed by the chairman of such committee, and approved by the Committee on House Administration. Not to exceed $100,000 of the total amount provided by this resolution may be used to procure the temporary or intermittent services of individual consultants or organizations thereof pursuant to section 202(i) of the Legislative Reorganization Act of 1946, as amended (2 U.S.C. 72a(i)); and not to exceed $5,000 of such total amount may be used to provide for specialized training, pursuant to section 202(j) of such Act, as amended (2 U.S.C. 72a(j)), of staff personnel of the committee performing professional and nonclerical functions; but neither of these monetary limitations shall prevent the use of such funds for any other authorized purpose.

SEC. 2. No part of the funds authorized by this resolution shall be available for expenditure in connection with the study or investigation of any subject which is being investigated for the same purpose by any other committee of the House; and the chairman of the Committee on House Administration shall furnish the Committee on House Administration information with respect to any study or investigation intended to be financed from such funds.

SEC. 3. The authorization granted by this resolution shall expire immediately prior to noon on January 3, 1980.

SEC. 4. Funds authorized by this resolution shall be expended pursuant to regulations established by the Committee on House Administration in accordance with existing law.

Mr. BRADEMAS (during the reading). Mr. Speaker, I ask unanimous consent that the committee amendment be considered as read and printed in the RECORD.

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

There was no objection.

The SPEAKER. The gentleman from Indiana (Mr. BRADEMAS) is recognized for 1 hour.

Mr. BRADEMAS. Mr. Speaker, House Resolution 87 provides $845,000 for investigations and studies to be conducted by the Committee on House Administration.

Mr. Speaker, the amount approved by the Committee on House Administration is the same as this committee received last year and is $15,000 less than the committee requested.

Mr. Speaker, I yield to the gentleman from Texas (Mr. COLLINS) for debate only.

Mr. COLLINS of Texas. Mr. Speaker, I appreciate the gentleman from Indiana yielding.

I have some figures that show this committee had 9 employees 10 years ago and has 268 today. Where did they get 268? How have they grown so fast?

Mr. BRADEMAS. I do not know where the figure the gentleman from Texas has came from. I do not want to be held responsible for the figures the gentleman from Texas has adduced.

Mr. COLLINS of Texas. This report was prepared by the Committee on House Administration in 1978. It is entitled "Studies Dealing With Budgetary, Staffing and Administrative Activities of the House of Representatives."

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

Mr. BRADEMAS. I yield to the gentleman from New Jersey.

Mr. THOMPSON. Mr. Speaker, did the gentleman from Indiana say "adduced" on the floor or did he say "seduced" on the floor?

□ 1605

I have been on the committee for 24 years. Based upon that experience, that figure could not possibly be right with respect to the nine employees.

Is the gentleman aware of the existence of the House Information Systems, for instance?

Mr. COLLINS of Texas. If the gentleman will yield further, this report was by his committee, the Committee on House Administration, in November of 1978. I am using that committee's figures.

Mr. THOMPSON. We had nine employees?

Mr. COLLINS of Texas. That is what it says.

I think that was in the days when the gentleman from Texas, Mr. Burleson, was chairman. The gentleman from Texas was very frugal with his money.

Mr. THOMPSON. I certainly do not want to argue that point. We had more than nine employees. At that time we had about four staff members.

How many does the gentleman from Texas have now?

Mr. COLLINS of Texas. At that time the committee had 30 staff members.

Mr. THOMPSON. I mean in the gentleman's individual office. How many employees does the gentleman have now?

Mr. COLLINS of Texas. We have 18.

Mr. THOMPSON. You have 18. Does the gentleman know how many he would have had in Mr. Burleson's day?

Mr. COLLINS of Texas. No.

Mr. THOMPSON. Does the gentleman use his 18 employees, I might ask him?

Mr. COLLINS of Texas. I use the 18, yes; 9 in my district.

Mr. THOMPSON. And the gentleman needs them?

Mr. COLLINS of Texas. I think we do need them.

Mr. THOMPSON. I am all for the gentleman. However, if he wants to save some money, why does he not fire nine of them?

Mr. BRADEMAS. If I may interrupt, Mr. Speaker, I think I ought to advise the gentleman from Texas (Mr. COLLINS) that I believe the figures to which he refers include the employees of the House Information System, which serves

all of the House of Representatives, its Members, and its committees.

Mr. COLLINS of Texas. That may be the reason for the large expansion in size of staff.

Mr. BRADEMAS. And further, that about 200 of the employees to whom he refers are employees of that system.

Mr. COLLINS of Texas. Therefore, about 51 are on the staff and the other 200 are in the House Information System; is that correct?

Mr. BRADEMAS. The gentleman is correct.

Mr. COLLINS of Texas. Mr. Speaker, I thank the gentleman.

Mr. DEVINE. Mr. Speaker, will the gentleman yield?

Mr. BRADEMAS. I yield to the gentleman from Ohio, for purposes of debate only.

Mr. DEVINE. Mr. Speaker, in order to clarify the record, I think the gentleman from Indiana (Mr. BRADEMAS) is correct and that that figure does include the House Information System.

I think more accurate figures for the Committee on House Administration would be that there are a total of 58 employees in House Administration, 3 of whom, by the way, are minority employees, so we are talking about 5 percent for the minority and a figure of 14.6 percent of the employees.

Mr. BRADEMAS. Mr. Speaker, I thank the gentleman from Ohio (Mr. DEVINE).

The SPEAKER. The question is on the committee amendment.

The committee amendment was agreed to.

Mr. BRADEMAS. Mr. Speaker, I move the previous question on the resolution, as amended.

The previous question was ordered.

The SPEAKER. The question is on the resolution, as amended.

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

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

The yeas and nays were ordered.

The SPEAKER. Pursuant to the provisions of clause 5 of rule I, and the Chair's prior announcement, further proceedings on this resolution will be postponed.

PROVIDING FOR EXPENSES OF INVESTIGATIONS AND STUDIES BY COMMITTEE ON WAYS AND MEANS

Mr. BRADEMAS. Mr. Speaker, by direction of the Committee on House Administration, I call up a privileged resolution (H. Res. 88) to provide for the expenses of investigations and studies to be conducted by the Committee on Ways and Means, and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 88

Resolved, That, effective January 3, 1979, the expenses of investigations and studies to be conducted by the Committee on Ways and Means, acting as a whole or by subcommittee, not to exceed $2,890,000, including expenditures for the employment of investigators, attorneys, and clerical and other assistants, and for the procurement of services of individual consultants or organizations thereof pursuant to section 202(i) of the Legislative Reorganization Act of 1946 (2 U.S.C. 72a(i)), shall be paid out of the contingent fund of the House on vouchers authorized by such committee, signed by the chairman of such committee, and approved by the Committee on House Administration. Not to exceed $75,000 of the total amount provided by this resolution may be used to procure the temporary or intermittent services of individual consultants or organizations thereof pursuant to section 202(i) of the Legislative Reorganization Act of 1946 (2 U.S.C. 72a(i)). The monetary limitation established by the preceding sentences on the procurement of such services shall not prevent the use of such funds for any other authorized purpose.

SEC. 2. No part of the funds authorized by this resolution shall be available for expenditure in connection with the study or investigation of any subject which is being investigated for the same purpose by any other committee of the House. The chairman of the Committee on Ways and Means shall furnish the Committee on House Administration information with respect to any study or investigation intended to be financed from such funds.

SEC. 3. The authorization granted by this resolution shall expire immediately prior to noon on January 3, 1980.

SEC. 4. Funds authorized by this resolution shall be expended pursuant to regulations established by the Committee on House Administration in accordance with existing law.

Mr. BRADEMAS (during the reading). Mr. Speaker, I ask unanimous consent that the resolution be considered as read and printed in the RECORD.

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

There was no objection.

COMMITTEE AMENDMENT

The SPEAKER. The Clerk will report the committee amendment.

The Clerk read as follows:

Committee amendment: Strike out all after the resolving clause and insert:

That, effective January 3, 1979, the expenses of investigations and studies to be conducted by the Committee on Ways and Means, acting as a whole or by subcommittee, not to exceed $2,000,000, including expenditures for the employment of investigators, attorneys, and clerical and other assistants, and for the procurement of services of individual consultants or organizations thereof pursuant to section 202(i) of the Legislative Reorganization Act of 1946 (2 U.S.C. 72a(i)), shall be paid out of the contingent fund of the House on vouchers authorized by such committee, signed by the chairman of such committee, and approved by the Committee on House Administration. Not to exceed $75,000 of the total amount provided by this resolution may be used to procure the temporary or intermittent services of individual consultants or organizations thereof pursuant to section 202(i) of the Legislative Reorganization Act of 1946 (2 U.S.C. 72a(i)). The monetary limitation established by the preceding sentence on the procurement of such services shall not prevent the use of such funds for any other authorized purpose.

SEC. 2. No part of the funds authorized by this resolution shall be available for expenditure in connection with the study or investigation of any subject which is being investigated for the same purpose by any other committee of the House. The chairman of the Committee on Ways and Means shall furnish the Committee on House Administration information with respect to any study or investigation intended to be financed from such funds.

SEC. 3. The authorization granted by this resolution shall expire immediately prior to noon on January 3, 1980.

SEC. 4. Funds authorized by this resolution shall be expended pursuant to regulations established by the Committee on House Administration in accordance with existing law.

Mr. BRADEMAS (during the reading). Mr. Speaker, I ask unanimous consent that the committee amendment be considered as read and printed in the RECORD.

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

There was no objection.

The SPEAKER. The gentleman from Indiana (Mr. BRADEMAS) is recognized for 1 hour.

Mr. BRADEMAS. Mr. Speaker, House Resolution 88 provides $2 million for investigations and studies to be conducted by the Committee on Ways and Means.

Mr. Speaker, the amount approved by the House Administration Committee is $115,000 less than this committee received last year and is $890,000 less than the committee requested.

Mr. COLLINS of Texas. Mr. Speaker, will the gentleman yield?

Mr. BRADEMAS. I yield to the gentleman from Texas.

Mr. COLLINS of Texas. Mr. Speaker, I want to add this about the Committee on Ways and Means. When I looked to see how big their staff was 10 years ago, I found it was 22; and this year they are requesting a staff of 92, based on last year's staff analysis.

My objection is not based on economy particularly. It is also based on the fact that we are creating too much government. Government begins with these large staffs of committees; and they, in order to perpetuate themselves and keep themselves busy, are constantly generating more and more and more legislation.

□ 1610

When we go back home, everyone will tell us they think we have got too many committees in session and we have got too much Government. The best way to cut down on Government is to reduce committee staff. Let us just take the Committee on Ways and Means to start with and have a smaller size of committee staff. Therefore, the committee cannot generate as many laws and they cannot introduce as much new legislation. If we do reduce this back from a 92-member staff to about a 22-member staff, we would have a better balanced Government, and we would certainly have fewer tax bills coming on the floor.

Mr. BRADEMAS. I appreciate the observation of the gentleman from Texas. I might say that I do not really agree with his political theory because government, at least in the United States, begins not with a congressional committee staff but with the Constitution of the United States.

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

Mr. BRADEMAS. I yield for purposes of debate only to the gentleman from Ohio.

Mr. VANIK. I thank the gentleman for yielding.

I want to point out that the volume of business that still remains within the Committee on Ways and Means is so great that, as one member of that committee, I find myself very short of information, which is very essential to come to a very important judgment. For example, next week we are going to take up the debt ceiling, and I have been feeling that we ought to increase the interest rate to the holders of E bonds. The best information I had was that $128 million of these bonds are bought and sold every year. That is the information I got out of the Treasury. I found out that it is $8 billion that are purchased every year by individuals in America.

I feel, frankly, that if we are going to come to this floor with legislation that relates to the economy and to the recovery of the country, we need staff to help us get information that is vital to our decisions. In the past we did it with a great deal less, but I was part of that system, too, and I want to point out that some of the problems of today are the direct proximate result of our failure to have adequate staffing to produce facts and information in the days when we were making those critical decisions, which help compound the problems of today.

We need work done; we need effort; we need talent. We need talent to compete with the people that we have to deal with in that committee. If anyone would come to the meetings of the committee, he would see that almost the lowest person who represents the private sector is paid five times as much as the staff people that we have to produce the work for the committee. We need some talent, and that does not come free.

I want to urge the committee to remember this fact, and I certainly hope that the committee will stand by the request in some measure made by the chairman.

Mr. BRADEMAS. I thank the gentleman very much for his constructive contribution.

The SPEAKER. The question is on the committee amendment.

The committee amendment was agreed to.

Mr. BRADEMAS. Mr. Speaker, I move the previous question on the resolution, as amended.

The previous question was ordered.

The SPEAKER. The question is on the resolution, as amended. The question was taken; and the Speaker announced that the ayes appeared to have it.

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

The yeas and nays were ordered.

The SPEAKER. Pursuant to clause 5 of rule I and the Chair's prior announcement, further proceedings on this resolution will be postponed.

PROVIDING FUNDS FOR EXPENSES OF INVESTIGATIONS AND STUDIES BY COMMITTEE ON PUBLIC WORKS AND TRANSPORTATION

Mr. BRADEMAS. Mr. Speaker, by direction of the Committee on House Administration, I call up a privileged resolution (H. Res. 91) to provide for the expenses of investigations and studies to be conducted by the Committee on Public Works and Transportation, and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 91

Resolved, That (effective January 3, 1979) the expenses of investigations and studies to be conducted by the Committee on Public Works and Transportation, acting as a whole or by subcommittee, not to exceed $1,900,000, including expenditures—

(1) for the employment of investigators, attorneys, and clerical, stenographic, and other assistants;

(2) for the procurement of services of individual consultants or organizations thereof pursuant to section 202(i) of the Legislative Reorganization Act of 1946, as amended (2 U.S.C. 72a(i); and

(3) for specialized training, pursuant to section 202(j) of such Act as amended (2 U.S.C. 72a(j)), of committee staff personnel performing professional and nonclerical functions;

shall be paid out of the contingent fund of the House on vouchers authorized by such committee, signed by the chairman of such committee, and approved by the Committee on House Administration. Not to exceed $30,000 of the total amount provided by this resolution may be used to procure the temporary or intermittent services of individual consultants or organizations thereof pursuant to section 202(i) of the Legislative Reorganization Act of 1946, as amended (2 U.S.C. 72a(i)); and not to exceed $5,000 of such total amount may be used to provide for specialized training, pursuant to section 202 (j) of such Act, as amended (2 U.S.C. 72a(j)), of staff personnel of the committee performing professional and nonclerical functions; but neither of these monetary limitations shall prevent the use of such funds for any other authorized purpose.

SEC. 2. No part of the funds authorized by this resolution shall be available for expenditure in connection with the study or investigation of any subject which is being investigated for the same purpose by any other committee of the House; and the chairman of the Committee on Public Works and Transportation shall furnish the Committee on House Administration information with respect to any study or investigation intended to be financed from such funds.

SEC. 3. The authorization granted by this resolution shall expire immediately prior to noon on January 3, 1980.

SEC. 4. Funds authorized by this resolution shall be expended pursuant to regulations established by the Committee on House Administration in accordance with existing law.

Mr. BRADEMAS (during the reading). Mr. Speaker, I ask unanimous consent that the resolution be considered as read and printed in the RECORD.

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

There was no objection.

COMMITTEE AMENDMENT

The SPEAKER. The Clerk will report the committee amendment.

The Clerk read as follows:

Committee amendment: Strike out all after the resolving clause and insert:

That effective January 3, 1979, the expenses of investigations and studies to be conducted by the Committee on Public Works and Transportation, acting as a whole or by subcommittee, not to exceed $1,879,000, including expenditures—

(1) for the employment of investigators, attorneys, and clerical, stenographic, and other assistants;

(2) for the procurement of services of individual consultants or organizations thereof pursuant to section 202(i) of the Legislative Reorganization Act of 1946, as amended (2 U.S.C. 72a(i)); and

(3) for specialized training, pursuant to section 202(j) of such Act as amended (2 U.S.C. 72a(j)), of committee staff personnel performing professional and nonclerical functions;

shall be paid out of the contingent fund of the House on vouchers authorized by such committee, signed by the chairman of such committee, and approved by the Committee on House Administration. Not to exceed $30,000 of the total amount provided by this resolution may be used to procure the temporary or intermittent services of individual consultants or organizations thereof pursuant to section 202(i) of the Legislative Reorganization Act of 1946, as amended (2 U.S.C. 72a(i)); and not to exceed $5,000 of such total amount may be used to provide for specialized training, pursuant to section 202(j) of such Act, as amended (2 U.S.C. 72a (j)), of staff personnel of the committee performing professional and nonclerical functions; but neither of these monetary limitations shall prevent the use of such funds for any other authorized purpose.

SEC. 2. No part of the funds authorized by this resolution shall be available for expenditure in connection with the study or investigation of any subject which is being investigated for the same purpose by any other committee of the House; and the chairman of the Committee on Public Works and Transportation shall furnish the Committe on House Administration information with respect to any study or investigation intended to be financed from such funds.

SEC. 3. The authorization granted by this resolution shall expire immediately prior to noon on January 3, 1980.

SEC. 4. Funds authorized by this resolution shall be expended pursuant to regulations established by the Committee on House Administration in accordance with existing law.

Mr. BRADEMAS (during the reading). Mr. Speaker, I ask unanimous consent that the committee amendment be considered as read and printed in the RECORD.

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

There was no objection.

The SPEAKER. The gentleman from Indiana (Mr. BRADEMAS) is recognized for 1 hour.

Mr. BRADEMAS. Mr. Speaker, House Resolution 91 provides $1,870,000 for investigations and studies to be conducted by the Committee on Public Works and Transportation.

Mr. Speaker, the amount approved by the House Administration Committee is $130,000 less than this committee received last year and is $30,000 less than the Committee requested, as the gentleman from Kentucky (Mr. SNYDER) and I observed in earlier colloquy.

The SPEAKER. The question is on the committee amendment.

The committee amendment was agreed to.

Mr. BRADEMAS. Mr. Speaker, I move the previous question on the resolution, as amended.

The previous question was ordered.

The SPEAKER. The question is on the resolution, as amended.

The question was taken; and the

Speaker announced that the ayes appeared to have it.

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

The yeas and nays were ordered.

The SPEAKER. Pursuant to clause 5 of rule I, and the Chair's prior announcement, further proceedings on this resolution will be postponed.

□ 1615

PROVIDING FUNDS FOR EXPENSES OF INVESTIGATIONS AND STUDIES BY COMMITTEE ON EDUCATION AND LABOR

Mr. BRADEMAS. Mr. Speaker, by direction of the Committee on House Administration, I call up a privileged resolution (H. Res. 92) to provide for the expenses of investigations and studies to be conducted by the Committee on Education and Labor, and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 92

Resolved, That effective January 3, 1979, the expenses of investigations and studies to be conducted by the Committee on Education and Labor, acting as a whole or by subcommittee, not to exceed $2,290,000, including expenditures—

(1) for the employment of investigators, attorneys, and clerical, stenographic, and other assistants;

(2) for the procurement of services of individual consultants or organizations thereof pursuant to section 202(1) of the Legislative Reorganization Act of 1946, as amended (2 U.S.C. 72a(1)); and

(3) for specialized training, pursuant to section 202(j) of such Act, as amended (2 U.S.C. 72a(j)), of committee staff personnel performing professional and nonclerical functions;

shall be paid out of the contingent fund of the House on vouchers authorized by such committee, signed by the chairman of such committee, and approved by the Committee on House Administration. Of such amount, $180,000 shall be available for each of eight standing subcommittees of the Committee on Education and Labor. Not to exceed $50,000 of the total amount provided by this resolution may be used to procure the temporary or intermittent services of individual consultants or organizations thereof pursuant to section 202(1) of the Legislative Reorganization Act of 1946, as amended (2 U.S.C. 72a(1)); and not to exceed $3,000 of such total amount may be used to provide for specialized training, pursuant to section 202(j) of such Act, as amended (2 U.S.C. 72a(j)), of staff personnel of the committee performing professional and nonclerical functions; but neither of these monetary limitations shall prevent the use of such funds for any other authorized purpose.

SEC. 2. No part of the funds authorized by this resolution shall be available for expenditure in connection with the study or investigation of any subject which is being investigated for the same purpose by any other committee of the House; and the chairman of the Committee on Education and Labor shall furnish the Committee on House Administration information with respect to any study or investigation intended to be financed from such funds.

SEC. 3. The authorization granted by this resolution shall expire immediately prior to noon on January 3, 1980.

SEC. 4. Funds authorized by this resolution shall be expended pursuant to regulations established by the Committee on House Administration in accordance with existing law.

Mr. BRADEMAS (during the reading). Mr. Speaker, I ask unanimous consent that the resolution be considered as read and printed in the RECORD.

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

There was no objection.

COMMITTEE AMENDMENT

The SPEAKER. The Clerk will report the committee amendment.

The Clerk read as follows:

Committee amendment: Strike all after the resolving clause and insert:

That effective January 3, 1979, the expenses of investigations and studies to be conducted by the Committee on Education and Labor, acting as a whole or by subcommittee, not to exceed $2,250,000 including expenditures—

(1) for the employment of investigators, attorneys, and clerical, stenographic, and other assistants;

(2) for the procurement of services of individual consultants or organizations thereof pursuant to section 202(1) of the Legislative Reorganization Act of 1946, as amended (2 U.S.C. 72a(1); and

(3) for specialized training, pursuant to section 202(j) of such Act, as amended (2 U.S.C. 72a(j)), of committee staff personnel performing professional and nonclerical functions;

shall be paid out of the contingent fund of the House on vouchers authorized by such committee, signed by the chairman of such committee, and approved by the Committee on House Administration. Of such amount, $175,000 shall be available for each of eight standing subcommittees of the Committee on Education and Labor. Not to exceed $50,000 of the total amount provided by this resolution may be used to procure the temporary or intermittent services of individual consultants or organizations thereof pursuant to section 202(1) of the Legislative Reorganization Act of 1946, as amended (2 U.S.C. 72a(1)); and not to exceed $3,000 of such total amount may be used to provide for specialized training, pursuant to section 202(j) of such Act, as amended (2 U.S.C. 72a(j)), of staff personnel of the committee performing professional and nonclerical functions; but neither of these monetary limitations shall prevent the use of such funds for any other authorized purpose.

SEC. 2. No part of the funds authorized by this resolution shall be available for expenditure in connection with the study or investigation of any subject which is being investigated for the same purpose by any other committee of the House; and the chairman of the Committee on Education and Labor shall furnish the Committee on House Administration information with respect to any study or investigation intended to be financed from such funds.

SEC. 3. The authorization granted by this resolution shall expire immediately prior to noon on January 3, 1980.

SEC. 4. Funds authorized by this resolution shall be expended pursuant to regulations established by the Committee on House Administration in accordance with existing law.

Mr. BRADEMAS (during the reading). Mr. Speaker, I ask unanimous consent that the committee amendment be considered as read and printed in the RECORD.

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

There was no objection.

The SPEAKER. The gentleman from Indiana (Mr. BRADEMAS) is recognized for 1 hour.

Mr. BRADEMAS. Mr. Speaker, House Resolution 92 provides $2,250,000 for investigations and studies to be conducted by the Committee on Education and Labor.

Mr. Speaker, the amount approved by the Committee on House Administration is $40,000 less than the committee requested.

Mr. Speaker, I yield to the gentleman from Texas (Mr. COLLINS) for purposes of debate only.

Mr. COLLINS of Texas. Mr. Speaker, I appreciate the gentleman from Indiana yielding. We have been talking about the subject of how increased committee budgets provide better staff and better opportunity to legislate. I want to call the gentleman's attention to the record of the Committee on Education and Labor. Ten years ago in 1968 they were spending $554,000. Today they are spending $2,250,000. In other words, staff committee expense is up four and a half times as much. During that period all the achievement tests in America show that education in America has been going down, down, down, from 1968 to 1978; should we continue to give them more and more legislation from Washington? It looks like there is a correlation. The more laws we give them from the Federal Government for education, the poorer the students do in learning.

As a step forward, could we not reduce the size of this committee or reduce the scope of our education bills that we send out from the Congress?

Mr. BRADEMAS. Mr. Speaker, I might say to the gentleman from Texas, I am surprised at this rather novel theory of the way education is financed in the United States. I think it is fair to say that approximately 7 percent of the cost of elementary and secondary public education in the United States comes from the Federal Government. If we were to adopt the correlation that is implicit in the observation of the gentleman from Texas, eliminating all Federal funds for elementary and secondary schools would result in an immediate increase in the achievement scores of all the schoolchildren in America. That may be the attitude of the gentleman from Texas toward this relationship, but it is not one, in all candor, that the gentleman from Indiana finds he can take seriously.

Mr. COLLINS of Texas. Mr. Speaker, will the gentleman yield further?

Mr. BRADEMAS. Of course.

Mr. COLLINS of Texas. Mr. Speaker, I would say to the gentleman from Indiana, whenever and wherever the Federal Government spends money, the same day they write guidelines to go with it.

Mr. BRADEMAS. They write what?

Mr. COLLINS of Texas. Guidelines; the HEW gives school boards guidelines on how to run their school systems. If all America could be rid of those HEW school guidelines, it might be only 7 percent of the money, but about 100 percent of the backward ideas have been originated with this Federal involvement in guidelines.

Mr. BRADEMAS. I am always grateful for the observations of the gentleman from Texas on this or any other issue to come before the House of Representatives.

Mr. Speaker, I have no further requests for time.

The SPEAKER. The question is on the committee amendment.

The committee amendment was agreed to.

Mr. BRADEMAS. Mr. Speaker, I move the previous question on the resolution, as amended.

The previous question was ordered.

The SPEAKER. The question is on the resolution, as amended.

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

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

The yeas and nays were ordered.

The SPEAKER. Pursuant to clause 5 of the rule I, and the Chair's prior announcement, further proceedings on this resolution will be postponed.

PROVIDING FUNDS FOR EXPENSES OF INVESTIGATIONS AND STUDIES BY PERMANENT SELECT COMMITTEE ON INTELLIGENCE

Mr. BRADEMAS. Mr. Speaker, by direction of the Committee on House Administration, I call up a privileged resolution (H. Res. 96) to provide for the expenses of investigations and studies to be conducted by the House Permanent Select Committee on Intelligence and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 96

Resolved, That for the further expenses of investigations and studies to be conducted by the House Permanent Select Committee on Intelligence, acting as a whole or by subcommittee, not to exceed $952,401.99, including expenditures for the employment of investigators, attorneys, and clerical, and other assistants, and for the procurement of services of individual consultants or organizations thereof pursuant to section 202 (i) of the Legislative Reorganization Act of 1946, as amended (2 U.S.C. 72a(i)), shall be paid out of the contingent fund of the House on vouchers authorized by such committee, signed by the chariman of such committee, and approved by the Committee on House Administration. Not to exceed $10,000 of the total amount provided by this resolution may be used to procure the temporary or intermittent services of individual consultants or organizations thereof pursuant to section 202(i) of the Legislative Reorganization Act of 1946, as amended (2 U.S.C. 72a(i)); but this monetary limitation shall not prevent the use of such funds for any other authorized purpose.

SEC. 2. No part of the funds authorized by this resolution shall be available for expenditure in connection with the study or investigation of any subject which is being investigated for the same purpose by any other committee of the House; and the chairman of the House Permanent Select Committee on Intelligence shall furnish the Committee on House Administration information with respect to any study or investigation intended to be financed from such funds.

SEC. 3. The authorization granted by the resolution shall expire immediately prior to noon on January 3, 1980.

SEC. 4. Funds authorized by this resolution shall be expended pursuant to regulations established by the Committee on House Administration in accordance with existing law.

Mr. BRADEMAS (during the reading). Mr. Speaker, I ask unanimous consent that the resolution be considered as read and printed in the RECORD.

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

There was no objection.

COMMITTEE AMENDMENT

The SPEAKER. The Clerk will report the committee amendment.

The Clerk read as follows:

Committee amendment: Strike all after the resolving clause and insert:

That effective January 3, 1979, the expenses of investigations and studies to be conducted by the House Permanent Select Committee on Intelligence, acting as a whole or by subcommittee, not to exceed $927,401.99, including expenditures for the employment of investigators, attorneys, and clerical, and other assistants, and for the procurement of services of individual consultants or organizations thereof pursuant to section 202(i) of the Legislative Reorganization Act of 1946, as amended (2 U.S.C. 72a(i)), shall be paid out of the contingent fund of the House on vouchers authorized by such committee, signed by the chairman of such committee, and approved by the Committee on House Administration. Not to exceed $10,000 of the total amount provided by this resolution may be used to procure the temporary or intermittent services of individual consultants or organizations thereof pursuant to section 202(i) of the Legislative Reorganization Act of 1946, as amended (2 U.S.C. 72a(i)); but this monetary limitation shall not prevent the use of such funds for any other authorized purpose.

SEC. 2. No part of the funds authorized by this resolution shall be available for expenditure in connection with the study or investigation of any subject which is being investigated for the same purpose by any other committee of the House; and the chairman of the House Permanent Select Committee on Intelligence shall furnish the Committee on House Administration information with respect to any study or investigation intended to be financed from such funds.

SEC. 3. The authorization granted by the resolution shall expire immediately prior to noon on January 3, 1980.

SEC. 4. Funds authorized by this resolution shall be expended pursuant to regulations established by the Committee on House Administration in accordance with existing law.

Mr. BRADEMAS (during the reading). Mr. Speaker, I ask unanimous consent that the committee amendment be considered as read and printed in the RECORD.

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

There was no objection.

The SPEAKER. The gentleman from Indiana (Mr. BRADEMAS) is recognized for 1 hour.

Mr. BRADEMAS. Mr. Speaker, House Resolution 96 provides $927,401.99 for investigations and studies to be conducted by the Permanent Select Committee on Intelligence.

Mr. Speaker, the amount approved by the Committee on House Administration is $40,000 less than this committee received last year and is $25,000 less than the comittee requested.

The SPEAKER. The question is on the committee amendment.

The committee amendment was agreed to.

Mr. BRADEMAS. Mr. Speaker, I move the previous question on the resolution, as amended.

The previous question was ordered.

The SPEAKER. The question is on the resolution, as amended.

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

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

The yeas and nays were ordered.

The SPEAKER. Pursuant to clause 5 of rule I, and the Chair's prior announcement, further proceedings on this resolution will be postponed.

□ 1620

PROVIDING FUNDS FOR EXPENSES OF INVESTIGATIONS AND STUDIES BY COMMITTEE ON FOREIGN AFFAIRS

Mr. BRADEMAS. Mr. Speaker, by direction of the Committee on House Administration, I call up a privileged resolution (H. Res. 98) to provide for the expenses of investigations and studies to be conducted by the Committee on Foreign Affairs.

The Clerk read the resolution, as follows:

H. RES. 98

Resolved, That effective January 3, 1979, the expenses of investigations and studies to be conducted by the Committee on Foreign Affairs, acting as a whole or by the subcommittee, not to exceed $1,769,676.99, including expenditures for the employment of investigators, attorneys, and clerical, and other assistants, and for the procurement of services of individual consultants or organizations thereof pursuant to section 202(i) of the Legislative Reorganization Act of 1946, as amended (2 U.S.C. 72a(i)), shall be paid out of the contingent fund of the House on vouchers authorized by such committee, signed by the chairman of such committee, and approved by the Committee on House Administration. Not to exceed $55,000 of the total amount provided by this resolution may be used to procure the temporary or intermittent services of individual consultants or organizations thereof pursuant to section 202(i) of the Legislative Reorganization Act of 1946, as amended (2 U.S.C. 72a(i)); but this monetary limitation on the procurement of such services shall not prevent the use of such funds for any other authorized purpose.

SEC. 2. No part of the funds authorized by this resolution shall be available for expenditure in connection with the study or investigation of any subject which is being investigated for the same purpose by any other committee of the House; and the chairman of the Committee on Foreign Affairs shall furnish the Committee on House Administration information with respect to any study or investigation intended to be financed from such funds.

SEC. 3. The authorization granted by the resolution shall expire immediately prior to noon on January 3, 1980.

SEC. 4. Funds authorized by this resolution shall be expended pursuant to regulations established by the Committee on House Administration in accordance with existing law.

Mr. BRADEMAS (during the reading). Mr. Speaker, I ask unanimous consent that the resolution be considered as read and printed in the RECORD.

The SPEAKER. Is there objection to

the request of the gentleman from Indiana?

There was no objection.

COMMITTEE AMENDMENT

The SPEAKER. The Clerk will report the committee amendment.

The Clerk read as follows:

Committee amendment: Strike all after the resolving clause and insert:

That effective January 3, 1979, the expenses of investigations and studies to be conducted by the Committee on Foreign Affairs, acting as a whole or by the subcommittee, not to exceed $1,745,779.90, including expenditures for the employment of investigators, attorneys, and clerical, and other assistants, and for procurement of services of individual consultants or organizations thereof pursuant to section 202(i) of the Legislative Reorganization Act of 1946, as amended (2 U.S.C. 72a(i)), shall be paid out of the contingent fund of the House on vouchers authorized by such committee, signed by the chairman of such committee, and approved by the Committee on House Administration. Not to exceed $55,000 of the total amount provided by this resolution may be used to procure the temporary or intermittent services of individual consultants or organizations thereof pursuant to section 202(i) of the Legislative Reorganization Act of 1946, as amended (2 U.S.C. 72a(i)); but this monetary limitation on the procurement of such services shall not prevent the use of such funds for any other authorized purpose.

SEC. 2. No part of the funds authorized by this resolution shall be available for expenditure in connection with the study or investigation of any subject which is being investigated for the same purpose by any other committee of the House; and the chairman of the Committee on Foreign Affairs shall furnish the Committee on House Administration information with respect to any study or investigation intended to be financed from such funds.

SEC. 3. The authorization granted by the resolution shall expire immediately prior to noon on January 3, 1980.

SEC. 4. Funds authorized by this resolution shall be expended pursuant to regulations established by the Committee on House Administration in accordance with existing law.

Mr. BRADEMAS (during the reading). Mr. Speaker, I ask unanimous consent that the committee amendment be considered as read and printed in the RECORD.

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

There was no objection.

The SPEAKER. The gentleman from Indiana (Mr. BRADEMAS) is recognized for 1 hour.

Mr. BRADEMAS. Mr. Speaker, House Resolution 98 provides $1,745,779.90 for investigations and studies to be conducted by the Committee on Foreign Affairs.

Mr. Speaker, the amount approved by the House Administration Committee is the same as this committee received last year and is $24,000 less than the committee requested.

Mr. Speaker, I move the previous question on the resolution, as amended.

The previous question was ordered.

The SPEAKER. The question is on the resolution, as amended.

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

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

The yeas and nays were ordered.

The SPEAKER. Pursuant to clause 5 of rule I, and the Chair's prior announcement, further proceedings on this resolution will be postponed.

ANNOUNCEMENT BY THE SPEAKER

The SPEAKER. The Chair wishes to make a further announcement that all rollcall votes on the resolutions just considered will take place on Monday next.

WHAT IS THE FOREIGN POLICY OF THE UNITED STATES?

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

Mr. PANETTA. Mr. Speaker, during the last week, a series of momentous world events has given rise to new questions about this Nation's role in international affairs. And, indeed, I think it is time for us to ask: What is the foreign policy of the United States?

In his address yesterday at Georgia Tech, the President termed our foreign policy as one of "noninvolvement" except when our "vital interests" are threatened or challenged.

But a policy of "noninvolvement" must not be allowed to become a policy of nonexistence—of silence or muted responses and confused reactions to world events. It must not be allowed to become a policy of nonleadership.

The danger of the last few days, it seems to me, is not that the United States has become weak or that the President acted foolishly in refusing to get involved in the hysteria of other nations; the danger is that the United States, in order to remain noninvolved, will fail to speak out with resolve and courage when principles we believe are challenged, when rights we hold basic are ignored, or when actions of a nation, no matter how internal or regional, are so horrendous as to defy all international standards of peace or justice.

Four more generals in Iran have been summarily executed by Khomeini's revolutionary committee in Iran. A number of others await a similar fate. Surely, such executions, regardless of the individuals involved, cannot be justified absent the barest elements of due process. Such excesses must be denounced clearly and unequivocably wherever they occur.

Yesterday, a U.S. marine, wounded while defending the U.S. Embassy in Tehran, was abducted by Khomeini forces from his hospital bed. Nothing must be allowed to happen to this American soldier, and we ought to say as much now—regardless of oil, regardless of Middle East politics, this abuse of power is clear.

As the President himself declared on December 6, 1978, on the 30th anniversary of the Universal Declaration of Human Rights:

> Of all human rights, the most basic is to be free of arbitrary violence—whether that violence comes from governments, from terrorists, from criminals, or from self-appointed messiahs operating under the cover of politics or religion.

Whatever our broader policy may be labeled, we must not forget that the soul of our foreign policy—our leadership role in the world—is based on our commitment to speak out clearly and strongly when fundamental rights are violated. Without that commitment, we simply have no foreign policy.

NEWLY PROPOSED IRS REGULATIONS FOR TAX EXEMPT PRIVATE SCHOOLS

(Mr. MITCHELL of Maryland asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. MITCHELL of Maryland. Mr. Speaker, the recently proposed Internal Revenue Service (IRS) guidelines to determine the continuation of tax exempt status for private institutions which may have racially discriminatory policies and practices have met with more than mixed emotions. At the outset, the implications, intentions, and consequences of these guidelines, which were published in the Federal Register on August 22, 1978, were questioned and adamantly opposed by many private and church schools. In writing to IRS Commissioner Jerome Kurtz, numerous groups charged the establishment with, among other things, imposing mechanical quotas on private schools; failing to properly consult private institutions with respect to assessing the impacts of the proposed regulations; and, attempting to destroy church schools.

I never questioned the legitimacy of the aforementioned concerns. In fact, in letters to several of my constituents, I informed them that the IRS would modify the proposed rule to recognize the fact that orthodox religious schools may have a difficult time recruiting minority students, and the fact that this would be taken into account was not what I opposed.

What I do oppose and will continue to fight against is the sanctioning of racial discrimination through the Tax Code. Thus, I have joined with others to express my opposition to the recently revised IRS guidelines in this area—but, I am sure, for quite different reasons.

It is no secret that a substantial number of private institutions attended exclusively by white students were established in the South in response to public school desegregation. In fact, the U.S. Commission on Civil Rights has reported that many private, segregated institutions (established to circumvent public school desegregation) are well facilitated through various forms of State assistance (for example, tuition grants, provision for textbooks, transfer of public school property to private schools). While I am aware that a substantial number of private schools do not necessarily fit into either of the aforementioned categories, I am particularly concerned that those who are presently tax exempt should be thoroughly investigated, with the use of explicit and concrete guidelines, to examine any potential discriminatory policies.

Unlike many others, my opposition to

the IRS proposed guidelines is not based on any belief that these rules threaten the foundation of private education in this country. I think that goes without saying. I do not believe that the guidelines would impose such a threat any more than they would impose the use of strict racial quotas within private institutions. However, I do not believe that the newly proposed guidelines are strong enough to clearly illustrate any real intentions to eliminate the tax exempt status of private schools who have discriminatory policies and practices.

It appears that on the one hand, the IRS has recognized the need for more intense investigations into the discriminatory practices which may exist within private schools that enjoy tax exempt status. But, on the other hand, the IRS is planning to utilize such weak criteria during its investigations, evaluation, and final determining processes, that it may defeat what was thought to be its original intent. This intent—to remove tax exemption from schools which discriminate by race—can only be lost in the use of guidelines which are just too flexible and vague.

I would like to submit a copy of the letter which I recently sent to IRS Commissioner Jerome Kurtz expressing my concern in this matter. The text of this letter follows:

HOUSE OF REPRESENTATIVES,
Washington, D.C., February 16, 1979.

Mr. JEROME KURTZ,
Commissioner, Internal Revenue Service, Washington, D.C.

DEAR COMMISSIONER KURTZ: This writing expresses my opposition to the revised Internal Revenue Service (IRS) guidelines which would afford tax exempt status to private schools without a critical assessment of possible racially discriminatory policies.

On several occasions, the Supreme Court has ruled that the existence of private, tax exempt schools whose practices and policies are racially discriminatory is contrary to public policy. The recent revision of the IRS rules eviscerates this concept along with others advanced in its initial proposal. The sanctioning of racial discrimination through the tax code is at variance with Constitutional precepts. A refusal to asknowledge and eliminate discrimination by continuing to offer private, segregated institutions the luxuries afforded through tax exempt status flies in the face of justice and equality.

The U.S. Commission on Civil Rights has reported that many private, segregated institutions (established to circumvent public school desegregation) are well facilitated through various forms of State assistance (e.g., tuition grants, provision for textbooks, transfer of public school property to private schools). While I am aware that a substantial number of private schools do not necessarily fit into either of the aforementioned categories, I am particularly concerned that those who are presently tax exempt should be investigated with regard to potential discriminatory policies.

I understand that you share my concern for investigations in this area. It is hoped that a strengthening—not a weakening—of your proposed guidelines would be in order so that a true reflection of your intentions becomes evident.

Thank you for your attention and cooperation in this matter.

Sincerely,

PARREN J. MITCHELL,
Member of Congress.

THE QUESTION OF FBI MORALE

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

● Mr. DEVINE. Mr. Speaker, during these days when certain elements in our Nation are doing everything they can to destroy our intelligence agencies, it seems altogether proper to offer an article written by W. Donald Stewart, a former long-time FBI agent, relative to morale in the FBI.

The article follows:

JANUARY 26, 1979.

THE QUESTION OF FBI MORALE

How is the morale in the FBI today?

I can't speak to the morale in the FBI today because I left the Bureau in August 1965 when the morale was quite high. I can safely say that the morale can't be at an all-time high with the battering the Bureau has taken publicly in the last few years.

I liken the FBI agent's status today to that of the old tough western marshal who was hired to clean up a town which had gone completely lawless. His instructions by the town fathers were "to do whatever was necessary to restore law and order." "We will support you," they said. The "Town-taming Marshal" did just that. In short, he used what we call today "excessive force" but he got the job done—the church bells rang loud and clear and the town fathers got religion again, but slowly they questioned each other about the need for the once hero marshal now looked upon as the town "eyesore." They began to restrict his authority and to turn their backs on minor violence, because those involved spent a lot of money in town and, in a short time, decided that the marshal was the villian and he must go.

If you substitute the words "FBI agent" for "town marshal" above, change the costumes, the time period, and call the town fathers liberal politicians, one finds the once revered FBI agent underwent the same treatment. For example, in the 1930's, powerful gangster mobs were running rampant in this country, banks were being robbed by John Dillinger, Pretty Boy Floyd, Ma Barker and her sons, "Machine Gun" Kelley, Alvin Karpis, and many others. Kidnapping and Extortion became prosperous crimes. Local and State Police were unable to handle the matters as the criminals ran from State to State. The Congress called the FBI to the rescue and quickly passed laws making the above crimes "Federal" crimes and gave the FBI Agents authority to carry and use firearms. "Do whatever has to be done" was, in so many words, the direction given to Mr. J. Edgar Hoover, the man who built and headed the FBI from 1924 until his death in May 1972, and during that period made every FBI Agent proud to be called a "G-Man." The cleaning up of notorious gangsters by the FBI is now folklore history. However, shortly after their eradication the country found itself faced with a new menace called "Communism" and a little later by still another and greater menace—the emergence of the World War II spies. All during this time the public and Congressional cheerleaders could be heard to chant "Go get em FBI; go get em FBI" and "Do whatever has to be done." After WW II, the FBI pursued the general rise in crimes such as bank robberies, kidnapping, extortion, truck hijacking, Communism; Soviet Espionage, and draft dodgers and deserters associated with the Korean War. Through our development of informants and highly sophisticated techniques and, even more important, damn hard investigative work coupled with long non-paying hours of work, the FBI brought the Atomic Bomb Spies—the Rosenbergs—to justice along with officials of the Communist Party of the U.S.A. and several U.S. citizens spying for the Soviet Government. I'd be remiss if I didn't mention that FBI agents throughout the country identified and infiltrated Hate Groups, Terrorist Groups, and Anti-U.S. Groups and brought those violators to justice as well as several others for Civil Rights violations.

I guess like the old tough town marshal you can't get too good at your job. As in the case of the old town marshal, when Mr. Hoover's FBI brought the nation's problems of national security and criminal violence under control, the town fathers—now the liberal politicians—began to get their religion back. Subsequently and slowly they raised questions about FBI informants, sophisticated techniques and hinted that the rights of criminals and suspected spies were possibly being violated by FBI wiretaps. Their grumblings grew louder from 1963 to date and the former loud chant of "Go get em FBI; go get em FBI" and "Do whatever you have to do" started to fade out. Again, as the old town marshal experienced, the political liberals now sang hymns of "Curb the FBI; curb the FBI." "Do we need wiretapping?" and "Should the FBI be involved in Domestic Intelligence?"

J. Edgar Hoover did a remarkable job in keeping the FBI ship on course but on May 2, 1972, when he died, the anti-FBI liberal politicans began to emerge from the woodwork and the FBI began to see the likes of the House Intelligence Committee, with its "Judas" Congressman Michael Harrington who betrayed the CIA's trust and exposed its activities in Chile. Yes sir, open season had been declared on the CIA and the FBI. The June 17, 1972 Watergate burglary and subsequent Nixon party cover-up and scandal dealt the Bureau a severe blow and invited more liberal criticism. Why not? It was considered great political rhetoric. Senator Frank Church's Senate Select Intelligence Committee had its heyday demanding to know why the FBI and other intelligence agencies did the unspeakable things of opening mail going to and from Russia, eavesdropping on overseas communications to Russia and Soviet bloc countries, and why the FBI had the audacity to illegally break-in to the homes of relatives and close associates of the highly violent "Weathermen."

Their thinking was that it was terrible the FBI should take any action to thwart the Weathermen from another attempt to blow-up a part of the U.S. Capitol. They cried justice must be done and to this end the 1972 group of FBI officials approving the break-ins were sought out for prosecution—namely, L. Patrick Gray, then Acting Director; W. Mark Felt, then Associate Director; and Edward S. Miller, then Assistant Director for Domestic Intelligence.

As I reflected about the old town marshal, I said to myself, "You're right marshal! I guess it's time for the FBI to get out of town as we, too, have been made to believe that we are an "eyesore." The liberal politicians, one by one, were jumping on the chase wagon. As each one did, I could hear Mr. J. Edgar Hoover utter from his perch in heaven: "Et tu Senator; Et tu Congressman."

Added to the list of spoilers were some members of the Department of Justice. However, that was to be expected as the marshal didn't get along with the town council so why shouldn't the FBI agent believe that certain Justice Department officials wouldn't harbor a vengeance? This was because of their jealousy of the headlines the FBI grabbed over the years; the dynamic leadership of Mr. Hoover; and the esprit de corps of all the FBI agents. Looking back, there were few headlines for Justice Department attorneys and certainly there was a lack of dynamic leadership from their Attorney General. None in my time really had any great interest in the job other than to use it as a springboard to the U.S. Supreme Court. Most assuredly,

neither John Mitchell nor Richard Kleindienst brought the Department any credit. And, finally, what about their esprit de corps? From all the in-fighting and leaks that come from within the Justice Department, one could hardly say there was great comradeship there. But then at long last came the opportunity to "stick-it-to-the-FBI" through the fanatic pursuit of indictments against Gray, Felt, and Miller, then there was the subsequent arraignment in the U.S. District Court in Washington, D.C. just about one-half a mile from where the Weathermen admittedly blew up part of the U.S. Capitol. But to add further insult to injury, the Justice Department arranged to have Gray, Felt, and Miller "mugged" (photographed and fingerprinted) like common criminals. Yet, the Justice Department didn't think it necessary to "mug" John Mitchell, Richard Kleindienst, or the Watergate Seven Conspirators after they were arraigned. Justice Department lawyers might be heard to say that their tenacious pursuit of Gray, Felt, and Miller was because it was their job responsibility, but I have cited numerous cases before where they were not so obsessed with job responsibility. No, the break-in prosecutions were a further effort to discredit the FBI.

The original question was how is the FBI morale today? I can only speak for myself and my contemporaries, most of whom are now retired, when I say that we have come to be like the old town marshal who became the "eyesore" when the town fathers—now the liberal politicians—got religion again. However, from my present day contact with FBI personnel, I will venture to say that under the direction of FBI Director William Webster that the FBI morale is now on the upswing. Hopefully, one day in the not-too-distant future the young agents will enjoy the honor of after introducing themselves "at the door of a citizen's home, having their hand shook, being promptly invited inside, hastily offered a cup of coffee, and then enthusiastically being asked 'How can I help you?'" That often happened to myself and many of my contemporaries in our days on the street. And, believe me, our morale was always sky-high.

In closing, let me observe that in the near future, this country in its continuing state of permissiveness will once again find the citizens and the liberal politicians clamoring for the FBI to clean up crime and become more aggressive in counterintelligence. Most likely, when that happens the same cries from a panicky public and Congress will be "Go get em FBI; go get em, FBI" and "Do whatever you have to do." But today's FBI agents are not likely to be as stupidly patriotic as myself and my contemporaries. The new-breed, in order to later avoid becoming a target for Justice Department prosecutors, will demand that their orders be spelled out in detail by our esteemed Capitol Hill lawmakers.

Well, Marshal, like you I'm tired. So I'll just sit back, wait, and hope for the best.

ADDENDUM

W. Donald Stewart served as an FBI Agent from July 1951 until August 1965, the last nine years as Espionage Supervisor at FBI Headquarters; from August 1965 until December 1972, he served as Chief of the Investigations Division, Office of the Secretary of Defense; and finally as Inspector General for the Defense Investigative Service from December 1972 until his retirement June 30, 1975. Since that time he founded Stewart Security Services, a consulting and investigation firm.●

FAILURE BY ADMINISTRATION TO COPE WITH IRANIAN CRISIS

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

Mr. COUGHLIN. Mr. Speaker, the kidnaping of a wounded Marine from a Tehran hospital was another humiliation inflicted on a United States perceived as a paper tiger through the Carter administration's incredible lack of decisiveness, leadership, foresight, and grasp of world history.

This blatant nose-tweaking, in itself, might be considered only a minor episode in the flow of events that have turned the Middle East upside down, especially in light of the Marine's release today following the intervention of the U.S. Ambassador.

Unfortunately, the kidnaping of Sgt. Kenneth Kraus, of Upper Gwynedd Township, in my congressional district, was undoubtedly conceived and executed for the exact purpose it served—to embarrass the United States and reveal its helplessness for all to see.

"Gunboat diplomacy" may be consigned to the pages of history, but the Carter administration has gone to the other extreme. "Abject compliance" might well be the slogan of a President who prattles about a "New Foundation" while he erodes the foundations we established to aid our friends and protect ourselves from our enemies in a world where reality is the watchword and wishes the delusion.

Mr. Carter contends that the United States cannot control actions in the internal affairs of other nations. Perhaps not. But we can—to a greater or lesser degree depending on a given situation—control the consequences of certain events.

Selling billions of dollars worth of ultramodern weaponry to the Shah and placing our complete trust in him was not only foolhardy, but flys in the face of the real world. If Mr. Carter—as the Washington Post printed—grew angry when he was told that the Shah might be toppled a few days before the Revolutionaries won power, then it is little wonder that the United States is seen as a paper tiger.

Commonsense and a smattering of historical presence would have warned Mr. Carter to prepare for and be ready for the worst case possible in Iran. Not only did he fail in what I consider this elemental exercise of Presidential wisdom and foresight, but he failed to come to terms realistically with the consequences. Thus, he failed even to attempt to control the consequences.

What has happened to the United States in the victory of the Ayatollah Ruholloh Khomeini?

The jeopardy in which Carter policies placed Marines and Embassy personnel in Tehran was such that he failed to provide the troops necessary to defend the Embassy, just as he failed to alert Turkey to the fact that he wanted more Marines stationed there temporarily for transfer to Iran.

The Carter administration abandoned sophisticated E-14 jet fighters to the Ayatollah's supporters and Marxist revolutionaries who joined in the overthrow of the Shah with possible disastrous consequences to the United States and our only steadfast ally in the Middle East, Israel.

The Carter administration failed to conceive and carry out a realistic plan for evacuating American nationals and military advisers, leaving many of them to the vagaries of armed revolutionaries roaming the streets.

The Carter administration perfunctorily abandoned key bases—bases that apparently were at the heart of tender solicitude for the Shah as evidenced by our sale of vital military equipment to him.

The Iran situation was still evolving when Mr. Carter went to Mexico, took a verbal beating from the Mexican President, and further embarrassed the American people with a Milquetoast rebuttal that included an uncalled for "bathroom joke."

At this time, it is too early to assess the damage done to the United States and to our allies, both by the Iranian Revolution and the Carter administration's inept handling of everything associated with it.

One thing, we know, for sure. The Soviet Union has enhanced its own power and is stronger than we could have imagined a year ago in the Middle East. Afghanistan is in the sphere of Soviet influence with our Ambassador, Adolph Dubs, in his grave under mysterious circumstances which invite suspicions of Soviet collusion or knowledge.

Unbelievably, Mr. Carter continues to discuss SALT II as if this treaty has no relation to any other events taking place in the world today. He denies "linkage." Whether or not you believe in linkage, the facts are clear: no one event can be considered entirely separate of another. There is, in fact, linkage even if Mr. Carter denies. It is just another delusion of a President who would not know reality if he stumbled over it on the Main Street in Plains, Ga.

I believe it is more than a post-Vietnam mentality that afflicts Mr. Carter. There are many lessons to be learned from the Vietnam war—a war which I and many others opposed. But those of us who see the world in real terms know that one of these lessons is that the United States must have the will and capacity to act when its vital interests are involved.

Mr. Carter has chosen a course more dangerous than if he stood his ground when the United States is challenged on key issues. Vacillation, weakness, confusion, lack of will—these are just a few of the ingredients that eventually will lead to the military confrontation Mr. Carter wants so desperately to avoid.

If we are to retain our position as a positive force in the world—for our own safety and the sake of our allies—then Mr. Carter must recognize reality and cope with it.

□ 1625

BUDGET COLLAPSE

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

● Mr. CONABLE. Mr. Speaker, the Wall Street Journal of February 16 carried an editorial entitled "Budget Collapse" which provides an interesting commentary on the state of our budget process. I submit it to my colleagues as representing a thoughtful viewpoint at the outset of this year's critical budget deliberations. As one who does not view the drive for a constitutional amendment requiring a balanced budget with confidence, I hope my colleagues will acknowledge the necessity of using our potentially valuable congressional budget process to better effect this year than ever before.

The editorial follows:

BUDGET COLLAPSE

We see that Senate Budget Committee Chairman Muskie came out swinging this week against the proposed constitutional amendment to balance the federal budget. Not only did he threaten the states that the budget would be balanced by cutting their revenue-sharing, he said the proposal was an "ill-considered contrivance," a "quick fix" that would "handcuff" the government.

If Senator Muskie wants to understand why so many states are trying to find a "quick fix" for the deficit problem, he ought to look back over his own much-heralded budget process. The original idea, you may remember, was that unintended deficits resulted because spending decisions were made piece-by-piece, with no overview of the budget's economic impact. So the Budget Act provided a mechanism for setting a spending ceiling and revenue floor before any action on appropriations or taxes. Many people hoped that this would help balance the budget.

In fact, however, the combined deficits for the three years immediately following the Budget Act turned out to be three times the size of the deficit for the three years prior to the new process. This is remarkable when you consider that the deficits for 1971–73 were, at that time, the largest in our peacetime history and the source of much of the concern that led to the 1974 Budget Act.

Performance is worsening rather than improving. Comparing five years each side of the Budget Act shows more than a four-fold increase in the size of the deficit. Why has Congress's budget control process turned out to be worse than no control at all?

The reason is that the budget committees have defined budget control in terms of Keynesian fiscal policy rather than budget balance. The Congressional Budget Office provides alternative "low growth" and "high growth" budgets: the first with small deficits and high unemployment, the latter with large deficits and fast inflation. The committee then picks a middle course as a deficit "appropriate in light of the economy's need for stimulation," which happens to provide the spending totals the big spenders want.

This convenient outcome probably results because the fix is in to begin with. At least in theory, Keynesian fiscal policy is not supposed to justify deficits at every stage of the business cycle, but that is how it has turned out in practice. Deficits are justified in bad times to fight recession. They are justified in periods of recovery in order to keep the recovery going. And they are justified in good times in order to fight off the recession that is predicted to be around the corner.

House Republicans, who caught on early to the game that still escapes the Senate Budget Committee minority, have been the only threat to the big spenders' control over the purse strings. They have consistently embarrassed the spenders by pointing out that tax rate reductions are a cheaper way than spending increases of providing any deficits deemed necessary to stimulate the economy. As we noted last month, the spenders in the House have already moved to eliminate this threat to their monopoly by changing the rules to outlaw budget amendments that would cut totals without specifying precisely where. In other words, they have outlawed the whole original idea of the budget process—that totals should be set independently of specific spending pressures.

Given this record, it should be no surprise that, for example, conservative Democrats in the House have given up all hope that the congressional budget process can be used to balance the budget. This week 43 Democrats introduced a Joint Resolution to amend the U.S. Constitution to establish a balanced budget as the norm for managing the federal government's fiscal affairs. Rep. Richard White, chairman of the Democratic Research Organization, says that he and 42 of his colleagues have reached the conclusion that a constitutional amendment is the only effective remedy.

There are of course problems with the constitutional amendment route; it would be far better if it didn't take handcuffs to keep the hands of Senator Muskie and his colleagues off the taxpayer's purse. But we can understand the urge for desperate measures when procedures sold in the name of fiscal responsibility are perverted into engines of spending and deficits.●

A NATIONAL SUPER SCHOOL BOARD NOT NEEDED

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

● Mr. GOLDWATER. Mr. Speaker, on the 8th of this month the Carter administration resubmitted its proposal to create a Cabinet-level Department of Education. The House, in its wisdom, killed this idea in the last session of Congress, and I think we would be wise to do so again.

We hear a lot of talk these days about scaling down the Federal bureaucracy. It was preached by Jimmy Carter when he campaigned for the Presidency, and rhetorically, at least, this belief has been the theme of his administration.

Why then this proposal to enlarge the bureaucracy, to create more positions on the Federal payroll, to spend more tax dollars? Could it be that the endorsement of the Nation's largest teachers' union, the National Education Association, with a membership of nearly 2 million school personnel, is at stake, just as it was in the 1976 election?

Political considerations aside, there is a fundamental principle involved here which we should recognize. A number of us in this body were quite vocal a few months ago in pointing out the importance of local autonomy in the administration of our education policy. Have we lost sight of our commitment to sound teaching in the classroom, to an emphasis on the basic skills? How can an oversized bureaucratic institution here in Washington effectively manage the activities of a schoolhouse which, in the case of my district, is 3,000 miles away?

Should we not be concentrating our attention on making the existing system more efficient? I have heard the promises of Vice President MONDALE and Budget Director McIntyre that the centralized control of 150 education programs will actually entail less money and fewer public jobs in the long run. But I have also learned in my 10 years as a Congressman that such projections are seldom, if ever, realized. There is no need to reshuffle the deck of bureaucratic cards, especially at a cost of $10 million. All we would be doing is establishing a jumbo, national super school board, and that, Mr. Speaker, is something we do not need.●

ADMINISTRATIVE PROCEDURES REFORM ACT OF 1978

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

● Mr. EDWARDS of Oklahoma. Mr. Speaker, last year I introduced H.R. 12333, the Administrative Procedures Reform Act of 1978. The purpose of that bill was to provide increased procedural safeguards for persons who must come before Federal agencies in adversary proceedings. Many individuals and national organizations, such as the American Federation of Small Business and National Associated Businessmen, Inc., have endorsed the bill.

Today, I am again introducing the Administrative Procedures Reform Act. Administrative law is the fastest growing body of law in the United States today. Yet, the constitutional protections available to all Americans in our civil and criminal courts all too often fall victim in administrative proceedings to "expediency" or one bureaucrat's interpretation of procedures that are in the "public interest," and in so doing disregard constitutional guarantees. The American people acutely feel that they are helpless before those powers we have delegated to executive branch agencies. This bill, and the procedural safeguards in it, are badly needed, and I urge my colleagues to review this bill and support my effort to guarantee constitutional protections to all persons affected by Federal agencies.

A copy of the bill and a summary of its provisions follows:

H.R. 2299

A bill to amend title 5, United States Code, to improve and reform the administrative procedures of Federal agencies, and for other purposes

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

SECTION 1. (a) This Act may be cited as the "Administrative Procedure Reform Act of 1979".

(b) Whenever in this Act an amendment is expressed as an amendment to a section or other provision, the reference shall be considered to be made to a section or other provision of title 5, United States Code.

SEC. 2. Paragraph (2) of section 552(a) is amended by—

(1) striking out "and" at the end of subparagraph (B);

(2) inserting "and" at the end of subparagraph (C); and

(3) inserting after subparagraph (C), as amended by paragraph (2) of this section, the following new matter:

"(D) detailed descriptions of agency standards and principles which govern discretionary decisions;".

SEC. 3. Subsection (b) of section 553 is

amended by striking out the third sentence and inserting in lieu thereof the following:

"Except when notice or hearing is required by statute, this subsection does not apply to rules of agency organization, procedure, or practice.".

SEC. 4. Subsection (c) of section 553 is amended by striking out "with or without opportunity for" in the first sentence and inserting in lieu thereof ", and through".

SEC. 5. Subsection (d) of section 553 is amended to read as follows:

"(d) The required publication or service of a substantive rule shall be made not less than 90 days before its effective date, except in the case of a substantive rule which grants or recognizes an exemption or relieves a restriction.".

SEC. 6. Paragraph (1) of section 554(c) is amended by striking out "when time, the nature of the proceeding, and the public interest permit" and inserting in lieu thereof "when the nature of the proceeding permits".

SEC. 7. Paragraph (1) of section 554(d) is amended by inserting after "party" the following: ", or the agency or a member of the body comprising the agency".

SEC. 8. Section 555(c) is amended by striking out the second sentence and inserting in lieu thereof the following new sentence: "A witness, party, or other person compelled to submit data or evidence is entitled—

"(1) to retain a copy or transcript of such data or evidence; and

"(2) on payment of lawfully prescribed costs, to procure a copy or transcript of such data or evidence and any data or evidence submitted by any other such witness, party, or person.".

SEC. 9. Section 555 is amended by adding at the end thereof the following new subsection:

"(f) No officer or employee of an agency may enter any property for purposes of inspection, search, or seizure, except upon authority of a search warrant issued by a court of competent jurisdiction. The search warrant shall—

"(1) issue only in the case of a probable cause to believe that a rule or order of the agency has been violated; and

"(2) specify the place involved, the nature of the inspection, search, or seizure to be conducted, and the time at which the inspection, search, or seizure is to be conducted.".

SEC. 10. Paragraph (3) of section 556(c) is amended by inserting after "relevant evidence" the following: "in accordance with the Federal Rules of Evidence".

SEC. 11. Subsection (b) of section 557 is amended by striking out everything after "first recommended a decision" in the last sentence and inserting in lieu thereof a period.

SEC. 12. Subsection (c) of section 557 is amended by—

(1) inserting after "part of the record" in the third sentence ", shall be consistent with prior decisions of the agency unless otherwise provided by law,";

(2) striking out the period at the end of the third sentence and inserting in lieu thereof "; and "; and

(3) adding at the end thereof the following new matter:

"(C) certification of complete review of all pertinent material including any transcript of testimony.".

SEC. 13. Subsection (b) of section 558 is amended by adding at the end thereof the following new sentence: "An agency may impose a sanction on a person only if such person has been given—

"(1) notice in writing of the factual and legal basis for the sanction; and

"(2) a period of at least 30 days (beginning on the date on which notice is given) to correct the violation on which the sanction is based.".

This subsection shall not apply when there is an imminent threat to public health or safety."

SEC. 14. Section 558 is amended by adding at the end thereof the following new subsection:

"(d) Any person charged with violation of an agency rule or order shall have an opportunity to confront and cross-examine any adverse witness and to examine and rebut all evidence considered by the agency in connection with the charge involved.".

SEC. 15. (a) Title 5 of the United States Code is amended by inserting immediately after chapter 5 the following new chapter:

Chapter 6—CONGRESSIONAL REVIEW OF AGENCY RULE MAKING

"Sec.

"601. Definitions.
"602. Resolution of disapproval.
"603. Effect on statutory time limits.
"604. Computation of calendar days of continuous session of Congress.
"605. Procedure for consideration of resolutions.
"606. Effect on judicial review.

"§ 601. Definitions.

"The definitions set forth in section 551 of this title shall apply to this chapter except that—

"(1) those functions excluded from the definition of the term 'agency' by paragraph (1)(H) of such section are included in such definition for purposes of this chapter;

"(2) the term 'rule' shall not include—

"(A) rules of agency organization, practice, and procedure,

"(B) rules relating to agency management and personnel, or

"(C) rules granting or recognizing an exception or relieving a restriction; and

"(3) the term 'promulgate' means filing with the Office of the Federal Register for publication.

"§ 602. Resolution of disapproval

"(a)(1) Simultaneously with promulgation or repromulgation of any rule, the agency shall transmit a copy thereof to the Secretary of the Senate and the Clerk of the House of Representatives. Except as provided in paragraph (2), rules shall not become effective, if—

"(A) within 90 calendar days of continuous session of Congress after the date of promulgation, both Houses of Congress adopt a concurrent resolution, the matter after the resolving clause of which is as follows: 'That Congress disapproves the rule promulgated by dealing with the matter of , which rule was transmitted to Congress on .', the first blank being filled with the name of the agency issuing the rule, the second blank being filled with the title of the rule and such further description as may be necessary to identify it, and third being filled with the date of transmittal of the rule to Congress; or

"(B) within 60 calendar days of continuous session of Congress after the date of promulgation, one House of Congress adopts such a concurrent resolution and transmits such resolution to the other House, and such resolution is not disapproved by such other House within 30 calendar days of continuous session of Congress after such transmittal.

"(2) If at the end of 60 calendar days of continuous session of Congress after the date of promulgation of a rule, no committee of either House of Congress has reported or been discharged from further consideration of a concurrent resolution disapproving the rule, and neither House has adopted such a resolution, the rule may go into effect immediately. If, within such 60 calendar days, such a committee has reported or been discharged from further consideration of such a resolution, or either House has adopted such a resolution, the rule may go into effect not sooner than 90 calendar days of continuous session of Congress after its promulgation unless disapproved as provided in paragraph (1).

"(b)(1) An agency may not promulgate a new rule identical to one disapproved pursuant to this section unless a statute is adopted affecting the agency's powers with respect to the subject matter of the rule.

"(2) If an agency proposes a new rule dealing with the same subject matter as a disapproved rule, the agency shall comply with the procedures required for the issuance of a new rule, except that if less than 12 months have passed since the date of such disapproval, such procedures may be limited to changes in the rule.

"§ 603. Effect on statutory time limits

"If a resolution of Congress disapproves a rule which was being promulgated subject to a statutory time limit for rulemaking, the adoption of the resolution shall not relieve the agency of its responsibility for adopting a rule, but any statutory time limit shall apply to such renewed rulemaking only from the date on which the resolution was adopted.

"§ 604. Computation of calendar days of continuous session of Congress

"For the purposes of this chapter—

"(1) continuity of session is broken only by an adjournment sine die; and

"(2) the days on which either House is not in session because of an adjournment of more than 3 days to a day certain are excluded in the computation of calendar days of continuous session.

"§ 605. Procedure for consideration of resolutions

"(a) The provisions of this section are enacted by Congress—

"(A) as an exercise of the rulemaking power of the Senate and the House of Representatives, respectively, and as such they are deemed a part of the rules of each House, respectively, but applicable only with respect to the procedure to be followed in that House in the case of resolutions described by section 602 of this title; and they supersede other rules only to the extent that they are inconsistent therewith; and

"(B) with full recognition of the constitutional right of either House to change the rules (so far as relating to the procedure of that House) at any time, in the same manner and to the same extent as in the case of any other rule of that House.

"(b)(1) Resolutions of disapproval of a rule shall, upon introduction or receipt from the other House of Congress, be immediately referred by the presiding officer of the Senate or of the House of Representatives to the standing committee having oversight and legislative responsibility with respect to the promulgating agency in accordance with the rules of the respective House; and such resolutions shall not be referred to any other committee.

"(2) If a committee to which is referred a resolution which has not been adopted by the other House of Congress does not report out such resolution within 45 calendar days of continuous session of Congress after referral, it shall be in order to move to discharge such committee from further consideration of such resolution.

"(3) If a committee to which is referred a resolution which has been adopted by the other House of Congress does not report out such resolution within 15 calendar days of continuous session of Congress after referral, it shall be in order to move to discharge such committee from further consideration of such resolution.

"(4) Such motion to discharge must be supported by one-fifth of the Members of the House of Congress involved, and is highly privileged in the House and privileged in the Senate (except that it may not be made after the committee has reported a resolution of disapproval or for reconsideration with respect to the same rule); and debate thereon

shall be limited to not more than 1 hour, the time to be divided in the House equally between those favoring and those opposing the motion to discharge and to be divided in the Senate equally between, and controlled by, the majority leader and the minority leader or their designees. An amendment to the motion is not in order, and it is not in order to move to reconsider the vote by which the motion is agreed to or disagreed to.

"(c)(1) Except as provided in paragraphs (2) and (3) of this subsection, consideration of a resolution of disapproval shall be in accord with the rules of the Senate and of the House of Representatives, respectively.

"(2) When a committee has reported or has been discharged from further consideration of a resolution with respect to a rule, it shall be in order at any time thereafter (even though a previous motion to the same effect has been disagreed to) to move to proceed to the consideration of the resolution. The motion is highly privileged and is not debatable. An amendment to the motion is not in order, and it is not in order to move to reconsider the vote by which the motion is agreed to or disagreed to.

"(3) Debate on the resolution shall be limited to not more than two hours, which shall be divided equally between those favoring and those opposing the resolution. A motion further to limit debate is not debatable. An amendment to or motion to recommit, the resolution is not in order and it is not in order to move to reconsider the vote by which the resolution is agreed or disagreed to.

"§ 606. Effect on judicial review

"Congressional inaction on or rejection of a resolution of disapproval shall not be deemed an expression of approval of such rule.

(b) The table of chapters for part I of title 5 is amended by inserting immediately after

"5—Administrative Procedure..... 501"

the following:

"6—Congressional Review of Agency Rule Making..... 601".

(c) The provisions of chapter 6 of title 5, United States Code, shall, for the duration of the period during which such chapter is in effect (as provided in section 18 of this Act), supersede any other provisions of law governing procedures for congressional review of agency rules to the extent such other provisions are inconsistent with such chapter.

(d) This section shall become effective at the beginning of the second session of the Ninety-fifth Congress and shall cease to be effective at the adjournment sine die of the Ninety-seventh Congress, unless otherwise provided by Act of Congress.

SEC. 16. Section 704 is amended by striking out the first two sentences and inserting in lieu thereof the following: "Any party adversely affected by an agency action has a right to submit that action to judicial review. Administrative remedies need not be exhausted prior to judicial review, and no court shall refuse to exercise jurisdiction over a case on the ground that an agency with concurrent jurisdiction has not exercised such jurisdiction.".

SEC. 17. Section 706 is amended by—

(1) inserting after the first sentence the following new sentence: "The reviewing court may conduct a trial de novo."; and

(2) striking out "substantial evidence" in paragraph (2)(E) and inserting in lieu thereof "the preponderance of the evidence".

ADMINISTRATIVE PROCEDURE REFORM ACT—SECTION-BY-SECTION SUMMARY

PUBLIC INFORMATION

Sec. 2: Increases the amount of information an agency must make available to the public in the area of discretionary decisions by requiring an agency publish detailed descriptions of agency standards and principles which govern discretionary decisions.

RULEMAKING

Sec. 3: Requires Federal agencies publish in the Federal Register all interpretive rules and general statements of policy adopted by said agency, and removes the agency's option to adopt rules without publication in the Federal Register.

Sec. 4: Requires agencies to provide an opportunity for oral arguments in favor of or in opposition to proposed rule making.

Sec. 5: Provide that substantative rules be published in the Federal Register at least 90 days before their effective date, except for rules which grant or recognize an exemption or relieve a restriction.

ADJUDICATIONS

Sec. 6: Remove an agency's option to remove a party's opportunity to submit facts and arguments in adjudicatory proceedings in the interest of "time" or "the public interest".

Sec. 7: Clarifies the law to insure that a hearing examiner who takes evidence may not consult with an agency or any other member of the agency prior to rendering a recommendation or decision.

ANCILLARY MATTERS

Sec. 8: Entitles a witness, party, or other person compelled to submit data or evidence to procure a copy of any data or evidence submitted by any other witness, party, or person.

Sec. 9: Requires that no officer or employee of an agency may enter any property for purposes of inspection, search, or seizure, except upon authority of a search warrant issued by a court of competent jurisdiction.

HEARINGS

Sec. 10: Require all Federal agencies adopt the Federal Rules of Evidence to assure uniformity in procedure and admissibility of evidence in administrative hearings.

INITIAL DECISIONS

Sec. 11: Removes the option of an agency to make a decision without first receiving a recommendation from the person who presided at the hearing and heard testimony.

Sec. 12: Applies the doctrine of *stare decisis* to agencies by requiring all agency decisions be consistent with prior decisions unless otherwise provided by law.

IMPOSITION OF SANCTIONS

Sec. 13: Permits an agency to impose a sanction on a person only if that person has been given notice in writing of the factual and legal basis for the sanction and a period of at least 30 days from receipt of that notice to correct the violation on which the sanction is based. This notice period shall not apply where there is an imminent threat to public health or safety.

Sec. 14: Require any person charged with violating an agency rule or order shall have an opportunity to confront and cross-examine any adverse witness and examine and rebut all evidence considered by an agency in connection with the charge involved.

CONGRESSIONAL REVIEW OF AGENCY RULE MAKING

Sec. 15: Requires all agencies, at the time of promulgation of any rule, to deliver a copy of the rule to the Senate and the House of Representatives. The rules shall not become effective if a concurrent disapproval resolution is passed by both Houses of Congress within 90 days, or, if within 60 days, one House of Congress adopts a disapproval resolution and such resolution is not disapproved by the other House within 30 days. If, at the end of 90 days neither House of Congress has adopted a disapproval resolution, the rule may go into effect immediately.

ACTIONS REVIEWABLE

Sec. 16: Require that administrative remedies need not be exhausted prior to judicial review, and no court shall refuse to exercise jurisdiction over a case on the ground that an agency with concurrent jurisdiction has not exercised such jurisdiction.

SCOPE OF REVIEW

Sec. 17: Permits a court conducting a review of an agency action to hold a new trial on all points raised during the agency action, and require a reviewing court set aside any agency decision unsupported by the preponderance of the evidence.●

CONGRESSMAN ANNUNZIO URGES HALT TO DEFAMATION OF ETHNIC GROUPS BY MASS MEDIA

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

● Mr. ANNUNZIO. Mr. Speaker, House Concurrent Resolution 4, a bill I introduced on the first day of this new 96th Congress, would put the U.S. Congress on record in opposition to films and television or radio broadcasts which defame, stereotype, demean, or degrade ethnic, racial, or religious groups.

As the author of this legislation, I was pleased to read TV-radio critic Gary Deeb's column in the February 8 Chicago Tribune, "Italian Image Again Takes It on the Chin." Gary Deeb goes right to the heart of the matter when he refers in his column to "the cultural devastation that is being systematically wreaked on their (Italian) heritage by the TV power brokers."

According to Deeb, the current run of Italian-oriented TV programs are depicting Italian Americans as "symbols of brute ignorance," and to make matters worse, "the networks refuse to paint any of their Italian characters as genteel, humane individuals who are devoted to their families." Gary Deeb points out that vicious, negative stereotypes are perfectly acceptable to the networks, but positive ones simply do not get enough laughts. He goes on to say:

> Let's face it. Since its inception, television frequently has specialized in dividing the many ethnic, racial, religious, and social political groups that comprise America. Rather than celebrating the differences among us and exploring the reason for that diversity, TV mocks those differences and exploits the multiplicity that is our greatest strength.

Gary Deeb has spoken out eloquently and forthrightly on a subject that has been largely ignored heretofore by those connected with the radio and TV industry. I am heartened by Mr. Deeb's column because it is a giant first step toward helping to focus attention on a problem that has confronted ethnics in this country for too long.

As an American and the son of Italian immigrants, I am only too well acquainted with the innuendos, the sick jokes, and the countless other vicious, contemptible, and cruel methods employed by our mass media to degrade members of ethnic and minority groups.

It is a tragic commentary upon our times that those ethnic groups and minorities which have managed to retain a vestige of their original national identity—while at the same time assimilating the best concepts of a democratic society—should be made to suffer most

acutely by motion pictures, television programs, radio broadcasts, and periodicals which demean their identity.

Stereotypes as presented on television can be particularly influential to the young child. To a great degree, we become what we see, whether in life or in the media. Thus, the challenge to the media is very great indeed, since modeling implies that children will be influenced not only by being told what they should be like, but by observing what people with whom they can identify are actually like or portrayed as being.

When the media allows and encourages aspersion to be cast upon groups, portraying them as "superstitious" Catholics, "dumb pollacks," or part of the "yellow peril," or as "welfare blacks," or as "Italian criminals," or the "Jewish loanshark," then social harmony becomes a political concern. Groups that have thus been maligned cannot help but question the worth of their allegiance to a political system which seems to affirm attacks upon them.

These ethnic slurs, then, become the special concern of Congress for they strike at the heart of a healthy and wholesome political system. My resolution (H. Con. Res. 4) recognizes that the vitality of our political institutions and our values is dependent on harmonious relations among various ethnic groups. Only if mutual respect is accorded these groups can our democracy grow stronger and more dynamic.

I commend Gary Deeb for courageously focusing attention on an issue which has been almost completely disregarded by those individuals who control the mass media. By persisting to ridicule and stereotype our minority groups, the mass media has been derelict in its responsibility to help create a society in which people are proud of their country, their institutions, and their heritage.

Supporters of my resolution do not want Government censorship; they want the leaders in the media industry to exercise a social conscience in human relationships just as they want industries to exercise a social conscience in matters of employment, pollution abatement, and pricing policies.

In the past when private industries defaulted in their social responsibilities, they were subjected to governmental regulation. My resolution calls for an evaluation and an accounting by the media industry a year after congressional passage to determine the adequacy of the code of ethics or the guidelines which they develop and apply under the legislation.

Mr. Speaker, I urge the support of all of my colleagues for House Concurrent Resolution 4.

The full text of Gary Deeb's column follows:

ITALIAN IMAGE AGAIN TAKES IT ON THE CHIN

Those Italian-American organizations that are so busy defending Peter Schivarelli, the embattled head of Chicago's hysterical Snow Command, ought to direct their attention toward the *real* bogeymen that are harming the image of Italian-Americans. I'm talking about the recent flurry of stupid television programs that depict Italian people, particularly teen-agers, as a collection of single-syllable, gum-chewing idiots.

Instead of pretending that the Mafia is a creature of Mario Puzo's imagination, and that the only bad Italian is the one who thinks ricotta is the same as cottage cheese, the Italian-American antidefamation groups should open their eyes to the cultural devastation that's being systematically wrecked on their heritage by the TV power brokers.

Every time you flick on the TV these days, there's a young Italian guy or girl behaving like a moron, grinning like a dope, or uttering disjointed sentences in a Sylvester Stallone accent.

On "Happy Days," the Fonz, alias Arthur J. Fonzarelli, snaps his fingers and grunts: "Ay-y-y!" On Laverne & Shirley," Laverne DeFazio tries to cover up her overbite and her lack of upbringing by acting loud and aggressive. A new show called "Makin' It" features weak-spined Billy Manucci, who can't choose between studying and disco dancing, and older brother Tony Manucci, who postures like a jackass on the dance floor.

Then there's "Flatbush," an upcoming CBS comedy series about five crude youths from an Italian neighborhood in Brooklyn. The show is so bad that the CBS bosses have yet to summon up enough courage to preview it on a closed-circuit feed to their affiliates.

And don't forget "Welcome Back, Kotter," where Vinnie Barbarino, in the person of John Travolta, provides an Italian version of Stepin Fetchit.

Indeed, just as TV's black comedy programs have caused irreparable harm to the image of black people in this country, so do these Italian-oriented programs play a cruel joke on the reality of Italian-American family life.

Furthermore, because so many recent movie "heroes" have been blue-collar Italian types—such as Tony Manero in "Saturday Night Fever" and Rocky Balboa in "Rocky"—the latest trend in TV's copycat sweepstakes is to build a show around a working-class Italian kid. Naturally, the kid always has spaghetti for brains and struts around like a rookie pimp. The networks call it "ethnic flavor."

Please understand. This isn't a demand that the networks begin portraying all Italian-American characters as altar boys and models of nobility. Non-Italians don't have a monopoly on evil and corrupt behavior. There are plenty of Italian creeps out there.

In fact, one of the most absurd ethnic protests in recent years was the 1972 outcry by some Italian-American groups that "The Godfather" should be banned from theaters because it depicts Italians in a nasty light. A similar stupidity occurred in 1977 when many of the same people tried to prevent NBC from telecasting Francis Ford Coppola's "Godfather Saga."

The "Godfather" movies were among the finest American motion pictures of all time. They were filmed with taste, intelligence, wit, and bone-rattling horror. They also related more truth about the inner workings of the Mafia and the United States crime syndicate than all the previous popular literature combined.

But the current spate of Italian-oriented TV programs falls into a completely different arena.

To begin with, the very proliferation of these programs is socially dangerous. When the big networks start using Italian-American customs and physical characteristics as consistent symbols of brute ignorance and caveman sexuality, then they're only a half-step away from actually declaring: "Hey, look at these stupid greaseballs, will ya?"

In addition to that constant vicious stereotype, the networks refuse to paint any of their Italian characters as genteel, humane individuals who are devoted to their families and absolutely infatuated with the Work Ethnic. In other words, negative stereotypes are great; but positive ones aren't funny enough.

Thus, we're glutted with the Fonzies, Lavernes, Barbarinos, the Manucci brothers, and a bunch of other thickheaded poseurs. These dirtbags represent Italian-American life about as much as the Frankenstein monster represents Bavarians.

Let's face it. Since its inception, television frequently has specialized in dividing the many ethnic, racial, religious, and sociopolitical groups that comprise America. Rather than celebrating the differences among us and exploring the reasons for that diversity, TV mocks those differences and exploits the multiplicity that is our greatest strength.

TV deals in cardboard, one-dimensional characters. Such surface creations make it easy to grind out a cheapjack weekly series such as "Welcome Back, Kotter" or "What's Happening."

As previously mentioned, virtually all blacks on weekly TV are lamebrained jugheads who would bring a smile to the lips of George Wallace; for more than a decade, the average Southerner on TV was depicted as a rustic yahoo who keeps tripping over his boots; and until recently, every woman on TV was either a long-suffering housewife or a big-breasted hussy.

So now it's the Italians' turn to take it in the neck. That's democracy, TV-style.●

LEGISLATION TO PROVIDE FOR UPGRADING OF IMPORTED MEAT INSPECTION AND LABELING PROCEDURES

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

● Mr. BEDELL. Mr. Speaker, I am today introducing legislation which would provide for the upgrading of imported meat inspection and labeling procedures. Its language is in large part a merger of two measures I sponsored and cosponsored in the last Congress, the incorporation and refinement of which I believe has produced a bill that serves both producer and consumer interests.

In recent months we have heard considerable discussion about the potential problems for our society resulting from meat imports. There seems to be general agreement that this issue affects both producers and consumers. However, what is often overlooked is the fact that their interests are not necessarily incompatible.

In my view, producers have a right to full confidence in the promise their Government made in the 1964 Meat Import Act that foreign countries would not be allowed to dump their livestock products in American markets and to assurance that foreign meat is held accountable to the same standard of wholesomeness as its American counterpart. And consumers have a right to full information about the nature of the food products they wish to purchase at the grocery store or at a restaurant, and to assurance that such products have met strict inspection standards. These are not mutually exclusive propositions, and the Meat Labeling and Inspection Act of 1979 recognizes this fact.

I believe that the imported meat issue should be addressed in several ways.

What is needed is a combination of strict inspection standards for imported meat and meat products, effective labeling of such items, and international agreements governing the international exchange of food products. My proposal addresses the inspection and labeling aspects of this equation.

The bill can be separated into three main components. First, it would inform the consumer at the supermarket or grocery store level as to whether the meat or meat food product he is buying contains imported meat. Second, it would upgrade the inspection requirements for imported meat so that the American consumer is assured that the product he is buying has met strict qualitative standards for wholesomeness. And third, it would direct eating establishments that serve imported meat to advise their customers of this fact.

The need for this legislation is clear. The amount of meat that is imported into the United States every year is substantial—somewhere around 8 percent of U.S. domestic production. Generally, these imports are absorbed into the marketplace with little fanfare and lose their identity quickly, especially since the imports are almost always mixed with higher quality U.S. beef in hamburger or other meat products.

I believe that the American people are entitled to know all the essential facts about the product they buy, whether they be an automobile, a television, or a cut of meat. However, current labeling requirements for imported meat and meat food products are simply not adequate, where such requirements even exist.

Much of the meat imported into the United States arrives in frozen blocks. Current law and regulations do not require that these blocks of meat be labeled according to country of origin. And further, no such labeling is required at each stage of the processing chain.

The fact of the matter is that existing labeling practices are of no practical value to the American consumer. When he purchases meat in a grocery store or at a public eating establishment, he has no way of ascertaining whether that product was produced in the United States or abroad. My proposal would provide the American consumer with that information, and it would also assure him that imported meat has met the same standards of wholesomeness that are imposed on American food products.

This measure does not make unreasonable demands. For instance, the bill recognizes that meat marketers may have difficulty in keeping track of the exact proportion of imported meat in the product as it makes it way through the processing chain, as well as identifying the country of origin in all cases. Thus, leeway is given to allow the labeling to reflect several options: "imported," "imported in part," "may contain imported meat," or marked to show the country of origin. Similarly, eating establishment operators are given the option of either posting the notice in "a conspicuous place" or printing the information on the menu. Finally, the American taxpayer is not required to shoulder the burden of the stiffened inspection requirements; the bill that I am introducing would require that the exporter pay such expenses.

Mr. Speaker, I want to emphasize the fact that these labeling and inspection proposals are designed to complement, and not contravene the multilateral trade agreements which have been so painstakingly negotiated by Special Trade Representative Strauss and which will soon be presented to Congress. The importance of trade liberalization to the agricultural sector is undeniable, and I in no way wish to undercut the progress that has been made to this end.

It is my firm belief that the legislation I am proposing today is compatible with trade liberalization: there must be "fair" trade if there is to be "free" trade. Furthermore, the consumer does not benefit from trade if the products that are traded are unsafe, detrimental to his health, or are otherwise inferior in quality. He deserves to be as fully informed as possible about the product in question. This is especially true when talking about meat. I urge that my colleagues join me in calling for the consideration and enactment of the Meat Labeling and Inspection Act of 1979.●

LEGISLATION TO INCREASE COMPENSATION PAYMENTS FOR SERVICE-CONNECTED DISABLED VETERANS

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

● Mr. MONTGOMERY. Mr. Speaker, on the first day of this Congress, I introduced H.R. 47 for myself and for the Honorable RAY ROBERTS of Texas, the chairman of the Committee on Veterans' Affairs, and for the distinguished ranking minority member, the Honorable JOHN PAUL HAMMERSCHMIDT. That bill would increase by 7 percent all compensation payments for service-connected disabled veterans and dependency and indemnity compensation (DIC) payments for the surviving spouses and children of veterans who have died of service-connected causes.

At that time, I told you the 7-percent level of increase was dictated by two factors. These were the early estimate of the probable rate of increase to be expected in the Consumer Price Index by October 1, the suggested effective date of the bill, and the President's inflation guideline of 7 percent.

I told you as well, that should the proposed rate of increase prove inadequate, a more realistic proposal would be forthcoming to assure that those veterans who have suffered disability because of their service to their country and the survivors of those who died because of such service would not be unfairly disadvantaged by inflation's subtle thievery.

We now have such evidence. The President, with his budget, suggested that the veteran's service-connected benefit level be increased by 7.8 percent. This week, we received an analysis of the President's budgetary proposal for fiscal year 1980 prepared by the Congressional Budget Office. That analysis cites the President's 7.8-percent proposed increase in rates of disability compensation and DIC which he estimated would cost $498 million for 1980. The analysis continues, however, to explain that an 8.3-percent increase would be required in this program to cover the inflation anticipated during fiscal year 1979. A rate increase in that magnitude is expected by the Congressional Budget Office to cost approximately $577 million in budget authority for 1980.

Today, I am introducing another bill to provide an increase of approximately 8.3 percent. I am joined not only by the able chairman of the full committee, Mr. ROBERTS, and the distinguished ranking minority member, Mr. HAMMERSCHMIDT, but by most of the members of the full committee.

You may be sure that the committee will closely watch this situation and will address itself at an early date to action designed to protect our most deserving veterans and their survivors.●

NIAGARA FALLS' LOVE CANAL: A CONTINUING TRAGEDY

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

● Mr. LAFALCE. Mr. Speaker, Niagara Falls, N.Y., is the site of what is perhaps the Nation's most famous tourist attraction. Yet that city also contains the Nation's most notorious abandoned landfill site, the Love Canal, where hazardous and toxic wastes which had lain dormant for a quarter of a century are now causing substantial threats to public health in the area of the canal. On February 8 the Health Commissioner of New York announced that medical studies in the neighborhood showed that families with pregnant women and with children under 2 years of age should be temporarily relocated until construction work to contain the chemical wastes was completed. This is the second time in less than 6 months that an announcement of this kind has had to be made in the Love Canal neighborhood.

The continuing tragedy at the Love Canal required a redoubling of effort on the part of all levels of government to assist the families affected by this crisis and to work to remedy such situations and prevent them from occurring in the future. In anticipation of the decisions announced on Thursday, February 8, I contacted, on February 6 and 7, Federal officials from the Federal Disaster Assistance Administration (FDAA) and the Environmental Protection Agency (EPA) to the White House, and also renewed my request to the separate subcommittees of the House of Representatives for congressional hearings early this year on the larger subject of toxic wastes control.

In speaking on Tuesday, February 6, with William Wilcox, head of the FDAA, I specifically requested the following:

FDAA agreement to reimburse the State of New York for any costs asso-

ciated with the temporary relocation of additional families from the so-called wet areas;

FDAA agreement, in light of these new developments, to reconsider its initial decision, now being appealed by the State, not to assist in the construction of remedial measures in the upper two-thirds of the Love Canal; and

FDAA agreement to consider providing assistance for construction activities, if any, that might be needed in the "wet areas."

In my judgment, FDAA's position with respect to the Love Canal is not justified by reason but is, instead, based on an arbitrary limitation that has been placed on Federal participation in dealing with this emergency by the Office of Management and Budget (OMB).

Even though disagreeing with them, one can understand the reluctance of the Federal Government to reimburse the costs of the permanent relocation program undertaken by the State for 97th and 99th Streets last fall for the following reasons: First, Federal disaster funds have never before been used to pay for lost homes, even in flood, fire, tornado or other disasters where homes are completely lost; second, State officials, at the time the Federal emergency declaration was made, stated that they never anticipated Federal reimbursement for this aspect of the problem; and third, none of the homes themselves were "taken" (that is, removed or demolished) for construction purposes.

But the decision with respect to the upper two-thirds of the canal is arbitrary and ought to be reversed. Even if you remove the approximately $12 million that was involved in the permanent relocation, the Federal commitment to date (combining FDAA assistance and $4 million appropriated to the Environmental Protection Agency (EPA) last year) will only come to about 50 percent of the total costs identified to date. This is not enough for this kind of emergency.

On August 30 of 1978, only 3 weeks after the emergency was declared, the EPA wrote to the FDAA with regard to the construction program. That letter noted that a conference of EPA and State officials resulted in a consensus that:

> In order to protect property and public health from the migrating plume of chemical contaminants, and to provide for the safety of the residents, a drainage system must be dug around the entire perimeter of the site (*not just* the southern portion) . . ." (emphasis in original)

I had pushed EPA to write this letter to the FDAA at that time, specifically on the above point, and have repeatedly cited it to Mr. Wilcox and others at the FDAA prior to the January 19 rejection of the State's request for FDAA assistance for the upper two-thirds; and I raised it again in early February with both Mr. Wilcox and with Jack Watson, Assistant to the President for Intergovernmental Affairs in the White House.

The developments of February 8 make reconsideration of this issue even more imperative. I've asked Wilcox and Watson to take them into account in reviewing the situation, and I will continue to do so.

Mr. Wilcox has stated that it would be proper, under the existing emergency declaration, for the State to request FDAA consideration of funding new temporary relocation for affected families; and, he expressed sympathy toward any future State request for reimbursement of such temporary relocation costs from FDAA. He has not been so sanguine however, on the other points raised.

I also contacted EPA officials on February 6 and on Thursday, February 8 met in my Washington office with Eckhardt C. Beck, Regional Administrator of EPA's Region II office in New York; Charles Warren, Director of Legislative Affairs in EPA's headquarters; and other EPA officials. We agreed to coordinate our efforts and to work with the FDAA, OMB, and the White House for a greater Federal role. We also discussed existing law and its inadequacy, concurring that major improvements are needed, in order to provide an effective Federal response to situations of this kind.

EPA advised me that the legislation I have introduced—the Toxic Tort Act and the Hazardous Waste Control Act—provide precisely the thrust that is needed to help in these situations. The Toxic Tort Act basically calls for immediate Federal action to assist and help compensate victims of exposure of hazardous substances; while the Hazardous Waste Control Act would create a new Federal program to identify abandoned waste sites and make them safe. EPA is working on similar legislation now; we will be meeting shortly to further refine the needed changes in Federal law. We hope to have a mutually agreeable package by the end of February.

In the interim, I have contacted each Member of the House of Representatives urging them to join in sponsoring my bills, and I will do so again not only in light of the new developments at the Love Canal but also because similar situations exist in many areas of the country—Kentucky, Tennessee, New Jersey, Michigan, and others. (Incidentally, although all these other hazardous sites exist, the Love Canal site is the only one where the FDAA has declared an emergency, refusing to do so elsewhere, and it is also the only site where we have been able to get substantial EPA financial assistance, thanks to the $4 million demonstration grant we added to EPA's appropriation in Congress last year.)

Additionally, when congressional committees were being organized late in January and early this month, I wrote three new subcommittee chairmen on the day they were chosen, asking them to hold early hearings on the toxic wastes problem and on legislative solutions to it. These were: JAMES FLORIO, Democrat of New Jersey, Subcommittee on Transportation and Commerce, which has jurisdiction over hazardous wastes; BOB ECKHARDT, Democrat of Texas, Subcommittee on Oversight and Investigations of the Commerce Committee, which has shown considerable interest in the hazardous waste problem in the past; and ANTHONY MOFFETT, Democrat of Connecticut, Subcommittee on Environment, Energy and Natural Resources of the Government Operations Committee, which has general oversight jurisdiction over toxic substances and the Federal Government's role with respect to them.

In light of the February developments, I am again contacting each of these subcommittees and each and every Member of Congress renewing my request for immediate hearings, pointing out the even greater need for rapid congressional action on this matter. And I will further intensify my efforts to get OMB to lift its arbitrary limit on Federal financial participation in meeting the Love Canal emergency both now and in the future.●

AMENDMENTS TO THE INTERSTATE LAND SALES FULL DISCLOSURE ACT

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

● Mr. MINISH. Mr. Speaker, last week I introduced legislation which is designed to provide substantial new protection for consumers who purchase land from interstate developers.

This legislation, if enacted, will extensively change the Interstate Land Sales Full Disclosure Act and will go a long way toward cleaning up numerous sales abuses in the industry which sells undeveloped land.

In 1978, the House Banking Oversight Subcommittee, of which I am chairman, did an extensive investigation of sales and development practices in the interstate land sales industry. We held 3 days of hearings in April of 1978 and heard testimony from more than 30 witnesses representing Federal and State Governments, industry, public interest groups and consumers. It is clear to me after our investigation that the present Interstate Land Sales Full Disclosure Act, enacted originally in 1968, does not adequately protect land purchasers. Our subcommittee's investigation uncovered evidence of misrepresentation, abuses and fraud on the part of some land developers. Many developers sell lots at a rapid rate regardless of whether the consumer will receive fair value for his money. Thousands of land purchasers are lured by fast-talking salesmen into unfair, long-term installment contracts. Many purchasers are convinced that they are making a good investment and only later find that their lots were sold at greatly inflated prices, are completely unsuitable as home sites and have little or no resale value.

Although several Federal and State agencies have tried to clean up the land sales industry, severe problems remain. Literally millions of consumers continue to be defrauded or disappointed by land developers every year. Unfortunately, developers tend to prey on those who are least able to protect themselves. People who are elderly or unsophisticated constitute prime markets for land schemes.

I have included at the end of this statement a section-by-section summary

of the major provisions of this bill. However, I would like to mention a few of the items which I consider most important.

This bill attempts to eliminate the use of the installment contract method of financing lot purchases. Under the traditional installment contract, the purchaser agrees to pay for his lot over a period of years, usually 7 to 10, through monthly installments. There is no transfer of title to the purchaser until he has completed payments and, in many cases, purchasers who finish paying discover that the developer is unable to deliver clear title. Most installment contracts contain a "liquidated damages" clause which provides that in the case of default by the purchaser, all money paid by the purchaser is retained by the developer. Thus, the purchaser builds no equity proportional to his payments as he would under a traditional mortgage method of financing. In some cases, purchasers have paid over 90 percent of what they owe and then have been left with nothing when they cannot continue to pay.

Another problem which results from the installment contract method of financing is that developers often sell the installment contracts to third parties. The purchaser then owes his payment to the third party, but, because of the holder in due course laws, the purchaser cannot force the third party to fulfill any of the obligations of the developer. In addition to all these problems, because the purchaser does not get title until he has completed payments, he may not be able to use the property for 7 to 10 years after he signs the contract of sale. In short, consumers who buy under installment contracts are all around losers.

This legislation would prevent this abuse by insuring that developers who extend credit for the purchase of their own lots, do so under contracts that contain the protections of the more traditional mortgage or deed—deed of trust arrangements. This would insure far more protection to the consumer.

A second provision of this bill requires that developers who promise to provide basic services, such as, water, sewage disposal and electricity, must establish escrow accounts which insure completion of these services. During our investigation, we found that developers often promise all kinds of improvements as part of their sales pitch. In many cases, those developers are financially unable to keep their promises and, thus, force lot buyers to spend money which they never anticipated having to spend. A number of States already have escrow requirements, which have provided increased consumer protection without imposing excessive economic burdens on developers. We feel that escrow accounts, to insure basic services, should be a national requirement.

The third major reform which this bill provides is our "parens patriae" section. We found that many people who have civil causes of action under the present Interstate Land Sales Act are unable to bring suit because individual suits are too expensive and it is to difficult to bring class actions in Federal court. Our parens patriae section allows the attorney general of a State to bring civil actions against developers on behalf of citizens of his State who have purchased land. This provision does not create any new rights but simply makes it easier for consumers to enforce rights which they already have.

Other reforms in this bill include the elimination of the present statutory bankruptcy exemption, a 30-day absolute right of rescission for lot purchasers, a provision which allows purchasers to sue for specific performance of promises made by developers, extension of the statutes of limitations on civil suits under the Land Sales Act and new administrative remedies for the Office of Interstate Land Sales Registration.

I believe that this bill would give the people who buy land at least a fair chance of getting a good deal for their money. This is not too much to ask for our constituents. I urge my colleagues to support this legislation.●

FEDERAL PROTECTIVE SERVICE ACT OF 1979

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

● Mr. MITCHELL of Maryland. Mr. Speaker, as is well known, the Federal Protective Service is the security arm of the General Services Administration's Public Buildings Services. It is charged with the primary responsibility of protecting Federal property and persons under the jurisdiction of the General Services Administration.

Created in 1972 by GSA, the requirements for the Federal Protective Service positions are very similar to those of police officers. The FPS provides security in approximately 10,000 Federal Government buildings throughout the United States, to include national defense installations; the Pentagon; the Central Intelligence Agency; the Nuclear Regulatory Commission; and the Department of Justice. Still further, the Federal Protective Service is responsible for the protection of the President; Vice President; Senators and Members of Congress; and, U.S. district and appellate court judges. In addition, all foreign dignitaries, including Blair House visitors, who visit Federal facilities, are accorded protection by the Federal Protective Service. While their assigned duties are numerous, let me just finally add that further responsibilities include the assisting of other Federal enforcement agencies (for example, the Federal Bureau of Investigation), by instructing and directing visitors to Federal buildings; providing emergency first aid as necessary; and assisting in controlling and fighting fires.

Oddly enough, the aforementioned responsibilities, which are assumed by our Federal protective officers, are not matched by sufficient financial remuneration and/or benefits. It should be noted that police force benefits, including administrative leave for injuries incurred while on duty, a retirement program and protection against assault are all provided for in the United States Code. However, the Federal Protective Service is not included in the provisions of these titles.

The 1972 GSA memo which created the Federal Protective Service by stating explicitly, among other things that—

> New positions are being established called Federal protective officers which involve greater responsibilities than the present positions of guard * * * The requirements for these new positions are similar to those of police officers.

However, this explicit memo failed to address the pertinent issue of increased benefits for these officers, and thus, while the training programs has been greatly improved, the positive changes in the pay scale, retirement, and sick leave benefits have been minimal.

The measure which I am introducing today, the Federal Protective Service Act of 1979, is an attempt to rectify the aforementioned injustices. This bill basically provides that: First, Federal protective officers be considered "law enforcement" officers; second, their grades, salaries, and fringe benefits be comparable to those in the Executive Protective Service; and, third, they be covered under the standard or existing statutory benefits for early retirement, protection against assaults and survivors benefits for death in the line of duty.

The enactment of this legislation, the text of which is attached, will hopefully eliminate the gross inequities which have been borne by our Federal protective officers as they have continually sought parity with like organizations (for example, the Capitol Police; the Park Police; and, the Executive Protective Service).●

THE NEED FOR A CONSTITUTIONAL CONVENTION TO MANDATE A FEDERALLY BALANCED BUDGET

● Mr. VOLKMER. Mr. Speaker, in recent weeks there has been much discussion about the calling of a Constitutional Convention to mandate a federally balanced budget. There is some question as to the procedures that must be followed to call a Convention.

I believe that we are all aware that 27 States have passed resolutions that are considered applications for a Constitutional Convention. Many of those passed before 1979 were noticed in the CONGRESSIONAL RECORD, some were not.

For example, Nevada's resolution was not sent since it was vetoed by the Governor. This does not effect the resolution's validity—but due to Nevada law it cannot be sent.

It is not necessary that the resolutions be noted anywhere as there is no procedure to apply to the situation. The fact the resolution passed the State legislatures is enough.

Since a majority of the resolutions have been noted in the CONGRESSIONAL RECORD, I would like to have those not noted appear in extra material to the special order. I am submitting copies of the resolutions from the States of Alabama, Maryland, Nebraska, Nevada, New Mexico, North Dakota, Oregon, and Pennsylvania.

I will deliver the certified copies to the Committee on the Judiciary for their use

in the hearings that Chairman RODINO has announced.

I might add that these resolutions and the research in this particular matter has been assembled by the National Taxpayers Union, a local, nonpartisan association interested in this matter.

Thank you, Mr. Speaker.

I include the following material:

ALABAMA

(House Joint Resolution: Petitioning the Congress of the United States to convene a constitutional convention for the purpose of proposing an amendment to the Constitution requiring that Federal spending not exceed estimated Federal revenues.)

Whereas, with each passing year this Nation becomes more deeply in debt as its expenditures grossly and repeatedly exceed available revenues, so that the public debt now exceeds hundreds of billions of dollars; and

Whereas, the annual federal budget continually demonstrates an unwillingness or inability of both the legislative and executive branches of the federal government to curtail spending to conform to available revenues; and

Whereas, unified budgets do not reflect actual spending because of the exclusion of special outlays which are not included in the budget nor subject to the legal public debt limit; and

Whereas, knowledgeable planning, fiscal prudence, and plain good sense require that the budget reflect all federal spending and be in balance; and

Whereas, believing that fiscal irresponsibility at the federal level, with the inflation which results from this policy, is the greatest threat which faces our Nation, we firmly believe that constitutional restraint is vital to bring the fiscal discipline needed to restore financial responsibility; and

Whereas, there is provision in Article V of the Constitution of the United States for amending the Constitution by the Congress, on the application of the legislatures of two-thirds (⅔) of the several states, calling a convention for proposing amendments which shall be valid to all intents and purposes when ratified by the legislatures of three-fourths (¾) of the several states, or by conventions in three-fourths (¾) thereof, as the one or the other mode of ratification may be proposed by the Congress; now therefore,

Be it resolved by the Legislature of Alabama, both houses thereof concurring, That the Legislature of Alabama hereby petitions the Congress of the United States that procedures be instituted in the Congress to add a new Article to the Constitution of the United States, and that the Alabama Legislature requests the Congress to prepare and submit to the several states an amendment to the Constitution of the United States, requiring in the absence of a national emergency that the total of all federal appropriations made by the Congress for any fiscal year may not exceed the total of all estimated federal revenues for that fiscal year.

Be it further resolved, That, alternatively the Alabama Legislature makes application and requests that the Congress of the United States call a constitutional convention, pursuant to Article V of the Constitution of the United States, for the specific and exclusive purpose of proposing an amendment to the Federal Constitution requiring in the absence of a national emergency that the total of all federal appropriations made by the Congress for any fiscal year may not exceed the total of all estimated federal revenues for that fiscal year.

Further resolved, That the legislatures of each of the several states comprising the United States are urged to apply to the Congress requesting the enactment of an appropriate amendment to the Federal Constitution; or requiring the Congress to call a constitutional convention for proposing such amendment to the Federal Constitution.

Further resolved, That the Clerk of the House is directed to send copies of this Joint Resolution to the Secretary of State and presiding officers of both Houses of the Legislatures of each of the other States in the Union, the Clerk of the United States House of Representatives, Washington, D.C., and the Secretary of the United States Senate, Washington, D.C., and to each member of the Alabama Congressional Delegation.

MARYLAND

(Resolution No. 77: A Senate Joint Resolution concerning Budget of the United States for the purpose of requesting appropriate action by the Congress, on its own action by consent of two-thirds of both Houses or on the application of the legislatures of two-thirds of the several states, to propose an amendment to the Federal Constitution to require that the total of all Federal appropriations may not exceed the total of all estimated Federal revenues in any fiscal year, with certain exceptions.)

Whereas, With each passing year this Nation becomes more deeply in debt as its expenditures grossly and repeatedly exceed available revenues so that the public debt now exceeds hundreds of billions of dollars.

Attempts to limit spending, including impoundment of funds by the President of the United States, have resulted in strenuous objections that the responsibility for appropriations is the constitutional duty of the Congress.

The annual Federal budget repeatedly demonstrates an unwillingness or inability of both the legislative and executive branches of the Federal government to curtail spending to conform to available revenues.

The unified budget of 304.4 billion dollars for the current fiscal year does not reflect actual spending because of the exclusion of special outlays which are not included in the budget nor subject to the legal public debt limit.

As reported by US News and World Report on February 25, 1974, of these nonbudgetary outlays in the amount of 15.6 billion dollars, the sum of 12.9 billion dollars represents funding of essentially private agencies which provide special services to the federal government.

Knowledgeable planning and fiscal prudence require that the budget reflect all Federal spending and that the budget be in balance.

Believing that fiscal irresponsibility at the Federal level, with the inflation which results from this policy, is the greatest threat which faces our Nation, we firmly believe that constitutional restraint is necessary to bring the fiscal disciplines needed to reverse this trend.

Under Article V of the Constitution of the United States, amendments to the Federal Constitution may be proposed by the Congress whenever two-thirds of both Houses deem it necessary, or on the application of the legislatures of two-thirds of the several states the Congress shall call a constitutional convention for the purpose of proposing amendments; now, therefore, be it

Resolved by the General Assembly of Maryland, That this Body proposes to the Congress of the United States that procedures be instituted in the Congress to add a new Article XXVII to the Constitution of the United States, and that the General Assembly of Maryland requests the Congress to prepare and submit to the several states an amendment to the Constitution of the United States, requiring in the absence of a national emergency that the total of all Federal appropriations made by the Congress for any fiscal year may not exceed the total of the estimated Federal revenues, excluding any revenues derived from borrowing, for that fiscal year: and be it further

Resolved, That this Body further and alternatively requests that the Congress of the United States call a constitutional convention for the specific *and exclusive* purpose of proposing such an amendment to the Federal Constitution, to be a new article XXVII; and be it further

Resolved, That this Body also proposes that the legislatures of each of the several states comprising the United States apply to the Congress requiring it to call a constitutional convention for proposing such an amendment to the Federal Constitution, to be a new Article XXVII; and be it further

Resolved, That the proposed new Article XXVII (or whatever numeral may then be appropriate) read substantially as follows:

PROPOSED ARTICLE XXVII

"The total of all Federal appropriations made by the Congress for any fiscal year may not exceed the total of the estimated Federal revenues for that fiscal year, excluding any revenues derived from borrowing; and this prohibition extends to all Federal appropriations and all estimated Federal revenues, excluding any revenues derived from borrowing. The President in submitting budgetary requests and the Congress in enacting appropriation bills shall comply with this Article. If the President proclaims a national emergency, suspending the requirement that the total of all Federal appropriations not exceed the total estimated Federal revenues for a fiscal year, excluding any revenues derived from borrowing, and two-thirds of all Members elected to each House of the Congress so determine by Joint Resolution, the total of all Federal appropriations may exceed the total estimated Federal revenues for that fiscal year." and, be it further

Resolved, That copies of this Resolution under the Great Seal of the State of Maryland, be sent by the Secretary of State to: Honorable Gerald Ford, President of the United States, Washington, D.C.; Honorable Charles McC. Mathias, Old Senate Office Building, Washington, D.C.; Honorable J. Glenn Beall, Jr., Old Senate Office Building, Washington, D.C.; Honorable Carl Albert, Speaker of the House of Representatives, Washington, D.C.; Honorable Robert E. Bauman, Longworth Building, Washington, D.C.; Honorable Clarence D. Long, Rayburn Building, Washington, D.C.; Honorable Paul S. Sarbanes, Cannon Office Building, Washington, D.C.; Honorable Marjorie S. Holt, Longworth Building, Washington, D.C.; Honorable Gladys Spellman, House Office Building, Washington, D.C.; Honorable Goodloe E. Byron, Longworth Building, Washington, D.C.; Honorable Parren J. Mitchell, Cannon Building, Washington, D.C.; and Honorable Gilbert Gude, Cannon House Office Building, Washington, D.C.; and be it further

Resolved, That under the Great Seal of the State of Maryland, the Secretary of State is directed to send copies of this Joint Resolution to the Secretary of State and to the presiding officers of both Houses of the Legislature of each of the other State in the Union, with the request that it be circulated among leaders in the Executive and Legislative branches of the several State governments; and with the further request that each of the other States in the Union join in requiring the Congress of the United States to call a constitutional convention for the purpose of initiating a proposal to amend the Constitution of the United States in substantially the form proposed in this Joint Resolution of the General Assembly of Maryland.

NEBRASKA

(Legislative Resolution 106.)

Whereas, with each passing year this nation becomes more deeply in debt as its ex-

penditures grossly and repeatedly exceed available revenue, so that the public debt now exceeds hundreds of billions of dollars; and

Whereas, the annual federal budget continually demonstrates an unwillingness or inability of both the legislative and executive branches of the federal government to curtail spending to conform to available revenue; and

Whereas, unified budgets do not reflect actual spending because of the exclusion of special outlays which are not included in the budget nor subject to the legal public debt limit; and

Whereas, knowledgeable planning, fiscal prudence, and plain good sense require that the budget reflect all federal spending and be in balance; and

Whereas, believing that fiscal irresponsibility at the federal level, with the inflation which results from this policy, is the greatest threat which faces our nation, we firmly believe that constitutional restraint is necessary to bring the fiscal discipline needed to restore financial responsibility; and

Whereas, under article V of the Constitution of the United States, amendments to the federal Constitution may be proposed by the Congress whenever two-thirds of both houses deem it necessary, or on the application of the Legislatures of two-thirds of the several states, the Congress shall call a constitutional convention for the purpose of proposing amendments. We believe such action is vital.

Now, therefore, be it resolved by the members of the Eighty-Fourth Legislature of Nebraska, second session:

1. That this body proposes to the Congress of the United States that procedures be instituted in the Congress to add a new article to the Constitution of the United States, and that the State of Nebraska requests the Congress to prepare and submit to the several states an amendment to the Constitution of the United States, requiring in the absence of a national emergency that the total of all federal appropriations made by the Congress for any fiscal year may not exceed the total of all estimated federal revenue for that fiscal year.

2. That, alternatively, this Legislature makes application and requests that the Congress of the United States call a constitutional convention for the specific and exclusive purpose of proposing an amendment to the Constitution of the United States requiring in the absence of a national emergency that the total of all federal appropriations made by the Congress for any fiscal year may not exceed the total of all estimated federal revenue for that fiscal year.

3. That this Legislature also proposes that the Legislatures of each of the several states comprising the United States apply to the Congress requesting the enactment of an appropriate amendment to the federal Constitution; or requiring the Congress to call a constitutional convention for proposing such an amendment to the federal Constitution.

4. That the Clerk of the Legislature transmit a copy of this resolution to the President of the Senate of the United States, the Speaker of the House of Representatives of the United States, each member of the Nebraska Congressional delegation, the Secretaries of State and the Legislature of each of the several states, and the Secretary of State for the State of Nebraska.

NEVADA

(Senate Joint Resolution: Requesting the Congress of the United States to call a constitutional convention for the purpose of amending the United States Constitution to limit federal appropriations for any fiscal year to federal revenues estimated for that year, except during national emergencies.)

Whereas, The national debt now amounts to hundreds of billions of dollars and is increasing enormously each year as federal expenditures grossly exceed federal revenues; and

Whereas, Payment of the increased interest on this ever-expanding debt imposes a tremendous burden on the taxpayers of this country; and

Whereas, Continuous deficit financing by the Federal Government supports inflationary conditions which adversely affect the national economy and all Americans, particularly those persons with fixed or low incomes; and

Whereas, Constantly increasing use of deficit financing has enabled the Federal Government to allocate considerable sums to programs which in many instances have proved to be wasteful and nonbeneficial to the public; and

Whereas, Limiting federal expenditures in each fiscal year to revenues available in that year, except during national emergencies, will result in greater selectivity of federal programs for the benefit of the public; and

Whereas, The annual federal budgets continually reflect the unwillingness or inability of both the legislative and executive branches of the Federal Government to balance the budget and demonstrate the necessity for a constitutional restraint upon deficit financing; and

Whereas, Under article V of the Constitution of the United States, the Congress is required to call a convention for proposing amendments to the federal Constitution on the application of the legislatures of two-thirds of the several states; now, therefore, be it

Resolved by the Senate and Assembly of the State of Nevada, jointly, That, pursuant to article V of the Constitution of the United States, the legislature of the State of Nevada hereby makes application to the Congress of the United States to call a convention for the purpose of proposing an amendment to the United States Constitution which would require that, in the absence of a national emergency, the total of the appropriations made by the Congress for each fiscal year may not exceed the total of the estimated federal revenues for that year; and be it further

Resolved, That the legislature of the State of Nevada proposes that the legislatures of each of the several states apply to the Congress to call a constitutional convention for the exclusive purpose stated in this resolution; and be it further

Resolved, That this application by the legislature of the State of Nevada constitutes a continuing application in accordance with article V of the Constitution of the United States until at least two-thirds of the legislatures of the several states have made similar applications, but if Congress proposes an amendment to the Constitution similar to that contained in this resolution before January 1, 1981, this application for a convention of the several states shall no longer be of any force; and be it further

Resolved, That a copy of this resolution be immediately transmitted by the legislative counsel to the President of the Senate and the Speaker of the House of Representatives of the United States, to each member of the Nevada congressional delegation and to the presiding officer of each house of the legislatures of the several states; and be it further

Resolved, That this resolution shall become effective upon passage and approval.

NEW MEXICO

(A joint resolution for the purpose of requesting appropriate action by the Congress, either acting by consent of two-thirds of both Houses or, upon the application of the legislatures of two-thirds of the several states, calling a Constitutional Convention to propose an amendment to the Federal Constitution to require, with certain exceptions, that the total of all Federal appropriations may not exceed the total of all estimated Federal revenues in any fiscal year.)

Be it resolved by the legislature of the State of New Mexico:

Whereas, with each passing year this nation becomes more deeply in debt as its expenditures grossly and repeatedly exceed available revenues, so that the public debt now exceeds hundreds of billions of dollars; and

Whereas, the annual federal budget continually demonstrates an unwillingness or inability of both the legislative and executive branches of the federal government to curtail spending to conform to available revenues; and

Whereas, unified budgets do not reflect actual spending because of the exclusion of special outlays which are not included in the budget nor subject to the legal public debt limit; and

Whereas, knowledgeable planning, fiscal prudence and plain good sense require that the budget reflect all federal spending and be in balance; and

Whereas, believing that fiscal irresponsibility at the federal level, with the inflation which results from this policy, is the greatest threat which faces our nation, we firmly believe that constitutional restraint is necessary to bring the fiscal discipline needed to restore financial responsibility; and

Whereas, under article 5 of the constitution of the United States, amendments to the federal constitution may be proposed by the congress whenever two-thirds of both houses deem it necessary, or on the application of the legislatures of two-thirds of the several states, the congress shall call a constitutional convention for the purpose of proposing amendments; we believe such action vital;

Now, therefore, be it resolved by the Legislature of the State of New Mexico that this body proposes to the congress of the United States that procedures be instituted in the congress to add a new article to the constitution of the United States, and that the legislature of the state of New Mexico requests the congress to prepare and submit to the several states an amendment to the constitution of the United States, requiring in the absence of a national emergency that the total of all federal appropriations made by the congress for any fiscal year may not exceed the total of all estimated federal revenues for that fiscal year; and

Be it further resolved that, alternatively, this body makes application and requests that the congress of the United Sates call a constitutional convention for the specific and exclusive purpose of proposing an amendment to the federal constitution requiring in the absence of a national emergency that the total of all federal appropriations made by the congress for any fiscal year may not exceed the total of all estimated federal revenues for that fiscal year; and

Be it further resolved that this body also proposes that the legislatures of each of the several states comprising the United States apply to the congress requesting the enactment of an appropriate amendment to the federal constitution; or requiring the congress to call a constitutional convention for proposing such an amendment to the federal constitution; and

Be it further resolved that copies of this resolution be sent by the secretary of state to the members of New Mexico's delegation to the congress of the United States; and

Be it further resolved that the secretary of state of this state is directed to send copies of this joint resolution to the secretary of state and presiding officers of both houses of the legislature of each of the other states in the union, the clerk of the United States house of representatives, Washington, D.C. and the secretary of the United States Senate, Washington, D.C.

NORTH DAKOTA

(Senate Concurrent Resolution No. 4018: A concurrent resolution of the North Dakota Legislature calling for an amendment to the U.S. Constitution proposing to the several states the requirement of a balanced U.S. cash budget for each session of Congress except in time of war or national emergency.)

Be it resolved by the Senate of the State of North Dakota, the House of Representatives concurring therein:

That we respectfully propose an amendment to the Constitution of the United States and call upon the people of the several states for a convention for such purpose as provided by Article V of the Constitution, the proposed Article providing as follows:

ARTICLE —

Section 1. The president shall submit, at the beginning of each new Congress, an annual budget for the ensuing fiscal year setting forth in detail the total proposed expenditures and the total estimated revenue of the Federal Government from sources other than borrowing. The president may set new revenue estimates from time to time. Expenditures for each two-year period shall not exceed the estimated revenue except in time of war or a national emergency declared by the Congress. The provisions of this Article shall not apply to the refinancing of the national debt; and

Be it further resolved, that copies of this resolution be forwarded by the Secretary of State to the legislatures of the several states.

OREGON

(Senate Joint Memorial 2)

To the Honorable Members of the Senate and House of Representatives of the United States of America, in Congress assembled:

We, your memorialists, the Fifty-ninth Legislative Assembly of the State of Oregon, in legislative session assembled, most respectfully represent as follows:

Whereas the level of federal expenditures demonstrates an unwillingness or inability of both the legislative and executive branches of the Federal Government to curtail spending to conform to available revenues; and

Whereas inflation is being fought almost exclusively by monetary policy while fiscal policy could and should be employed; and

Whereas the State of Oregon by its Constitution and its laws in adopting a budget must show a balanced relation between the total proposed spending and the total anticipated revenues or provide for paying the deficiency; and

Whereas it is just and proper that the United States of America in its obligation to provide leadership for all of the states of the union should pursue the same policy; and

Whereas a balanced budget would lessen the economic burdens on its citizens; and

Whereas a balanced budget would lessen the need for increased state and local taxes; now, therefore,

Be It Resolved by the Legislative Assembly of the State of Oregon:

(1) That this body respectfully petitions the Congress of the United States to call a convention for the specific and exclusive purpose of proposing an amendment to the Constitution of the United States to require a balanced federal budget and to make certain exceptions with respect thereto.

(2) That this application by this body constitutes a continuing application in accordance with Article V of the Constitution of the United States until at least two-thirds of the legislature of the several states have made similar applications pursuant to Article V, but if Congress proposes an amendment to the Constitution identical in subject matter to that contained in this Joint Memorial before January 1, 1979, this petition for a constitutional convention shall no longer be of any force or effect.

(3) That this body propose that the legislative body of each of the several states comprising the United States apply to the Congress of the United States requiring the Congress to call a constitutional convention for proposing an appropriate amendment to the Federal Constitution or requesting the enactment of such an amendment to be submitted to the states for ratification.

(4) That a copy of this memorial shall be transmitted to the President of the United States; to each member of the Oregon Congressional Delegation; to the presiding officers of the Senate and House of Representatives of the United States of America; to each Governor of each state in the United States of America; and to the presiding officer of each legislative body in the United States of America.

PENNSYLVANIA

(Resolution No. 236: Urging the Congress of the United States to call a Constitutional Convention to propose an amendment to the Constitution to balance the public debt.)

Whereas, Requesting appropriate action by the Congress, either acting by consent of two-thirds of both Houses or, upon the application of the Legislatures of two-thirds of the several states, calling a Constitutional Convention to propose an amendment to the Federal Constitution to require, with certain exceptions, that the total of all Federal appropriations may not exceed the total of all estimated Federal revenues in any fiscal year.

Whereas, With each passing year this Nation becomes more deeply in debt as its expenditures grossly and repeatedly exceed available revenues, so that the public debt now exceeds hundreds of billions of dollars; and

Whereas, The annual Federal budget continually demonstrates an unwillingness or inability of both the legislative and executive branches of the Federal Government to curtail spending to conform to available revenues; and

Whereas, Unified budgets do not reflect actual spending because of the exclusion of special outlays which are not included in the budget nor subject to the legal public debt limit; and

Whereas, Knowledgeable planning, fiscal prudence, and plain good sense require that the budget reflect all Federal spending and be in balance; and

Whereas, Believing that fiscal irresponsibility at the Federal level, with the inflation which results from this policy, is the greatest threat which faces our Nation, we firmly believe that constitutional restraint is necessary to bring the fiscal discipline needed to restore financial responsibility; and

Whereas, Under Article V of the Constitution of the United States, amendments to the Federal Constitution may be proposed by the Congress whenever two-thirds of both Houses deem it necessary, or on the application of the Legislatures of two-thirds of the several states the Congress shall call a Constitutional Convention for the purpose of proposing amendments. We believe some such action vital; therefore be it

Resolved, (The Senate concurring), That the General Assembly of the Commonwealth of Pennsylvania proposes to the Congress of the United States that procedures be instituted in the Congress to add a new article to the Constitution of the United States, and that the General Assembly of the Commonwealth of Pennsylvania requests the Congress to prepare and submit to the several states an amendment to the Constitution of the United States, requiring in the absence of a national emergency that the total of all Federal appropriations made by the Congress for any fiscal year may not exceed the total of all estimated Federal revenues for that fiscal year; and be it further

Resolved, That, alternatively, the General Assembly of the Commonwealth of Pennsylvania makes application and requests that the Congress of the United States call a Constitutional Convention for the specific and exclusive purpose of proposing an amendment to the Federal Constitution requiring in the absence of a national emergency that the total of all Federal appropriations made by the Congress for any fiscal year may not exceed the total of all estimated Federal revenues for that fiscal year; and be it further

Resolved, That the General Assembly of the Commonwealth of Pennsylvania also proposes that the Legislatures of each of the several states comprising the United States apply to the Congress requesting the enactment of an appropriate amendment to the Federal Constitution; or requiring the Congress to call a Constitutional Convention for proposing such an amendment to the Federal Constitution; and be it further

Resolved, That copies of this resolution be sent to the members of the Congress from Pennsylvania; and be it further

Resolved, That the Chief Clerk of the House of Representatives send copies of this joint resolution to the Secretary of State and presiding officers of both Houses of the legislature of each of the other states in the Union, the Clerk of the United States House of Representatives, Washington, D.C. and the Secretary of the United States Senate, Washington, D.C.●

RULES OF THE COMMITTEE ON THE BUDGET OF THE 96TH CONGRESS

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

Mr. GIAIMO. Mr. Speaker, pursuant to the provisions of rule XI, 2(a) of the Rules of the House of Representatives, I submit for printing in the CONGRESSIONAL RECORD the rules adopted on January 24, 1979, by the Committee on the Budget for the 96th Congress:

RULES OF PROCEDURE OF THE COMMITTEE ON THE BUDGET

(Adopted January 24, 1979, 96th Congress, 1st session) U.S. House of Representatives

MEETINGS

1. Regular Meetings.*

The regular meeting day of the Committee shall be the 2nd Wednesday of each month at 11:00 a.m., while the House is in session.

The Chairman is authorized to dispense with a regular meeting when he determines there is no business to be considered by the Committee, provided that he gives written notice to that effect to each member of the Committee as far in advance of the regular meeting day as the circumstances permit.

Regular meetings shall be cancelled when they conflict with meetings of either party's caucus or conference.

2. Additional and Special meetings.

The Chairman may call and convene additional meetings of the Committee as he considers necessary, or special meetings at the request of a majority of the members of the Committee in accordance with House Rule XI, clause 2(c).

In the absence of exceptional circumstances, the Chairman shall provide written or verbal notice of additional meetings to the office of each member at least 24 hours in advance while Congress is in session, and at least 3 days in advance when Congress is not in session.

3. Open Business Meetings.

*Written rule required by House Rules.

Each meeting for the transaction of Committee business, including the markup of measures, shall be open to the public except when the Committee, in open session and with a quorum present, determines by rollcall vote that all or part of the remainder of the meeting on that day shall be closed to the public. No person other than members of the Committee and such congressional staff and departmental representatives as they may authorize shall be present at any business or markup session which has been closed to the public. This rule shall not apply to any meeting that relates solely to matters concerning the internal administration of the Committee.

4. Quorums.

A majority of the Committee shall constitute a quorum. No business shall be transacted and no measure or recommendation shall be reported unless a quorum is actually present.

5. Recognition.

Any member, when recognized by the Chairman, may address the Committee on any bill, motion, or other matter under consideration before the Committee. The time of such member shall be limited to 5 minutes until all members present have been afforded an opportunity to comment.

6. Consideration of Business.

Measures or matters may be placed before the Committee, for its consideration, by the Chairman or by a majority vote of the members of the Committee, a quorum being present.

7. Rollcall Votes.

A rollcall of the members may be had upon the request of at least 20% of those present.

8. Proxies.*

Any member of the Committee may vote by special proxy if the proxy authorization is in writing, asserts that the member is absent on official business or is otherwise unable to be present at the meeting of the Committee, designates the person who is to execute the proxy authorization, and is limited to a specific measure or matter and any amendments or motions pertaining thereto: except that a member may authorize a general proxy only for motions to recess, adjourn or other procedural matters. Each proxy to be effective shall be signed by the member assigning his or her vote and shall contain the date and time of day the proxy is signed. Proxies may not be counted for a quorum.

HEARINGS

9. Announcement of Hearings.

The Chairman shall publicly announce the date, place, and subject matter of any Committee hearing at least one week before the commencement of that hearing, unless he determines there is good cause to begin such hearing at an earlier date, in which case public announcement shall be made at the earliest possible date.

10. Open Hearings.

Each hearing conducted by the Committee or any of its Task Forces shall be open to the public except when the Committee or Task Force, in open session and with a quorum present, determines by rollcall vote that all or part of the remainder of that hearing on that day shall be closed to the public because disclosure of testimony, evidence, or other matters to be considered would endanger the national security or would violate any law or rule of the House of Representatives. The Committee or Task Forces may by the same procedure vote to close one subsequent day of hearing.

11. Quorums.*

For the purpose of hearing testimony, not less than two members of the Committee shall constitute a quorum.

12. Time for Questioning Witnesses.

Committee members shall have not to exceed five minutes to interrogate each witness until such time as each member who so desires has had an opportunity to interrogate such witness.

After all members have had an opportunity to ask questions, the round shall begin again under the 5-minute rule.

In questioning witnesses under the 5-minute rule, the Chairman and the ranking minority member may be recognized first after which members may be recognized in the order of their arrival at the hearing. Among the members present at the time the hearing is called to order, seniority shall be recognized. In recognizing members to question witnesses, the Chairman may take into consideration the ratio of majority members to minority members and the number of majority and minority members present and shall apportion the recognition for questioning in such a manner as not to disadvantage the members of the majority.

For the purposes of House Rule XI. 2.(g)(2) The Task Forces of the Committee are considered to be Subcommittees.

13. Subpoenas and Oaths.

In accordance with House Rule XI, clause 2(m), subpoenas authorized by a majority of the Committee may be issued over the signature of the Chairman or of any member of the Committee designated by him, and may be served by any person designated by the Chairman or such member.

The Chairman, or any member of the Committee, may administer oaths to witnesses.

14. Witnesses' Statements.

So far as practicable, any prepared statement to be presented by a witness shall be submitted to the Committee at least 24 hours in advance of presentation, and shall be distributed to all members of the Committee in advance of delivery.

15. Committee Prints.

All Committee prints and other materials prepared for public distribution shall be approved by the Committee prior to any distribution, unless such print or other material shows clearly on its face that it has not been approved by the Committee.

BROADCASTING

16. Broadcasting of Meetings and Hearings.

It shall be the policy of the Committee to give all news media access to open hearings of the Committee, subject to the requirements and limitations set forth in House Rule XI, clause 3. Whenever any Committee business meeting is open to the public, that meeting may be covered, in whole or in part, by television broadcast, radio broadcast, and still photography, or by any of such methods of coverage, in accordance with House Rule XI, clause 3. However, a majority of the Committee may decide at any time to exclude radio, television, and still camera equipment from the Committee room.

STAFF

17. Committee Staff.

(a) Subject to approval by the Committee, and to the provisions of the following paragraphs, the professional and clerical staff of the Committee shall be appointed, and may be removed, by the Chairman.

Committee staff shall not be assigned any duties other than those pertaining to Committee business, and shall be selected without regard to race, creed, sex or age, and solely on the basis of fitness to perform the duties of their respective positions.

All Committee staff shall be entitled to equitable treatment, including comparable salaries, facilities, access to official Committee records, leave, and hours of work.

(b) In addition to the staff provided in paragraph (a) each member of the Committee may select and designate an associate staff member who shall serve at the pleasure of that member. Such staff member shall be compensated at a rate, determined by the member, not to exceed 75 per centum of the maximum established in clause 6(c) of Rule XI of the House of Representatives; *provided*, that no member shall appoint more than one person pursuant to these provisions; *provided further*, that members designating a staff member under this subsection must certify by letter to the Chairman that the employee is needed and will be utilized for Committee work.

(c) In addition to the staff provided in the above paragraphs, the Chairman shall appoint three professional and two clerical staff, recommended by the minority members, who shall provide staff assistance to the minority members.

18. Staff Supervision.

Staff shall be under the general supervision and direction of the Chairman, who shall establish and assign their duties and responsibilities, delegate such authority as he deems appropriate, fix and adjust staff salaries (in accordance with House Rule XI, clause 6(c)) and job titles, and, in his discretion, arrange for their specialized training.

Staff assigned to the minority shall be under the general supervision and direction of the minority members of the Committee, who may delegate such authority as they deem appropriate.

COMMITTEE RECORDS

19. Preparation and Maintenance of Committee Records.

An accurate stenographic record shall be made of all hearings.

The proceedings of the Committee shall be recorded in a journal which shall, among other things, include a record of the votes on any question on which a record vote is demanded.

Members of the Committee shall correct and return transcripts of hearings as soon as practicable after receipt thereof.

Any witness may examine the transcript of his own testimony and make grammatical or technical changes that do not substantially alter the record of testimony.

The Chairman may order the printing of a hearing record without the corrections of any member or witness if he determines that such member or witness has been afforded a reasonable time for corrections, and that further delay would seriously impede the Committee's responsibility for meeting its deadlines under the Congressional Budget Act of 1974.

Transcripts of hearings and meetings may be printed if the Chairman decides it is appropriate, or if a majority of the members so request.

20. Access to Committee Records.

The Chairman shall promulgate regulations to provide for public inspection of roll call votes and to provide access by member to Committee records (in accordance with House Rule XI, clause 2(e)).

Access to classified testimony and information shall be limited to members of Congress and to House Budget Committee staf and stenographic reporters who have appro priate security clearance.

Notice of the receipt of such information shall be limited to members of Congress and to House Budget Committee staff and stenographic reporters who have appropriate security clearance.

Notice of the receipt of such information shall be sent to the Committee members. Such information shall be kept in the Committee safe, and shall be available to members in the Committee office.

APPLICABILITY OF HOUSE RULES

21. Applicability of House Rules.

Except as otherwise specified herein, the Rules of the House are the rules of the Committee so far as applicable, except that a motion to recess from day to day is a motion of high privilege.

CONFEREES

22. Appointment of Conferees.

Majority party members recommended to

*Written rule required by House Rules.

the Speaker as conferees shall be recommended by the Chairman subject to the approval of the majority party members of the Committee. The Chairman shall recommend such minority party members as conferees as shall be determined by the minority party, provided that the recommended party representation shall be in approximately the same proportion as that in the Committee.

LEAVE OF ABSENCE

(By unanimous consent, leave of absence was granted to:)

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

SPECIAL ORDERS GRANTED

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

Mr. GAYDOS, and to revise and extend his remarks and include extraneous matter, for 60 minutes on Monday, February 26, 1979.

Mr. BENJAMIN (at the request of Mr. GAYDOS), and to revise and extend his remarks and include extraneous matter, for 60 minutes on Monday, February 26, 1979.

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

Mr. CONABLE, for 5 minutes, today.
Mr. GOLDWATER, for 5 minutes, today.
Mr. EDWARDS of Oklahoma, for 15 minutes, today.
Mr. COLLINS of Texas, for 20 minutes, today.

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

Mr. ANNUNZIO, for 5 minutes, today.
Mr. GONZALEZ, for 5 minutes, today.
Mr. BEDELL, for 5 minutes, today.
Mr. DRINAN, for 10 minutes, today.
Mr. MONTGOMERY, for 5 minutes, today.
Mr. LAFALCE, for 5 minutes, today.
Mr. MINISH, for 5 minutes, today.

EXTENSION OF REMARKS

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

Mr. GIAIMO, in 12 instances, and to include extraneous matter.

Mr. MICHEL, and to include extraneous matter, in two instances.

Mr. VOLKMER, and to include extraneous matter, not withstanding the fact that it exceeds two pages of the RECORD and is estimated by the Public Printer to cost $1,158.

Mr. COLLINS of Texas.

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

Mr. MICHEL in two instances.
Mr. RINALDO.
Mr. WYDLER in two instances.
Mr. BAFALIS.
Mr. RUDD in two instances.
Mr. BOB WILSON.
Mr. TREEN.
Mr. PAUL in three instances.
Mr. MARLENEE in two instances.
Mr. GREEN.
Mr. HORTON.

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

Mr. ANDERSON of California in three instances.
Mr. GONZALEZ in three instances.
Mr. BROWN of California in 10 instances.
Mr. ANNUNZIO in six instances.
Ms. HOLTZMAN in 10 instances.
Mr. JONES of Tennessee in 10 instances.
Mr. BONER of Tennessee in 10 instances.
Mr. BRODHEAD.
Mr. MURPHY of New York in five instances.
Mr. WAXMAN in three instances.
Mr. LUNDINE.
Mr. VENTO.
Mr. RODINO.
Mr. WILLIAMS of Montana.
Mr. GRAY.
Mr. WOLFF.
Mr. HAMILTON.
Mr. STARK in two instances.
Mr. EDWARDS of California in two instances.
Mr. KASTENMEIER.
Mr. SOLARZ.
Mr. CONYERS.
Mr. LONG of Louisiana.
Mr. SIMON.
Mr. MCDONALD in 10 instances.
Mr. SCHEUER in two instances.
Mr. WRIGHT.
Mr. JENKINS.
Mr. FOUNTAIN.
Mr. AMBRO in two instances.
Mr. BENNETT.
Mr. UDALL.
Mr. VANIK.

ADJOURNMENT

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

The motion was agreed to; accordingly (at 4 o'clock and 26 minutes p.m.), the House adjourned until tomorrow, Thursday, February 22, 1979, at 11 a.m.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

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

Mr. MURPHY of New York: Committee on Merchant Marine and Fisheries. House Concurrent Resolution 3. Concurrent resolution expressing the sense of the Congress that "Our American Merchant Marine March" as written and composed by Earl W. Clark be recognized as the official march of the American merchant marine; with amendment (Rept. No. 96–13). Referred to the House Calendar.

Mr. PERKINS: Committee on Education and Labor. Report pursuant to section 302(b) of the Congressional Budget Act of 1974 (Rept. No. 96–14). Referred to the Committee of the Whole House on the State of the Union.

EXECUTIVE COMMUNICATION, ETC.

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

658. A letter from the Assistant Secretary of the Interior, transmitting certification that an adequate soil survey and land classification have been made of the lands in the Panoche Water District and Westlands Water District, Central Valley Project, California, and that the lands to be irrigated are susceptible to the production of agricultural crops by means of irrigation, pursuant to Public Law 172, 83d Congress; to the Committee on Appropriations.

659. A letter from the Deputy Director, Office of Management and Budget, Executive Office of the President, transmitting a report that the appropriation to the Department of Health, Education, and Welfare for "Refugee Assistance," "Grants to States for Social Child Welfare Services," and "Grants to States for Medicaid" for fiscal year 1979 have been reapportioned on a basis which indicates the necessity for supplemental estimates of appropriation, pursuant to section 3679(1)(2) of the Revised Statutes, as amended; to the Committee on Appropriations.

660. A letter from the Secretary of the Navy, transmitting a draft of proposed legislation to repeal section 5153(c) of title 10, United States Code; to the Committee on Armed Services.

661. A letter from the Acting Director, Defense Security Assistance Agency transmitting a report on the impact on U.S. readiness of the Army's proposed sale of certain defense equipment to the Federal Republic of Germany (transmittal No. 79–8), pursuant to section 813 of Public Law 94–106; to the Committee on Armed Services.

662. A letter from the Principal Deputy Assistant Secretary of Defense (Manpower, Reserve Affairs and Logistics), transmitting the Defense Manpower Requirements Report for fiscal year 1980, pursuant to 10 U.S.C. 138(c)(3); to the Committee on Armed Services.

663. A letter from the Assistant Secretary of State for Congressional Relations, transmitting notice of the State Department's intention to consent to a request by the Government of Israel for permission to transfer certain U.S.-origin military equipment to the Government of the Federal Republic of Germany, pursuant to section 3 of the Arms Export Control Act; to the Committee on Foreign Affairs.

664. A letter from the Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting copies of international agreements, other than treaties, entered into by the United States, pursuant to 1 U.S.C. 112b(a); to the Committee on Foreign Affairs.

665. A letter from the Fiscal Assistant Secretary of the Treasury, transmitting a report on the inventory of nonpurchased foreign currencies as of September 30, 1978, pursuant to section 613(c) of the Foreign Assistance Act of 1961, as amended; to the Committee on Foreign Affairs.

666. A letter from the Acting Director, Defense Security Assistance Agency, transmitting notice of the Army's intention to offer to sell certain defense equipment to the Federal Republic of Germany (transmittal No. 79–8), pursuant to section 36(b) of the Arms Export Control Act; to the Committee on Foreign Affairs.

667. A letter from the Inspector General, Department of Health, Education, and Welfare, transmitting the seventh quarterly report of his Office, covering the period October 1 through December 31, 1978, pursuant to section 204(b) of Public Law 94–505; to the Committee on Government Operations.

668. A letter from the Assistant Executive Secretary, Federal Deposit Insurance Corporation, transmitting notice of proposed changes in an existing records system, pursuant to 5 U.S.C. 552a(o); to the Committee on Government Operations.

669. A letter from the Chairman, Federal Election Commission, transmitting proposed

regulations governing the Presidential Primary Matching Payment Account, pursuant to section 315(c) of the Federal Election Campaign Act of 1971, as amended (H. Doc. No. 96–57); to the Committee on House Administration and ordered to be printed.

670. A letter from the Secretary of Commerce, transmitting an interim report on the planning and construction of facilities for the 1980 Winter Olympic Games, covering fiscal year 1978, pursuant to section 5 of Public Law 94–427; to the Committee on Interstate and Foreign Commerce.

671. A letter from the Secretary of Energy, transmitting the annual report on the Strategic Petroleum Reserve, pursuant to section 165 of the Energy Policy and Conservation Act of 1975; to the Committee on Interstate and Foreign Commerce.

672. A letter from the Administrator, Energy Information Administration, Department of Energy, transmitting volume I of the second annual report of the administration, covering their activities during calendar year 1978, pursuant to section 57(a)(2) of the Federal Energy Administration Act of 1974, as amended; to the Committee on Interstate and Foreign Commerce.

673. A letter from the Chairman, Federal Trade Commission, transmitting the Commission's 64th annual report covering fiscal year 1978, pursuant to section 6(f) of the act of September 26, 1914; to the Committee on Interstate and Foreign Commerce.

674. A letter from the president, National Railroad Passenger Corporation, transmitting the Corporation's annual report for fiscal year 1978, pursuant to sections 308 and 805 of the Rail Passenger Service Act; to the Committee on Inerstate and Foreign Commerce.

675. A letter from the Commissioner, Immigration and Naturalization Service, Department of Justice, transmitting a report on the facts in each application for conditional entry of aliens into the United States under section 203(a)(7) of the Immigration and Nationality Act for the 6-month period ended December 31, 1978, pursuant to section 203(f) of the act; to the Committee on the Judiciary.

676. A letter from the Chairman of the Board of Directors, Tennessee Valley Authority, transmitting a draft of proposed legislation to amend the Tennessee Valley Authority Act of 1933 by raising the ceiling on TVA's authority to issue revenue bonds to finance its electric power program; to the Committee on Public Works and Transportation.

677. A letter from the Secretary of Commerce, transmitting a report on master planning for fire prevention and control, pursuant to section 10(b) of Public Law 93–498; to the Committee on Science and Technology.

678. A letter from the Staff Director, Science Advisory Board, U.S. Environmental Protection Agency, transmitting a report on the Board's evaluation of health effects research in the Environmental Protection Agency, pursuant to section 8(d) of Public Law 95–155; to the Committee on Science and Technology.

679. A letter from the Administrator of Veterans' Affairs, transmitting a followup report on the 1977 study of the relationship between the amputation of an extremity and the subsequent development of cardiovascular disorders; to the Committee on Veterans' Affairs.

680. A letter from the Secretary of Health, Education, and Welfare, transmitting a report on the study of proposals to eliminate dependency as a factor in entitlement to social security spouse's benefits and to eliminate sex discrimination under the social security program, pursuant to section 341 of Public Law 95–216; to the Committee on Ways and Means.

681. A letter from the Secretary of Energy, transmitting a draft of proposed legislation to authorize appropriations to the Department of Energy for national security programs for fiscal year 1980 and fiscal year 1981, and for other purposes, pursuant to section 660 of Public Law 95–91 and section 208 of Public Law 95–509; jointly, to the Committees on Armed Services, Foreign Affairs, Interior and Insular Affairs, Interstate and Foreign Commerce, and Science and Technology.

682. A letter from the Secretary of Health, Education, and Welfare, transmitting a draft of proposed legislation to establish the position of Deputy Secretary of Health, Education, and Welfare; jointly, to the Committees on Education and Labor, Interstate and Foreign Commerce, Post Office and Civil Service, and Ways and Means.

683. A letter from the Comptroller General of the United States, transmitting a report on the Defense Department's Precision Location Strike System (PSAD–79–37, February 16, 1979); jointly, to the Committees on Government Operations and Armed Services.

684. A letter from the Comptroller General of the United States, transmitting a report on the readiness of U.S. Air Forces in Europe (LCD–78–430A, February 16, 1979); jointly, to the Committees on Government Operations, Armed Services, and Foreign Affairs.

685. A letter from the Comptroller General of the United States, transmitting a report on the Nuclear Regulatory Commission's use of civil penalties in enforcing its regulations governing the construction and operation of commercial nuclear facilities and the possession, use, and disposal of nuclear materials (EMD–79–9, February 16, 1979); jointly, to the Committees on Government Operations, Interior and Insular Affairs, and Interstate and Foreign Commerce.

686. A letter from the Secretary of Transportation, transmiting a draft of proposed legislation to improve the protections afforded the public against risks associated with the transportation of hazardous commodities by pipeline; jointly, to the Committees on Interstate and Foreign Commerce, and Public Works and Transportation.

PUBLIC BILLS AND RESOLUTIONS

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

By Mr. ADDABBO:

H.R. 2261. A bill to provide for the development and implementation of programs for youth camp safety; to the Committee on Education and Labor.

H.R. 2262. A bill to establish a congressional award program for the purpose of recognizing excellence and leadership among young people; to the Committee on Education and Labor.

H.R. 2263. A bill to amend section 303 of the Communications Act of 1934 to require that radios be capable of receiving both amplitude modulated (AM) and frequency modulated (FM) broadcasts; to the Committee on Interstate and Foreign Commerce.

H.R. 2264. A bill to amend the Flammable Fabrics Act to prohibit the manufacture for sale in commerce of articles of interior furnishing intended for use in any public facility unless such articles conform with requirements established by the Consumer Product Safety Commission designed to make such articles fire resistant; to the Committee on Interstate and Foreign Commerce.

H.R. 2265. A bill to establish an Interagency Committee on Arson Control to coordinate Federal antiarson programs, to amend various provisions of the law relating to programs for arson investigation, prevention, and detection, and for other purposes; to the Committee on the Judiciary.

H.R. 2266. A bill to establish a grant program for the acquisition of medical equipment and supplies for the treatment of aircraft accident burn victims; to the Committee on Public Works and Transportation.

H.R. 2267. A bill to amend title 38 of the United States Code in order to provide outpatient dental services and treatment to any veteran who has a service-connected disability rated at 60 percent or more; to the Committee on Veterans' Affairs.

H.R. 2268. A bill to extend to all unmarried individuals the full tax benefits of income splitting now enjoyed by married individuals filing joint returns; and to remove rate inequities for married persons where both are employed; to the Committeee on Ways and Means.

H.R. 2269. A bill to amend the Internal Revenue Code of 1954 to partially exclude interest from savings from the gross income of certain taxpayers; to the Committee on Ways and Means.

By Mr. CORMAN (for himself, Mr. RANGEL, Mr. MIKVA, Mr. FORD of Tennessee, Mr. BRODHEAD, Mr. BAFALIS, Mr. AKAKA, Mr. ANDERSON of California, Mr. BINGHAM, Mr. BONIOR of Michigan, Mr. CARR, Mrs. COLLINS of Illinois, Mr. CONTE, Mr. DELLUMS, Mr. DIXON, Mr. DRINAN, Mr. FASCELL, Mrs. FENWICK, Ms. FERRARO, Mr. FORSYTHE, Mr. GLICKMAN, Mr. GUDGER, Mr. GUYER, Mr. HUGHES, Mr. JOHNSON of California, Mr. LAFALCE, Mr. LONG of Louisiana, Mr. MCCORMACK, Mr. MARLENEE, Ms. MIKULSKI, Mr. MILLER of California, Mr. MINETA, Mr. MITCHELL of Maryland, Mr. MOAKLEY, Mr. PATTERSON, Mr. PEPPER, Mr. PRICE, Mr. PRITCHARD, Mr. RICHMOND, Mr. RINALDO, Mr. RODINO, Mr. ROYBAL, Mr. SCHEUER, Mrs. SPELLMAN, Mr. STOKES, Mr. VAN DEERLIN, Mr. VENTO, Mr. WEISS, Mr. WOLFF, Mr. WOLPE, and Mr. ZEFERETTI):

H.R. 2270. A bill to amend title XVIII of the Social Security Act to provide for the coverage of certain psychologists' services under the supplementary medical insurance benefits program established by part B of such title; jointly, to the Committees on Ways and Means, and Interstate and Foreign Commerce.

By Mr. ADDABBO:

H.R. 2271. A bill to amend the Social Security Act to require automatic sprinkler systems in all nursing facilities and intermediate care facilities certified for participation in the medicare or medicaid program, and to provide for direct low-interest Federal loans to assist such facilities in constructing or purchasing and installing automatic sprinkler systems; jointly, to the Committees on Ways and Means, and Interstate and Foreign Commerce.

By Mr. BEDELL:

H.R. 2272. A bill to require that imported meat and meat food products made in whole or in part of imported meat be subjected to certain tests and that such meat or products to be labeled "imported" at all stages of distribution until delivery to the final consumer; to require that the cost of conducting such tests, inspections, and identification procedures on imported meat and meat food products be borne by the exporters of such articles; to require certain eating establishments, which serve imported meat, to inform customers of this fact; and for other purposes; to the Committee on Agriculture.

By Mr. BRODHEAD (for himself, Mr. AKAKA, Mr. BINGHAM, Mr. BLANCHARD, Mr. BONIOR of Michigan, Mr. CONYERS, Mr. CORRADA, Mr. DAVIS of Michigan, Mr. DIGGS, Mr. FORD of Michigan, Mr. FORSYTHE, Mr. KILDEE, Mr. MARKEY, Mr. PATTEN, Mr. PURSELL, Mr. RODINO, Mr. SCHEUER, Mr. TRAXLER, and Mr. WOLPE):

H.R. 2273. A bill to provide for reimbursement to States experiencing high rates of insured unemployment; to the Committee on Ways and Means.

By Mr. DEVINE:

H.R. 2274. A bill to provide procedures for calling constitutional conventions for proposing amendments to the Constitution of the United States, on application of the legislatures of two-thirds of the States, pursuant to article V of the Constitution; to the Committee on the Judiciary.

By Mr. EDWARDS of California:

H.R. 2275. A bill to amend title 38, United States Code, to provide comprehensive mental health, psychosocial readjustment services, counseling, and other services necessary or appropriate for the effective treatment, rehabilitation, or readjustment of veterans and their dependents who are experiencing pschosocial readjustment problems resulting from military service or readjustment from military service; to the Committee on Veterans' affairs.

By Mr. FUQUA (by request):

H.R. 2276. A bill to authorize appropriations for activities of the National Science Foundation, and for other purposes; to the Committee on Science and Technology.

By Mr. FUQUA (for himself, Mr. HARKIN, Mr. LLOYD, Mr. WALGREN, Mr. GLICKMAN, Mr. VOLKMER, Mr. GOLDWATER, Mr. DORNAN, and Mr. WINN):

H.R. 2277. A bill to authorize research, development, and demonstration projects relating to aviation, and for other purposes; to the Committee on Science and Technology.

By Mr. KEMP:

H.R. 2278. A bill to amend the Railroad Retirement Act of 1974 to eliminate the reduction of railroad retirement annuities by amounts payable as social security benefits in cases of persons who had current connections with the railroad industry, had at least 5 years of service, and had attained the age of 65 as of the effective date of such act; to the Committee on Interstate and Foreign Commerce.

H.R. 2279. A bill to promote safety and health in skiing and other outdoor winter recreational activities; to the Committee on the Judiciary.

By Mr. KINDNESS:

H.R. 2280. A bill to amend the Internal Revenue Code of 1954 to allow individuals a deduction for tuition expenses for the higher education of themselves, their spouses, or their dependents; to the Committee on Ways and Means.

By Mr. MITCHELL of Maryland:

H.R. 2281. A bill to amend the Federal Reserve Act to extend the authority of the Federal Reserve banks to buy and sell certain obligations; to the Committee on Banking, Finance and Urban Affairs.

By Mr. MONTGOMERY (for himself, Mr. ROBERTS, Mr. HAMMERSCHMIDT, Mr. WOLFF, Mr. BRINKLEY, Mr. MOTTL, Mr. HEFNER, Mr. EDGAR, Mr. APPLEGATE, Mr. GRAMM, Mr. SHELBY, Mr. COELHO, Mrs. HECKLER, Mr. WYLIE, Mr. ABDNOR, Mr. HANSEN, Mr. SAWYER, Mr. GRISHAM, and Mr. LEE):

H.R. 2282. A bill to amend title 38, United States Code, to provide a cost-of-living increase in the rates of disability compensation for disabled veterans and in the rates of dependency and indemnity compensation for survivors of disabled veterans; to the Committee on Veterans' Affairs.

By Mr. MOORHEAD of Pennsylvania:

H.R. 2283. A bill to amend the Council on Wage and Price Stability Act to extend the authority granted by such act to September 30, 1981, and for other purposes; to the Committee on Banking, Finance and Urban Affairs.

By Mr. MOTTL:

H.R. 2284. A bill to amend the Internal Revenue Code of 1954 to provide for the exclusion from gross income of certain retirement benefits received by individuals to the extent that such benefits do not exceed the maximum social security benefits payable to any individual; to the Committee on Ways and Means.

By Mr. MURTHA:

H.R. 2285. A bill to provide for an alternative amortization period for pollution control facilities; to the Committee on Ways and Means.

H.R. 2286. A bill to amend title IV of the Social Security Act to provide needed reforms in the program of aid to families with dependent children with emphasis upon improving the administration of such program; to the Committee on Ways and Means.

By Mr. NOWAK:

H.R. 2287. A bill to amend the Internal Revenue Code of 1954 to allow the deduction of the portion of certain charges which is allocable to the construction and maintenance of waste treatment works; to the Committee on Ways and Means.

By Mr. PURSELL:

H.R. 2288. A bill to establish a National Energy Trust Fund, and to provide for the use of such Fund by the Secretary of Energy in conducting and supporting research, development, and demonstrations designed to develop alternative energy sources; to the Committee on Science and Technology.

By Mrs. SPELLMAN (for herself, Mr. SOLARZ, and Mr. ROSENTHAL):

H.R. 2289. A bill to provide that legislation appropriating funds for payment of pay to Federal employees shall be enacted separately from other legislation; to the Committee on Rules.

By Mr. TRAXLER:

H.R. 2290. A bill to amend title 38, United States Code, to provide that a member of a Reserve component of the Armed Forces shall not be denied certain employment because of membership in such Reserve component; to the Committee on Veterans' Affairs.

By Mr. WYDLER:

H.R. 2291. A bill to extend for 4 fiscal years the authorization of appropriations for the State and Local Fiscal Assistance Act of 1972; to the Committee on Government Operations.

By Mr. CHARLES H. WILSON of California:

H.R. 2292. A bill to amend title 38 of the United States Code to require that veterans receiving hospital, nursing home, or outpatient medical care from the Veterans' Administration for nonservice connected disabilities be charged for such care to the extent that they have health insurance or similar contracts or rights with respect to such care, or have entitlement to private medical care under workers' compensation or automobile accident reparation statutes of any State, for other purposes; to the Committee on Veterans' Affairs.

By Mr. ADDABBO:

H.R. 2293. A bill to amend title XVIII of the Social Security Act to provide for the coverage of certain psychologists' services under the supplementary medical insurance benefits program established by part B of such title; jointly, to the Committees on Ways and Means, and Interstate and Foreign Commerce.

By Mr. BIAGGI:

H.R. 2294. A bill to amend the Age Discrimination in Employment Act of 1967 to provide that employers shall be subject to the act without regard to the number of individuals they employ and to provide that all employees who are at least 40 years of age shall be protected by the act; to the Committee on Education and Labor.

By Mr. BIAGGI (for himself and Mr. TREEN):

H.R. 2295. A bill to authorize appropriations for the Coast Guard for fiscal year 1980; to the Committee on Merchant Marine and Fisheries.

By Mr. CAMPBELL:

H.R. 2296. A bill for the relief of certain hospitals and health-care facilities; to the Committee on Ways and Means.

By Mr. DUNCAN of Tennessee:

H.R. 2297. A bill to continue until the close of June 30, 1982, the existing suspension of duties on synthetic rutile; to the Committee on Ways and Means.

By Mr. EDWARDS of California:

H.R. 2298. A bill to prohibit aerial spraying using chemicals containing TCDD (dioxin) in the national forests; to the Committee on Agriculture.

By Mr. EDWARDS of Oklahoma:

H.R. 2299. A bill to amend title 5, United States Code, to improve and reform the administrative procedures of Federal agencies, and for other purposes; jointly, to the Committees on the Judiciary, and Rules.

By Mr. JACOBS:

H.R. 2300. A bill to amend title II of the Social Security Act to require actual dependency as a condition of a stepchild's eligibility for child's insurance benefits, thereby preventing an insured individual's stepchildren from qualifying for such benefits on his or her wage record (and thereby reducing the benefits of his or her natural children) if they are being supported by their natural parent; to the Committee on Ways and Means.

By Mr. KASTENMEIER (for himself, Mr. RAILSBACK, and Mr. O'BRIEN):

H.R. 2301. A bill to amend the Federal District Court Organization Act of 1978 with respect to certain administrative matters arising from the redrawing of the Federal judicial district in the State of Illinois; to the Committee on the Judiciary.

By Mr. KINDNESS:

H.R. 2302. A bill to provide more effective disclosure to Congress and the public of certain lobbying activities to influence issues before the Congress; to the Committee on the Judiciary.

By Mr. LEDERER:

H.R. 2303. A bill to provide mandatory social security coverage for Members of Congress, for the President and Vice President, and for Federal judges; to the Committee on Ways and Means.

By Mr. MARLENEE:

H.R. 2304. A bill amending title 5 of the United States Code to improve agency rulemaking by expanding the opportunities for public participation, by creating procedures for congressional review of agency rules, and by expanding judicial review, and for other purposes; jointly, to the Committees on the Judiciary, and Rules.

By Mr. MIKVA:

H.R. 2305. A bill to correct inequities in the termination and renewal of franchises, to protect franchises from unfair practices, to protect franchisors and franchisees from actions inconsistent with the successful operation of franchises, to provide consumers with the benefits which result from a competitive and open-market economy, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. MITCHELL of Maryland:

H.R. 2306. A bill to amend the Federal Reserve Act respecting the positions of Chairman and Vice Chairman of the Federal Reserve Board; to the Committee on Banking, Finance and Urban Affairs.

H.R. 2307. A bill to amend the Federal Reserve Act to require that detailed minutes of Federal Open Market Committee meetings be released to the general public 3 years after the date of the meeting to which they relate; to the Committee on Banking, Finance and Urban Affairs.

H.R. 2308. A bill to provide for the establishment of the Federal Protective Service for the protection of property under the jurisdiction of the General Services Administration, to provide for the pay and training of the members of such service, and for

other purposes; to the Committee on Public Works and Transportation.

By Mr. NOWAK:

H.R. 2309. A bill to amend the Federal Water Pollution Control Act to provide grants for the costs of operation and maintenance of waste treatment works; to the Committee on Public Works and Transportation.

By Mr. PAUL:

H.R. 2310. A bill to repeal the Occupational Safety and Health Act of 1970; to the Committee on Eduaction and Labor.

H.R. 2311. A bill to repeal the Gun Control Act of 1968; to the Committee on the Judiciary.

H.R. 2312. A bill to terminate the Internal Revenue Service's informer program; to the Committee on Ways and Means.

By Mr. SCHEUER:

H.R. 2313. A bill to amend the Federal Trade Commission Act to extend the authorization of appropriations contained in such act; to the Committee on Interstate and Foreign Commerce.

By Mr. SIMON (for himself and Mr. JEFFORDS):

H.R. 2314. A bill to amend the Employment Act of 1946 to require the submission of a balanced budget, and for other purposes; to the Committee on Government Operations.

By Mr. SOLARZ:

H.R. 2315. A bill to amend title 38, United States Code, to repeal the 10-year citizenship requirement for eligibility for veterans' health care benefits for lawful permanent residents of the United States who were members of the Armed Forces of Czechoslovakia or Poland during World War I or World War II and to extend such benefits to lawful permanent residents of the United States who were members of the Armed Forces of Russia, the Union of Soviet Socialist Republic, Estonia, Latvia, or Lithuania during either such war; to the Committee on Veterans' Affairs.

By Mr. ADDABBO:

H.J. Res. 215. Joint resolution authorizing the President to proclaim September 8 of each year as National Cancer Prevention Day; to the Committee on Post Office and Civil Service.

H.J. Res. 216. Joint resolution authorizing the President to proclaim the second Sunday in October of each year as National Grandparent's Day; to the Committee on Post Office and Civil Service.

H.J. Res. 217. Joint resolution to authorize and request the President to issue a proclamation designating November 30, 1979, as "National Postal Workers' Recognition Day"; to the Committee on Post Office and Civil Service.

H. Con. Res. 52. Concurrent resolution expressing the sense of the Congress that the President should convene immediately a meeting of the heads of all appropriate Federal departments and agencies for the purpose of taking such steps as may be necessary to prevent Arab discrimination against American business enterprises which have Jewish individuals serving in positions of major responsibility or which do business with Israel; to the Committee on Foreign Affairs.

By Mr. BREAUX (for himself, Mr. MURPHY of New York, Mr. MCCLOSKEY, Mr. FORSYTHE, and Mr. PRITCHARD):

H. Con Res. 53. Concurrent resolution to endorse the efforts of the U.S. delegation to the Law of the Sea Conference with respect to marine scientific research; to the Committee on Foreign Affairs.

By Mr. LONG of Maryland (for himself, Mr. EDWARDS of California, Mr. BROWN of California, Mr. DELLUMS, Mr. WILLIAMS of Montana, Mr. JEFFORDS, Mr. OTTINGER, and Mr. GORE):

H. Con. Res. 54. Concurrent resolution designating "Appropriate Technology Week"; to the Committee on Post Office and Civil Service.

By Mr. PEPPER:

H. Res. 128. Resolution to provide for the expenses of investigations and studies to be conducted by the Committee on Aging; to the Committee on House Administration.

By Mr. ROSE:

H. Res. 129. Resolution providing funds for the expenses of the Committee on House Administration to provide for the maintenance and improvement of ongoing computer services for the House of Representatives, for the investigation of additional computer services for the House of Representatives, and to provide computer support to the committees of the House of Representatives; to the Committee on House Administration.

PRIVATE BILLS AND RESOLUTIONS

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

By Mr. BREAUX:

H.R. 2316. A bill to direct the Secretary of the department in which the U.S. Coast Guard is operating to cause the vessel *Widow Maker* to be documented as a vessel of the United States so as to be entitled to engage in the coastwise trade; to the Committee on Merchant Marine and Fisheries.

By Mr. FISHER:

H.R. 2317. A bill for the relief of Cooley Berry; to the Committee on the Judiciary.

H.R. 2318. A bill for the relief of Casimir Jan Kray; to the Committee on the Judiciary.

H.R. 2319. A bill for the relief of Elena Schwarze-Chamier; to the Committee on the Judiciary.

H.R. 2320. A bill for the relief of George E. Miller; to the Committee on the Judiciary.

By Mr. HOLLENBECK:

H.R. 2321. A bill for the relief of Mrs. Tsin-Sing Yao Tang; to the Committee on the Judiciary.

H.R. 2322. A bill for the relief of Mr. Jack George Makari; to the Committee on the Judiciary.

By Mr. PATTERSON:

H.R. 2323. A bill for the relief of Isabelita Clima Portilla; to the Committee on the Judiciary.

H.R. 2324. A bill for the relief of Virgilio Cabeza and Marissa Cabeza; to the Committee on the Judiciary.

H.R. 2325. A bill for the relief of Lehi L. Pitchforth, Jr.; to the Committee on the Judiciary.

By Mr. RANGEL:

H.R. 2326. A bill for the relief of Antoinette Slovik; to the Committee on the Judiciary.

By Mr. SOLARZ:

H.R. 2327. A bill for the relief of Dominic Mattiello; to the Committee on the Judiciary.

H.R. 2328. A bill for the relief of Laszlo Revesz; to the Committee on the Judiciary.

MEMORIALS

Under clause 4 of rule XXII, memorials were presented and referred as follows:

32. By the SPEAKER: Memorial of the Legislature of the State of Georgia, relative to regulation of the insurance industry; to the Committee on the Judiciary.

33. Also, memorial of the Legislature of the State of Mississippi, requesting that Congress call a convention for the sole purpose of proposing an amendment to the Constitution of the United States relative to human life; to the Committee on the Judiciary.

34. Also, memorial of the Legislature of the State of Nevada, relative to public retirement systems; to the Committee on Ways and Means.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 9: Mr. DORNAN, Mr. FLOOD, Mr. FLORIO, Mr. LUKEN, Ms. MIKULSKI, Mr. MYERS of Pennsylvania, and Mr. SCHEUER.

H.R. 33: Mr. ANDERSON of California, Mr. BUCHANAN, Mr. CORRADA, Mr. DONNELLY, Mr. FLOOD, Mr. FLORIO, Mr. JENRETTE, Mr. KILDEE, Mr. MATHIS, Ms. MIKULSKI, Mr. MURPHY of Pennsylvania, Mr. MYERS of Pennsylvania, Mr. OBERSTAR, Mr. OTTINGER, Mr. PATTERSON, Mr. PERKINS, Mr. ROSE, Mrs. SCHROEDER, and Mr. WON PAT.

H.R. 154: Mr. CONTE, Mr. PRICE, Mr. MURPHY of Illinois, Mr. JENKINS, Mr. LEDERER, Mr. JOHNSON of Colorado, Mr. WINN, Mr. HANSEN, Mr. NICHOLS, Mr. MATHIS, Mr. SIMON, Mr. YOUNG of Florida, and Mr. CHAPPELL.

H.R. 566: Mr. BEILENSON, Mr. CLAY, Mr. EDWARDS of California, Mr. GARCIA, Mr. LEHMAN, Mr. MCCLOSKEY, Mr. MITCHELL of Maryland, Mr. MURPHY of Illinois, Mr. OTTINGER, Mr. RICHMOND, Mr. ROSENTHAL, Mr. ROSTENKOWSKI, Mr. SEIBERLING, Mr. STEWART, Mr. WAXMAN, and Mr. WEISS.

H.R. 654: Mr. CAMPBELL, and Mr. SNYDER.

H.R. 968: Mr. AKAKA, Mr. ANDERSON of California, Mr. AUCOIN, Mrs. BOUQUARD, Mr. D'AMOURS, Mr. DORNAN, Mr. DRINAN, Mr. ERTEL, Mr. GILMAN, Mr. HUGHES, Mr. KASTENMEIER, Mr. KILDEE, Mr. LAFALCE, Mr. LEVITAS, Mr. LUNDINE, Mr. MURPHY of Pennsylvania, Mr. PANETTA, Mr. PATTERSON, Mr. STOKES, Mr. STUDDS, Mr. UDALL, Mr. WOLFF, Mr. WOLPE, and Mr. YOUNG of Missouri.

H.R. 1150: Mr. MURPHY of Pennsylvania, Mr. ENGLISH, Mr. BEVILL, Mr. COLLINS of Texas, Mr. EVANS of Georgia, Mr. SENSENBRENNER, Mr. HILLIS, Mr. DAVIS of South Carolina, Mr. ICHORD, Mr. LEACH of Louisiana, Mr. BUCHANAN, Mr. BROYHILL, Mr. LOTT, Mr. O'BRIEN, Mr. NICHOLS, Mr. BARNARD, Mr. FLIPPO, Mr. WHITE, Mr. HANCE, Mr. STUMP, Mr. HALL of Texas, Mr. GUDGER, Mr. HUBBARD, Mr. BREAUX, Mr. HUCKABY, Mrs. BOUQUARD, Mr. ROBERTS, Mr. GINN, Mr. HEFNER, Mr. DAN DANIEL, Mr. STENHOLM, Mr. MATHIS, Mr. JONES of Tennessee, Mr. JENKINS, Mr. DE LA GARZA, Mr. WYATT, Mr. CHARLES WILSON of Texas, Mr. HIGHTOWER, Mr. VOLKMER, Mr. PATTEN, Mr. MONTGOMERY, Mr. MYERS of Indiana, Mr. AKAKA, Mr. HOLLAND, Mr. ROSTENKOWSKI, Mr. FINDLEY, Mr. LEE, Mr. SYNAR Mr. WINN, Mr. FUQUA, Mr. DANNEMEYER, MR. MADIGAN, Mr. GOODLING, Mr. DUNCAN of Tennessee, Mr. HORTON, Mr. YOUNG of Missouri, Mr. FOUNTAIN, Mr. TAYLOR, Mr. HYDE, Mr. GRAMM, Mr. MCCORMACK, Mr. ARCHER, Mr. MILLER of Ohio, Mr. PICKLE, Mr. MOLLOHAN, Mr. RAHALL, Mr. SHUSTER, Mr. LENT, Mr. HAGEDORN, Mr. LONG of Louisiana, Mr. BENNETT, Mr. TAUKE, Mr. KINDNESS, Mr. KAZEN, Mr. SCHEUER, Mr. APPLEGATE, Mr. ALEXANDER, Mr. PRICE, Mr. TREEN, Mr. RAILSBACK, Mr. DANIEL B. CRANE, Mr. HARSHA, Mr. MCDONALD, Mr. CORCORAN, Mr. STEED, Mr. ROBINSON, Mr. CAMPBELL, Mr. BRINKLEY, Mr. BONER of Tennessee, Mr. BOWEN, Mr. GINGRICH, Mr. MARLENEE, Mr. ANNUNZIO, and Mr. NEAL.

H.R. 1495: Mr. BENJAMIN, Mrs. BOUQUARD, Mr. BROYHILL, Mr. CLEVELAND, Mr. COELHO, Mr. COLEMAN, Mr. DANNEMEYER, Mr. DAVIS of Michigan, Mr. DERWINSKI, Mr. DORNAN, Mr. EDGAR, Mr. FAZIO, Mr. FITHIAN, Mr. GORE, Mr. GREEN, Mr. GUYER, Mr. HAGEDORN, Mr. HEFNER, Mr. HOLLENBECK, Mr. HUCKABY, Mr. JONES of Tennessee, Mr. KINDNESS, Mr. LAGOMARSINO, Mr. LEDERER, Mr. LOTT, Mr. MCCLOSKEY, Mr. MCKINNEY, Mr. MATSUI, Mr. MOLLOHAN, Mr. MOTTL, Mr. PASHAYAN, Mr. PEPPER, Mr. ROE, Mr. SEBELIUS, Mr. SENSENBRENNER, Mr. SKELTON, Mr. SOLOMON, Mr. TRIBLE, Mr.

WAMPLER, Mr. WHITEHURST, Mr. CHARLES WILSON of Texas, and Mr. WOLFF.

H.R. 1603: Mr. CORCORAN, Mr. IRELAND, Mr. SHUSTER, Mr. PATTEN, Mr. HINSON, Mr. WINN, Mr. MONTGOMERY, Mr. HANLEY, Mr. DANIEL B. CRANE, Mr. EMERY, Mr. MADIGAN, and Mr. TREEN.

H.R. 1986: Mrs. HOLT.

PETITIONS, ETC.

Under clause 1 of rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

55. By the SPEAKER: Petition of the board of supervisors, Sussex County, Va., relative to economic problems of farmers; to the Committee on Agriculture.

56. Also, petition of the Detroit Lithuanian Orgnaizations Center, Dearborn, Mich., relative to Soviet occupation of the Baltic States; to the Committee on Foreign Affairs.

57. Also, petition of the Education and Public Works Committee of the House of Representatives of South Carolina, relative to creation of a Department of Education; to the Committee on Government Operations.

58. Also, petition of the Miami Beach Tourist Development Authority, Miami Beach, Fla., relative to fuel allocations for automotive tourism travel; to the Committee on Interstate and Foreign Commerce.

AMENDMENTS

Under clause 6 of rule XXIII, proposed amendments were submitted as follows:

H.R. 1894

By Mr. VANIK:

Page 2, line 15, strike out "6½ per centum" and insert in lieu thereof "7 per centum".

EXTENSIONS OF REMARKS

IMPROVING THE BEOG PROGRAM

HON. ROBERT F. DRINAN

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 21, 1979

● Mr. DRINAN. Mr. Speaker, on January 15, 1979, I introduced H.R. 272 which removes home value from consideration in determining a student's eligibility for a basic educational opportunity grant. At the present time the program groups a home with assets such as savings, stocks, bonds, and other investments in determining what a family can be expected to contribute toward the cost of higher education. Basic grants are the prime source of Federal financial assistance for higher education.

BEOG is an entitlement program. In order to be fair, eligibility for this program must relate to the total financial strength of the family. Obviously a family's economic position is enhanced by the possession of certain assets. However, to be truly fair, the program should make a distinction between assets which are a potential source of supplementary income as savings, stocks, and bonds, and a home, which is not a source of immediate additional income to a family.

A home is a nonliquid asset. It is a necessity intended for shelter and comfort. If converted to cash to meet educational expenses, the family still has the often increased expense incurred by refinancing or the choice of finding new housing. Over recent years housing costs have escalated dramatically. According to the Census Bureau a home that cost $32,000 in 1972 cost $52,000 5 years later in 1977.

Prices have shot up in neighborhoods across the Nation, but to homeowners this escalation has not meant a source of additional income. They are not living in better homes than what they purchased and have had little, if any, control over the appreciation of their homes. Also, just as value has increased so too has the cost of maintenance, utilities, property taxes, and insurance.

The parents who saved and bought their homes 10 to 20 years ago should not be penalized now when their children are looking for help in meeting higher education costs. Owning your own home is supposed to be the American dream and Federal policies have encouraged home ownership with considerable success. In 1940 fewer than half of American families owned their own homes; now, nearly two-thirds do.

For many middle-income families who have realized that dream, the home is their major asset. Yet, because of its appreciation over the years it can serve to disqualify their children from participation in the basic grant program. One of my constituents poignantly expressed in a letter to me what this dichotomy means. He said:

> When I was younger and working it was possible for us to purchase a home at a price we could afford to pay. Now, we could never even think of purchasing a home in this town. We have managed to hold on to our home, difficult as this is, but now I feel I must in good conscience protest what I feel is a first rate fraud in which our federal government has participated.
>
> Why does our government tell us that there are funds to help students with their college education, when, in fact, there is nothing more than words? For three years, even when I was ill, my wife tried to get help for our son. On our income we could not pay the costs of a college education for him, even in schools that were not in the high-cost category. Last Spring we tried again. The Iowa City Group (BEOG) said we were not eligible. We had equity in a house. Never mind our pension, social security, low level income; we were not eligible because we had struggled for years to keep our home.

The basic educational opportunity grant program was a major part of the Higher Education Amendments of 1972. It represented the first step in a Federal higher education assistance policy aimed at encouraging equality of opportunity. Awards would be made directly to the student based on need.

In the pamphlet which HEW sends out on how eligibility is determined for the BEOG program, it is stated on page 1 that—

> Since the entitlement nature of the Basic Grant Program requires all students be treated in a consistent manner on a National basis, a formula has been developed by the Office of Education and approved by Congress which is applied to all students in the same way.

The formula provides that once total family assets are determined (home, savings, stocks, bonds, et cetera) an asset reserve is subtracted from the total. For the 1978–79 school year the asset set-off or reserve was $17,000 and it will rise to $25,000 in the upcoming school year. Of the sum remaining once the reserve is subtracted, the parents are expected to be able to contribute 5 percent toward educational costs.

For example, if the market value of a home was $50,000 and the family seeking a BEOG for the 1978–79 school year, had $10,000 remaining on their mortgage, their equity in the home is $40,000. If this is their only asset, the asset reserve of $17,000 would be subtracted from that sum leaving a total of $23,000, 5 percent of which or $1,150 is the amount the family could be expected to contribute toward their child's education. It should be kept in mind that "expected family contribution" is not an out-of-pocket requirement. In other words the family in the above example does not have to spend $1,150 toward tuition costs in order to be eligible for a BEOG. The "expected family contribution" is used in determining the "student's eligibility index" on which eligibility for the program is based.

There will be a significant variation in the amount parents are expected to contribute toward tuition costs, because of the difference in fair market home values from State to State and within States. Thus two families with similar financial profiles could live in almost identical homes in two different neighborhoods and one family might be eligible for a BEOG whereas the other would not.

Regional disparities in home value are not taken into account in the formula which determines the "Expected Family Contribution." As a result the inclusion of home value in determining eligibility can serve to hinder the objective of the BEOG program "to treat all students in a consistent manner on a national basis." Although appreciation of home value is a national phenomena, wide disparity in home value exists. In a survey of 32 metropolitan areas, the Library of Congress found a range of from minus 5.6 to 38.1 percent in the increase in costs of existing housing between 1977 and October 1978. Why should a family be penalized simply by where they live?

An additional problem is that HEW simply asks the applicant to state the fair market value of their home. Although it might be suggested that the homeowner check with a local realtor, they are not asked to provide any verification of the sum designated "fair mar-

ket value" of the home. This serves to encourage subterfuge. Whereas some families will give a realtor's appraisal, others will simply provide a figure which might understate the market value. If the program is going to be fair it should not encourage applicants to manipulate the method of determining need to their own advantage.

Some might argue that by removing home value from consideration we will be opening the program to wealthy families. It should be remembered that even without home value families are subject to the substantial test of financial strength which includes consideration of income, savings, stocks, bonds, investments, and business interest. It is unlikely that removal of home value would lead to abuse of the program.

The Carnegie Council on Policy Studies when studying Federal aid to higher education in 1975 and making their recommendations specifically called for the elimination of home value in determining eligibility for the basic grant program.

There is a precedent for such a change in the law. In 1976 Congress removed home value from consideration in determining eligibility for the supplemental security income (SSI) program. SSI is also an entitlement program. Congress recognized that a home is not a liquid asset and should not be used in determining need for purposes of SSI.

Congress will be reauthorizing the Higher Education Act this year. Just last year we expanded the BEOG program by providing for a more adequate level of funding and thus insuring the participation of more middle-income families. We are bringing the program closer to its original objectives of offering educational access in a uniform and fair manner. Removing home value will serve to further that goal.●

COLMAN McCARTHY ADDS LIGHT TO ABORTION QUESTION

HON. PAUL SIMON

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 21, 1979

● Mr. SIMON. Mr. Speaker, one of the most sensitive writers on the American scene today is Colman McCarthy and his recent column on the abortion question makes more sense than 99 percent of what I read and hear on the abortion question these days.

This column appeared in the Washington Post of February 14, appropriately Valentine's Day.

For citizens who are genuinely concerned about the abortion problem, I hope they read Colman McCarthy's column carefully:

ABORTION: TEMPERS AND DIALOGUE

(By Colman McCarthy)

Talk of murder so befouled the air that the pollution index soared. From the steps of the U.S. Capitol three weeks ago, 60,000 citizens opposed to the Supreme Court ruling on legalized abortions heard their leaders denounce "the baby killers."

A few blocks away, supporters of the ruling exhaled their fury: An amendment to the Constitution that would overturn the law would mean that "all abortions would be considered premeditated murder." That rap, they fumed, was what "the anti-abortion fanatics" would like to hang on women who terminate a pregnancy.

So passed another day of friendly Washington politics. Each side stuck it to the other, but good. Since then, tempers have cooled. Today and tomorrow, several pro- and anti-abortion groups are scheduled to risk each other's presence and meet in Washington "to establish a dialogue." Discussions are always better than diatribes, but if the meetings are to be successful, a loftier goal than just a new exchange of ideas is needed. It shouldn't be too much to ask that each side increase its sensitivity to the humane ideal that is consistently overlooked in the abortion debate: The offering of help to women who are pregnant and who desperately need financial, legal and emotional support in deciding what to do next.

Politically or intellectually, it is strainless to be either pro-life or pro-choice. Code words aside, respectable arguments can be made either way. But what about personal involvement? How many on either side have opened up their homes to the most vulnerable people in this debate: women who are young, unmarried or poor and who might want to keep their babies but will go to an abortion clinic as the grisly last resort if no options are available?

Many of the great national debates come down to that: Who is willing to pay up personally to ease the anguish of strangers? It has been well-enough documented that society, through the Supreme Court, has reached out to women who choose abortion. But this negative solution evokes only institutional care, not personal care.

At the moment, it appears that the most humanized and fruitful help to stranded pregnant women is coming from Birthright, a network of 360 centers in the United States that is staffed with an average of 25 volunteers at each location.

These are the people who have passed beyond the wild rhetoric about "baby killers." They skip the speeches, because women who seek help from Birthright don't want ideology, much less moralizing. Most have been victimized: some by a demeaning sexual relationship, some by an impoverished family life, and others by their own immaturity. Nearly all choose the positive solution of carrying out the pregnancy.

The crucial service of Birthright comes from the families connected with each center that provides shelter for young women who have no place to stay during their pregnancy. According to Denise Cocciolone, the national director of Birthright, which has headquarters in Woodbury, N.J., a family environment can be the difference between hope and despair in the mind of a young woman who is alone and pregnant.

"Both parties benefit," says Cocciolone. "A girl may be seeing for the first time a family where the members have a genuine love for each other. And for the first time the family gets to use some of its resources for caring."

I can testify, in a small way, about the latter. A while ago, when my home had a spare bedroom and the mayhem generated by the McCarthy children threatened neither the EPA noise standards nor the eardrums of guests, a pregnant teen-ager lived with us.

For myself, the ensuing friendship rendered useless the slogan that "society should do something for these people," because, at least this once, I was society and "these people" became one person across the dining-room table. The prospective mother was a remarkable woman once I came to know some of her thoughts and goals. Her baby was given up for adoption, and life has gone on smoothly.

The right-to-life movement has its political side, but it is beyond me to figure out the politics of crying out "baby killer!" on the steps of the U.S. Capitol. It is mystifying, also, to understand why the movement is letting itself become linked with the likes of Sen. Jesse Helms (R-N.C.) or Rep. Robert Bauman (R-Md.). The record of this closed-minded pair on housing for the poor, ending racism or sexism, better schools or a cleaner environment is dismal. Those are pro-life issues, too.

As for the political activity of pro-abortion groups, it isn't enough to lament the deaths of poor women who die in the illegal back-alley clinics without also attacking the bleak conditions that persist in many of the legal operations. An exposé last year by The Chicago Sun-Times documented the immense profiteering and callousness found in parts of this new "health" industry.

Groups for or against abortions would enhance themselves if they came off the barricades for a moment and joined in a common effort to enlarge the number of families with homes to share with pregnant women in their time of aloneness. They need fewer marches and speeches, and more caring.●

MRS. M. KAREL SPAK

HON. HENRY A. WAXMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 21, 1979

● Mr. WAXMAN. Mr. Speaker, one of the more pleasurable aspects of being a Member of the Congress is to have the privilege of recording the contributions of compassionate and generous citizens of our country. Mr. M. Karel Spak is such a person, whose long years of devotion to the elimination of a crippling and often fatal disease will be celebrated by the Myasthenia Gravis Foundation at its first founders award dinner in her honor on March 10, 1979.

Mrs. Spak's mother was a victim of this still mysterious disease, and Mathilda Karel Spak has worked unstintingly ever since to help support the research which ultimately will discover its cause and cure. Mrs. Spak's enthusiastic spirit and unflagging activity have helped to keep alive the California Chapter of Myasthenia Gravis Foundation. Her personal contact with victims of MG revives their spirits; she sees that free medication is supplied to those who cannot afford to purchase it; she donates office work so that overhead costs can be kept to a minimum; she plans fundraisers so that medical researchers can be kept supplied with needed money. In short, Mathilda Karel Spak is one of that unsung corps of people our country cannot do without—a committed volunteer.

In the 1940's in Chicago, Mrs. Spak founded the American Camp and Hospital Service, devoted to contact with veterans through parties, greeting cards, and holiday remembrances. The service was extended to New York, and both groups are still strong and healthy. She has been treasurer and is now on the Board of Directors of the Los Angeles Council of National Voluntary Health Agencies; and is secretary and life member of the Long Beach Sponsor Club of City of Hope. Last year she received the prestigious certificate of merit from the Human Relations Commission of the city

of Los Angeles. Karel was a charter member of the California Chapter of the Myasthenia Gravis Foundation when it was formed 25 years ago, and has served as its president, as well as being a board member of the national foundation.

It is fitting that Mathilda Karel Spak should be honored by the Myasthenia Gravis Foundation at this year's first founders award dinner. I invite the Members to join me in recognizing this occasion and Mrs. Spak's tremendous contributions.●

DR. WINSCHE NAMED DEPUTY DIRECTOR OF BROOKHAVEN NATIONAL LABORATORY

HON. JEROME A. AMBRO

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 21, 1979

● Mr. AMBRO. Mr. Speaker, Long Islanders, particularly those of us involved with the scientific and technical communities, take great pride in the work being done at the Brookhaven National Laboratory on Long Island, one of the most progressive and innovative research facilities in this country's network of national laboratories.

It is therefore with great pride that I bring to the attention of this Chamber the recent appointment of Dr. Warren Winsche as deputy director of the Brookhaven Laboratory.

Dr. Winsche joins lab director Dr. George Vineyard at the helm of one of the most highly respected research laboratories in the world. Brookhaven, you may recall, is the site where the Isabelle project is underway, thanks in large part to the full support and cooperation of the Congress and in particular the House of Representatives which has approved funding of this most exciting high-energy physics research program.

Dr. Winsche has been associated with Brookhaven since 1946 when the lab was pioneering in nuclear research and technologies. He is the former chairman of the lab's nuclear engineering department and at the time of his appointment as deputy director he was the associate director for energy. Under his leadership a broad base of energy-related programs has been developed at Brookhaven, including energy systems analysis, energy storage development, reactor safety, nuclear materials safeguards, atmospheric sciences, coastal oceanography, and energy materials development.

As deputy director, Dr. Winsche will assist Director Vineyard in all phases of the general administration of the lab and assume the duties and responsibilities of the director in Dr. Vineyard's absences.

In addition to his new responsibilities, Dr. Winsche will continue to be in charge of all applied science and energy technology programs at Brookhaven, including the work of the nuclear energy department and the department of energy and environment.

Dr. Winsche combines the very best of scientific and technical expertise with keen administrative abilities and as such his most deserved appointment as deputy director should serve as a model for all national laboratories in the Nation.●

THE COST OF MILITARY CONSCRIPTION

HON. ROBERT W. KASTENMEIER

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 21, 1979

● Mr. KASTENMEIER. Mr. Speaker, proponents of the military draft frequently cite their concern about the costs associated with maintaining an All-Volunteer Armed Force as one of the reasons for abandoning it. In their haste to impose military conscription upon the youth of our Nation, they tend to forget that the military draft is an expensive proposal. There is a hidden tax forced upon draftees that is equivalent to the difference between the military pay of the conscript and his earning power as a civilian.

Prof. Milton Friedman has described this hidden tax in the following manner:

The real cost of conscripting a soldier who would not voluntarily serve on present terms is not his pay and the cost of his keep. It is the amount for which he would be willing to serve. He is paying the difference. This is the extra cost to him that must be added to the cost borne by the rest of us. Compare, for example, the cost to the star professional football player and to an unemployed worker. Both might have the same attitudes toward the army and like-or-dislike-a military career equally. Just because the one has so much better alternatives than the other, it would take a much higher sum to attract him. When he is forced to serve, we are in effect imposing on him a tax in kind equal in value to the difference between what it would take to attract him and the military pay he actually receives.

Another distinguished economist, Prof. John Kenneth Galbraith, said that the military draft is—

A device by which we use compulsion to get young men to serve at less than the market rate of pay. We shift the cost of military service from the well-to-do taxpayers, who benefit by lower taxes, to the impecunious young draftee. This is a highly regressive arrangement that we would not tolerate in any other area. Presumably, freedom of choice here as elsewhere would be worth paying for.

Mr. Speaker, I would like to call to the attention of my colleagues a recent column in the February 13, 1979, Washington Post by Peter J. Ognibene. The subject of Mr. Ognibene's article is the cost of the draft:

DRAFTING PEOPLE OR DOLLARS?

(By Peter J. Ognibene)

There are two ways to raise an army. The nation can draft its young into service, or it can use another form of conscription—taxation—to pay for a volunteer force.

Throughout most of our history, we have chosen the latter, more democratic approach. Nevertheless, sentiment and support for the draft appear to be rising on Capitol Hill.

Conscription has a long, if inglorious, history. The British Navy impressed 10,000 native-born Americans between 1793 and 1811, an outrage that led to the War of 1812. Throughout the 19th and well into the 20th century, immigrants by the millions sought the safety of these shores to keep their sons from being dragooned into the perenially warring armies of Europe. Until the Cold War, Americans regarded the draft as a last resort that could be justified only when the nation was in imminent peril.

The draft was abolished in 1973. To make the armed forces more attractive employers, Congress authorized higher pay, reenlistment bonuses and other incentives. Although the volunteer force does not work perfectly—what in government does?—it has performed far better than its critics prophesied.

In spite of predictions to the contrary, the quality of military recruits has improved since the draft ended. All prospective enlistees are assigned to one of five "mental categories" on the basis of aptitude tests. The law prohibits recruitment of the bottom 10 percent (Category V) but permits each service to draw up to 18 percent of its recruits from Category IV, which encompasses the 10th through 30th percentile. Over the past five years, the services have drawn only 7.4 percent of their recruits from Category IV.

The Army, which many thought would be unable to remain beneath the 18 percent ceiling, has confounded the pessimists. Only 11 percent of the Army's recruits have come from Category IV over the past five years.

More than a fourth of the Army is black; critics find that a cause for concern. The demise of the draft, however, appears to have had less to do with the rise of black enlistments than the skyrocketing unemployment rate of black teen-age males. Relatively few young blacks have been able to find good jobs in the domestic economy.

This is not so much an Army "problem" as it is a reflection on the trades, businesses and professions of America. With these routes of upward mobility closed to many blacks, they have been turning in greater numbers to an institution that has long welcomed them. In the Army, many of them will gain additional education, useful job skills and a rewarding career.

When "equal opportunity" becomes a reality in the civilian economy, black representation in the Army will probably decline to a level close to their proportion of the population. To revive the draft now would only serve to limit the number of blacks who would be allowed to volunteer for the Army.

It costs more to recruit volunteers than it does to induct reluctant civilians, but the actual savings are small by Pentagon standards.

Rep. Les Aspin (D-Wis.), a member of the House Armed Services Committee, calculates that "the cost of the all-volunteer raise in 1977 came to $1.7 billion." That accounted for about a sixth of the boost in military pay; the lion's share (five-sixths) went to more senior military personnel.

If there were a new draft, the Department of Defense estimates it would save about $500 million in recruitment costs—about $2 for every man, woman and child in America. The only way to save more money would be to slash military pay for all ranks, and Congress shows no inclination to take such a step.

In response to a congressional query, Secretary of Defense Harold Brown said recently that any new legislation to register young men for the draft should also be extended to include young women. As a matter of equity, it would be hard to argue against a unisex draft. American voters, however, might not take too kindly to the prospect of having their daughters as well as sons shipped off involuntarily to boot camp.

Few members of Congress are advocating that conscription be immediately revived; their present objective is the registration of 18-year-old males. With such a system in

place, however, it would be a short step to actual inductions.

With some two million men and women currently in uniform, it is difficult to imagine the nation suddenly in need of millions more. Moreover, in this age of computers, registration would be much less a problem than the training and equipping of a massive influx of recruits. So, one could hardly plead logistical necessity in behalf of a so-called standby draft.

The real issue, of course, is money. The draft is a serious deprivation of liberty that can only be justified when the service of some must be conscripted to preserve the freedom of all. With the United States at peace, the case for a new draft rests primarily on how we will pay for our peacetime armed forces. The choice, in fact, is quite simple. We can draft dollars, or we can draft people.●

AMBASSADOR ADOLPH "SPIKE" DUBS

HON. LESTER L. WOLFF

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 21, 1979

● Mr. WOLFF. Mr. Speaker, it is with profound sorrow that I rise this morning to offer a few words in memory of my friend, Ambassador Adolph "Spike" Dubs, who was killed recently in Afghanistan.

His shocking and brutal death has deprived this country of a man of enormous talents and a far-reaching vision. Words alone cannot represent adequately my disgust for the way in which he died.

Throughout his life and career, Spike served this country well. His contributions were remarkable, his death deplorable. I am proud to have been a friend and colleague of his.

But his death is also symbolic—for when the lives of our most dedicated and courageous citizens can be snuffed out so easily, then I say it is time to respond. This is not just an isolated incident of terrorism; it is part of a widespread pattern of terrorist activity that threatens the very foundations of civilized society.

There is a dark spirit haunting the world today. When any person thinks he or she can achieve some perverted goal by brutality, intimidation, and violence, then no one is safe. When any group sinks to such depths then we all lose a part of our humanity.

The time has come to recognize the problem and to combat it with all of our resources at our command. Some of us in Congress have been warning the Nation of this apocalypse for some time. I call upon this House, and this Nation now to redouble our efforts to combat the insidious activities of these cowardly terrorist groups.

The loss of Spike Dubs is appalling to say the least. But the loss of any one else because we fail to act would be inexcusable. How many more people must suffer and die?

Mr. Speaker, let this tragic death be a catalyst for action against terrorism and all of the hideous things which it represents. I pledge my efforts in this fight. I call upon my colleagues to see to it that Ambassador Dubs did not die in vain.●

FORT WORTH: OUR CITY OF COLORFUL YESTERDAYS AND BRIGHT TOMORROWS

HON. JIM WRIGHT

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 21, 1979

● Mr. WRIGHT. Mr. Speaker, on the banks of the Trinity River in Texas, a city rises out of the open prairie. It is Fort Worth, where the West begins. It is the capital and queen city of west Texas, a 120,000 square mile domain.

Down the canyon of West Seventh Street the wind whistles off the plain at 45 miles an hour between tall buildings that stab at the sky, pointing the flightpath of Fort Worth's future. It is a friendly, big, garrulous, open-hearted town. Here, in this last year of the 1970's, live 415,000 people.

All of this began 130 years ago. In 1849, the U.S. Army founded here on the untamed prairie a calvary fort. Its mission was to protect the increasing wagonloads of settlers from the ravages of savage Kiowa and Commanche tribes which roamed the area.

Seven years later, four events, of importance then only to a handful of determined settlers, transformed the temporary settlement which had grown up around the Army fort into a full-fledged civilian community.

In 1856, the first general school was created. The first industry was launched. A post office was established. And in that fateful year, by dint of undaunted determination and more resourcefulness than scruple, Fort Worth became the county seat.

The future was pregnant with promise. Fort Worth's hour of destiny had not yet struck, but the wheels of history had been set in motion.

Only 6 years earlier, the U.S. Army had funded here on the untamed prairie a fort, charged with the mission of protecting the increasing wagonloads of settlers from the ravages of the savage Indian tribes which roamed the area.

In 1853, with the thin edge of settlement pushing westward, the fort had been abandoned and in its place had sprung up a tough-rooted little civilian settlement on a bluff overlooking the Trinity Valley and the southward tilt of the rolling plain.

Other communities, to be sure, had clawed a tenuous foothold in this new frontier. Others opened schools and post offices, hopefully started infant industries, became county seats.

But there was, even then, something about the spirit of this frontier village which marked it for permanency. It was like a hardy little prairie flower, determined not to wither on its vine under the scorching southwestern sun.

Wagon trains of settlers were rolling westward, looking for a place to get a new start and stake the family future. Some 30 miles to the east lay Dallas, already established, like a roadblock across the trail.

When the wagons rumbled through on the westward track, Dallas men would stop them with lurid tales of danger to the west. "The Indians will surely scalp you if you venture to Fort Worth," they warned. Here, perhaps, began Fort Worth's vaunted early reputation as a wild and woolly place.

Here, too, began an intense rivalry which raged for more than 100 years. Picking up the challenge, the Fort Worth settlement sent riders to intercept the wagons east of Dallas and escort them to Fort Worth along a trail that bypassed the neighboring village.

And here, also, was born a tradition of resourcefulness in building a city. Fort Worth had no doctor. When Julian Field, a leading community figure, became ill, it was necessary to send to Dallas for young Dr. Carroll Peak. The townspeople immediately set upon him with bandishments. They would not hear of his leaving. He and his wife were put up in an abandoned barracks, and he stayed in Fort Worth.

Unwilling to trust the schooling of the children to the erratic comings and goings of wandering tutors, the infant community in 1856 called an election, chose a school board, imported two regular teachers, and erected a crude school building.

The first industry, appropriately enough, was milling. Julian Field, R. S. Mauk, and David Man built a gristmill to make flour from the wheat brought in from neighboring farms.

The nearest post office was Dallas. Dr. Peak hired a horseman to ride over semiweekly and bring back all missives addressed to Fort Worth's residents, and for this service he charged a dime a letter. In 1856, President Franklin Pierce recognized the new community carved out of the frontier by appointing Julian Field as the postmaster, and Fort Worth built its own post office.

The dauntless tradition then aborning was most dramatically portrayed, however, in the circumstances surrounding the removal of the county seat to Fort Worth from Birdville, then a separate village some 5 miles to the east.

A delegation went to Austin, buttonholed lawmakers, finally prevailing upon the legislature to call an election in which Tarrant County's settlers could choose between the two villages for their seat of justice.

The competition was keen, if not entirely clean. As an added lure to voters, Birdville leaders cached a big barrel of whisky in an oak grove at the edge of town. Fort Worth merchants, with less propriety but not to be outdone, stationed huge barrels of free whisky on the public square. Adding insult to injury, an overzealous group of Fort Worthers stealthily made their way into Birdville's grove and siphoned away their neighbor's liquor, leaving the adversary dispirited in more ways than one.

Riders went out from both cities in all directions to round up voters. It was afterward contended that the total vote far outnumbered the aggregate male population of the county, but a precise census was virtually impossible. Sam Woody, of Decatur, told in later years of having brought in 14 men from Wise County to vote for Fort Worth that day in 1856. When all ballots were in, Fort

Worth had carried the election by seven votes.

That night a torchlight procession gleefully made its way to Birdville and physically removed the courthouse effects, then and there conveying them to their new and permanent home.

This same instant resourcefulness and unashamed partisanship have characterized every step of Fort Worth's ascent up the ladder to eminence.

Two decades later, the Civil War-disrupted Texas economy was pulled out of the doldrums by the cattle drives which took bawling herds of rangy longhorns up the long, dusty trail to Abilene, Kans. It was in this era that Fort Worth, still a drowsy hamlet of but a few hundred people, seized upon opportunity and became the base of supply for West Texas stockmen.

Adjusting its pace to the trail-driving age, the town provided a welcome release for the pent-up energies and appetites of the cowhands after long, dull months on the range. It was a noisy, lusty, brawling place, but nobody cared. The cowboy was king; and this was Cowtown.

The open sesame for any aspiring township of the day was a railroad, and Fort Worth set out to have one. In the 1870's B. B. Paddock, editor of the Fort Worth Democrat, displayed the town's unrestrained ambition when he published a drawing that he called the Tarantula Map. Its center was a heavy blob denoting Fort Worth, while lines, like the hairy legs of the huge Southwestern spider, reached out in nine directions to represent the nine railroads which the editor prophesied would one day serve the town. Although rival towns scoffed, his prediction eventually came to pass.

With enthusiasm, Forth Worth leaders set out to promote their first railroad. An agreement was struck whereby the Texas & Pacific would be given large land grants from the State of Texas and 320 acres at Fort Worth, donated by such local enthusiast as Van Zandt and Dagget, upon the condition the road reached Fort Worth by January 1, 1874. Work was begun, and the town danced with excitement over the prospects.

Catastrophe loomed when the powerful northern financial house of Jay Cook & Co. went broke. Risk capital froze in panic throughout the Nation, and the twin rails were halted in the middle of nowhere, several miles east of town.

Not to be denied, Fort Worthers determined they would have the road completed, if they had to build it themselves, foot by painful foot. They organized the Tarrant County Construction Co., subscribing its stock with cash, materials, labor, supplies—whatever they had. A bargain was driven with the T. & P., whereby the local company agreed to prepare the roadbed, the railroad to lay the track.

In a dramatic night-and-day race against time, with townswomen bringing food and coffee to the perspiring workmen and section crews resorting to the most unorthodox improvisations, the tracks were laid and an old wood-burning engine puffed into town to beat the second deadline set by the State legislature.

A churning cauldron of activity then erupted upon the prairie. Oliver Knight in his excellent work, Fort Worth, Outpost Upon the Trinity, from which most of this information was derived, has said that this was "by all odds the greatest day in the history of Fort Worth," pointing out that within a few weeks after the first train rolled into town 59 new businesses had opened, and that within 4 years there were no less than 460.

Now joined to the east by railroads, the rapidly growing city attracted a web of stagecoach lines, becoming in 1878 tne eastern terminal for the world's longest stage route which stretched for 1,500 aching miles to the California border at Fort Yuma, Ariz.

The Fort Worth story is one of vision, and of a community's ability to adopt to changing circumstances. While money flowed into town on the wings of transportation and cattle drives, Fort Worth was not content to soak up this boon with the impassivity of a sponge. Why not capitalize permanently upon these two advantages?

On Fort Worth's old North Side, where all the accoutrements of the early West are still much in evidence, a group of farsighted leaders founded the Texas Dressed Beef & Packing Co. A stockyard and slaughtering pens were built. Meat was dressed and shipped under refrigeration to the eastern markets, and the plant paid ranchmen 50 cents a head above the prevailing Kansas City price.

The taproot was driven deeper into the bruised soil upon the Trinity's banks. Fort Worth had industry.

It was then, near the turn of the century, that an air of real permanence began to settle upon the ebullient cowtown. Other industries slowly took hold. Municipal improvements came in a wave—a dependable water system, sanitary sewers, street paving and a modern fire department. Law and order took firmer grasp, churches thrived and women's clubs burst upon the scene.

The boisterous, roughneck town was growing up. Like a self-conscious overgrown farm youngster in the city, the seam-splitting prairie colossus developed a newfound interest in higher education.

The Methodists in 1881 founded Polytechnic College on the present Texas Wesleyan site, then some 4 miles southeast of Fort Worth.

The Christian church in 1889 took over Add-Ran Institute, begun in Fort Worth as early as 1869 but moved by its founders to Thorp Springs to avoid "the alluring vices of the city." The church transplanted the institution for a time in Waco, then brought it home to Fort Worth in 1910 as Texas Christian University.

In that same year, the Baptists opened Southwestern Baptist Theological Seminary which has flourished ever since.

But even with the stabilizing influences of culture, the spontaneity of fierce community pride continued. With the new century came the automobile, and Fort Worth took up the craze.

In their penchant for new horizons, the town's civil leaders foresaw that highways would one day be the new arteries of commerce. The State adopted a constitutional amendment in 1904 permitting counties to issue road bonds, and with characteristic vision Tarrant County became the very first in the entire Southwest to approve road and bridges bonds for $1,600,000.

As it had become the capital of the cattle industry, Fort Worth in the 1920's again grasped the elusive figure of opportunity and gambled on oil. With the throbbing exhilaration of west Texas boomtowns, Fort Worth girded itself as the gateway and supply base for the oil kingdom.

Just bring out something new, and it will find a home in Fort Worth. In 1921, Harold Hough held the torch of vision which had lighted the wilderness for Cowtown's early planners when he pioneered radio with WBAP. It was the State's first radio station. Twenty-seven years later, Fort Worth had the first television station in Texas.

Aviation evoked immediate enthusiasm in Fort Worth. The first daredevils to schedule a barnstorming tour through this part of the country made the mistake—or perhaps it was not a mistake for them, as it turned out—of booking an exhibition in Dallas but none in Fort Worth. This would not do. Amon Carter raised a public subscription and paid the four-man troupe $5,000 to demonstrate their talents in Fort Worth.

Fort Worth became an early aviation center at the outset of World War I. The Canadian Government established three flying fields near the city—Hicks, Everman, and Benbrook—where pilots were trained for the Royal Canadian Flying Corps.

In recent years, Fort Worth has carved itself a permanent niche in the history of aviation. During World War II, its Convair plant performed the impossible in production of our B–24 Liberator bombers. And in 1949 a new epoch in world history may even have come into being with the very first nonstop flight around the earth, originating and ending at Fort Worth's Carswell Air Force Base.

Today Carswell continues to make important contributions to the Nation's defense and the Fort Worth economy and citizenry. With just one exception, more Air Force personnel have chosen the Fort Worth area as a retirement home than any other spot in America.

And with our highly skilled work force we make a major contribution to America's military readiness. No other metropolitan area in the country performs more prime defense contracts than Fort Worth.

General Dynamics employs about 11,500 people and its contract to build 1,896 F–16 aircraft is the largest ever awarded. Bell Helicopter, which employs about 11,000 workers, is the leader in its field, and Vought Corp. continues to make the highly effective A–7 fighter-bomber.

These defense contracts have spawned more than 100 new businesses in our area in the past few years.

In civilian aviation, we now share with Dallas one of the world's greatest airports. Larger than Manhattan Island, the new Dallas-Fort Worth Airport is the third busiest in the Nation in air-carrier operations.

And that splendid facility has helped us win back an old and important friend, American Airlines.

In 1927, a fledgling operation called Texas Air Transport began flying out of Meacham Field here. That little outfit became the Nation's second largest carrier and moved off to the big city—New York.

But American has announced that it is coming home to Fort Worth, moving its corporate headquarters, with at least 1,300 jobs, here. Like so many others, American's executives are recognizing the tremendous advantages of this cosmopolitan Cowtown.

Most of the cows are gone now, the stockyards reduced and packing houses closed. For a while that hurt us. But now we are developing the old North Side, using the cattle exchange, pens and barns to preserve intact its authentic western atmosphere.

Fort Worth prides itself on the deep feelings it has for its past. Whether it is preserving the original log cabin settlement or saving the relics of its cowtown days, Fort Worth knows where it came from.

And the downtown area, which felt the same pressures that squeezed so many American cities, is going to demonstrate how that sad process can be reversed. We have got a new Convention Center, the Water Gardens, the Tandy Towers, the Fort Worth National Bank building, and the Lanham Federal Building up and we are not stopping there.

There are plans for one new downtown hotel and the renovation of two others. The regional headquarters of the Department of Housing and Urban Development will move into another remodeled building.

Those who do not live in Fort Worth ought to come visit. And those of us who do are lucky.

Today, the city's skyline glistens in the bright Texas sunlight. The classic old courthouse overlooks the Trinity in the same spot where the Army dragoons built their fort 130 years ago. But in the city's heart pulsates the rhythm of chance, of growth, of still untamed ambition.

Fort Worth dreams new dreams and believes in a better tomorrow.●

AFRO-AMERICAN HISTORY FESTIVAL

HON. PETER W. RODINO, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 21, 1979

● Mr. RODINO. Mr. Speaker, as we join in celebrating the meaning of Afro-American history during this special month, I would like to call attention to a very special event taking place in New Jersey's 10th District. The Student Government Association and the student activities office of Essex County College in Newark are responsible for the Third Annual African-American History Festival held this week.

Mr Speaker, the festival offers films, lectures, artistic performances, workshops, and other activities to recognize the tremendous value of one of the richest cultures blended into our American way of life. Public acknowledgment of the achievements of African Americans is very important to our evaluation of America's ethnic diversity, and this weeklong festival in our community is proving to be a great success.

The theme for this year's festival, "International Brotherhood," rightly emphasizes the efforts of American blacks to promote peace and social justice in our own community and around the world. The festival honors Ambassador Andrew Young for his commitment to peace, justice, and truth in the international community. His courage and determination have helped to raise the consciousness of the American people to further the cause of brotherhood at home and in other lands. I commend the festival on their fine choice of honoree and I congratulate my friend Andy Young.

Mr. Speaker, I hope that millions of Americans will share in the meaning of Afro-American history month just as members of the Essex County community participate in this weeklong festival to hail the many contributions of Americans of African descent.●

A TRIBUTE TO PHIL PORTNOY

HON. MATTHEW J. RINALDO

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 21, 1979

● Mr. RINALDO. Mr. Speaker, the contributions of private citizens to the common good is a fundamental characteristic of our society. It is an expression of charity, decency, and compassion of fellow citizens for one another.

Any organization of private citizens that hopes to carry out programs to serve the common good needs leaders in the community. Leaders like Phil Portnoy of Union, N.J., a man of remarkable energy and unquenchable good will toward his fellow citizens.

Over the years, Phil Portnoy has come to the aid of men, women, and children whose tragedies were too small for larger, organized community fund drives. They were the forgotten people, yet their ordeals and pain were nevertheless real. Now, however, the families of Theresa Gargalowicz, Doreen Delaney, Eileen Sipermann, and Michael LoConte have been able to muster the resources they need in their battles against disease and catastrophe.

Many years ago, Ralph Waldo Emerson wrote about the law of compensation. For those with courage and determination, a personal tragedy in life, such as the loss of a limb, could serve as the inspiration to do more than might otherwise be possible. Their lives became productive, important, and courageous.

Mr. Speaker, it may be due to the fact that Phil Portnoy overcame his own handicap that he exhibits such an exemplary commitment to helping others overcome their own adversities.

As a result of his accomplishments, he is justifiably being honored tonight by Union Lodge 1782, B'nai B'rith, as its Citizen of the Year.

It culminates a period of service that extends over many years. Phil Portnoy has been a founder of Temple Israel in Union and the Pop Warner Midget Football League. He has coached and served on the board of the Teener League, and he is president of the Union Board of Education.

I am pleased to take this opportunity to join my many friends and constituents in honoring the hard work and dedication of a fine individual, Phil Portnoy.●

POLITICAL FREEDOM FOR POSTAL EMPLOYEES

HON. WILLIAM (BILL) CLAY

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 21, 1979

● Mr. CLAY. Mr. Speaker, I have today introduced the Postal Service Employees' Political Activities Act of 1979.

This bill updates and modifies the Hatch Act for postal employees. It permits them the right to participate voluntarily in political activities so long as those activities do not even appear to compromise the integrity of the merit system or the administration of the functions of the U.S. Postal Service which is a semi-independent agency of the Government.

The Hatch Act was precipitously enacted in 1939 with no public hearings and limited debate. It was an overreaction by the Congress to abuses, not of voluntary political activity, but to coercion and kickbacks by employees and recipients in the Federal relief programs. Postal employees, because at that time, they worked for an agency which was totally within the confines and jurisdiction of the Federal Government were included along with all Federal employees under the Hatch Act.

Today there is little justification for Federal employees' rights of full voluntary political participation to be impeded or restricted but there is no basis whatsoever for postal employees to be included under the antiquated and repressive restriction of the 40-year-old Hatch Act. In 1970, the Congress passed the Postal Reorganization Act thereby making the U.S. Postal Service a quasi-independent agency. Postal employees today are treated differently than Federal civilian employees who work for the Government. The most predominant feature is the fact that postal employees come under an entirely different labor management program which more closely resembles that of the private sector than it does the Federal Government's system.

The postal service system is a quasi-autonomous public corporation. Some may have problems with that fact but, be that as it may, postal employees are in a different category from Federal employees. The postal worker's role, as an employee of a semi-independent agency, and the role of a Federal civilian employee, as an employee of the Government, make these two groups separate

and distinct. Unfortunately, the issue of full political participation for postal and Federal employees has been confused, notwithstanding their different status, so that they are treated as one and the same.

My introduction of two separate Hatch Act reform bills—one for postal employees and another for Federal employees—should not be construed as any diminution of my commitment to the right of full political participation by both of these employee groups. I intend to push for speedy enactment of both bills.

This is similar to H.R. 10, the Federal Employees' Political Activities Act of 1977, which passed the House overwhelmingly on June 7, 1977. The bill differentiates between voluntary and involuntary political activities. It protects the public interest while providing postal employees with greater freedom to participate in the political process.

In the 94th Congress both the House and Senate passed Hatch Act reform legislation, but President Ford vetoed the bill. The House passed the bill in the 95th Congress, but it was not passed by the Senate, even though the legislation had the full backing of President Carter. In his recent State of the Union message, the President has once again announced his full support for reform of the Hatch Act.

In summary, this provides the following:

States that postal employees are encouraged to exercise their right of voluntary political participation.

Prohibits the use of official authority, influence, or coercion with respect to the right to vote, not to vote, or to otherwise engage in political activity.

Prohibits solicitation of political contributions by superior officials and making or soliciting political contributions in Government rooms or buildings.

Prohibits, with certain limited exceptions, political activity while on official duty, in Federal buildings, or in uniform.

Prohibits the extortion of money for political purposes from employees.

Requires that employees who seek elective office do so on their own time, and that employees shall, upon request, be granted accrued annual leave or leave without pay to seek elective office.

Designates the Special Counsel of the Merit Systems Protection Board (MSPB) as the enforcing authority and the MSPB as the adjudicatory authority; provides for judicial review of adverse decisions; and, limits investigations of prohibited activities to 90 days.

Subjects violators of law to removal, suspension, or lesser penalties at the discretion of the MSPB; requires a minimum of 30 days suspension without pay for any employee found guilty of violating the prohibition against use of official authority or influence for political purposes.

Requires the U.S. Postal Service to report annually to the Congress on its implementation of this act.●

CRAZY JOE MACAIG

HON. PAT WILLIAMS

OF MONTANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 21, 1979

● Mr. WILLIAMS of Montana. Mr. Speaker, for those of you here in Washington who are put off some by the hardships of continual below freezing temperatures and 2-foot snowfalls, let me tell you about Joe Macaig. Joe is a constituent of mine from Anaconda, Mont. He calls himself Crazy Joe. Folks at home do not argue. On December 29 of last year, Crazy Joe set a new world's record for ice dipping.

This 22-year-old railroad employee donned his swimming trunks and when the temperature around Anaconda reached 23° below zero, he took a 46-second dip in an ice cold creek. By the way, it is known as Warm Springs Creek, but there is nothing warm about it—not at 23° below.

Crazy Joe has submitted his report to the Guinness Book of World Records, and we are now awaiting official confirmation. That will not be the first time that Joe has made the book: A few years ago he established a new world record by swimming down the Yellowstone River—292 miles down the Yellowstone River.●

STATES SHOULD PASS ERA

HON. DON EDWARDS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 21, 1979

● Mr. EDWARDS of California. Mr. Speaker, I want to share with my colleagues an editorial that aired on radio station KNBR 68 in San Francisco, Calif. The editorial, by Bill Dwyer, vice president and general manager of KNBR, voices my own hope that the equal rights amendment will soon be made a part of the Constitution.

However, the statement also makes an important point. States that support the ERA need not wait for the necessary 38 States to ratify the amendment to guarantee equal rights for women and men in their State. States can add equal rights amendments to their State constitutions. Fourteen States have already done so. I would encourage that California Legislature and the legislatures of other States that support equal rights to move in this direction.

The editorial follows:

EDITORIAL OPINION FROM BILL DWYER, VICE PRESIDENT AND GENERAL MANAGER OF KNBR 68

One of the best things that could happen in 1979 would be the approval of the equal rights amendment to the U.S. Constitution. Right now, the outlook is not too bright. In just 52 well-chosen words, this amendment prohibits discrimination against women and authorizes congress to pass laws to make it effective. The campaign for adoption has been going on for almost seven years but supporters still have no guarantee of success. So far, 35 states have ratified the E.R.A., but it won't be part of the U.S. Constitution unless three more states say yes.

However, there's an encouraging development. Fourteen states have gone ahead on their own to put equal rights amendments in their state constitutions. And the U.S. Civil Rights Commission says these amendments have been effective, especially in opening up new employment opportunities to women. There's no reason why states that want the benefits of equal rights for women should have to wait. Because of that, we urge the legislature of California and all other states that have approved the E.R.A. to act now to put equal rights into their own state constitutions.●

SINGLAUB: CARTER'S BROKEN PROMISES THREATEN ANOTHER PERIOD OF IMPERIAL PRESIDENT

HON. LARRY McDONALD

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 21, 1979

● Mr. McDONALD. Mr. Speaker, the article that follows these remarks is No. 2 in a series by retired Maj. Gen. John K. Singlaub, which appeared in the Atlanta Journal on February 5, 1979 (the first appeared on page 2662 of the CONGRESSIONAL RECORD for February 15, 1979. In this item, General Singlaub discusses how President Carter not only scorned the U.S. Senate as well as our ally Taiwan in taking this step. He draws a parallel between President Carter's action and suggested a return of the days of secret Kissinger diplomacy. He further mentions an important point that I have made on previous occasions, that is, that we do not need Chinese oil. There is all the oil we can possibly use in Mexico and why the Carter administration does not face up to this fact is one of the mysteries of the century. Chinese oil has a high paraffin content and would be extremely difficult for our refineries to deal with. The Japanese have found this out to their sorrow. The General further points out that at the rate we are throwing away friends and allies, who can possibly have any faith left in treaties with the United States? And this is indeed the largest question to arise out of the whole issue. The column follows:

SINGLAUB: CARTER'S BROKEN PROMISES THREATEN ANOTHER PERIOD OF IMPERIAL PRESIDENCY

(By John K. Singlaub)

(NOTE.—Maj. Gen. John K. Singlaub, a veteran of three wars and an articulate student of military history, was forced to retire from the Army last summer because he disagrees with military decisions being made in Washington by the Carter administration. In retirement, he is still speaking out. Here is the second of a three-part series in which he examines the recent "rearrangement" of U.S. policies in the Far East, especially as they affect Red China and Taiwan.)

During his campaign, candidate Jimmy Carter promised to consult Congress on foreign policy as well as on domestic matters. He also promised to put an end to secret diplomacy a la Henry Kissinger.

However, when he recognized the People's Republic of China (PRC) and abrogated our treaties with Taiwan, he broke both of these promises. I am confident that some will justify this as necessary to provide political flexibility, or an ability to exploit sudden political changes. I feel, however, that there should be no confusion about what the breaking of these promises involves.

Not consulting Congress on this important foreign policy change is especially significant due to the fact that the Senate last October, in a 94–0 vote, called for consultation before abrogation of the treaties with Taiwan.

It has been written that the handling of the agreement took special care not to make the Chinese communists lose face, but what about the Senate's face, not to mention other American and Taiwanese faces? The president's treatment of Senate minority

leader Howard Baker was less than flattering. He met with President Carter in the early afternoon of the same day that the rearrangement of diplomatic relations was announced, but he was not informed of it. Is this an indication of Carter's appreciation of the support that Sen. Baker gave many of President Carter's foreign policy initiatives—some at heavy cost to his standing within his own party and state?

The manner in which these arrangements were reached clearly represents a usurpation of power by the president which may cause the assertiveness of the last Congress to be replaced by a new imperial period of the presidency in foreign affairs.

The selling of the rearrangement was also a rather unnecessary, even tasteless, show of force, with a selective and deceptive use of facts and possible developments which I have stated earlier. This is also clearly reflected in an article from the *Wall Street Journal:* "All day top officials received a stream of journalists and touted the political and economic benefits of full relations with China."

No mention was made of any possible burdens or negative aspects of the new arrangement. As a part of the sales pitch, it has been stated that China has more than 100 billion barrels of oil reserves. This is a very interesting argument indeed. I do not understand how we can be so certain about how much oil China has, when the same administration spokesmen claim that we have no idea how much oil Mexico has.

Mexico is an open society and shares our borders, whereas China is a closed society to which even our intelligence organizations have little access. It is difficult enough to estimate the reserves in a field where all the information and tests are available. Could it be that it would not be expedient or politically wise to release information about Mexican oil reserves at a time when the President wants to force his energy bill through Congress? This selective release of facts and information by the administration seems indicative of the efforts being made to place only a favorable light on this question.

There can be little doubt that the recognition of the PRC and the withdrawal of recognition and the abrogation of the Mutual Defense Treaty with the Republic of China (Taiwan) represented a major victory in Peking. It is fairly easy to understand most of the reasons why the Chinese communists want to be recognized.

It is less easy to understand why President Carter felt so compelled to recognize Peking that he accepted terms of recognition previously rejected by his predecessors. It is clear that the agreement in its present form could have been concluded by either Nixon for Ford, but they apparently had a different view of the "realities" mentioned by President Carter. For them, the realities were complex, and they were aware that such a move would mean not only the cancellation of a defense treaty with friends, but at the same time the establishment of relations with our former friends' adversaries.

The betrayal would not stop there. We would then also recognize these adversaries as the sole legal government of China. This is a reversal of 180 degrees—with a new twist of not even accepting our former friends' legal right to exist! For President Carter, these considerations must have been too complex and were, therefore, simplified.

The old principles of international law, such as treaties are to be honored, *pacta sunt servanda*, were scrapped and in their place the illusion of sole legal government was created. There is nothing in international law or traditional practice that indicates that the PRC has any legitimate claim to the islands of Taiwan and the Pescadores.

Even the PRC cannot be overly impressed by this betrayal of an old friend. With its broader perspective on history, it is bound to make some reflections along the lines of "Today Taiwan was sold out, tomorrow maybe we'll be the ones." This action has proven for all the world that the U.S. is an unreliable ally and friend; or, as a former Undersecretary of State George Ball said a year ago: "We would gain little from pushing Taiwan overboard. What would we lose? Our self-respect for one thing. We would be acting out of character in pursuing the sordid diplomacy of the 18th century, when the reversal of alliances was standard procedure."

So why did we do it? To enhance world peace? This sounds frighteningly similar to Neville Chamberlain's remark in 1938: "Peace in our time," while waving the worthless Munich agreement.

Perhaps the most important question unanswered by the administration's announcement is: What would the U.S. do if the PRC attempted to reunify Taiwan with China, either by force or through blackmail? Would we simply sit back and insist that this was an internal matter for the Chinese to resolve themselves? Certainly this is the answer suggested by our statement that there is only one China. Why did we not insist on assurances for the security of Taiwan?

Statements from officials claiming that we got this agreement on our terms seem to suggest that we did not even seek any guarantee for the territorial integrity of our former friends. Can this possibly be true? Was the president in such a hurry or did he believe that this agreement was of such importance that he did not even dare raise the question? If this is the case, then the American people have the right to be shocked—at least until there has been adequate, substantial proof to the contrary.

The American public has been told that China cannot invade Taiwan today. What about tomorrow? After all, increased production and military capabilities are what the PRC's modernization program is all about. Then we are told that Red China would value its trade relations too much to risk having them cut off in case of a reunification attempt by force.

If this were so certain, it would reveal that the PRC values trade more than reunification. Why did the U.S. not give them trade privileges and recognition and still keep the treaties with Taiwan? The PRC surely would have been content if they truly do value trade more than reunification.

Another complex problem is the possibility that Taiwan will feel compelled now to develop its own nuclear weapons. This would increase nuclear proliferation and perhaps the danger of war—instead of "reducing the danger for international military conflict" as the president claims is his goal. This issue is not a relevant problem, we are told, since Taiwan has signed the nuclear non-proliferation treaty and the U.S. has control over uranium supplies.

The nuclear issue will remain irrelevant only as long as Taiwan proves to be a more reliable treaty partner than we are ourselves, and as long as they do not engage in alliance swapping a la Carter—in which case they would turn to the U.S.S.R. for uranium.

We have lost our right to argue on moral terms—such as keeping a treaty or relying on old friends—so we can only resort to the use of power. Which country is next on the sellout list? South Korea? We have heard that the growing capabilities of the North Koreans are not a threat any longer, since we have the China card. Are we to believe that a poor nation such as North Korea uses its scarce resources for the sheer pleasure of having an enormous army? This is bordering on stupidity. May we really assume that there is no rationale behind the North Korean buildup—that they simply keep increasing their armed forces out of habit?

What about a potential sell out of Europe in the coming SALT II agreements? These probably will not include either the backfire bomber or the SS-20 nuclear missile—small threats to the U.S. but potentially deadly for Europe. Again we appear to be willing to forsake our friends for another agreement with our enemies. No wonder rumors emerge internationally that prominent West German leaders are looking into other security arrangements besides NATO. ●

COMMONSENSE ON MR. TENG

HON. ROBERT H. MICHEL

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 21, 1979

● Mr. MICHEL. Mr. Speaker, from time to time I come across old-fashioned commonsense from a liberal Democrat. I know that a liberal Democrat with commonsense sounds like a contradiction in terms, but these things do happen, Mr. Speaker, and we cannot ignore them.

A great deal of the time I find this commonsense in the writings of John Roche. Mr. Roche, a professor, was once a top aide to Lyndon Johnson and the head of Americans for Democratic Action. Given such an impoverished political background we could expect to find Mr. Roche spouting the same old cliches of the Great Society. Well, Mr. Roche is not above praising the Great Society, but, oddly enough, on other issues he is quite sound.

He recently showed this in a newspaper column published in the Washington Star. The subject was the visit of Chinese Vice Premier Teng Hsiao-ping to the United States. Mr. Roche reminds us that despite the euphoria surrounding the visit, Teng is a "brilliant, dedicated old gangster" and that he was the designated hit-man during one of China's bloodiest purges. Teng would like nothing better than to see the Soviet Union and the United States go to war while he watched from the sidelines.

At this time I would like to insert in the RECORD, "The De Facto Warden," by John P. Roche, Washington Star, February 14, 1979:

THE DE FACTO WARDEN

(By John P. Roche)

"You Americans," a Polish friend sadly observed some years ago, "think history starts anew every morning." His particular complaint was that Eastern Poland, his ancestral homeland, had been casually handed to the Soviet Union at the end of World War II and his family shipped off with nothing but the clothes on their backs to land formerly German. He could not in any case return to his new "home": he was a veteran of the Polish army that fought with us in Italy, "a reactionary fascist" in the lexicon of the Polish communist regime.

The frenzy over the visit of Chinese Vice Premier Teng Hsiao-ping, which stopped just short of strewing palms in his path, reminded me of this somber insight. One might have thought Teng was a long-persecuted advocate of human rights, a Messiah come to redeem Chinese communism of its totalitarian character. In fact, he was the chief organizer of one of the greatest purges in history, the "Rectification Campaign" of 1957-58.

It began with roses—quite literally. On

June 18, 1957, Mao's "Hundred Flowers" speech, made in February, was released to the people. In it the chairman admitted that perhaps the liquidation of 800,000 alleged counter-revolutionaries (a gross underestimate according to knowledgeable Sinologists who put the count in millions) had been a bit severe. To summarize a four hour speech, he went on to call for open debate within a framework of "centralized guidance" and coined the slogan "Let a Hundred Flowers Blossom and Let a Hundred Schools of Thought Contend."

The obviously unanticipated response was seismic. A million flowers bloomed including one notable cactus-blossom: a professor at Peking University stated baldly in the *People's Daily* that "to kill communists and overthrow you cannot be called unpatriotic, because you communists are no longer of service to the people. Even if the Communsit Party is destroyed, China will not perish."

Four days later Chou En lai, shadowed by Teng, his chief capo, decided to close the playground: he told all non-communist Chinese they would be "enemies of the people" if they criticized the government. This took over 95 per cent of the population out of play at one swoop. Shortly thereafter students were told critics of the regime would be subjected to severe penalties, "rightists" were discovered spreading "fantastic anti-Socialistic views," and the elite hit the panic button.

Chou En-lai, an urbane, cynical survivor whom Mao never purged because he was useful and quite prepared to be No. 2, seldom handled dirty jobs in person. What was called for in 1957–58 was not a minor league operation but a purge of millions. Chou called for his faithful hit man, Teng, who threw himself into liquidating rightists with the same bouyant zeal to which we have recently been exposed. God alone knows how many million intellectuals, teachers, small entrepreneurs, and other "anti-social" elements went to the wall. Ironically, survivors have just been "rehabilitated" by the same man who sent them down! He smiled his charming smile and said, in effect, "I cannot tell a lie: Mao did it."

To say this is not to argue President Carter should have him arrested for trial in Nuremburg, or that the United States should not recognize the Chinese Peoples Republic. It is to call for a realistic assessment, not a love affair. Teng has been running around the United States trying to gin up a war with the USSR. I share his view of Moscow as I do Moscow's of him, but no matter how sincerely I despise Soviet totalitarianism I'm not going on a Chinese sponsored polar bear hunt. If he and the Soviets want to fight it out, let's watch on television.

In short, anyone who thinks we are playing a "Chinese card" against this brilliant, dedicated old gangster suffers from the sin of innocence. No matter how nice Teng and Cho Lin were to Shirley MacLaine, Jimmy and Rosalynn, Fritz and Joan, and the other starry-eyed members of the White House cast, the vice premier is still the de facto warden of the world's largest concentration camp and thus an implacable enemy of the fundamental values of our society.●

THE PRESIDENT'S BUDGET AND PROGRAMS FOR THE POOR

HON. ROBERT N. GIAIMO

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 21, 1979

● Mr. GIAIMO. Mr. Speaker, OMB Director McIntyre has stated that the President's fiscal year 1980 budget increases spending on programs for the poor by $4.5 billion. Because of the interest expressed by many of my colleagues about this statement, I am taking this opportunity to insert in the RECORD a table prepared by OMB detailing the increase.

The table is self-explanatory, but I believe several points would help put it in perspective.

First, when compared to estimated 1979 outlays, the increase in outlays it identifies as for the poor is marginally above the inflation rate.

Second, a significant portion of the increase results from higher caseloads or the fact that programs are indexed or price increases are automatically reimbursed (medicaid, veterans pensions, supplemental security income, food stamps, WIC, and child nutrition).

Third, a portion of the increase results from changes in the law initiated by Congress last year (earned income tax credit, veterans pensions).

Fourth, there is room for disagreement as to whether some of the programs in the OMB list, such as urban development action grants and community development block grants, are truly programs for the poor. On the other hand, some programs that deliver substantial benefits to the poor were excluded from the list. Examples of such programs are community and migrant health centers, Indian health services, and veterans' medical programs.

Developing such a list is difficult because programs typically do not benefit the poor or nonpoor exclusive. Many programs for the poor—including AFDC, supplemental security income, food stamps, child nutrition, and veterans pensions—also deliver some benefits to persons who are above the official Federal poverty level. Conversely, many programs not created specifically for the poor, such as social security and medicare, play an important antipoverty role. Determining how much of each program's benefits flow to the poor requires more data than are readily available for some programs.

The table follows:

FEDERAL PROGRAMS FOR THE POOR[1]

[Outlays in billions of dollars]

	1978 actual	Estimate 1979	Estimate 1980
CETA	9.5	10.3	9.6
Education[2]	2.9	3.3	3.8
Urban development action grants			.2
Community development block grants	2.5	2.9	3.3
Rural housing program	.5	.2	.4
Community services	.6	.6	.5
Work incentive	.4	.4	.4
Women, infants, and children (WIC)	.4	.5	.7
Community service employment, older Americans	.1	.2	.2
Earned income tax credit (EITC)	.9	.8	1.5
Veterans pensions	3.2	3.7	4.2
Supplementary security income	5.9	5.6	6.3
Assistance payments (AFDC and other)	6.6	6.7	6.7
Food stamps and donations	5.5	6.4	6.9
Medicaid	10.7	11.8	12.5
Grants to States for social and child welfare services	2.8	3.0	3.0
Child nutrition	2.8	3.0	3.0
Subsidized housing	3.7	4.4	5.3
Total	59.0	63.8	78.5

[1] These programs do not include tax expenditures such as targeted jobs tax credit and work incentive credit which result in revenue losses of $640,000,000 in 1980.

[2] Includes title I—ESEA; Head Start; and special higher education programs for the disadvantaged.

Source: Office of Management and Budget. ●

INCOMPETENCE AT THE IRS

HON. RON PAUL

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 21, 1979

● Mr. PAUL. Mr. Speaker, last week the Internal Revenue Service issued a revised revenue procedure on private schools, updating the revenue procedure first printed in the Federal Register on August 22, 1978. Hearings were held yesterday, February 20, by the Subcommittee on Oversight of the Committee on Ways and Means. I prepared a statement for those hearings, and I include the text of that statement in the RECORD as an extension of my remarks:

STATEMENT OF DR. RON PAUL

Mr. Chairman, I appreciate the opportunity to submit a statement to your Committee on the matter of the Proposed Revenue Procedure concerning private schools recently revised by the Internal Revenue Service.

When any government agency threatens the existence of private, voluntary agencies I am concerned. I am especially concerned, however, when the private organizations being threatened by the government are private and church-related schools. The education of children is an extremely important function, and it is my firm belief that of all functions it should be one of the least regulated and controlled by a Governmental bureaucracy such as the Internal Revenue Service. Children are all different; each child is unique. The persons who know the child best are his parents, and they are, and will always remain, the best guardians of his wellbeing. Unfortunately, many people no longer believe that, preferring to surrender children to the beneficient state and denying parents any role in the major decisions that affect the education of their children. Some of these people, it appears, work at the Internal Revenue Service, for that agency has proposed a regulation that would, in effect, close down private schools that parents have judged best for their children. These schools would be closed, not because they have violated a law, but because they do not conform to a pattern—a changing and ambiguous pattern—conceived in the mind of a nameless bureaucrat. That, Mr. Chairman, is precisely the kind of government our Constitution was written to prevent.

The presumptuousness and audacity of the Internal Revenue Service in issuing regulations that threaten private schools is surpassed, however, by the Service's incompetence. I do not make the charge lightly, Mr. Chairman, and I hope that it is not taken lightly. Let me state my reasons.

On February 13, 1979, the Internal Revenue Service published its revised Revenue Procedure in the Federal Register. That procedure, as published in the official version, is logically incoherent. Let me explain.

We are initially told on page 9451 that—

"This document contains a revised proposed revenue procedure which sets forth guidelines the Internal Revenue Service will apply in determining whether certain private schools have racially discriminatory policies as to students and therefore are not qualified for tax exemption under the Internal Revenue Code."

On the next page, page 9452, the Internal Revenue Service states:

"If a school engages in any acts or practices that are racially nondiscriminatory as to students, the school is not entitled to tax exemption even though it may otherwise

comply with the provisions of Revenue Procedure 75-50 or this Revenue Procedure."

One has two options at this point. First, one can conclude that the IRS is hopelessly confused and has promulgated blatant contradictions, or, second, one might conclude that no private school, discriminatory or nondiscriminatory, is entitled to tax exemption. Which option is the correct choice will become obvious as we examine the other passages in question.

The second passage is also on page 9452:

"This Revenue Procedure sets forth guidelines to identify certain private elementary and secondary schools that are racially nondiscriminatory, even though they claim to have a racially nondiscriminatory policy as to students."

Mr. Chairman, I humbly submit that that statement is nonsense. However, for the skeptics, I call your attention to another statement on page 9452:

"A school 'adjudicated to be discriminatory' means any school found to be racially nondiscriminatory as to students by a final decision of a federal or state court of competent jurisdiction; . . ."

The honest reader is now compelled to admit that this statement is gibberish, illogical nonsense. There is, moreover, another example of the incompetence of the IRS:

"If a particular school which is part of a system of commonly supervised schools would be treated as not having significant minority student enrollment under the foregoing provisions, it may nevertheless be considered to have a significantly minority student enrollment if all the following conditions are met: . . .

"(3) There is no evidence that the school system operates on a racially nondiscriminatory basis, such as through the operation of a dual school system based on race."

Mr. Chairman, I believe that these four statements are evidence of gross incompetence in the agency charged with collecting federal taxes. If the errors are not simply typographical—and it is difficult to believe that such errors could be made repeatedly and still be typographical—then we are witnessing a phenomenon that has occurred infrequently in human history: the confusion of language resulting from the confusion of thought. George Orwell analyzed the phenomenon at length in his novel "1984" and in his nonfiction works. It appears that the Internal Revenue Service, attempting to square the circle by imposing non-quota goals on private schools, has become explicitly incoherent and now writes of nondiscriminatory discrimination and discriminatory nondiscrimination. Orwell coined the term Newspeak for such liguistic and logical nonsense, and Newspeak is what appeared in the Federal Register on February 13.

There is, of course, the possibility that these are simply clerical errors, not logical blunders. If so, then we can only conclude that an agency that can make errors of this magnitude is not only unfit to regulate private schools, but also incompetent to administer the tax laws. Some years ago a toy company was driven out of business because the Consumer Product Safety Commission made a clerical error (or so it claimed) and listed a toy manufactured by that company as dangerous and banned. No agency should have enough power to cause such damage through a clerical error. Now the IRS is presuming that it can exercise a power not granted to it by the Congress—power that used in error might result in the closing of private schools that have not violated any law or even any regulation issued by the IRS. Like the toy company, the schools will become helpless victims of entrenched and arrogant incompetence.

There are, of course, many other issues that ought to be raised, and I am confident that others will call this Committee's attention to them. I would, however, like to suggest one further consideration: Taxes are for the purpose of raising revenue needed to sustain legitimate, constitutional functions of government. They ought not be used—and this Congress nor any of the agencies it has created has the authority to use taxes—as a weapon to compel citizens and organizations to conform to sociological models favored by federal politicians and bureaucrats. It seems that this Congress and the agencies it has created have forgotten this elementary principle of taxation. The result has been, and will continue to be, an erosion of respect for this Congress in the minds of the people, and, what is worse, an erosion of respect for law generally. The people cannot be blamed for this result; the blame must rest right here in Washington. Revenue procedures such as that proposed by the Internal Revenue Service concerning private schools are illegitimate, unlawful, and deserving of the disrespect they receive. This Congress and the bureaucracy it has created seem to be deluded on the nature and extent of their power, believing that they can do whatever they wish. They cannot. If the IRS stubbornly refuses to admit that it has exceeded its authority, it will, I fear, learn its lesson the same way its spiritual ancestor, George III did. I fervently hope that this Congress and its agencies recognize that fact and change their plans before such a prospect becomes a reality.

Thank you, Mr. Chairman, for this opportunity to present my case.●

DON'T TINKER WITH SOCIAL SECURITY BENEFITS

HON. JAMES H. SCHEUER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 21, 1979

● Mr. SCHEUER. Mr. Speaker, the success of social security has always rested on the foundation of public confidence in the Government's determination to fulfill its commitments under the system.

In her recent letter to the editor, which appeared in the New York Times of February 9, Elizabeth Wickenden persuasively argues against "tinkering" with promised benefits as a means of freeing funds for other Federal purposes.

I find her letter particularly illuminating and I commend it to my colleagues attention:

SOCIAL SECURITY: DON'T "TINKER" WITH BENEFITS

To the Editor:

The Times has been a staunch and knowledgeable defender of Social Security throughout the system's long and highly successful history. The two indispensable ingredients of that success have been stability of institutional arrangements and confidence on the part of the public that the Government will fulfill its commitments under the system.

These have depended, in turn, on long-range planning to maintain the delicate balance between contributions paid in by future beneficiaries and benefits paid out, as promised, to the currently retired, the disabled and those deprived by death of the family breadwinner.

It is therefore disappointing to find The Times, in its editorial of Feb. 1, treating Social Security benefits as if they were just another element in the current Federal budget. President Carter himself has modified his original recommendation to this effort by requesting (in his Supplemental State of the Union Message of Jan. 25) the two already existing statutory bodies on Social Security to consider his recommendations as part of their overall examination of this complex system.

No one is objecting to a considered review of the system with respect to benefits, financing and demographic factors. What is objectionable is to tinker with promised benefits in a given fiscal budget as a means of freeing funds for other Federal purposes.

Social Security in the United States is a self-contained, self-financing system and should be so treated. The best way to assure his original recommendation to this effect by Senator Church: to create an independent Social Security board to administer the program and to separate its financing entirely from the consolidated Federal budget.

As a postscript, I must, as an advocate for children, protest The Times's characterization of the "heart of Social Security" as "basic income and medical care for the old and disabled." Not only are five million children currently receiving monthly Social Security benefits but the life insurance protection of the system has major immediate value to the younger working families now paying Social Security taxes.

ELIZABETH WICKENDEN.

NEW YORK, *February 2, 1979.*

(The writer is a consultant on social policy.) ●

BAN DIOXIN

HON. DON EDWARDS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 21, 1979

● Mr. EDWARDS of California. Mr. Speaker, I am today introducing legislation to prohibit the aerial spraying of the chemical 2,4,5-T and other chemicals containing dioxin in our national forests.

The chemical 2,4,5-T has been used in the United States in the spraying of our forest, range, and agricultural lands for some 30 years. It is used to kill forest underbrush, control weeds, and clear brush. In recent years there has been growing concern about the health hazards posed by the use of this substance. The chemical 2,4,5-T contains as an unavoidable contaminant a substance known as TCDD (tetra-chlorodibenzo-dioxin) or dioxin, one of the most toxic substances known. It is the presence of this dioxin which is the source of this concern.

My own alarm over the use of this chemical has been increasing over the last year. I first became involved in this issue through my work on the House Veterans' Affairs Committee. As my colleagues know, the committee has been looking into allegations of serious health difficulties being encountered by Vietnam veterans as a result of their exposure while in Vietnam to a defoliant known as Agent Orange. Agent Orange contains 2,4,5-T, and thus the dioxin contaminant.

Many Vietnam veterans have come forth to file claims for compensation for such health problems as numbness in limbs, weight loss, fatigue, chloracne, psychological problems, cancer, and birth defects in children they parent. The veterans have alleged that these ailments are the result of their exposure to Agent Orange.

The Veterans' Administration is in the process of studying this situation with a hope to determine whether or not a direct correlation can be made between exposure to Agent Orange and these illnesses. Our committee plans to continue to follow this matter closely. We want to make sure the VA gets to the bottom of these allegations and that the many claims filed by Vietnam veterans are handled appropriately.

In studying the problems associated with Agent Orange, I was distressed to learn that 2,4,5-T was also being used here in the United States. While the concentrations of TCDD or dioxin present in the 2,4,5-T used domestically are admittedly much less than in the compound used in Vietnam, serious questions still remain about its safety.

Concerned scientists have been studying the situation. Scientific research has shown that TCDD causes birth defects, miscarriages, leukemia, lung, liver or other cancerous tumors in laboratory animals. Environmental groups have called for a ban on 2,4,5-T and other chemicals containing dioxin. They cite evidence of pregnant women living near spray sites suffering an abnormally high percentage of miscarriages. They point out the many cases of deformity to animals, many of whom die shortly after spraying takes place. They are concerned about deformities in plant life as well.

These facts and the growing controversy over the use of this chemical led the Environmental Protection Agency to begin a review of 2,4,5-T in April of 1978. The EPA, in announcing its Rebuttable Presumption Against Registration (RPAR), acknowledged the research which has been conducted showing serious problems associated with exposure to 2,4,5-T. Unfortunately, the EPA chose not to exercise its authority to suspend the use of the chemical while its review is underway.

As a result, the chemical is still in use. The EPA is not expected to issue its recommendation on the future use of 2,4,5-T until April of this year. The Agency's recommendation must then be reviewed by the Agriculture Department and a scientific advisory group before a final decision can be rendered. Once made, this final decision can be appealed—and probably would be, whatever the outcome—and a hearing would have to be held before an EPA administrative law judge. After his recommendation is made, the EPA Administrator issues the Agency's final order. The ruling at this point still could be challenged in the courts. In the course of this lengthy process, the chemical's continued use is permissible.

It simply makes no sense at all for one agency of the Federal Government to be using a chemical which is being reviewed by another Federal body for possible harmful effects to human and animal life. It is for this reason I have introduced my legislation calling for a ban on the spraying of 2,4,5–T or other chemicals containing dioxin in our national forests.

My bill does not address the use of this substance by the private sector. While I personally feel there is sufficient evidence to ban this substance from the market entirely, I recognize the need for the EPA to follow its review procedure through before this can be accomplished. However, I see no reason why the U.S. Forest Service or the Department of Agriculture should continue using 2,4,5-T so long as these many troubling questions about its safety remain unanswered.

I would welcome the support of my colleagues in cosponsoring this measure with me.●

WHERE IS THE ADMINISTRATION'S BACKBONE?

HON. ROBERT H. MICHEL

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 21, 1979

● Mr. MICHEL. Mr. Speaker, the Wall Street Journal has published an editorial which, in my view, deserves the attention of every American.

I refer to "Symbols of Irresolution" published February 15, 1979. It deals with the lack of backbone and will on the part of the Carter administration in foreign affairs.

At this time I wish to insert this important editorial in the RECORD, in the hope that the hard truths it contains will become known by every Member of this Congress:

SYMBOLS OF IRRESOLUTION

So Mr. Carter lost an embassy. Oh, perhaps you shouldn't fault him. After all, he had another 69 marines on alert in the Azores, only 4,000 miles away.

And while the American embassy in Iran was being overrun, the American ambassador in Afghanistan was being assassinated by Moslems demanding that the Afghan regime release imprisoned mullahs.

The Marines were stuck in the Azores because Turkey would not accept them; it has become too dangerous to take risks on behalf of the United States. And while Afghanistan is the Soviets' newest puppet, rebels there do not kidnap Russians; it is much safer to pick on Americans.

None of this should be particularly surprising. It might be called the vindication of the domino theory. In the world of geopolitics, if you lose in one place you will be tested in another. If you lose successively you will be tested in more and more ways. If you start not even to put up a fight, everyone will start to bully you. Any normal kid in a schoolyard learns this; we keep wondering where the members of this administration grew up.

To be fair, of course, the erosion of American power and standing in the world started long before the Carter administration. In our view, it started in the Kennedy administration, with the colossal blunder of sanctioning a coup in Vietnam against Ngo Dinh Diem. This sealed a heavy American commitment to the place, and within a month Lyndon Johnson, who had opposed the coup, was the President dealing with its aftermath.

Many subsequent mistakes were also made in Vietnam, of course, but as strategic analyst Albert Wohlstetter has remarked, the worst thing about the war was bound to be the lessons we drew from it. So in its wake, public discussion centered on the arrogance of American power, the irrelevance of military force, and so on. These attitudes in the public and the Congress served to hamstring the Nixon-Kissinger-Ford approach to foreign policy.

The great tragedy of the current administration is that just as the public and Congress started to regain their sense of proportion on these matters, Mr. Carter stuffed the key second and third levels of the State Department, National Security Council and even the Pentagon with people upon whom the wrong lessons had been indelibly stamped. So now that the public is ready to do something to strengthen the American posture in the world—indeed forcing the administration to do more against its own instincts—we have policymakers adept at designing symbols of irresolution.

In the midst of the Iranian crisis, the administration starts the aircraft carrier Constitution out of Subic Bay and heads it toward the Persian Gulf, where it might have come in handy yesterday. But it changes its mind, and leaves the carrier circling aimlessly off the straits of Malacca. To firm up the Saudis in the wake of the shah's collapse, it sends a flight of F–15s, but announces that they are unarmed. It plays the "China card" and gets nervous when the Russians are upset. For that matter, we learn that it does not even bother to ask Peking to renounce the use of force against Taiwan; you can rest assured the strategic arms treaty with the Soviet Union has been negotiated the same way.

We are paying the price for this kind of policy, and are simply lucky that the episode at the Tehran embassy did not turn out even bloodier than the episode in Kabul. Unless the administration starts to show some backbone somewhere, the ultimate price is likely to be far higher than either.●

CONGRESSIONAL ETHICS AND THE KOREAN SCANDAL

HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 21, 1979

○ Mr. HAMILTON. Mr. Speaker, I would like to insert my Washington Report for February 21, 1979, into the CONGRESSIONAL RECORD:

CONGRESSIONAL ETHICS AND THE KOREAN SCANDAL

From early 1977 to late 1978 the House Committee on Standards of Official Conduct (the Ethics Committee) investigated charges and found evidence that the government of the Republic of Korea tried to influence Congressmen by giving them large amounts of money. The Koreans adopted at least three plans of influence-buying apparently because they feared that the United States was preparing to withdraw its economic and military support of Korea.

The Committee found that Tongsun Park, a Korean-American businessman, proposed the first plan to Korean government. The plan required American rice dealers to name Mr. Park as their agent in rice sales to Korea. In return, he gave a portion of his commissions to House members in order to influence them. The investigation of Mr. Park's activities is essentially complete. The reprimands given to three Congressmen late last year were the results.

The second plan involved Hancho Kim, another Korean-American businessman. The Korean Central Intelligence Agency gave Mr. Kim $600,000 to be used to influence House members and others. The evidence shows, however, that he did not pay off Congressmen but instead used the money for his own benefit. Mr. Kim was tried and convicted for conspiracy and perjury.

The third and most serious plan was put into effect by officials at the Korean Embassy in Washington, D.C. There is evidence that

four to seven identifiable members of Congress received payments of thousands of dollars from the former Korean Ambassador, Kim Dong Jo. Unfortunately, the investigation of the Ambassador's activities remains incomplete for two reasons. First, information concerning the payments is detailed and convincing, but it is highly sensitive and its release would compromise secret sources and methods of American intelligence. Furthermore, such information might not stand up as the main evidence in an adjudication. Second, the Korean government refused to disclose key evidence in its possession, and the Ambassador himself proved to be an uncooperative and unreliable witness. At the present time I see no way that disciplinary action can proceed against these members of Congress.

The incompleteness of the investigation troubles me deeply, but so too does the attitude of many House members toward the whole ethics issue. The Committee has had to pursue its mandate in a general atmosphere of misunderstanding in the House itself. For example, the House voted to reduce one Congressman's punishment from censure to reprimand in spite of a finding that the Congressman had lied to the Committee under oath. Also, the House leadership has had difficulty convincing House members to serve on the Committee in the 96th Congress. As a result of my long and frustrating experience on the Committee, I am making some recommendations which, if accepted, should lead to better enforcement of the new Code of Conduct.

1. Some House members think that the Code should be enforced by an outside group rather than by the Committee. Although an outside group may eventually be necessary, for the time being I believe that everything possible should be done to ensure that Congressmen accept the responsibility they have under current procedures. Since House integrity is the ultimate reason for the Code, the turning over of ethics cases to outsiders would be self-defeating: it would show that the House did not have enough integrity to judge the conduct of its members fairly and honestly. Besides, sitting Congressmen are better equipped than anyone else to understand the full implications of the ethics issue. They know the House very well because they work in it every day.

2. I favor a resolution to require every House member and employee to disclose any evidence of a violation of the Code. The resolution would make investigators of all House members and employees so that the Committee would not be forced to work on its own, as it was in the investigation of Korean influence-buying. A rule requiring that every House member and employee be involved in enforcement of the Code has its problems, but self-discipline is an inherently difficult task. It should not be left to twelve Committee members to carry out a task that the House as a whole does not support.

3. I also favor more meaningful penalties for violations of the Code. No matter how good the new Code is, and no matter how much House members and employees assist in disclosing evidence of violations, the Code has little value if violators do not face serious consequences. The traditional penalties of reprimand, censure, and expulsion all have their defects. Reprimand and censure are largely symbolic, and expulsion is too drastic in most instances. In my view, emphasis should be put on penalties that restrict official powers. A House member unconcerned with a reprimand might think again before doing something that could result in the loss of a committee or subcommittee chairmanship, an important committee assignment, or seniority. More to the point, a restriction on official powers is fitting punishment. Those who cast discredit on the House should not be permitted to exercise far-reaching official powers.●

RECORD HIGH BLACK UNEMPLOYMENT

HON. WILLIAM H. GRAY III

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 21, 1979

● Mr. GRAY. Mr. Speaker, the Wall Street Journal is to be commended for its news report of February 1, 1979, focusing on the continued serious unemployment among black youth.

As the Journal points out, black youth are in the center of literally a depression in the midst of America's prosperity.

The jobless rate for black teenagers now stands at nearly 40 percent, by even conservative estimates. The actual figure is likely to be much higher, since official Government figures include other minority teenagers, whose employment levels are generally higher than the black community's.

What this all points to, Mr. Speaker, is the need to intensify the focus of our jobs programs on inner-city youth, where the largest numbers of black teenagers are found.

I offer the Wall Street Journal article for the RECORD in order to share with my colleagues an overview of the problems confronting our black teenage unemployed—and our Nation:

THROUGH GOOD TIMES AND BAD, JOBLESSNESS AMONG YOUNG BLACKS KEEPS RIGHT ON RISING

(By Alfred L. Malabre, Jr.)

Amid America's prosperity, a depression is in progress.

General business activity is at a record level. The economy spawns more jobs than ever before. Yet, consider the message carried in the adjoining chart:

The rate of joblessness among black teenagers, climbing with little interruption through a quarter of a century, now is close to four in 10. It's far higher than the country's overall unemployment rate—of one in four—at the pit of the Great Depression of the 1930's. The table traces, by population group, the unemployment story since 1954.

[In percentage]

	1954	1978
Black teen-agers	16.5	36.3
White teen-agers	12.1	13.9
All blacks	9.9	11.9
Black adult females	8.5	10.6
Black adult males	9.9	8.6
White adult females	5.1	5.2
All whites	5.0	5.2
White adult males	4.4	3.7

Joblessness among black teen-agers has soared, but unemployment among white teen-agers, as well as among blacks generally, has risen only moderately since 1954. Jobless levels actually are *down* in two categories—black adult males and white adult males.

Black teen-age unemployment last year, though very slightly under the 1977 level, was precisely as high as in 1975, when the last recession hit bottom, and about four percentage points higher than in 1974, a year of deepening recession. Since 1974, the rate for white teen-agers has inched down. Since 1975, the jobless rate for every other group in the table has fallen. The rate for black men has dropped from 11.7 percent to 8.6 percent.

Official estimates of black teen-age unemployment, moreover, may seriously understate the situation. The published figures overwhelmingly represent black teen-agers but also encompass other nonwhites whose jobless levels tend to be lower. In addition, it's widely agreed that so-called hidden unemployment—joblessness not picked up in surveys—is particularly prevalent among black youths.

The unemployment rate for black teen-agers is "really 50 percent" or more, maintains Vernon E. Jordan Jr., president of the National Urban League, a social-services group serving mainly low-income blacks. Whatever the true rate for black youths, Mr. Jordan sees their predicament as a major reason that "black America today verges on the brink of a disaster."

Why have young blacks, through times of economic growth as well as in recessions, fared so badly in the labor market?

Analysts who monitor the broad, national picture offer various explanations. Governmental jobs programs don't focus enough on inner-city neighborhoods where black teen-agers predominate. New jobs keep emerging farther from inner-city areas. Increases in the minimum wage particularly hurt young blacks seeking work. Other factors range from inadequate educational facilities to job-interview difficulties.

Interviews with black teen-agers as well as employers and social workers dealing directly with them, were recently conducted in Florida's Dade County. They tend to corroborate the generalizations. An effort was made to canvass the same black, low-income neighborhoods covered in a report on teen-age joblessness that appeared in this paper on Feb. 9, 1977.

Unemployment among young blacks has long been a major problem in Dade County. The 1977 survey found that some 40% of youths in the neighborhoods visited were looking unsuccessfully for work. No comparable head count was taken now, but the interviews do suggest that 42% would likely be too low a figure today.

A TALE OF TWO CENTERS

Dissatisfaction with jobs programs is apparent in the remarks of Odessa Hill, a black who heads a team of eight social workers at an "action center" aimed at finding work for jobless teen-agers in a poverty-ridden neighborhood just north of Miami. Her staff will probably have to be reduced in coming months, she complains, because government funds for her center were recently trimmed. Funds for another such center in a somewhat more prosperous neighborhood, she notes, were recently increased.

George D. Sarol, director of the second center, attributes the increase in support—from $106,000 yearly to $136,000—to "our good record at finding jobs for the young people who come here." The center trains teen-agers in draftsmanship. A recent graduate of the five-month course now earns $5.50 an hour in the design department of Burger King Corp. in Miami. About three dozen youths apply for the 14 openings that come up at the start of each course, Mr. Sarol says. Selection is on the basis of aptitude tests.

These young people, however, are mainly white and generally are from homes where at least one parent holds a full-time job. In contrast, every youth interviewed at Miss Hill's center recently was black and frequently from a home on welfare. Reasonably typical is Reggie Bernard, who reports that he has been "looking for a year and a half" without success. The high-school dropout says that there are "just no jobs around" for him.

A worsening problem for many Dade County teen-agers is the inaccessibility of

new jobs. "We get calls about job openings where the position would take hours for the kids to reach and get home," says Miss Hill. One youth willing to spend some three hours daily getting to and from his job is Andre Delaney. The 18-year-old black lives in northwestern Miami and works—five hours a night, at $3.50 an hour—in a large hotel south of the city. During the day, he is enrolled at a high school near his home.

A MAXIMUM PROBLEM

The minimum wage presents difficulties. As it has risen—from $2.30 an hour in 1976 to $2.90 now—some jobs once open to young Dade County blacks have either dried up or been grabbed by older, more capable persons deciding to enter the labor force.

Among these interviewed in February 1977 was John Manley, owner of a restaurant in a poor, black district in southern Miami. At that time, he employed three teen-agers, at about the hourly minimum of $2.30. He warned, however, that at least "two would have to go" if the minimum were raised appreciably. A return visit finds no teen-agers now employed there. Ola M. Lester, Mr. Manley's mother-in-law, helps him in the kitchen and her sister works at the counter. "We work for free," Mrs. Lester says. "John couldn't afford to keep the kids on any longer."

Rich Robinson, a personnel director at Miami-based Burger King, reports that the age of people going to work for the fast-food chain has been rising, along with the minimum wage. The average age of employes in the chain's restaurants has climbed, he estimates, from "about 17 years a couple of years ago to close to 20 now." To offset increasing wage rates, he adds, "we're combining some jobs, such as having cashiers also handle soft drinks."

Some teen-agers in Dade County, it should be added, report that they would be willing to work for substantially less than the minimum wage, if they could only land a job. Gwen Williams, a 16-year-old black, says: "I would work for $2 an hour just to get some experience." She is looking for a clerical job but says that "the chances seem very slim in this area." She says that she can type close to 40 words a minute.

Poor-quality education is often mentioned as a factor in the county's teen-age job problem. Reggie Bernard says the high school he quit "wasn't worth finishing." Bobby Valentin, 16, says that his teachers "are so bad I fall asleep all the time." Classes now average about 35 students per teacher, he says, up from a ratio of 25-to-one last year. Then, he recalls, "'school was more interesting." So far this year, he reports, 69 youths in his age group have dropped out of his school. Drug use among the students, he adds, is widespread.

A special problem faces black teen-agers in Dade County. The area also has a large population of Cuban youths who speak Spanish as well as English. "The first question they ask you in a job interview," says Eric Lowery, a black 17-year-old, "is: Are you billingual?" Eric's job—working weekends as a cook's helper in a restaurant—fortunately doesn't require a knowledge of Spanish. The high school he attends offers a Spanish course, he says, but few blacks take it.

Many young blacks seem at a disadvantage during job interviews. "The schools don't teach these kids how to handle themselves and give a good appearance when they're trying to get a job," say Cornell Hills, a black law student at the University of Miami who also does social work for Dade County. The problem is indicated in a remark of Rich Robinson of Burger King: "We look for the all-American boy look when we interview a teen-ager for a job."

Reggie Bernard wouldn't pass muster. He wears a wool cap, indoors as well as out, and under it his hair hangs down in long, braided locks.●

THE 27TH ANNUAL NATIONAL PRAYER BREAKFAST

HON. RICHARD T. SCHULZE

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 21, 1979

Mr. SCHULZE. Mr. Speaker, over 3,000 guests, including representative citizens from all 50 States and more than 100 other countries of the world, gathered at the Washington Hilton Hotel in Washington, D.C., on January 18, 1979, for the 27th national prayer breakfast.

This annual event, which is sponsored by the Senate and House prayer breakfast groups, marks a time for us to gather in a spirit of fellowship to reaffirm our mutual dependence on God. It is a public opportunity to demonstrate that we are a nation founded on spiritual principles and that our strength derives from our adherence to God.

Mr. Speaker, I think many can benefit from the words of the several speakers at the national prayer breakfast, as did those of us who were in attendance.

Accordingly, I ask unanimous consent that the program and transcript of the breakfast be printed in the RECORD, and I commend these remarks, and the spirit in which they were delivered, to all.

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

THE 27TH ANNUAL NATIONAL PRAYER BREAKFAST PROGRAM

Grace: The Honorable Jack Brinkley, U.S. House of Representatives.

Opening Song: "Father, Lead Me Day by Day," Valley Forge Military Academy and Junior College Glee Club.

Presiding: The Honorable Richard T. Schulze, National Prayer Breakfast Committee.

Opening Prayer: Dr. Billy Graham.

Introduction of Head Table and Statement: The Honorable Richard T. Schulze, U.S. House of Representatives.

Old Testament Reading: The Honorable Juanita M. Kreps, Secretary of Commerce.

New Testament Reading: The Honorable Cecil D. Andrus, Secretary of the Interior.

Prayer for National Leaders: The Honorable Mark O. Hatfield, United States Senate.

Solo: "I Come to the Garden Alone," "He'll Understand and Say Well Done," Dr. Thomas H. Tipton.

Message: The Most Reverend Fulton J. Sheen, Archbishop of Newport.

The President of the United States.

Closing Prayer: The Honorable Harry A. Blackmun, Associate Justice, U.S. Supreme Court.

Closing Song: "The Battle Hymn of the Republic," Valley Forge Military Academy and Junior College Glee Club.

TRANSCRIPT OF PROGRAMS

GRACE: THE HONORABLE JACK BRINKLEY

Dear Father, may this time be a time of thanksgiving for your love and tender mercy towards us, in that while we were yet sinners Christ died for us, and that by the blood of the Lamb we have been redeemed and are joint heirs with Him. May we love each other with tenderness, as Thou hast commanded us to do, and may this nourishing food before us let us run and not grow weary in Thy good service. Teach us to number our days with rejoicing toward that day when we will run no more and will enter that lonely river separating time from eternity, and may ours be the true faith that Christ has risen and will pilot us safely to that distant shore to rest forevermore in the precious arms of Jesus. Amen.

Ladies and Gentlemen, the President of the United States and Mrs. Carter.

PRESIDING: THE HONORABLE RICHARD T. SCHULZE

Good morning and welcome to the 27th annual National Prayer Breakfast. I am Congressman Dick Schulze of Pennsylvania, and I'd like to take this opportunity to express our gratitude to the Glee Club of the Valley Forge Military Academy and Junior College in Wayne, Pennsylvania, under the direction of Captain Charles King, for honoring us with their presence and their inspiring music. They will now favor us with a selection entitled, "Father Lead Me Day by Day."

STATEMENT OF PURPOSE: THE HONORABLE LAWTON CHILES

The Sixty-Third Psalm starts off, "Oh God, Thou art my God; early will I seek Thee: my soul thirsteth for Thee, my flesh longeth for Thee in a dry and thirsty land where no water is; To see Thy power and Thy Glory as I have seen Thee in the sanctuary. Because Thy loving kindness is better than life, my lips shall praise Thee. Thus will I bless Thee while I live: I will lift up my hands in Thy name."

We're also told that David, when he was escorting the ark into Jerusalem, got out in the street and he danced, and he shouted because of the joy that he had. I hope you kind of feel like dancing this morning, because I think we're here, gathered from all over the world, almost every country represented. And in addition to all of us that are gathered here there are literally thousands at home praying for this meeting, and we come expectant to watch the work of the Lord, to have His Spirit begin to move across the land and to heal the land. And I think each one of us is here expecting a blessing. I know that I am. And I think we just wait to see how the Spirit is going to move, how we're going to be taught, how each one of us is going to receive that message. And I think that's the wonderful thing of this day; that we're here and that so many at home are praying for us, and we now wait to see how the Lord will move.

Mr. Schulze: Before I introduce Dr. Graham for our opening prayer, I just want to say a few brief words. As many of you know, he is one of the staunchest supporters of the National Prayer Breakfast, having been the speaker at the first Prayer Breakfast, held in 1953, as well as the fifteen following after that. He and Bishop Sheen are very close and deep personal friends. And Dr. Graham, I am going to ask you this morning if you will include in your prayer, or say a special prayer for the son of our Secretary of Labor, Ray Marshall. Ray's son is undergoing surgery and treatment for a very serious bout with cancer, and I would ask that you would include him. Ladies and gentlemen, Dr. Billy Graham.

OPENING PRAYER: DR. BILLY GRAHAM

President Carter, Mrs. Carter, Bishop Fulton Sheen, Congressman Schulze. Shall we all bow in prayer. Our Father and our God, we humbly thank Thee for this unique occasion. We've come here not to recount achievements of the past or to plan for the future but simply to seek Your face and to pray. In Your presence we see ourselves as we truly are, men and women who are subject to the frailties of human nature and who need Your forgiveness. Give us a knowl-

edge of Thy truth and confidence in Thy mercy. We need our vision renewed, our faith restored, and the desire to love and to serve rekindled. We come to you, our Father, because our problems are clearly beyond us. The weapons of war are greater than ever before. The possibilities of conflict are numerous. The social problems of our time are with us as they've been since the dawn of history. Our vaunted technology has not solved the basic problems of human greed and pride and selfishness. Nor has it solved the problems of loneliness, sorrow and suffering. Nor has it solved man's greatest enemy—death. We need Thy life, we need Thy compassion, we need Thy strength.

And our Father, on this day we pray especially for President Jimmy Carter. We thank Thee for his personal faith in God. Give him strength, courage and wisdom. Give wisdom to those who bring counsel to him and to those who serve at every level of government. Make us to remember that to whom much is given, of them much shall be required. And if this applies to us all as individuals as well as a nation, grant that the strong, driving wind of the Holy Spirit may sweep across the land and may help our youth regain their dreams and our old men their visions. Bring us back to the rock from whence we were hewn, back to those values that materialism cannot give and cannot take away. Grant us again the determination to seek justice, to love mercy, and to walk humbly with Thee, our God.

And in these surroundings and amidst the bounty of this food, help us to remember the lonely, the oppressed and the hungry. May we sense the presence of Him who is the Way, the Truth, and the Life. May this prayer breakfast become a commitment service for all of us. May we rededicate ourselves to the God of our fathers. And on this day, our personal prayer to Thee is "Bless Chris Marshall," whose father, Secretary Marshall, could not be here because of his illness. We pray, if it be Thy will, to touch him and to heal him and touch his family, and may Thy grace be sufficient for all of them. We pray these things in the name of our Lord and Saviour, Jesus Christ. Amen.

WELCOME: MR. SCHULZE

I feel when I say "Good Morning" to you I should say "Good Morning" to the tip of the iceberg. Because although we are over 3,000 strong here this morning with representatives from all fifty states and more than one hundred countries, we who are here this morning merely represent the millions of others who meet regularly for spiritual fellowship through Jesus Christ. I would like to thank President and Mrs. Carter for their presence, continuing the tradition of Presidential participation, and tell you that there are thousands of others around the world and on ships at sea participating through the Armed Services Radio Network. I'd like also to say a word of gratitude for the committee that did all of this work to put this together and everyone who had a hand in this morning. Our heartfelt thanks to all.

This National Prayer Breakfast demonstrates in strong and certain terms that we as a nation need God's help, guidance, and strength if we are to retain our position of influence in the world. The purpose of the Prayer Breakfast is to give to our nation that spiritual strength which is available to those who will but ask for it, to renew and strengthen those bonds of brotherhood with the faithful across our country and around the world and to give us the opportunity to ask God's guidance as well as express our gratitude for that which He has given us. Throughout the twenty-seven year history of this event in our nation's capital, the effort has been to influence men and women around this world of ours to recognize and participate in fellowship and love through Jesus Christ.

As many of you know, this National Prayer Breakfast was initiated by the Senate and House prayer breakfast groups, and as the presiding officer of the House prayer breakfast, I'd like just to take a minute and tell you something about our meetings. We meet weekly while Congress is in session, the Senate on Wednesday and the House on Thursday mornings at 8:00. Both groups meet in the Capitol. We begin with breakfast, enjoying the fellowship of our colleagues during the meal, often discussing mutual problems, the problems which are somewhat unique to our chosen field; the problems of how to be a good husband or wife, father or mother, under the pressures of travel, devotion to duty and demands or needs of constituents. And although we may not always find solutions, we at least feel much better knowing that others share our difficulties. Then, after an opening prayer, one of our members shares with the group his thoughts and feelings. And I must tell you that for a gathering of supposedly tough politicians, these presentations are often very candid and very, very moving. But through these candid presentations and the discussions which follow, a mortar of understanding and fellowship forms a common bond which could be solidified in no other way. With politics aside, we draw strength and vitality from God and each other, even though in a short time, we may engage in verbal battle on the floor of those chambers above our heads at that time. A member then closes with prayer and we go our various ways. My personal involvement in the House prayer breakfast, I can say without equivocation, has been one of the most meaningful experiences of my life. And on behalf of the many members of the Senate and House prayer breakfasts, I again welcome you here this morning.

THE OLD TESTAMENT READING:

SECRETARY OF COMMERCE OF THE UNITED STATES OF AMERICA, THE HONORABLE JUANITA M. KREPS

Mr. President, Mrs. Carter, ladies and gentlemen. In choosing from the Old Testament, one is always drawn to the Psalms. There we find an elegance of expression that is seldom matched in the Scriptures or elsewhere. There we find a simple reassurance that becomes ever more critical as our lives become more complex. And there we find the ringing of joy that affirms our faith in what it is we are about. For the leaders of a great nation, most particularly for the President, that ring of you is vital. For it is with such joy that he must send to the people of his nation our common message of hope and faith and, by God's will, our strength. And so to Psalm 95:

"Oh come, let us sing unto the Lord, let us make a joyful noise to the rock of our salvation. Let us come before His presence with thanksgiving, and make a joyful noise unto Him with psalms. For the Lord is a great God, and a great King above all gods. In his hand are the deep places of the earth: the strength of the hills is His also. The sea is His, and He made it: and His hands formed the dry land. O come, let us worship and bow down: let us kneel before the Lord our maker. For He is our God; and we are the people of His pasture, and the sheep of His hand."

And from Psalm 100:

"Make a joyful noise unto the Lord, all ye lands. Serve the Lord with gladness: come before His presence with singing. Know ye that the Lord He is God: it is He that hath made us, and not we ourselves; we are His people, and the sheep of His pasture. Enter into His gates with thanksgiving, and into His courts with praise: be thankful unto Him, and bless His name. For the Lord is good; His mercy is everlasting; and His truth endureth to all generations."

THE NEW TESTAMENT READING:

SECRETARY OF THE INTERIOR OF THE UNITED STATES OF AMERICA, THE HONORABLE CECIL D. ANDRUS

Thank you, Mr. President, Mrs. Carter, distinguished guests all. Chosen from the New Testament this morning to share with you from St. John, Chapter 15, commencing with Verse 7. This choice was determined after thinking about the mutual love that Christ always had for His friends, and in hopes that this love and these words will be understood throughout the world and bring together men and women from all countries in peace:

"If ye abide in Me, and My words abide in you, ye shall ask what ye will, and it shall be done unto you. Herein is My Father glorified, that ye bear much fruit; so shall ye be My disciples. As the Father hath loved me, so have I loved you: continue ye in My Love. If ye keep My commandments, ye shall abide in My love; even as I have kept My Father's commendments, and abide in His love. These things have I spoken unto you, that My joy might remain in you, and that your joy might be full. This is My commandment, That ye love one another, as I have loved you. Greater love hath no man than this, that a man lay down his life for his friends. Ye are My friends, if ye do whatsoever I command you. Henceforth I call you not servants; for the servant knoweth not what his lord doeth: but I have called you friends; for all things that I have heard of my Father I have made known unto you. Ye have not chosen Me, but I have chosen you and ordained you, that ye should go and bring forth fruit, and that your fruit should remain: that whatsoever you shall ask of the Father in My Name, He may give it you. These things I command you, that ye love one another."

THE PRAYER FOR NATIONAL LEADERSHIP: SENIOR SENATOR OF OREGON, THE HONORABLE MARK O. HATFIELD

Mr. President, ladies and gentlemen. I wonder if you would all join me, and as a symbol of our unity and our oneness here this morning, if you would join hands around the table, we will have a time of silence for each to offer his own prayer for the leadership of this and all countries. I shall offer a prayer on our behalf, and then if you would all join me at the end with reciting the Lord's Prayer.

Holy, holy, holy, Lord God Almighty, who made of one blood all the peoples of the earth. We gather as leaders, men and women of power, prestige, and title, yet each only a sinner, redeemed by your love in Jesus Christ. We confess our corporate sin and our personal sin. Forgive us for being fascinated with instruments and forces of destruction that would open the gates of hell. Enable us, oh God, to gain mastery over the technology and the knowledge that we have, to sustain life, not to destroy life, to feed the hungry, to relieve pain and sickness, to eliminate illiteracy and poverty, to establish justice, and to bring the good news of redemption to those who are in darkness.

We thank you, God our Creator, for the land, water, and all your resources. Forgive us for the throwaway ethic and for worshipping at the shrines of convenience and disposability. Free us from being possessed by our possessions, and teach us the meaning of faithful stewardship. Forgive us of our arrogance, our hearts' desire to manipulate, dominate and command, to prove leadership. Help us to catch the vision of our Lord as He took the towel and the basin of water and washed the feet of His followers, thus demonstrating the greatest example of leadership, the servant leader. So enliven each of us to affirm our love for You through our love for each other.

We continue to pray for the peacemakers

of the world, for Your servant, Jimmy Carter, his advisers, and his family. The burdens mount, the pressures grow almost beyond endurance. How often we need to offer a word of encouragement or restrain from unnecessary critical comment, which would help lighten his load. We pray for the Congress, the courts, the state and local leaders. Inspire all who serve, and give peace in our time by Your sovereign power and mercy through Jesus Christ, our Lord, who taught us to pray:

"Our Father, who art in Heaven, Hallowed be Thy name. Thy kingdom come. Thy will be done on earth, as it is in heaven. Give us this day our daily bread. And forgive us our trespasses as we forgive those who trespass against us. And lead us not into temptation, but deliver us from evil: for Thine is the kingdom, and the power, and the glory, for ever. Amen."

MESSAGE: THE MOST REVEREND BISHOP FULTON J. SHEEN, ARCHBISHOP FROM NEWPORT, RHODE ISLAND

Mr. President, Mrs. Carter and fellow sinners. In a speech which the President gave, in the Baptist Church, in Plains, Georgia, he quoted St. Paul to the effect that we are all sinners. So, Mr. President, we include you in this title. I will tell you why I have addressed you that way. But I want to preface it. First of all, by thanking God for our rights and liberties. Secondly, by acknowledging to God our duties and responsibilities. And then, will come the fact that we are sinners.

First of all, thanking God for rights and liberties. Where do we get the right of assembly? Whence comes my right of free speech? From Congress? In the courts? If our rights came from them, they could take them away. Our founding fathers had to face that problem. They looked across the waters, where it was said that the majority gave rights. They rejected that on the ground that the majority is the custodian of minority rights. They found the answer and they set it down in the second paragraph of the Declaration of Independence, that it is self-evident that all men are created equal, and that the Creator has endowed man with certain inalienable rights, among which are the right to life, liberty and the pursuit of happiness. The Creator has given us those rights. Therefore they are inalienable. If we wish to keep our forest, we must keep our trees. If we wish to keep the pendulum swinging, we must make it dependent upon a clock. If we wish to keep our perfume, we must keep our flowers, and if we wish to keep our rights, we must also keep our God. That is why our Declaration of Independence is fundamentally a declaration of dependence on God. That's why we have rights and liberties.

We constantly hear about rights and liberties. But, how about duties? Why are there not leagues organized in defense of duties and responsibilities? There is no such thing as a right without a duty. Rights and duties are correlative, like the two sides of a saucer. It is popularly said for example, today, "Well, I've got to be me. I have to develop my own identity." How do we know our identity? By boundaries, by limits. How do I know the boundaries of the identity of the District of Columbia? By its limits. How do I know my responsibilities, my duties? By limits. By my God, my neighbor, my government, my fellowman. This is how we come to a sense of our duties and our responsibilities. And I wonder if it would not be a good idea to put up a statue on the West Coast. On the East Coast, we have the lady of liberty holding out the torch of rights and liberties. Why not put on the West Coast a statue to duty and responsibility, in which that light is thrust outward to neighbor, in which the hand is open to feed the poor, and in which we will acknowledge as a nation that no one has a right unless he has a duty to God, to country and to neighbor.

Our founding fathers recognized duties, the very ones who gave us rights, and a very deep sense of responsibility. There were 56 signers of the Declaration of Independence. What happened to them? What duties did they acknowledge? Nine died in the Revolutionary War. Five were captured by the British and died under torture. Twelve had their homes ransacked and burned to the ground. Dr. Witherspoon's home and college library were burned. Thomas Keen was compelled to move five times in five months to escape capture. He settled at last in a log cabin on the Susquehanna. Thomas Nelson, Jr., when his home was occupied by General Cornwallis, urged Washington to open fire and destroy his home. He died in poverty. Seventeen of the signers lost everything they had. The 56 pledged, "Our lives, our honor, and liberty." Many of them lost their lives, all of them their liberty for the moment, but not one of them lost his honor.

Now we come to the fact that we are sinners. We Americans do not like to hear about sin. We Catholics believe in the Immaculate Conception of the Blessed Virgin Mary. We used to be the only ones who did; now all Americans believe that they are immaculately conceived. There is no sin, we just make mistakes. We were fed on Grade B milk, had insufficient playgrounds, or our mother loved us too much, or our father loved us too little. So a distinguished psychiatrist, Carl Menninger, has written a book, "Whatever Happened to Sin?" He said the rabbis and ministers and priests stopped talking about it. Jurists picked it up and it became a crime, and they dropped it. The psychiatrists picked it up, and then it became a complex.

Now, we have personal and we have social, national sins. Muslims have their month of penance. Jews, Yom Kippur. Should we not have some reparation? Did not Lincoln mention it? Lincoln was the only President of the United States, in any public address who ever mentioned the word sin. Think of it! The only one, in his address of March the 30, 1863:

"Whereas it is the duty of nations as well as of men to own their dependence upon the overruling power of God, to confess their national sins and transgressions in humble sorrow, yet with a renewed hope that genuine repentance will lead to mercy and pardon, and to recognize the sublime truth announced in Holy Scripture, and proven by all history, that those nations alone are blessed whose God is the Lord. Inasmuch as we know that by His Divine Law, nations, like individuals, are subjected to punishments and chastisements in this world, may we not justly fear that the awful calamity of civil war, which now desolates our land, may be a punishment inflicted upon us for our presumptuous sins to the needful end of our national reformation as a whole people. . . . It behooves us then to humble ourselves before the offended Power, to confess our national sins and to pray for clemency and forgiveness."

First of all, our own personal sins: pride, covetousness, lust, anger, envy, gluttony and slothe. So that when we look at a Crucifix, that's our autobiography. The life of each and every one of us has been written. In those pierced hands I can see my own hands grasping for things. The other hand dug with steel for my sinister moves, and the open side for all false loves. Flesh hanging from Him like purple rags for all the sins of lust. And for these personal sins gathered in this breakfast, we beg God's pardon and forgiveness.

And for our national sins, whatever they be, for example for not sufficiently helping the other nations of the world: being sufficiently dedicated to life and then, being so much concerned with the nuclear armaments. At the close of the last century, two of the greatest scientists of the times, Claude Bernard and Louis Boutroux called on one of the French writers and publishers, Goncourt, and they said to him, "We have just begun to list the alphabet of destruction, and in the next generation, we shall finish it." Goncourt said, "And when that day comes, I think God will come down from heaven like a night watchman, rattling his keys, and he will say, 'Gentlemen, it's closing time,' and we'll have to start all over again." May the Lord forgive us all of our sins.

"Oh God of earth and alter,
Bow down and hear our cry,
Our earthly rulers falter,
Our people drift and die.
The walls of gold entomb us,
And swords of scorn divide,
Take not Thy Thunder from us,
But take away our pride!
From all that terror teaches
From lies of tongue and pen,
From all the easy speeches
That comfort cruel men,
From sale and profanation,
Of Honor and the sword,
From sleep and from damnation,
Deliver us, Good Lord."

—G. K. CHESTERTON.

THE PRESIDENT OF THE UNITED STATES, THE HONORABLE JIMMY CARTER

The PRESIDENT. Fairly early in my Naval career we moved from Hawaii back to this country, about the time of the advent of television. We had doubts about its value because the reports said that it was going to destroy the moral fabric of our nation. But one of the delights of my life, one of the greatest contributions of this technological miracle, was a presentation by Bishop Fulton Sheen on his regularly scheduled program of the religious interrelationships in his own life and how they related to a modern world. And I'm deeply grateful to him for being willing to come this morning to share with us the dynamism and the strength and the sensitivity and commitment of his own life again with us. Thank you very much, Bishop Sheen. It even boosts my spirits when he refers to me as a fellow sinner.

I listened with great care to him this morning as he talked about the liberty, the love, the duties, responsibilities, the constraints that bind us as believers in God, and that offer us a guide to the future. Last year was a year of turmoil. I noticed one public opinion poll that asked news reporters and American citizens what were the three most interesting news events of the year. All three had some religious connotation. One was a story of great tragedy, almost disgrace for the world of believers where hundreds of people, simple people, searching for an elusive element of truth at Jonestown, perished because of misguided leadership. That was the top story of the year. Another story in this last year demonstrated a great change in leadership as a Cardinal from Poland, outside Rome, behind the Iron Curtain, became the leader of a great Christian faith. And a third most important story to the people of our country was the Camp David discussions between myself, President Sadat, and Prime Minister Begin. We stayed there thirteen days, and the first day we agreed almost as an outpouring of mutual commitment and concern that we would pray within Camp David, and that we would call on the entire world to join us in a common prayer for peace. And we called upon the very same Congressional and other leaders who put this breakfast together to coordinate that effort. For several days that was the only thing on which we did agree. And we made great progress because of those prayers. But peace is still elusive and I hope that out of this breakfast can come a reconfirmation that all of you will continue to use your influence

to revitalize that prayer for peace in the Middle East and throughout the world.

I would guess that one of the great new stories of 1979 will be the impact around the Persian Gulf in the Middle East of religious fervor and a searching for some compatibility between a modern, rapidly changing technological world on the one hand and an inclination on the part of devout religious leaders to cling to stability and security predicated on past social and personal habits. So, as you can well see, in various ways, even in a modern world, one we consider to be highly secular, the great events that move the people here and in other nations are intimately related to religion. Our nation requires by law that the church and the state must be separated. The church cannot dominate our government; our government cannot dominate nor influence religion. But there is no way for a human being to separate in one's own heart and mind those inevitable correlations: responsibilities of a secular life, even in government, on the one hand, responsibilities to God on the other. They combine to form what a person is, what a person thinks, what a person hopes to be. And in international events, no matter how we try to order or separate religious trends, changes, hungers, thirsts, there is no way to sever that from public events. In Africa, South America, Indonesia, many other nations where a crisis has not reached the tornado stage, those undercurrents of religious people searching for compatibility with a modern world, a changing world, are intense, and are of profound significance to everyone in this room. Our own nation is not impervious to this circumstance. We have suffered severely in the past, because we who are Christians, others who are deeply religious in our own nation, have not been willing to accommodate those who have been deprived, who have and do suffer as they struggle for a better life. We tend to say this could only happen in the past. Today, certainly it's not a factor in our lives.

I grew up in a region of the country which has in the past and still sees quite often, too often, the Christian churches as a last bastion for racial segregation and even discrimination. This past Sunday I went down to Ebenezer Baptist Church in Atlanta. I participated in a program commemorating the fiftieth birthday of Martin Luther King, Jr. Speakers there, Dr. Benjamin Mays, Daddy King and others, pointed out the progress that has been made, but the emphasis was on the progress yet to be made. One of the elements that I noticed was the absolute truth that tends to come forward much more vividly in a quiet prayer. I was honored at the meeting, but when Mr. Benjamin Mays got up to give his prayer I sat back with the anticipation that somehow in his prayer he would complement me and help my image with the audience there, the congregation. As we bowed in prayer, he talked about all the troubles in our country, the poor, deprived, discrimination, and the culmination of his prayer was, that at least our President has done a little something about some of these problems. And he thanked God for that little something.

Truth is a mandatory element of a sound basis for a religious life. But sometimes we cannot accept the truth. I was intrigued by Bishop Sheen's reference to the Immaculate Conception complex of Americans. It is difficult for us as Americans to think that we might be sinful, that we might be in some ways inferior, that we might have some element of our life not yet realized. That we might have standards that have been prescribed for us which we have not met. And there's a natural human inclination to lower those standards to accomodate the very low achievements of our own life.

We must guard against the abuse of our own religious faith. We've seen broad changes in history. In the first few centuries after Christ's life and death on this earth, it was a crime to be a Christian. I've been reading Barbara Tuckman's delightful history of the 14th century era. And during those days it was a crime not to be a Christian. And the horrors of the Inquisition, the equasion of a Christian commitment with a willingness to be a constant dedicated warrior, a complete dependence on combat and bloodshed, and the abuses within the Christian church, are vividly expressed. And I'm sure at that time there was a rationalization among devout religious believers that what we look on now with abhorrence and sometimes so remotely with amusement, was the true teaching of Christ. And we must avoid a distortion or rationalization because of materialistic inclinations in our own hearts, of our own religious faith and its beliefs. When any religion impacts adversely on those whom Christ described as the "least of these," it can have no firm foundation in God's sight.

The last point I want to make is the dramatic sense of how our religion pertains to a modern era. Shortly before Christmas, we had Alec McCowen, a great British actor, come to the White House. And he stood there on a bare stage, and he quoted for memory the Book of Mark; I think about sixteen thousand verses, two and a half hours. He didn't use a modern translation; he used the King James Version. And there was a sense among those two or three hundred people that here came someone directly from the presence of Christ, and told almost like a newspaper in the most vivid, moving terms about the life of the Son of God. There was nothing stale about it. There was nothing ancient about it. There was nothing removed about it, from the existence of those assembled in that room. If you get a chance, I hope you'll hear him give that recitation.

Almost everyone in this room is a leader. People have exhibited faith and trust in us. Not only to carry out the mundane duties of a sometimes confused government responsibility, but also to carry out the responsibilities much broader than that. To set an example. To search more fervently for the truth. Sometimes we lose our confidence. One of the great problems with the modern church is its timidity about self-assertion. We're sometimes fearful not to project ourselves as believers in God into a controversial issue, because we are fearful that we might fail. We might be rebuffed. So it's much more easy for us, in the confines of our church or our synagogue, to sit back and say, "I'll enjoy those around me whom I know, who trust me, with whom I share limitations, and ignore limitations," than it is to project a deep belief in love, compassion, understanding, service, humility into a broad influence among others.

It's difficult to be bold and gentle at the same time. Peace and gentleness and humility are perhaps the most difficult characteristics of a human being. In Paul's Second Letter to the Corinthians he said, "Since we have hope, we are very bold." And I hope that we believers in God have not lost our hope and will continue to be bold. And later on in the same chapter of II Corinthians, he says, "Where the Spirit of the Lord is, there is freedom." Where the Spirit of the Lord is, there is freedom. There's no incompatibility between gentleness and boldness. There's no incompatibility between the constraints and the shackles on our lives by standards prescribed by God on the one hand, and the ultimate freedom that can come when the Spirit of the Lord is present.

Mr. SCHULZE. Thank you Mr. President. I believe that I can assure you that we will join in your admonition to continue to pray for peace in the world.

THE CLOSING PRAYER: ASSOCIATE JUSTICE OF THE SUPREME COURT OF THE UNITED STATES, THE HONORABLE HARRY A. BLACKMUN

Mr. President, Mrs. Carter, Archbishop Sheen, Dr. Graham, and friends. At this very breakfast one year ago, Max Cleland, the administrator of veteran's affairs, ended his moving and intimate devotional message with a prayer attributed to a Confederate soldier and delivered to Mr. Cleland by a POW out of Viet Nam. Those lines, in my mind, merit rereading as we approach the close of this meeting. This was it:

"I asked God for strength that I might achieve; I was given weakness that I might learn humbly to obey. I asked for health that I might do greater things; I was given infirmity that I might do better things. I asked for riches that I might be happy; I was given poverty that I might be wise. I asked for power that I might have the praise of men; I was given weakness that I might feel the need of God. I asked for all things that I might enjoy life; I was given life that I might enjoy all things. I got nothing that I asked for, but everything I had hoped for. Almost despite myself, my unspoken prayers were answered."

And in that spirit let us turn to our closing devotion.

We stand before Thee, oh God, on this day and in the capital city of this nation, only a few days after our celebration of the festival of Christmas and only a few weeks before the beginning of the period that we call Lent, between the two seasons in Christian reckoning that are the Alpha and the Omega. But also in between now, we stand at the threshold of a new governmental and national year. May it be that our recollections and our convictions about the Spirit of Christmas will not evaporate, but will linger and permeate our dealings and responsibilities one with another. And as we embark upon our duties and our deliberations of the year we are mindful of the words of Moses to Israel:

"For this law I enjoin on you today is not beyond your strength. The word is very near to you. It is in your heart for your observance. See, today I set before you life and prosperity, or death and disaster. If you obey the commandments of your God that I enjoin on you today, if you love your God and follow His ways, if you keep His commandments, His laws, His customs, your God will bless you. But if your heart strays, if you refuse to listen, if you let yourself be drawn into worshipping other gods and serving them, I tell you today you will most certainly perish. So I set before you life or death; the blessing or the curse. Choose life so that you and your descendants may live."

Help us to remember those words.

And may we also be mindful of the mandate from the apostle:

"Let love be genuine and hate what is evil and hold fast to what is good. Rejoice in your hope. Be patient in tribulation. Be constant in prayer. Rejoice with those who rejoice. Weep with those who weep. Live in harmony with one another. Repay no one evil with evil, but take thought for what is noble in the sight of all. If possible, so far as it depends upon you, live peaceably with all."

Help us to remember those words. And finally, may we so far as our country is concerned, be mindful of the words of one who, in this city some thirty years ago, prayed fervently and earnestly in this fashion:

"Our Father, we pray for this land. We need thy help in this time. May we begin to see that all true Americanism begins in being faithful to Thee, that it can have no other foundation, as it has no other roots. To Thy glory was this republic established, for the advantage of the Christian faith did the founding fathers give their life's heritage passed down to us. We would pray that all over this land there may be a return to the faith of those men and women who trusted in God as they faced the perils and the dangers of the frontier, raising a standard of faith to which men have been willing to repair down through the years. Thou didst

bless their efforts. Thou didst bless America. Thou hast made her great. Would Thou also make her good. Guide us in all this, so that as the year goes on and the days pass, we may know and feel and cry aloud in realization, 'Oh, the depth of the riches and wisdom and knowledge of God! How unsearchable are His judgements, and how inscrutable are His ways.' "

The Closing Song: "The Battle Hymn of the Republic"—The Valley Forge Military Academy and Junior College Glee Club.●

DIVIDEND REINVESTMENT: KEY TO AN UNTAPPED RESERVOIR OF NEW CAPITAL

HON. J. J. PICKLE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 21, 1979

● Mr. PICKLE. Mr. Speaker, early this session I introduced H.R. 654, a bill relating to tax treatment of qualified dividend reinvestment plans. This bill, which would defer the tax on dividends that are reinvested in a qualified reinvestment plan now has 22 cosponsors. I would like to insert in the RECORD an article by John D. deButts, former chairman of the board, American Telephone & Telegraph Co. on "Dividend Reinvestment: Key to an Untapped Reservoir of New Capital." In this article the author states that the future of dividend reinvestment would seem more assured if current tax disincentives to investment—high capital gains taxes and immediate taxation of dividends even when automatically reinvested—were removed. This article was chapter 18 of Capital and Job Formation, Our Nation's 3d Century Challenge edited by Charles D. Kuehner.

The article follows:

CHAPTER 18—DIVIDEND REINVESTMENT: KEY TO AN UNTAPPED RESERVOIR OF NEW CAPITAL

(By John D. deButts) *

What is most surprising about dividend reinvestment is that it was so long in coming to the corporate world. Long a fixture of the mutual fund industry, where dividend reinvestment proved a convenient and inexpensive way for participants to buy additional shares, it was the late 1960s before American corporations first sensed the potential of automatic dividend reinvestment. Even then, that potential was seen for the most part in terms of offering a gesture of goodwill toward shareowners who found it costly and troublesome to make small stock purchases in the capital markets.

More recently, however, a combination of factors—a more bearish stock market, capital shortages, and an increasing appetite for scarce equity capital on the part of corporations—has led an increasing number of American businesses to adopt this vehicle for attracting new capital and encouraging long-term investment in American business. In short, what first appeared to be only a convenience for small shareholders is now seen by some companies as the key to an untapped reservoir of new capital.

In the years ahead, dividend reinvestment will surely play a larger role in the formation of capital than it has in the past, generating even larger amounts of new equity to help create jobs and spur economic growth, while offering investors of every economic level a greater share of American enterprise.

An estimated 800 businesses now offer their shareholders the opportunity to have dividends reinvested for the purchase of additional shares. Chart 1, which depicts the growth of corporate dividend plans over the last ten years, illustrates this upsurge in corporate interest. Some of the plans permit only the reinvestment of dividends; others offer shareowners the option of buying additional shares with cash as well as reinvested dividends. Still others permit the purchase of shares without service fees or brokerage commissions.

[Charts not reproducible in RECORD.]

Among U.S. corporations offering dividend reinvestment are some of the nation's biggest and most prestigious. Of the 30 corporations whose stock activity is tracked by the Dow Jones industrial average, all but 4 offer their stockholders some form of dividend reinvestment plan. Overall, it is estimated that in 1976 some 1.5 million investors then enrolled in reinvestment plans made stock purchases amounting to more than $1 billion.

THE FIRST REINVESTMENT PLAN

The potential of a large market of shareowners who would be interested in having their dividends reinvested was first perceived by Citibank, which in 1968 approached a number of widely owned, capital-intensive businesses with the proposal that it establish and administer for the companies an investment program modeled on the mutual fund reinvestment concept. The first business to accept the proposal was Allegheny Power System, a holding company for electrical utility firms, which inaugurated the first corporate dividend reinvestment plan in September of that year.[1]

American Telephone and Telegraph Company was not far behind, announcing a similar plan in April 1969 for its then more than 3 million owners of common shares. Under the bank-administered plan, AT&T shareowners were invited to reinvest their quarterly dividends to buy additional shares of AT&T common stock on the open market at prevailing prices. For that service, they were charged a flat 75-cent service fee and a proportionate share of whatever brokerage commissions the bank had to pay on bulk purchases of the stock in the marketplace. Some 130,500 shareowners signed up for the service.[2]

Enrollment in AT&T's Dividend Reinvestment Stock Purchase Plan rose slowly until 1972, when the company negotiated a lower service fee with the bank. Later that year, the plan was again modified to enable shareowners to add cash payments of up to $1,500 a quarter to their reinvested dividends. By the year-end over 220,000 shareowners had signed up for the plan.

TYPES OF REINVESTMENT PLANS

At the start, dividend reinvestment plans offered only existing shares of stock bought on the open market by brokers for the banks and others that served as agents for sponsors of the plans. Beginning late in 1972, a second type of reinvestment plan was inaugurated by the Long Island Lighting Company. Under this type of plan, in which newly issued shares of stock were offered, the stock was sold directly to the shareowner by the corporation.

The Long Island Company plan prompted other companies to follow suit. AT&T moved in that direction in 1973, taking over administration of its plan from the bank that had been acting as trustee. At the same time, the company introduced a number of new features for its plan: shareowners could henceforth buy new shares and make cash payments of up to $3,000 a quarter. In addition, they could invest income from other Bell System securities as cash payments.

For AT&T shareowners, the revised plan meant the end of service fees and brokers' commissions for stock purchased through the plan; from then on, every dollar invested would buy stock. For the company, which because of difficult financial markets, had been relying principally on debt issues of one kind or another to meet its capital requirements, the plan was a move that strengthened the equity side of the capital structure.

Further improvements in the plan followed in 1975, with the introduction of a 5 percent discount on shares purchased with reinvested dividends, and in 1976, with new features that permitted shareowners to buy shares each month with cash and to reinvest less than all of their dividends. These steps made AT&T's plan even more convenient and attractive to many shareowners. And for the first time, AT&T had provided a substantial incentive for institutional investors to enroll.

With these changes, enrollment and investment rose to new levels. By the end of 1976, enrollment, as shown in Chart 2, had increased to 650,000—almost one out of every four shareowners. Equity investment through the plan, as shown in Chart 3, rose to $432 million in 1976, and $265 million was invested in the first six months of 1977.

Experience has shown that individual participants include people who, because of the costs and effort involved in making purchases in the regular market, might not otherwise invest further in stocks at all. Furthermore, by adding to the supply of shares already in the hands of the public, this ownership eventually leads to new business for brokers when those shares are ultimately resold. Thus, reinvestment plans provide investors with an easy way to buy more stock while leading to new business for brokers when the shares are sold again.

COMMON FEATURES OF REINVESTMENT PLANS

Although the features of all reinvestment plans are more or less standard, it is important to distinguish between the plans that offer new shares and those that offer existing shares. The latter are by far the more numerous. Indeed, among the hundreds of businesses that sponsor dividend reinvestment plans, less than 5 percent—perhaps 35 firms—use their plans to raise equity capital through the sale of new shares of stock, and most of those that do are capital-intensive utility companies.

Of 100 businesses surveyed in 1976, nearly eight out of ten identified the improvement of shareholder relations as a primary objective of their plans.[3] Other objectives, as noted in Table 1, were identified as: stabilizing the stockholder base, supporting the market price of the company's stock, and reducing the administrative costs of mailing dividend checks and stock certificates. These are valid business reasons for inaugurating dividend reinvestment plans. For the most part, capital formation has not been used as a major consideration.

TABLE 1.—*Survey of 100 companies sponsoring reinvestment programs*

Objectives of programs:	*Number of mentions*
Improving shareholder relationships	79
Stabilizing the stockholder base	26
Increasing market support for shares	20
Raising equity capital	12
Reducing costs	6

Source: The Conference Board.

Aside from the obvious differences between new and existing share plans, these features are more or less common among the current corporate investment plans:

1. Reinvestment of all dividends to purchase full and fractional shares.

2. Investment of cash payments on an average of $1,000 a month.

*Chairman of the Board, American Telephone and Telegraph Company.

Footnotes at end of article.

3. A combination of the first two options—investment of dividends and cash payments.

4. Preparation of cumulative stock ownership and tax records for participants.[4]

Also standard among many companies offering new shares is the absence of service fees or commissions on stock transactions. Among a few, a discount on stock purchased with reinvested dividends is an appealing feature to institutional and individual investors, despite the tax treatment applied to the discount.[5] The tax treatment—taxing the discount as ordinary income rather than as a capital gain—is an example of the lack of incentive to equity investment inherent in the nation's present tax laws.

In AT&T's case, the discount and savings on brokerage commissions make investment in additional shares of our common stock especially appealing to large insurance companies, banks, and brokers owning AT&T stock in their own or beneficial owners' names. In 1976, following the start of the 5 percent discount on shares bought with reinvested stock, almost 20 percent of the $432 million raised through the AT&T plan was supplied by institutions which were able to save upward of 6 percent on their stock purchases—the discount plus savings on a broker's commission.

Discount or not, savings on the purchase of stock have always been a primary attraction of reinvestment plans. Small shareowners, for example, can save as much as 40 percent of a broker's commission if they buy already issued shares through a reinvestment plan rather than individually through a broker.[6] But savings are not the only attraction: shareowners can also buy fractional shares that produce dividends, just as do full shares; their stock and tax records are produced automatically; and investment is largely automatic, meaning that stock purchases are made regularly and conveniently without further action by the shareowner.

Even so, the latest estimates of stockholder participation indicate that investor interest in reinvestment plans varies widely. As mentioned earlier, not quite one in four shareowners participates in AT&T's plan, for example. In 1976 participation in 93 of the companies that sponsor reinvestment plans ranged from 1.4 percent to 19.5 percent of the stockholders eligible to enroll,[7] as shown in Chart 4. And of 22 million owners of stock in companies offering reinvestment plans, only an estimated 1.5 million are now enrolled, as shown in Chart 5.

At the same time, participation is on the rise.[8] A recent survey of businesses with reinvestment plans suggests that those with higher participation are the more vigorous in soliciting new—and periodically resoliciting current—shareowners. In addition, the popularity of dividend reinvestment and the widening publicity given the plans have in themselves encouraged greater interest in enrollment.

DIVIDEND REINVESTMENT AND CAPITAL FORMATION

Some analysts are convinced that dividend reinvestment will play an increasingly greater role in capital formation in the years ahead, particularly among companies seeking to reduce the proportion of debt in their capital structure. At AT&T, dividend reinvestment currently provides an important and growing part of the company's total external financing. If U.S. businesses could motivate stockholders to reinvest as much as a third of their dividends, it is estimated that stockholders alone could generate as much as $10 billion a year in new equity capital.[9] This level of investment is not unrealistic, considering that 60 percent of all mutual fund dividends—some $950 million of $1.6 billion in 1976—are reinvested in additional mutual fund shares.[10]

This is not to suggest that dividend reinvestment could—or should—be the primary solution to the nation's capital formation problems: It is, however, a step in the right direction because it appeals to the small investor to enlarge his or her stake in American enterprise. And it permits small shareowners to do so automatically and regularly in whatever amounts they choose, and at relatively low cost, especially in those plans which have reduced or eliminated service fees and commissions. In this way, whether they invest in new or existing shares, shareowners make a contribution to capital formation. The important thing is that dividend dollars are being used to make equity investments—that is being saved rather than being spent.

THE FUTURE OF CORPORATE DIVIDEND REINVESTMENT

The recent increase of interest in reinvestment plans has led to sanguine growth estimates for this type of investment program.[11] This much is clear: the number of participants and the number of plans continue to grow; and among companies offering new shares, equity investment is on the rise. In the case of AT&T's plan, for example, investment and enrollment have never once declined in any of the eight years that the plan has been in operation. Since 1969, there has been a 14-fold rise in shareowner investment in the plan and a 4-fold rise in enrollment.

Encouraging as these signs are, however, a survey of companies sponsoring reinvestment plans suggests that the growth potential is not unlimited. Some businesses fear high administrative costs and low participation. Still others express a more philosophic concern: they are convinced that investment in stock without regard to market price is fundamentally unwise. There is also the matter of investors' desire to diversify.

The prospects for plans that sell new shares appear to be brighter, if only because individuals—the backbone of most reinvestment programs—can purchase stock through them free of service fees or commissions. The extension of such plans, however, hinges upon the return of large numbers of small shareowners to the market.

Crucial to the extension of reinvestment plans, of course, is the profit performance of business. Basic to the success of any reinvestment plan is the underlying demand for a company's stock. This demand rests in turn upon corporate earnings levels that are comparable to those of other companies with which the corporation must compete for equity investment in the capital markets. Without rates of return—and the prospect of continuing earnings improvement—comparable to those of rival investment choices, no plan, however convenient, can expect to attract continuing investment interest.

TAX POLICY BARRIERS TO REINVESTMENT

The future of dividend reinvestment would seem more assured if current tax disincentives to investment—high capital gains taxes and immediate taxation of dividends even when automatically reinvested—were removed. Of all the barriers to the extension of these plans, none is more formidable than the fact that, although they provide no cash flow to the shareowners, automatically reinvested dividends are immediately taxable as personal income. As one utility executive said recently, "Unless there are tax incentives to participate in dividend investment programs, we do not foresee such programs becoming significant factors in the capital markets." Others in a nationwide survey concurred in the view that the answer to further expansion is a change in tax policies that apply to reinvested dividends and dividend income.[12]

Under current tax laws, a stockholder who reinvests dividends must report them as ordinary income—subject, of course, to the individual $100 dividend exclusion. However, for dividends that are reinvested automatically, the shareowners receive no cash flow with which to pay those taxes. Because such tax treatment tends to discourage participation in reinvestment plans—and more important, because it discourages capital investment—the leaders of some of the nation's largest corporations have testified before the tax-writing committees of Congress in support of deferring the taxation of reinvested dividends until the stock purchased is sold.[13] Such a deferral would, of course, match the payment of taxes with the actual receipt of the cash income on which the tax is based.

There is even a good deal of logic for going farther and treating reinvested dividends in the same way as retained earnings are treated for tax purposes. Doing so would reduce the cost basis for the stock held as dividends were automatically reinvested, and would apply capital gains taxes at the time the stock was sold. In effect, this method would provide the same treatment for earnings reinvested at the discretion of the individual shareowner as is now applied to earnings reinvested at the discretion of corporate management. Such a policy would be a powerful incentive both for increasing participation in dividend reinvestment plans and for increasing capital formation itself.

The primary objection to deferring the taxation of reinvested dividends is the prospect of lost federal tax revenues, but the following factors suggest that the actual losses might not be as large as is generally expected:

First, a high percentage of common stock is held by tax-exempt institutions and trusts.

Second, almost a third of all dividends are currently tax-free as a result of the current dividend exclusion.

Third, the terms of any dividend reinvestment credit or exclusion might be drawn to limit tax revenue losses to an economically and politically acceptable level.[14]

And fourth, the economic stimulus to jobs and capital formation of such a step would probably offset any losses in tax revenues.

CONCLUSION

The nation's need for new equity capital has never been greater than it is today. Indeed, it is the prime requisite for increasing job opportunities in the United States. And it is essential to the maintenance of our nation's world economic leadership in its third century.

Already dividend reinvestment plans have proven to be an effective and popular means of stimulating the efficient formation of new equity capital for the U.S. economy. It is an idea whose time is "now." In the years ahead, dividend reinvestment programs will, I believe, become a major part of this country's equity growth processes.

FOOTNOTES

[1] Patrick J. Davey, *Dividend Reinvestment Program* (New York: The Conference Board, 1976), report no. 699, p. 1.

[2] "Dividend Reinvestment: A Growing Source of New Capital," *Bell Telephone Magazine*, November-December 1974, p. 8.

[3] Davey, *Dividend Reinvestment*, p. 6.

[4] Mark J. Appelman, *The Corporate Shareholder*, August 15, 1974, pp. 1–4.

[5] "Companies Make It Easier to Reinvest Dividends" (New York: Standard & Poor's Corporation, 1976).

[6] Appelman, *Corporate Shareholder*, p. 1.

[7] Davey, *Dividend Reinvestment*, p. 10.

[8] Ibid., p. 12.

[9] Charles D. Kuehner, "Capital Formation—A New Approach via Dividend Reinvestment," speech given to the National Investment Relations Institute, May 20, 1975.

[10] News release, Investment Company Institute, Washington, D.C., April 1, 1977.

[11] Davey, *Dividend Reinvestment*, pp. 43–47.

[12] Ibid., pp. 13–16.

[13] Robert N. Flint, AT&T vice president and comptroller, statement submitted to the Ways and Means Committee, U.S. House of Representatives, July 23, 1975.

[14] Eugene M. Lerner, "On Utility Financing," *Public Utilities Fortnightly*, May 8, 1975, p. 30.●

THE ALASKA NATIONAL INTEREST LANDS CONSERVATION ACT

HON. JOHN M. MURPHY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 21, 1979

● Mr. MURPHY of New York. Mr. Speaker, last week I introduced a bill, along with a number of other members of the Committee on Merchant Marine and Fisheries, which represents the last stage of a 20-year effort to resolve the status of the 375 million acres under Federal stewardship in Alaska. This bill, the Alaska National Interest Lands Conservation Act, proposes to do what no other single land conservation measure has ever done—establish over 100 million acres of new national wildlife refuges, national parks, national forests, and wild and scenic rivers. It is easy to see why this bill has been called the land and wildlife conservation vote of the century. The magnitude of the Alaska issue rivals that of any other land issue ever faced by this country. The natural resources at stake in the Alaska question certainly rival those at stake in President Theodore Roosevelt's decision to establish the National Forest System in 1907. The size and diversity of the land at issue dwarfs the congressional creation of Yellowstone National Park in 1872.

Alaska covers 375 million acres—nearly a fifth of the size of the Continental United States. And yet, 20 years after its introduction into the Union, Alaska remains largely unpopulated. The State has a population of 400,000; most of which are located in the three urban centers of the State. The remainder of the State remains largely the way it was when we purchased it from the Russians.

In a very real sense, Alaska is our last frontier. It is the last part of the United States to remain largely untouched by the imprint of modern man. All of this is changing however. The admission of the State into the Union in 1959 and the discovery of oil in 1969 has started the State down the inevitable and, I believe, beneficial road toward development.

We cannot stop the development of Alaska, nor do I believe that we should. What we can do, however, is insure that as Alaska does grow and develop, a portion of the State's priceless resources are retained for the benefit and enjoyment of future generations of Americans.

It is no accident that the Alaska issue has captured the minds and hearts of Americans throughout the country whether they have ever visited Alaska or not. Alaska contains unique natural resources such as the large caribou herds of the Arctic Circle. But, Alaska contains so much more. A significant percentage of the migratory waterfowl found within the Continental United States originates from feeding and nesting grounds in Alaska. The State is in fact the focal point for the birds of three continents—the terminus of migrations which start in Argentina, Tasmania, South China, Cape Horn, Hudson Bay, and Siberia. It is not unusual for some of these species to travel 10,000 miles before coming to rest in Alaska.

Alaskan wildlife, of course, is not limited to the migratory birds. The same land and water that supports millions of birds also provides habitat for a broad spectrum of mammals from the lemming to the moose. Alaskan waters support several species of whales and other marine mammals.

In some cases, the fish and wildlife have a commercial as well as an esthetic and recreational significance. Alaskan waters support a priceless fishery which provides protein for the people of the United States and the world. For example, 16 percent of the world's red salmon population migrates through the waters of one Alaskan bay. This fishery, once subject to excessive exploitation is now regulated under the terms of the 200-Mile Act to provide optimal benefits to all Americans.

Impressive as the wildlife resources may be, they are but one of many that this country must insure are wisely conserved. The State of Alaska is suspected to contain a veritable storehouse of minerals. We know about the oil, of course. Prudhoe Bay contains the largest oil field in the country, and yet it is only one of a dozen or more suspected, though yet undiscovered, major oilfields in Alaska.

Alaska is also suspected to contain potentially significant desposits of hardrock minerals. These resources remain largely undeveloped and even unexplored. The Federal-State Land Use Planning Commission suggests that Alaska contains 18 important minerals of national interest. These include: Copper, antimony, silver, gold, lead, nickel, borites, platinum, chromium, tin, tungsten, flourine, asbestos, molybdenum, mercury, iron and titanium. With the exception of gold and borite, all of these minerals appear in the 1976 study by the Office of Technology Assessment or the stockpile goals list of the Federal Preparedness Agency.

The challenge to the Congress in the Alaska issue is to balance the need to develop the mineral and other natural resources of the State against the obligation to conserve both the renewable and nonrenewable resources of the State for the use and enjoyment of future generations.

Alaska is an enormous State. It can easily accommodate both development and conservation. We can have it both ways, but it will take planning, intelligence, and an excessive amount of foresight. This bill attempts to assist us in that regard.

The 96th Congress will be the second time that the Congress of the United States has faced this important issue. Last Congress, the Committees on Marchant Marine and Fisheries and Interior and Insular Affairs labored for 2 full years to develop a balanced, reasonable, and intelligent bill to send to the House of Representatives.

My committee, which has the jurisdiction over the designation of wildlife refuges as well as all other components of the bill impacting on the management of fish and wildlife, held hearings in both Washington and Alaska. We heard from virtually every individual or group seeking to contribute their thoughts to this landmark legislation.

The House agreed with the work of these two committees and passed the bill overwhelmingly on May 19, by a vote of 277 to 31. Unfortunately, as often happens in the legislative process, the Senate did not take up the House bill until last summer. As a result, they were unable to complete consideration of this important measure prior to adjournment.

Although we must begin anew this Congress, I believe that we have amassed enough information to move this legislation rapidly forward in the first session of the 96th Congress. The Committee on Merchant Marine and Fisheries, for its part, intends to put the Alaska issue at the top of its legislative agenda.

ADMINISTRATIVE ACTIONS

Although Congress failed to settle the Alaska lands issue last Congress, Secretary Andrus and President Carter have moved boldly, under independent authorities to protect the irreplaceable resources of the State. On November 16, 1978, Secretary Andrus exercised his authorities under section 204(e) of the Federal Land Policy and Management Act to withdraw for 3 years all lands in Alaska (110 million acres) which have been under consideration for inclusion in the national conservation systems. The Secretary's action encompassed the composite boundaries of all the various (d)(2) proposals, including the administration's recommendations, the House-passed bill and the bill reported by the Senate Energy Committee. The Secretary's action does not reduce the need for legislation in the 96th Congress. All it did was insure that these lands will be fully protected from State selections or development while Congress debates the ultimate disposition of these areas.

On December 1, 1978, President Carter added to the secretarial withdrawal by designating 17 national monuments in Alaska—comprising 56 million acres. These monument designations included parts of all 13 of the proposed national parks, 2 of the 17 proposed national wildlife refuges, and 2 of the 7 proposed national forest wilderness areas. In sharp contrast to the secretarial withdrawals, the monument designations will be permanent unless modified by Congress. The areas designated by the President generally parallel those identified in the House-passed bill, although there are some important differences in the boundaries of the various units and the administrative provisions governing the management of these units.

At any rate, the President's action does not and should not preclude congressional consideration of the Alaska issue. First of all, the President has only gone part way toward resolving the land status of the State of Alaska and protect-

ing the natural resources of the State for all Americans. The President only designated monuments in 2 of the 17 areas proposed as wildlife refuges by the House-passed bill. All of these areas were subject to rigid scrutiny in the Committee on Merchant Marine and Fisheries and were determined to be worthy additions to the National Wildlife Refuge System.

Second, the President failed to address many of the issues in the (d)(2) debate including transportation, wilderness, subsistence, and mineral development. It will be necessary for the Congress to resolve many of these issues.

Third, as the legislative branch of the United States, the Congress is ultimately responsible for the disposition of these lands. It is only appropriate that we complete the work started last Congress and continued by the Secretary and the President.●

THE ECLIPSE CAPITOL OF THE WORLD

HON. RON MARLENEE

OF MONTANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 21, 1979

● Mr. MARLENEE. Mr. Speaker, this Monday at 8:18 a.m. the Sun will cease shining on Lewistown, Mont. There have been many explanations advanced for this event. Some have suggested that the harsh winter being experienced by those in my State has forced the Sun to flee while others theorize that the sunset legislation introduced in Congress has had even greater results than we ever expected. Still others who idolize our Secretary of Energy have advanced the notion that the Sun is not going to shine because the Secretary has not ordered it to.

The real reason is the eclipse of the Sun and communities in Montana will be in the path of the total solar eclipse on February 26. I would like to share with my colleagues an excerpt of an article that appeared in the Wednesday, February 21, edition of the Wall Street Journal on this subject:

Most eclipse-goers seek out the exact center of the track, because totality lasts longer there than on the edge, and Lewistown is smack in the center. It is modestly calling itself "the eclipse capital of the world."

"Lewistown is really going all out on this," said Katy Shaw, president of the chamber of commerce. Though just 8,500 people live there, Mrs. Shaw says up to 10,000 visitors are expected, and the townsfolk "are opening up their homes." Special committees have planned torchlight parades for next Saturday and Sunday, and there will be dogsled races, sleigh rides, and square dancing. School will be let out on Monday morning, the "eclipse holiday." A schedule of events is all laid out in an official souvenir program.

Hotel bookings are heavy in Great Falls, Montana, which is in the shadow track but not quite on the central line. Through local merchants, the chamber of commerce is giving away free dollar-sized tickets to the eclipse (sponsor: "Celestial Bodies"), which later will be used in a raffle for prizes. The main purpose of the tickets, the chamber says, is to get wide distribution of a warning on the reverse side against looking at the eclipse with the naked eye.

Lewistown will truly be the "eclipse capital of the world" come this Monday and "as the Sun sets in the West" I wish that I could be present with them to join in on their celebrations.●

TRICKLE DOWN?

HON. FORTNEY H. (PETE) STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 21, 1979

● Mr. STARK. Mr. Speaker, I would like to draw the attention of my colleagues to an article which appeared in the Wall Street Journal on Tuesday February 13, 1979, which reports on what the California business community is doing with their proposition 13 income.

The article notes that in many cases there is a difference between what some businesses said they would do with their share of the $2.9 billion in property tax cuts that went to owners of commercial and industrial property, and what has actually happened.

I commend this article to those of my colleagues who believe that every tax break for business eventually "trickles down" to the people who are paying for that tax expenditure. I shudder to think how much the American people are going to end up paying for the capital gains cuts agreed to by this House last year and how much they will actually benefit.

The article follows:

BUSINESS BONANZAS COMPANIES' BIG SAVING FROM PROPOSITION 13 IS SLOW TO REACH PUBLIC

(By Stephen J. Sansweet)

When California voters approved Proposition 13 last June, they cut about $6.4 billion from property tax collections.

Only about $2.3 billion of that total went to homeowners. Landlords got a $1.2 billion break. But the largest cut, $2.9 billion, went to the owners of commercial and industrial property in the state.

These businesses, Gov. Jerry Brown asserted at that time, had a "moral obligation" to invest their $2.9 billion tax saving strictly in California to create more jobs and a "buoyant economy." And former Gov. Ronald Reagan urged businessmen to share their tax reductions through lower prices and lower rents. In fact, some business backers had assured voters that they would indeed be generous with the savings.

But now, two months after the first half of the reduced property tax bill was due, it is clear that the savings granted to business have been slower in trickling down to the average citizen than politicians had hoped or some businessmen had promised. The situation has caused a flurry of complaints from consumer groups and politicians.

BENEFITS FOR ECONOMY

While many executives say that by reinvesting the savings in their own companies, the entire California economy will benefit, critics claim that much of the money is being used to increase corporate profits. "Greed is epidemic," one social activist charges.

Most businessmen appear to be hunkering down, hoping that the fuss will be relatively brief. Some worry that adverse publicity could help revive last year's short-lived legislative attempt to restore industry's property taxes about to the levels before Proposition 13.

The cut in property taxes has, of course, given some relief to homeowners, and the local governments and school districts that lost revenue haven't fared too badly, mainly because the state bailed them out with $5 billion of surplus revenues for fiscal 1979. The severest cutbacks in personnel and programs have come in some libraries, parks and recreational services.

Howard Jarvis, co-author of Proposition 13, says that one of his intents in drafting the initiative was to give business a tax break. "But I think they're obligated to pass along their lower costs to the consumer in the form of lower prices," he says.

INITIAL GENEROSITY

After Proposition 13's passage, some companies sounded magnanimous. Crocker National Bank took out full-page newspaper ads pledging to use its $2.8 million saving (or almost $1.5 million after federal income taxes) to make loans for job-creating purposes. A spokesman now concedes, "We obviously don't know that the money goes directly for that, although we feel and hope that most of it does."

Safeway Stores Inc. has publicly stated that it will pass its savings along to consumers, but a spokeswoman for the large supermarket chain cautions, "You can't say we've done it yet, and I can't give you any idea of the size of the cuts."

Some companies say that to the extent that Proposition 13 savings cut costs, they will be able to keep prices from rising more than they otherwise would have. Danny's Inc. says its $1 million of savings will go to that end, "although menu prices last year rose more than any other year." An official of Walt Disney Productions says that while most of its $1.5 million in savings will be reinvested for such things as new films and attractions at the company's theme parks, "We hope we won't have to raise ticket prices as fast."

Businessmen's ambivalence about what to do with Proposition 13 savings is indicated by two meetings held under the auspices of the United Way of Los Angeles County. At the first, held shortly after the measure passed, those in attendance generally went along with an urgent request from area schools and agreed to give part or all of their property tax savings as gifts to make up a looming shortage of funds. But at the second meeting 30 days later, sentiment had changed. "There was a feeling that the need wasn't as great and that the major impact on schools wouldn't be for a few years, so we felt we ought to go slow and see what develops," one businessman in attendance says.

BUSINESS BENEFITS

Many companies say that by reinvesting Proposition 13 savings in their own companies, they will create more jobs and keep the state's economy vigorous. For example, Southern Pacific Co., California's largest private landowner, will have a total tax saving of around $20 million, of which about $14 million is attributable to railroad operations. "The best use of that money as far as we're concerned is to invest it in new freight cars and locomotives," a spokesman says. However, he can't say what the railroad would have spent on rolling stock if it hadn't gotten the tax savings.

One conspicuous group of companies has returned its savings directly to the public, but only after arm-twisting by the California Public Utilities Commission. The state's energy, telephone and water companies are passing on to consumers a total of $264.4 million either through a credit on bills or a lesser rate increase than ordinarily would have been granted. But much of the savings go to large industrial and commercial customers because they generally use more

power than homeowners. In the case of Southern California Edison Co.'s 46.7 million reduction, the average residential customer's bill has been cut just about 22 cents a month, or less than 1%.

Lockheed Corp. says most of its $10 million tax saving will be passed back to the federal government under cost-reimbursable contracts, but a net gain of $2 million will be used for such things as capital expenditures and research and development. A spokesman for Teledyne Inc. says, "We have revenue and we have income, and whatever we have left after taxes we handle like we usually do." He declined to say how much Teledyne's tax saving had increased profit.

"It's clear that the most productive and proper way for us to use any tax savings is in the mainstream of our banking operations," says Arthur V. Toupin, vice chairman of Bank of America, which had aftertax savings of about $7.2 million. This boosted earnings per share by about seven cents. However, because the "problems and dislocations arising from Proposition 13 will be increasingly felt for possibly three more years," the bank has committed itself to raising its charitable contributions over that period to a level at least $10 million greater than if it were to maintain 1978's $4 million level of giving, he adds.

Some businesses, in fact, are giving away their total savings—at least this year. United California Bank, a unit of Western Bancorporation, contributed all of its $1 million after-tax saving, half to United Way and the rest to establish no-interest emergency loan funds for students at California's 24 independent colleges.

Wells Fargo & Co. gave away all of its $1.2 million after-tax savings in equal amounts to public-television stations for in-class TV instructional programs, to a foundation that makes high-risk loans for rehabilitating housing in deteriorating neighborhoods and to the United Way for "emergency funds" to meet Proposition 13 cutbacks. The money is in addition to the bank's normal charitable contribution of about $1.3 million.

SOME LARGE CONTRIBUTORS

Six large industrial companies, all but one in the San Francisco Bay area, say they are considering or have donated much if not all of their savings to charitable, civic or educational endeavors. Kaiser Aluminum & Chemical Corp., for example, has committed $150,000 of its $1 million after-tax saving to a rehabilitation project in downtown Oakland and says more such grants will be made.

"There are a lot of things we want to do in California, and since that's where the windfall came, that's where we're going to use it," says Thomas E. Drohan, president of Forestmost-McKesson Inc. The company saved $600,000, and Mr. Drohan says he will recommend to directors that they place the full amount into the Foremost-McKesson Foundation, which supports health, education and culture programs.

Philip M. Hawley, president of Carter Hawley Hale Stores, thinks such contributions might be a mistake. "What if two competing businesses receive identical Proposition 13 savings?" he asks. "One decides to give it all to charity while the other decides to price more tightly. After six months, the first company finds it's losing market share, so it has to lower its own prices. In a sense, that's giving away Proposition 13 savings twice."

Savings and loan associations are pursuing a more indirect course. Three large holding companies (Financial Federal Inc., First Charter Financial Corp. and Great Western Financial Corp.) say their savings, ranging from $230,000 to $300,000, will go into making more mortgage loans.

OIL AND GAS BENEFICIARIES

Oil and gas companies are among the largest beneficiaries of Proposition 13. Standard Oil Co. of California had its bill reduced by $47 million, Getty Oil Co. by $12.3 million, Atlantic Richfield Co., $10 million, Exxon Corps., $60 million and Occidental Petroleum Corp., $2.7 million.

Standard Oil's Walter K. Morris, vice president for public affairs, says he objects to people telling corporations what to do with their savings. "It's like someone telling me I have to give all of my person property-tax savings to the Red Cross." The executive adds that under federal regulations governing allowable gasoline prices, about half the company's property-tax saving has gone into reducing gas prices by about 0.2 cent a gallon. He denies a published report that the company has set aside $250,000 to assist United Way agencies that have sustained cutbacks. "It may eventually reach that amount, but it isn't the easiest thing to find these organizations."

"It's misleading just to look at last year's bill and the current one," says Sidney R. Petersen, Getty president. "Our taxes more than doubled between 1974 and 1977, and all we've gotten is relief from the tax ripoff." He notes that many localities have increased business fees and license costs to offset their drop in revenue. "The largest beneficiary in all this is the federal government, which gets about half of everyone's tax savings."

SOME RELUCTANCE TO TALK

But many businessmen simply try to duck the savings issue. The Los Angeles County Board of Supervisors and several other governmental agencies have asked California's top businesses what they intend to do with their tax savings. They have gotten few responses.

In a telephone survey, The Wall Street Journal asked 43 of the largest companies headquartered or doing buiness in California the size of their tax savings and what they intend to do with the money.

One company, H. F. Ahmanson & Co., declined to answer any questions. Of the others, about one-third declined to specify the amount of their tax savings.

"We sincerely believe that it's wrong to make public the so-called savings figure," Carl E. Hartnack, chairman of Security Pacific Corp., says at first. "In the emotional and political environment of Proposition 13," he says, "there's a good possibility that isolating these numbers could produce misleading conclusions."

After he learns that other major banks supplied the information, however, Mr. Hartnack relents and supplies an after-federal-tax figure for its saving: $2.9 million. He adds, "This money will flow into capital, which in turn permits us to take care of increased loan demand, thus producing sound economic growth that benefits all Californians."

CONFIDENTIAL DATA?

Carnation Co., Fairchild Camera & Instrument Corp., Safeway Stores Inc. and Union Oil Co. of California all say they consider property-tax data proprietary or confidential information. While assessments and therefore property taxes are listed on public documents, the records are available only on a county-by-county basis and are often carried under the names of many corporate subsidiaries. Thus, it's almost impossible to figure out with any accuracy the total tax bill of a large company with statewide operations.

A number of concerns that won't give figures say their savings are insignificant. They include Crown Zellerbach Corp., Litton Industries Inc., Memorex Corp. and MCA Inc. But a check of tax records in Los Angeles County, where MCA has its 420-acre Universal Studios complex, shows that the company has saved at least $1.6 million in property taxes this year, before federal tax considerations.

Officials of both Carter Hawley Hale Stores and Texaco Inc. say they just don't know how big their savings are although property-tax bills went out last November. However a report prepared for Los Angeles County estimates that Texaco saved $6.8 million in the county alone. Teledyne says its tax-cut figure "isn't readily available," Wickes Corp. says the matter is "too complex," and Potlatch Corp. says this "isn't an opportune time" to divulge the data.

TOM HAYDEN'S VIEW

To social activist Tom Hayden, the corporate reluctance to discuss Proposition 13 isn't surprising. Mr. Hayden, best know for his past antiwar activities, now heads the California Campaign for Economic Democracy, which seeks more government regulation of big business and revamping of corporate priorities. "Many chief executives I've spoken to have made a judgment that—as one put it—the hoopla will be over soon," he says.

However, Mr. Hayden believes the pressure on business will increase. "In the next two to three years," he warns, "the state surplus that bailed out local government will run out and we'll be faced with either massive layoffs and cuts in services, a doubling of the personal income tax or a repeal of that part of Proposition 13 that resulted in a windfall for big business. It's shortsighted of businessmen to think the issue will disappear."

Perhaps the issue won't disappear, but the talk of savings might. Most businesses that made charitable or other contributions stress that these are one-time grants. "I think that after this year," says Norman Barker, Jr., chairman of United California Bank, "it will be business as usual."●

STATEMENT OF THE HONORABLE AL ULLMAN, CHAIRMAN, COMMITTEE ON WAYS AND MEANS, WITH RESPECT TO THE RULE TO BE REQUESTED FOR CONSIDERATION OF H.R. 1147, TO EXTEND TEMPORARILY THE AUTHORITY OF THE SECRETARY OF THE TREASURY TO WAIVE THE IMPOSITION OF COUNTERVAILING DUTIES

HON. AL ULLMAN

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 21, 1979

● Mr. ULLMAN. Mr. Speaker, on February 21, 1979, the Committee on Ways and Means ordered favorably reported to the House H.R. 1147 with amendment. The bill would extend until September 30, 1979, the authority of the Secretary of the Treasury to waive the imposition of countervailing duties.

I take this occasion to advise my Democratic colleagues as to the nature of the rule that I will request for consideration of H.R. 1147 on the floor of the House. The Committee on Ways and Means specifically instructed me to request the Committee on Rules to grant a closed rule which would provide:

First. Committee amendments, which would not be subject to amendment;

Second. Two hours of general debate, to be equally divided;

Third. Waiving all necessary points of order; and

Fourth. One motion to recommit with or without instructions.

I anticipate that H.R. 1147 will be officially reported to the House and the committee report filed tomorrow, February 22, 1979. It is our intention to re-

quest a hearing before the Committee on Rules as expeditiously as possible.●

PHILIP FINKELSTEIN—LONG BEACH SHIPYARD'S LAST PLANK OWNER

HON. GLENN M. ANDERSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 21, 1979

● Mr. ANDERSON of California. Mr. Speaker, February 24, 1979, will mark a special day for the Long Beach Naval Shipyard. On that day the friends and colleagues of its chief engineer, Mr. Philip Finkelstein, will honor him for his long years of service at the naval shipyard. This will truly be a landmark occasion, as Mr. Finkelstein is the last person to retire from the shipyard who can claim to have been with the shipyard on the day it was established 36 years ago. Those familiar with naval jargon know this gives him the distinction of being the last "plank owner."

It must be, that being with an organization since its inception instills a special sense of dedication and loyalty which inspires outstanding performance, because Mr. Finkelstein's tenure with the shipyard has been one that demonstrated those qualities. The people who work for the shipyard, and those associated with it, have witnessed and gained benefit from the work of this man. And, of course, it must also be noted that the people of this entire Nation have similarly gained from his years of service. His contributions toward the building, modification, and repair of Navy ships has helped guarantee the maintenance of a strong and effective naval fleet for our national defense. Today, I would like to share with you a brief history of Mr. Finkelstein's career in the Federal service.

Mr. Finkelstein's education and early career illustrate an extensive preparation for his later high level work with the Long Beach Naval Shipyard. His formal educational training culminated with the award of a master of science degree in mechanical engineering from New York's Syracuse University. He started his career in the Navy civil service as an assistant engineer draftsman with the New York Naval Yard and held engineering, draftsman, and architect positions in Washington, D.C., Philadelphia, and Mississippi before his arrival in Long Beach.

In 1943, Mr. Finkelstein was one of 350 employees who established what is now known as the Long Beach Naval Shipyard. Here at Long Beach, he advanced in grade from naval architect P–4 to chief design engineer, GS–15, and made the most notable contributions of his 40-year career in Federal service.

As chief design engineer, he supervised the modification of a steam plant on the U.S.S. *Barbey* which resulted in the advancement of the propeller analysis techniques. This made possible propeller design improvements to other ships of other classes. The first two west coast installations of the rubber window sonar dome were also accomplished during his tenure as head of the design division.

Also during this period, the Long Beach Naval Shipyard gained national prominence by leading all naval shipyards in the utilization of computer science to assist in ship design. The design division also surpassed all other naval shipyards in the development and installation of the numerically controlled tools program.

These and other accomplishments have won him many honors. Among these are the Meritorious Civilian Service Award which he received twice in 1946, the Superior Accomplishment Award which he won in 1955 and again in 1958, and the Federal Employees Distinguished Public Service Award in 1977. Just recently, he was nominated for the Harold E. Saunders Award for Contributions to Naval Engineering.

A most admirable characteristic is his generosity in sharing his engineering talents when they are needed in special civic endeavors. He has provided design guidance for the construction of the model of the U.S.S. *Long Beach* which is used in parades and festivals throughout the local area. To reduce damage done by oil spills off the California coast, Mr. Finkelstein helped design scoops, oil booms, and skimmers.

He also devotes some of his spare time to teaching and developing education courses at local colleges and job training centers.

Mr. Speaker, a career in the Federal service can be a truly rewarding experience. This is especially true for those who work in the armed services, be it in uniform or by participation in the civilian work force. These people can claim a share in the effort which constantly maintains the strong national defense which is so vital to us all. Mr. Philip Finkelstein's career in the civilian Federal service definitely qualifies him as a major contributor to our security.

My wife, Lee, joins me in paying tribute to this man as he completes an outstanding career. We extend to him, his wife, Verna, and their two children, Dan and Ann, a wish for many years of happiness in the future.●

EXTEND GENERAL REVENUE SHARING

HON. JOHN W. WYDLER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 21, 1979

● Mr. WYDLER. Mr. Speaker, today I am introducing legislation to extend the general revenue sharing program to State and local governments for another 4 years.

Since its enactment in 1972, over $55 billion has been returned to the States and localities for their use. The present program will expire on September 30, 1979. Consequently, the 96th Congress must decide on a continuation of this assistance. I firmly believe that the Congress should continue the program.

I realize that many of my colleagues have reservations about continuance of general revenue sharing. The continued deficit in the Federal budget and the increasing dependence of the States and localities on Federal Government for assistance troubles me also. However, after we examine the issues and listen to all the arguments, I believe that one single point stands out from the rest and that is that decisions affecting local communities are best made at home, not in Washington, D.C. In my 18 years in the Congress, I have seen many a worthwhile idea and objective passed into law, only to see the promise of such programs swallowed up and redirected by an unthinking and unrealistic bureaucracy. Too often we fail to acknowledge the fact that all knowledge does not originate in Washington, D.C. Too often we fail to recognize that many decisions are more properly and easily made at the local level.

That is why I am today calling upon my colleagues to give early and close attention to the reenactment of general revenue sharing. Prompt consideration of this measure will allow State and local governments time to prepare budgets and programs with a minimum of disruption at the local level. Early consideration of this measure is the only responsible way to proceed.●

ANNIVERSARY OF THE DECLARATION OF INDEPENDENCE OF LITHUANIA

HON. ABNER J. MIKVA

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 15, 1979

● Mr. MIKVA. Mr. Speaker, I am privileged to join my colleagues in the observation and commemoration of the 61st anniversary of Lithuanian Independence Day. February 16 is a day to remember the tragedy of Lithuania's lost independence, and to reaffirm our recognition of Lithuania's right to exist as a free and independent nation.

Lithuania has had no distinct national boundaries since 1940 when it was annexed by the Soviet Union. Its people, however, continue to be a viable, independent, and free-thinking nation whose nationalistic spirit has not been extinguished.

The Lithuanian people have continued to maintain their own culture, language, history, and desire for liberty. As the world's leading democracy, the United States has an obligation to encourage all people to exercise their right to live in a free self-governing nation.

It is only fitting that we lend our moral support to people struggling for the basic freedoms we ourselves attained 202 years ago. Too often, Americans take for granted freedoms which many other countries do not possess. We are blessed to live in a country that values and protects the basic human rights of its citizens.

Today, I join my colleagues in expressing support for Lithuanians trying to achieve the same protection for themselves.●

TROTSKYISM AND TERRORISM: IRELAND AND IRAN

HON. LARRY McDONALD

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 21, 1979

● Mr. McDONALD. Mr. Speaker, the Socialist Workers Party (SWP), the U.S. section of the Fourth International which coordinates revolutionary and terrorist activities of Trotskyite Communist parties and is actively supporting a wide range of terrorist revolutionary groups in Europe, the Middle East, and Latin America, has successfully recruited Iranians living in this country to the Trotskyite variety of Marxism-Leninism, has organized them into a Communist party recognized by the Fourth International as its Iranian section, and has sent them back into Iran to join in the revolutionary strife.

The involvement of the Fourth International Communists in international terrorist activities is nothing new. My colleagues may recall that in August and September 1976, I provided a series of detailed reports on the extensive involvement of the Fourth International in terrorism in Argentina, Bolivia, Chile, Peru, France, Britain and Ireland, Spain, Portugal, Greece, and the Middle East. More recently, the Japanese Trotskyites have participated in the rioting and arson at the Narita airport.

The Fourth International's involvement in terrorism in Northern Ireland is expanding as Trotskyites recruit among the terrorists of the Irish Republican Army (IRA) and its support networks. The Irish section of the Fourth International, the Movement for a Socialist Republic (MSR) is in the process of a merger with the People's Democracy, whose members have been convicted recently of such offenses as possession of illegal arms and ammunition, and have been sentenced to long prison terms.

These Fourth International parties have been assiduously courting another Trotskyite-oriented revolutionary organization, the Irish Republican Socialist Party (IRSP), which has a terrorist "military arm" called the Irish National Liberation Army. The Irish and British Fourth International parties have extensive contacts with both the Official and Provisional wings of the IRA. A number of IRSP members have been killed both in shootouts with British security forces and intramural killings by rival terrorist gangs: to these and to IRSP members apprehended and charged with terrorist crimes, the Fourth International parties have offered their "broadest support."

Just as the International Marxist Group (IMG), the British section of the Fourth International, played the leading role in the formation of the Irish section, the U.S. Socialist Workers Party has been the organizer and guiding influence in the formation of the Sattar League, now called the Hezeb Karegaran Socialiste—Socialist Workers Party—in tribute to its mentor.

It should be noted that as a result of a lawsuit brought by the SWP against the FBI and other Federal agencies, the Federal Bureau of Investigation has been barried from examining the activities of the SWP. The lawsuit has resulted in the SWP obtaining extensive discovery into the Government's investigatory files, but this has been insufficient for the leaders of the Fourth International who have asked the SWP to "internationalize" the lawsuit by seeking FBI, CIA and other agency files on the Fourth International and its members as well. That information was obtained from the Internal Information Bulletin, a confidential "members only" publication of the Fourth International published in English as a "fraternal service" by the SWP. Because of the SWP lawsuit, the FBI are forbidden to obtain copies via informants in the SWP and become aware of these activities on behalf of the Fourth International.

As for the formation of the Iranian Trotskyite party, the details of its activities and recent implantation in Iran have been provided in the Information Digest, a newsletter that provides detailed information on terrorist and revolutionary movements in the United States that is published by John Rees.

The article follows:

SWP SPAWNS TEHERAN TROTSKYISTS

Thanks to its American section, the Socialist Workers Party (SWP), the Trotskyist communists of the Brussels-based Fourth International (FI) now have an overt cadre operating in violence-torn Iran.

On January 22, 1979, more than a dozen Iranian Trotskyists from the leadership of the Sattar League, accompanied by SWP National Committee member Cindy Jacquith, flew into Teheran to hold a press conference announcing that the Sattar League was now the *Hezeb Karegaran Socialiste (HKS)* [Socialist Workers Party], the Iranian FI section. The HKS unveiled a political platform praising the Communist *"workers and peasants government"* set up in Azerbaijan, Iran's northern province, by the USSR which had militarily occupied the area during World War II, and supporting the clandestine work of the Tudeh (Communist) party in Iran in collaboration with the Mossadeq government overthrown by the Shah in 1953.

The HKS calls for establishment of a "constituent assembly" of representatives of "the organizations of the workers, peasants, white-collar workers, soldiers, university students, and high-school students." It is noted that the Trotskyists call for "equal rights for all religions;" a full women's liberation platform including state-run child-care centers, abortion and contraception; and that it includes no provision for any involvement in government of the Shi'ite Moslem clergy. All these points are bound to bring the HKS into conflict with the supporters of Ayatolla Ruholla Khomeini's planned "Islamic republic."

Those participating in the HKS founding press conference included Reza Baraheni, honorary chairman of the SWP's front for the support of Iranian revolutionaries, the Committee for Artistic and Intellectual Freedom in Iran (CAIFI); Babak Zahraie, a member of both the SWP and its youth arm, the Young Socialist Alliance (YSA), who played a leading role in using CAIFI to recruit Iranians into Trotskyism and the Sattar League; Nemat Jazayeri, CAIFI's former executive secretary; Parvin Najafi, active with CAIFI and a writer for Intercontinental Press/Inprecor, the weekly English language magazine of the FI produced by the SWP in New York City as one of its services to the FI; Javad Sadeeg, who fled Iran in 1953; Hooshang Sepehri, who said that four of his brothers had been killed fighting the Shah's government; and Zeyot Obrohimi, an instructor at Teheran University.

The Sattar League and the HKS are the outgrowth of "colonizing work" among Iranian revolutionaries and dissidents living in the U.S. by leaders of the SWP who also are leaders of the FI. In brief, the recruitment of the HKS commenced in the late 1960s and early 1970s when the campus YSA chapters were used to support and co-sponsor demonstrations by the Iranian Students Association (ISA) and recruit ISA members. However, in 1973, the ISA expelled its Trotskyist members in a bitter faction fight that continues with ISA contingents frequently assaulting Iranian Trotskyists and accusing them of being "agents of the Shah and SAVAK."

In 1972, the SWP formed a defense committee to fight deportation of Babak Zahraie, an SWP and YSA member active in the Seattle ISA. With marriage to a U.S. SWP and YSA member preventing the deportation, and with the split in ISA, the SWP transformed the Zahraie defense committee into the Committee for Artistic and Intellectual Freedom in Iran (CAIFI), a front controlled by the SWP which took as its first campaign securing the release of Reza Baraheni. On his arrival in the U.S. after release from a brief detention, Baraheni became CAIFI's honorary chairman and most active speaker. CAIFI, under the leadership of Baraheni, Zahraie and other Iranian and U.S. Trotskyists, continued its recruitment among Iranian students, which resulted in formation of the Sattar League as the Iranian section of the FI with two voting delegates in the FI leadership who never deviated from the positions of the SWP-led Leninist-Trotskyist Faction (LTF).

The HKS issued a tribute to long-time SWP and FI leader Joseph Hansen, who used the alias "Pepe" in the FI, praising his "central role in educating our leadership and developing our party" during their "years in exile." According to the HKS, Hansen, who died on January 18, 1979, advised them on everything from "theoretical questions to the questions of day-to-day party building." Said the HKS, "Comrade Hansen taught us to concentrate on the problems of our own country, to be Iranian Trotskyists."

Hansen, of course, was only one of the SWP leaders who also serve in the FI leadership. Among the services provided to the development of the Sattar League by the SWP was production of a monthly newsletter, Payam Daneshjoo [Students Correspondence], which first appeared in 1973 following the expulsion of Trotskyists by the ISA. In November 1978, the publication which had grown to a 60-page magazine became a weekly using the format of Intercontinental Press/Inprecor, and using GPO Box 1266, Brooklyn, New York 11201, to reflect the "new stage" of revolution in Iran and serve "as a step toward a unified newspaper that will seek the collaboration of all Iranian revolutionary socialists." As Bahman Moradi noted in Intercontinental Press, "the editors of Payam are organized around the banner of the Fourth International, the world party of socialist revolution." He neglected to note that the chief editor of the publication is Babak Zahraie, long-time CAIFI field secretary and Sattar leader.

Through CAIFI, U.S. and Iranian Trotskyists have had some success in attracting broader support from the left for its causes. It will be recalled that a CAIFI press conference in Washington, DC, on 9/13/78 featuring Zahraie and Baraheni had as additional participants Representatives Tom Harkin [D-IA] and Fortney Stark [D-CA], and former U.S. Attorney General Ramsey Clark.

How successful the U.S.-trained Trotskyist communists will be in Iran remains to be seen.●

ENERGY ISSUES DISCUSSED BEFORE THE AMERICAN NUCLEAR SOCIETY

HON. JOHN W. WYDLER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 21, 1979

● Mr. WYDLER. Mr. Speaker, recently my colleague, BARRY M. GOLDWATER, JR., spoke before the Washington, D.C., section of the American Nuclear Society. His speech touched current energy issues. Mr. GOLDWATER put alternative energy sources such as geothermal and solar in realistic perspective. He also discussed the major nuclear issues in the coming Congress both from a regulatory standpoint and in technology development. We all know that Clinch River Breeder project and nuclear licensing will be at the forefront of issues in the 96th Congress. Mr. GOLDWATER, like many of us, is impatient with the administration on nuclear waste management and has introduced a bill to remove this obstacle to nuclear power deployment.

I recommend the speech as a snapshot of the nuclear issues which must be dealt with in this session:

NUCLEAR POLICY AND ISSUES IN THE 96TH CONGRESS

(By Congressman BARRY M. GOLDWATER, JR.)

Thank you, Mr. Chairman, for that very kind introduction and good evening, ladies and gentlemen. It's a pleasure for me to appear before this dinner meeting of the Washington section of the American Nuclear Society, and especially to follow in the footsteps of your most recent speaker, Miss Kitty Schirmer of the Domestic Policy Council. I hope you will give me as warm a reception as you gave her last month.

Although the topic of my talk is to be nuclear policy and issues in the 96th Congress, I think I can best set the stage for discussing nuclear matters by putting them in context with other energy sources. As some of you know, in the last Congress I was the Ranking Minority Member on the House Science Committee's Subcommittee that dealt with solar energy and geothermal energy, I would like to say a few words about those energy sources, as they are often presented as alternatives to the continued development of nuclear power. Let's take geothermal energy first.

Geothermal energy is very important in my home state of California, as we have some of the Nation's major geothermal resource areas in our backyard. The Geysers field in Northern California provides about one-half the electricity needs of the city of San Francisco, and does so at a cost cheaper than that from any other available energy source. In the Southern part of our state, we have the Imperial Valley, with a resource potential of several thousand megawatts. We've made some important strides in geothermal energy development in the last few years, with the cost of well drilling having come down by a moderate amount thanks, in part, to the research and development program we have established within the Department of Energy. We've also seen increased private interest in the construction of geothermal plants, with a 10MW totally private financed plant about to come on line in the next few months, and a 50MW demonstration plant project now in the formative stages as a cooperative venture between the Department of Energy and a New Mexico utility.

However, despite this promise, geothermal energy, like all other energy technologies, is not without its problems. We have been bringing geothermal energy plants on stream Nation-wide at the rate of only about 25–50 megawatts per year. That's a fairly significant rate when you consider that geothermal is a relatively new technology, but it is small, of course, when compared to the size of a large nuclear or coal-fired power plant at 1,000 megawatts each. Also, several problems stand in the way of accelerating geothermal development, such as objections to the gases released, uncertainty over reservoir life-time, leasing delays, and possible need for additional government development incentives. All these factors combine to leave some question as to what the ultimate contribution of geothermal energy will be. The resource base does seem to be there, but it is now clear that we are *not* going to have the 3 or 4 thousand megawatts on line by 1985 that had been predicted only a year or two ago. The statement by Governor Brown that nuclear power is not needed in California as geothermal energy can meet most of the state's future energy requirements is, in my opinion, not supported by fact, and totally irresponsible. Nor is it agreed to by almost all knowledgeable observers. Nevertheless, geothermal energy is a real resource, is providing some electricity now, and also is being used for direct heat applications. We need to continue the resource development and demonstration programs currently underway, but must not forget that any new energy technology takes a long time to break into a market place. Hopefully, the tax incentives provided under the National Energy Act, such as investment tax credits, and deductions for intangible drilling expenses and depletion allowances, all of which I supported, will help accelerate geothermal energy's entry into the market.

Solar energy receives much more attention than geothermal energy and is currently the energy source in vogue. The solar R&D budget is up to about $600 million in fiscal 1980, and when you count tax incentives and activities in departments other than the Department of Energy, you find that the Federal solar effort is up around the $800 million level, and still growing. Earlier in this decade solar funding was almost nonexistent.

Solar energy, as you all know, is actually a number of different technologies—photovoltaics, wind power, ocean thermal energy conversion, power towers, heating and cooling, and biomass, each with their own prospects and problems. The real questions are what contribution will solar energy as a whole make to our future energy requirements, when will this be obtained, and at what cost? Projections of solar's contribution by the year 200 range from 5% to 25%. While I naturally hope that the result is towards the higher end of this range, we have to be realistic. Solar has a long way to go. One must not forget, for example, that if we were to convert 20% of all the residences in the United States to solar heating and cooling, this would be equivalent to saving about 1 million barrels of oil per day, or 6% of the daily oil requirements. This 20% conversion would involve about 15 million residences, which at about $10,000 per residence would cost $150 billion. Are we ready for that?

Also, it would take about 500 of the largest sized windmills being developed today to provide the same energy capacity as one large coal or nuclear fired power plant. These windmills would require a land area of over 100 square miles.

Another solar technology, photovoltaics, is very promising, but it would take 25,000 times our present photovoltaic production capacity of about 750 peak kilowatts per year to produce electricity equivalent to that from 200,000 barrels of oil per day. That would be only about 1 percent of our current oil requirements. The present cost of photovoltaic devices, also, is so high as to presently rule this technology out for all but the most limited applications.

I could say similar things about the other solar options such as power towers, OTEC, or biomass. I don't want to be overly negative, as I feel we should be developing these solar options, but the point is that we have a very long way to go, and experience tells us that developing a new technology is not an easy or rapid task. The public must not be misled into believing that the sun is an energy cure-all.

Nevertheless, we do see signs of that happening, in a manner reminiscent of the "too cheap to meter" earlier promises about nuclear energy. Just this past weekend, it was reported that 115 Members of the Solar Caucus in Congress wrote the President requesting additional funding for solar energy, and new initiatives in line with the "technically achievable" proposal of the Domestic Policy Review of the solar energy. I suspect that new funding will be held down due to the Congress' and the Administration's current mood of fiscal restraint, but some "grandstanding" or White House announcement of new solar goals cannot be ruled out.

Now that I've reviewed where we stand on solar energy and geothermal energy, and some of their problems, let me say a few words about what we have accomplished in the last Congress in the overall alternative energy field. I can point with some pride to the following:

a. passage of the Automotive Propulsion Research and Development Act of 1977, expanding and accelerating research and development on more efficient automotive propulsion engines;

b. modification of the Geothermal Energy Research, Development and Demonstration Act of 1974, facilitating use of the geothermal loan guarantee program;

c. establishment of a financial support program for converting municipal wastes into energy;

d. authorization of loan guarantees for biomass demonstration facilities;

e. establishment of a program for greater utilization of our low-head hydroelectric resources;

f. modification of the Electric and Hybrid Research, Development and Demonstration Act of 1976, so as to better phase the electric vehicle demonstration program in with technology development;

g. House passage of the Solar Power Satellite Research Development and Demonstration Act, which would accelerate a determination of feasibility for this potential energy source; and

h. passage into law of the Solar Photovoltaic Energy Research, Development and Demonstration Act of 1978, which established a more centralized, goal oriented program for this very promising technology.

This last bill was the only major piece of energy R&D legislation that was passed by the 95th Congress.

In addition to these activities, Congress in its last session successfully shaped the course of ongoing research, development and demonstration programs in other aspects of solar energy, geothermal energy, and energy conservation through selective changes to the funding levels proposed by the Administration, and has partly corrected the lack of emphasis we found on a broad front of energy production activities.

So much for the previous Congress. Lets take a look at what's ahead for the new one. First of all, on my own Committee, Science and Technology, we've had a major change, both in the jurisdiction of our energy subcommittees and in their Chairmen. As many of you probably know by now, Don Fuqua of Florida has assumed the Chairmanship of the Full Committee, taking over for Tiger Teague of Texas, who retired. Jack

Wydler of New York remains as Ranking Minority Member. Mike McCormack of Washington has become the Chairman of our new Energy Research and Production Subcommittee, which has jurisdiction over all fision and fusion programs, that is, all nuclear activities under the auspices of the Science and Technology Committee. I don't think I need to tell you where Mike stands on nuclear issues. In addition to the Chairman, however, there is quite a variety of Democrats on this Subcommittee, ranging from those who look favorably upon the nuclear option and those who do not. Other Democrats in addition to Mike McCormack are Bob Roe of New Jersey, Marilyn Lloyd Bouquard of Tennessee, and Dick Ottinger of New York. We have a total of 11 Democrats on that Subcommittee. On the Minority side Jack Wydler of New York has been selected as Ranking Minority Member. This, of course, is the Subcommittee that will consider the Clinch River Breeder Reactor issue in the 96th Congress, and I know its going to be a busy year.

As to our Senate counterpart, namely the Energy Research and Development Subcommittee of the Senate Energy Committee, Frank Church of Idaho remains the Chairman, and Senator James McClure, also of Idaho, now becomes Ranking Minority Member, replacing Senator Hatfield. While I think you are all familiar with the favorable position of both Senators Church and McClure on the breeder situation, you should recognize that the Committee as a whole is less conservative than last year. Among the new Democrats appointed to this Subcommittee are Senators Tsongas and Bradley.

As far as jurisdiction over the Nuclear Regulatory Commission is concerned, in the House that still resides with the Interior Committee, which is chaired by Congressman Udall. In the Senate, NRC jurisdiction remains with the Nuclear Regulatory Subcommittee of the Committee on Environment and Public Works. This Subcommittee is under Gary Hart of Colorado and has a new Ranking Minority Member, Senator Simpson of Wyoming. Along with Senator Simpson on the Minority side of that Subcommittee are Senators Domenici and Baker. Senator Simpson replaces Senator McClure, who, while remaining on the Energy Committee in the Senate, also moves to the Appropriations Committee.

By now you are all aware that nuclear jurisdiction has shifted substantially from what it was several years ago, when it resided with the Joint Committee on Atomic Energy. In the House, the Science and Technology Committee now has jurisdiction over civilian nuclear power research and development, but several other Committees have part or feel they have part of that turf. Both the Interior and Commerce Committees, for example, are quite interested in the subject of radioactive waste disposal, and Interior has already held hearings on that subject this year. The Armed Services Committee is concerned about the disposal of those radioactive wastes generated in military programs. The International Relations Committee monitors nuclear exports and nonproliferation matters, and the Appropriations Committee is concerned with funding for all of the Federal Government's nuclear activities. The Government Operations Committee is concerned about how the various Federal agencies organize their nuclear responsibilities. I hope I didn't leave anybody out.

In the Senate, again several Committees are involved in nuclear matters, primarily Environment and Public Works, the Energy Committee and Government Affairs. What we have in both Houses of Congress is a classic situation where an issue has generated broad public interest and controversy, but the Congress has not adequately defined the jurisdictional boundaries as to how this subject should be handled. I wish I could say that the matter will soon be resolved, but in the House, unless the Speaker, the Rules Committee or a Committee on Committees steps in, I do not anticipate a quick or easy resolution of this matter.

One factor that has made the whole situation somewhat difficult and confused has been the late passage, indeed this year the lack of passage, of an authorization bill for the Department of Energy. The House passed one, but the Senate did not. As a result, it has been the Appropriations Committees that have provided the funds and the direction for the nuclear programs.

As many of you know, the usual role of the Appropriations Committees is to decide the actual funding levels for energy programs, after following the policy directions set by the authorizing committees. However, because the appropriations committees have moved ahead of authorizations in energy legislation in recent years, they sometimes take an independent course in areas where their members have strong views. The recent situation with fiscal year 1979 funding for the Clinch River Breeder, for example, while probably one that this audience would not oppose, is a case in point.

It is probably too soon to say whether this year will prove different. I know the authorizing committees are aware of the weakening of their roles, and will do what they can to arrest this shift in authority. However, at this time it is questionable that we will see a fiscal year 1979 authorization bill become law, as the Senate Energy Committee appears inclined to skip that over and wage the Clinch River battle on the 1980 bill. As a first step, however, a fiscal year 1979 bill has been introduced jointly in the House by the Science, Commerce and Interior Committees. Just what priority and action this bill will receive remains to be seen.

As to the nuclear issues that will come up this session, the list is a long one, and I suspect very familiar to most of you. Another one laying over from the previous year is the licensing bill. We don't know yet whether the Administration will resubmit this bill, the purpose of which is to cut the present 12 year lead time for building a new nuclear plant in half. At the moment, bills are being prepared by both the Administration and the Nuclear Regulatory Commission, the latter at the request of the House Interior Committee. The situation is uncertain as the Administration has not decided whether it wants to send its own bill up or not. Experience shows that when a situation gets this murky, little gets done. I have serious doubts that we will see a licensing bill enacted into law.

One area where, unfortunately, I think we will see some interest if not legislative action is in the Price Anderson Act. As you know, the Nuclear Regulatory Commission's repudiation of some of the conclusions of the Rassmusen Report have opened the door, in the minds of some people, to reexamination of the link between the Rassmusen Report and the Price Anderson Act. If consideration of this insurance program is reopened, as it might be, the most likely result would be a retention of the Price Anderson system itself, but removal of the limits on liability. When one considers that some of the other provisions of the Act are meritorious only when connected to a limit on liability, the prospect of reopening the Price Anderson matter is not encouraging.

It is somewhat encouraging, however, to see that the Administration has finally recognized the seriousness of the spent fuel problem and that a bill will soon be sent up to provide away-from-reactor storage capacity. On the other hand, I am concerned by the reported statement of a DOE official that the fees for storing spent fuel will be structured so as to give utilities an "overwhelming" financial incentive to store their spent fuel at reactor sites. I hope this bill helps more than it hinders. I also hope that those opposed to the nuclear option will act responsibly towards this legislation, as the forced shutdown of any nuclear plants, should it come to that, due to lack of fuel storage space would not be in anybody's best interests.

This whole problem could be solved, of course, by recognition of the need for reprocessing. I believe we will see that recognition in the final results of the International Nuclear Fuel Cycle Evaluation, to be completed next year, but whether the current Administration will accept these results is anybody's guess.

The major nuclear issue this year, as last year and the year before, will be the Clinch River Breeder Reactor. I don't think any of us have been convinced by the Administration's arguments concerning the lack of need for this plant, despite the fact that they talk about obsolescence, high cost, reduced energy demand, possible availability of alternative fuel cycles, and other smoke screen issues. Their concern is and always has been that of proliferation. Those of you who were at the last meeting of this section and heard Kitty Schirner speak can draw your own conclusions about the validity of the Administration's concern over proliferation. I, for one, think it is a misplaced concern and that the Nation will suffer if we deny ourselves breeder technology. We already see other countries moving ahead of us in breeder development, and we will soon be relegated to second class status among the nuclear power nations.

The Clinch River debate has been at somewhat of a standstill over the last few months with Capitol Hill attention focused partly on the McClure compromise. The President's budget for fiscal year 1980 contains no funds for Clinch River, and it is still his intention that the project be terminated. There is some confusion over the meaning of the word discontinue as used in the compromise, but I understand that Secretary Schlesinger has recently said that the Administration will still go along with a discontinuation of the project, as opposel to its absolute termination. For the moment, we see a breeder base program at around the $500 million level, which is sufficient to maintain at least part of our technical capability, but far short of the effort needed if we're really serious about developing the breeder.

I believe we have to be serious about breeder development. Nothing has changed in the last year or two that provides any further support for the Administration's arguments. This Nation needs the breeder program and it needs a plant, a real plant, as the focal point of that program. As is the situation with nuclear waste management, we must not go back and restudy our options. The time to build a plant is now. We already have fabricated a number of Clinch River components, and it would be an irresponsible waste of taxpayer's money not to get the maximum benefit from the work that has been put into that plant.

The ball is now in Congress's court, and despite the fact that we have an inflation-minded Congress that fully intends to maintain a tight budget, we need to do something to keep the Clinch River project going. Authorization hearings start this week with mark-up sessions likely to be held toward the end of this month or in early March. As an industry, you need to maintain the same presence and vigorous support of this project that you have displayed over the last two years.

Saving the best for last, I would now like to talk about the subject of nuclear waste management. We had hoped to see the final Interagency Review Group report completed by the President's deadline of February 1st, but it looks as if it will now be delayed for at least a month. In the absence of Administration action on this subject, I introduced

yesterday the Nuclear Waste Management Research, Development and Demonstration Act of 1979. This bill provides for the construction of a permanent Federal repository for nuclear wastes and spent nuclear fuel assemblies generated in the operation of civilian nuclear power plants. It requires the Secretary of Energy to construct a repository to be in operation no later than September 30, 1988.

The bill will help us avoid the frightening prospect of an energy shortage, which a nuclear slowdown would surely entail. While the problems surrounding the construction and operation of nuclear waste facilities are substantial, recent evidence leads me to conclude that the technology has reached the stage where we should proceed with a demonstration facility. This bill directs the Secretary of Energy to construct and operate a permanent repository for the disposal of nuclear wastes and the storage of spent fuel assemblies, and its key element is that it sets a strict timetable for the completion of this job, recognizing the urgency of the problem. Site selection is to be based on the many studies conducted *to date* on nuclear waste disposal, as well as on specific site evaluations yet to be completed. The demonstration facility must become operational, as I have indicated, by September 30, 1988.

The issue of nuclear wastes is of considerable importance to the Nation and is a problem which has been neglected for too long a period of time. We have already been forced to limit construction of the new nuclear plants in some areas of the country due to the public's perception of the nuclear waste problem. We must act now to insure that this situation gets better, not worse.

My motivation for introducing this bill was in part the realization that we have studied the subject of nuclear wastes and studied it again. As I stated in a letter to the Secretary of Energy on this matter last year, I cannot help but note that we have seen a seemingly unending series of studies, reviews and evaluation of this subject within the last several years, each ending with several laudible recommendations or goals that somehow get sidetracked before they are achieved. Endless paper studies do not seem to me to be the solution to the nuclear waste disposal problem. What we need instead is to est establish a research, development and demonstration program that will get this job done, and to my mind that includes construction and operation of a repository in a timely manner. The bill does exactly that, and for this reason, it is imperative that we act on this legislation during this sesison of Congress.

When I was out at Hanford this past summer, it was impressed upon me that during World War II, we built our first plutonium production reactors in a period of about 13 months, but now I find that we cannot dig a hole in the ground to handle the waste from those reactors for 13 years. That is an intolerable situation, and my bill proposes to correct it. In addition to mandating the construction of a repository, the bill requires this facility to go through a licensing process and designates both the Department of Energy and the Nuclear Regulatory Commission as joint lead agencies for preparing the necessary environmental impact statements. The bill also provides for a meaningful State role in commenting on the construction and operation of the repository and encourages public participation in the project. Finally, the bill establishes a nuclear waste advisory committee and extends the licensing authority of the Nuclear Regulatory Commission to cover spent fuel assemblies and transuranic elements.

One thing the bill does not do is establish a new Federal agency to regulate nuclear wastes. We don't need a new agency, as some of my colleagues in the Congress have suggested. We have the necessary mechanisms in place. What we really need is the initiative to get on with the job and get it done.

The bill also does not provide a legislative veto for the States. I don't believe this is necessary, as there are ample mechanisms under the bill for the many industrial, scientific and environmental organizations interested in this project and the public at large to provide their views for consideration during the siting, design, and construction of the repository. States and other parties must play a significant role in the formulation of any effective nuclear waste disposal program. My legislation formally recognizes the role of the states and give them an opportunity to comment on and influence any action taken by the Secretary under this bill. It specifically provides for state input at early stages of the decision-making process for the facility, thereby protecting the rights of the states involved while providing for the construction and operation of a facility that is in the Nation's best interests.

Strong congressional action must be taken in the 96th Congress to focus on the need for a permanent, operational nuclear waste facility. The Congress must recognize that the principal national issue of concern with nuclear energy is waste disposal. I believe that this legislation provides the tools to allow us to adequately address this concern, and I therefore will be pressing for its enactment.

I could go on further but I think that by now you've got the message. Nuclear power faces problems, but other energy technologies do as well. In fact, if there is one thing we have learned from nuclear power it is the difficulty of bringing any new energy source from the laboratory, through several development and demonstration stages, and into the marketplace. There is no reason to believe that the road will be easier for solar or geothermal energy, or for any other energy source.

The government's role must be one of encouragement, moral support, and funding of needed research, development and demonstration activities that the private sector alone will not accomplish. We see this approach being employed for the politically popular energy sources, but only the third item applies to nuclear power these days. It would be extremely beneficial, and cost very little, if the Administration would come out with a statement of support for the nuclear option. If they were to do so, a number of the current uncertainties facing the industry would disappear, and it may not be beyond the bounds of reason, somebody, to see the solar lobby and a "nuclear caucus" working in Congress for a common goal—a narrowing of the energy supply-demand gap, and a reduction in oil imports. Thank you!●

HOUSE COMMITTEE ON STANDARDS OF OFFICIAL CONDUCT WELCOMES COMMENTS ON A NEW RULE ENACTED BY THE HOUSE

HON. CHARLES E. BENNETT

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 21, 1979

● Mr. BENNETT. Mr. Speaker, on January 15, 1979, the House of Representatives added a new clause to the Code of Official Conduct, clause 11 of rule XLIII, which provides as follows:

A Member of the House of Representatives shall not authorize or otherwise allow a non-House individual, group, or organization to use the words "Congress of the United States", "House of Representatives", or "official business", or any combination of words thereof, on any letterhead or envelope.

This clause took effect upon adoption. The primary purpose of clause 11 is to prohibit a private organization from using a facsimile of congressional stationery for a direct mail fundraising appeal. However, the Committee on Standards of Official Conduct has received a number of inquiries concerning the application of this rule to other factual situations.

The Committee on Standards of Official Conduct will soon be issuing a formal advisory opinion interpreting clause 11. The committee would welcome comments from Members on the general interpretation of this clause. Any Member wishing to submit written views to the committee should do so as soon as possible.●

CONSERVING ENERGY

HON. JAMES H. SCHEUER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 21, 1979

● Mr. SCHEUER. Mr. Speaker, as this body is well aware, a great deal of time and effort has been devoted in Congress to seek ways to assist the American people in understanding the need to conserve energy and ways in which this critical task can effectively be accomplished.

Not enough is now being done to conserve energy which is particularly tragic as the international situation becomes more unstable.

I have been following the development of a model Conference on Community Housing and Energy Conservation, which is being cosponsored by the Department of Housing and Urban Development and Council of Jewish Federations in association with the Department of Energy and dozens of religious groups of all faiths and neighborhood organizations. This conference is the only one I am aware of which has actually sought to teach leaders of community groups how to help ordinary citizens conserve energy.

I want to congratulate Father Geno Baroni, assistant secretary for Neighborhoods, Voluntary Associations and Consumer Protection, and his office staff which labored hard and long to assist the Council of Jewish Federations which designed the conference program under the direction of William Rice, a consultant on energy conservation.

What is most interesting about this innovative grassroots endeavor is the very diverse number of community-based groups that actually took advantage of this unique opportunity, spent all of George Washington's Birthday holiday, from 8:30 in the morning until well into the evening. That so many people were willing to take this time indicated to me clearly the high level of interest existing among ordinary citizens to learn how to conserve energy.

The Department of Housing and Urban Development and the Department of Energy and other relevant Federal agencies would do well to increase their community-level contacts to replicate efforts like

the one created by the Council of Jewish Federations.●

WESTERN NEW YORK NUCLEAR FUEL SERVICE CENTER, WEST VALLEY, N.Y.

HON. STANLEY N. LUNDINE

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 21, 1979

● Mr. LUNDINE. Mr. Speaker, the only commercial nuclear reprocessing plant ever to have operated in the United States is located in my congressional district at West Valley, N.Y. The facility began operations in 1966 on a 3,350-acre site near Ashford, N.Y., following the granting of a license by the Nuclear Regulatory Commission to the State of New York and Nuclear Fuel Services, Inc., as colicensees to operate the plant. Plant operation has been closed since 1972 and will never reopen. Located on the site are a nuclear reprocessing plant, nearly 600,000 gallons of high-level liquid nuclear waste, and 2 solid nuclear waste burial grounds.

This was a federally encouraged commercial venture, with the Federal Government actually having provided most of the spent fuel rods for processing at the site over the 6-year operation of the plant. The Department of Energy will soon complete a 1-year study regarding future disposition of the site in response to a congressional mandate under Public Law 95–238. Their final report will be submitted to the Congress for review and further action on February 25.

Since coming to Congress, I have studied this complex issue carefully. Its resolution must be a top legislative priority of this Congress. It is essential that we demonstrate an ability to safely dispose of nuclear wastes in this country and a resolution of the problems at the West Valley site must be an integral part of this process.

I recently undertook a public opinion survey of the residents of the West Valley Central School District in my congressional district. The survey was undertaken to assess public attitudes about the Western New York Nuclear Service Center from residents within the community most directly affected by the 1972 plant closing and decisions regarding the future of the facility.

The survey was analyzed by a public opinion research consultant. Following is a summary of the results of this analysis. I have available in my office files a more detailed statistical breakdown and analysis. I would like to acknowledge the assistance of Mr. Charles Couture, president of the West Valley Chamber of Commerce, and Mr. Robert Niver, principal of the West Valley Central School, in encouraging citizen participation in the survey:

THE SURVEY

The questionnaire was mailed to all 543 households in the West Valley Central School District. The district is comprised of 430 households in the town of Ashford and 113 households in the surrounding community. No attempt was made to randomly sample households in the School District because of the small size of the community.

The questionnaire provided space for responses from two members of each household. Questionnaires were returned by 175 persons from 108 separate households between January 4 and January 22, 1979, providing a household return rate of 20%.

Survey research experience indicates that responses from a mailed questionnaire are not necessarily an accurate reflection of the make-up of the population. Individuals who return mailed questionnaires tend to have higher incomes and are more highly educated, more politically attentive, and more highly motivated on the subject matter of the questionnaire than the population as a whole.

For this reason, readers of this report should be aware that the analysis is based solely on the opinions of individuals who returned the questionnaire. Because respondents were not randomly selected, their opinions are not necessarily an accurate reflection of the opinions of all citizens residing in the West Valley Central School District. Although we cannot assess the accuracy with which the profile of respondents reflects the demography of the area, we can conclude that the results of the survey accurately represent the opinions of those residents who cared enough about the problem to register their attitudes with their representative in Congress.

A profile of respondents who returned the questionnaire is presented in the Appendix. The profile presents the answers to the demographic variables included in the questionnaire.

GENERAL ATTITUDES ABOUT THE DEVELOPMENT OF NUCLEAR ENERGY

Three questions were included in the survey to determine general attitudes about the future development of nuclear energy. Total sample results of these questions are provided below:

"The Congress should approve legislation to speed up licensing of nuclear power plants in the U.S."

Agree	32
Disagree	56
Not Sure	12

"The federal government should spend more money on the further development of solar energy than on the development of nuclear energy."

Agree	63
Disagree	26
Not Sure	11

"Nuclear energy can significantly decrease U.S. reliance on foreign energy sources."

Agree	47
Disagree	33
Not Sure	20

ATTITUDES ABOUT OPERATIONS AT THE WEST VALLEY SITE

Two questions were included in the survey to determine public attitudes about the closing of the West Valley site, and the roles of Nuclear Fuel Services and the Nuclear Regulatory Commission in the closing, as follows:

"Nuclear Fuel Services has lived up to its contractual agreements."

Agree	37
Disagree	34
Not Sure	29

"The Nuclear Regulatory Commission has acted properly in upgrading its criteria for nuclear operations in the West Valley area."

Agree	39
Disagree	42
Not Sure	19

At the time this survey was taken, respondents to the questionnaire who have an opinion on these issues are almost evenly divided in their attitudes on the performance of both NFS and NRC.

By only a three percent margin (37% to 34%), respondents agree that Nuclear Fuel Services kept it contractual agreements for operation of the plant. There is, however, a significant level of indecision on this issue. Twenty-nine percent of the respondents have no opinion on this question. This is the highest level of indecision on any question included in the survey, and probably indicates an absence of public awareness of the specific legal relationships between New York State, Nuclear Fuel Services, and the Nuclear Regulatory Commission at the West Valley site.

Respondents are also almost evenly split in their evaluations of the Nuclear Regulatory Commision's performance. By a three percent margin (42% to 39%), respondents disagree that the NRC acted properly in upgrading its criteria for operation of the site. Nineteen percent of the respondents are undecided on the issue.

Differences in attitudes toward the NRC's actions are particularly interesting in terms of employees of NFS and their families. By a 48 to 34 percent margin respondents who have a family member employed by NFS agree that the NRC acted properly in upgrading the standards. Respondents with no family employment by NFS have different attitudes. By a similar margin (47% to 53%) they disagree that the NRC acted properly in its West Valley rulings.

RESPONDENT CONCERNS ABOUT FIVE ASPECTS OF THE WEST VALLEY SITE

Respondents were asked to rank order five aspects of problem areas connected with the West Valley site in terms of their degree of concern about each aspect. Respondents were asked to rank the problem areas from one to five, with one indicating the aspect about which they are most concerned, and five indicating the problem area of least concern. The problem areas and the average ranking assigned to each of them are as follows:

Respondent concerns:	*Average ranking*
Technical ability to deal with the existing (nuclear) wastes on site	2.5
Impact on health and safety of workers and population	1.7
Revenue to replace lost taxes from current NFS facilities	2.8
Who will ultimately own and manage the site	3.8
Stimulation of jobs for the local economy	3.9

Respondents to the questionnaire are most concerned about health and safety, followed by the technical ability to deal with existing wastes, revenue to replace taxes lost as a result of the plant closing, the ultimate ownership and management of the site, and jobs for the local community.

The ranking actually assigned by respondents to each of those areas are presented below:

	Rank of concern				
	Most concern 1	2	3	4	Least concern 5
Health and safety	62	20	8	7	3
Existing wastes	21	42	16	13	8
Lost taxes	15	22	35	19	9
Ownership of site	3	5	25	34	33
Local employment	8	8	13	25	46

ATTITUDES ABOUT FUTURE DISPOSITION OF THE WEST VALLEY SITE

Respondents were asked which of the following three options they would prefer for the future disposition of the West Valley site: (1) increased nuclear activity on the site, (2) a gradual phase-out of current ac-

tivity on the site, or (3) return of the site to non-nuclear use as soon as technically possible. Total sample results of this question are provided below:

Increased nuclear activity on the site	26
Gradual phase-out of current activity on the site	17
Return of the site to non-nuclear use as soon as technically possible	52
Not Sure	5

Respondents were also asked who they feel should make the ultimate decision regarding the future disposition of the West Valley site, with the following result:

New York State	13
Nuclear Fuel Services	3
Nuclear Regulatory Commission	9
Congress	15
Department of Energy	5
All of the above	51
Not Sure	4

A majority of respondents feel that a collaboration of the various entities noted above should determine the future disposition of the NFS site. Respondents cite Congress and New York State more frequently than other single entities as their choice for making the ultimate decision about the future disposition of the site.

Only nine percent of the respondents feel the NRC alone should determine the future of the West Valley site, and only three percent feel that NFS alone should make that decision.

ATTITUDES ABOUT ALTERNATIVE FUTURES OF THE SITE

Respondents were asked to indicate their preference for alternative future conditions at the West Valley site 20 years from today by rank ordering four hypothetical descriptions of possible activity on the site from most advantageous (1) to least advantageous (4). The hypothetical description and the average ranking assigned to each option are presented below:

	Average ranking
1. "The site has been completely decontaminated and decommissioned. Alternate land use is unrestricted."	1.9
2. "Nuclear activity continues on the site. High-level liquid wastes have been solidified and shipped to a federal repository . . . Burial grounds remain closed to additional waste . . . Spent fuel capability has not been expanded."	2.1
3. "There is a high degree of nuclear activity on the site. The plant is being used as part of a nuclear research and development program. Spent fuel storage capacity has been expanded, and the burial grounds have been reopened for receipt of low-level nuclear wastes. High-level waste has been solidified."	2.8
4. "The site remains as it is today except for modifications required by the Nuclear Regulatory Commission. High-level liquid waste remains in liquid form, the plant without substantial modifications, and the waste burial grounds intact."	3.5

Respondents feel the first option—complete decontamination of the site—is the most advantageous, while the fourth option—allowing the site to remain essentially as it is today—is the least advantageous.

The actual rankings assigned by respondents to each option are presented below:

	Most advantageous			Least advantageous
Option:	1	2	3	4
1	56	13	15	16
2	27	52	6	15
3	19	13	35	33
4	1	12	26	61

Fifty-six percent of the respondents to the questionnaire rank option 1—complete decontamination of the site—as the most advantageous option for the future of the site. Sixteen percent of the respondents feel this option is the least advantageous, indicating the level of strong pro-nuclear attitude among respondents as a whole.

Sixty-one percent of the respondents feel option 4—maintaining the site essentially as it is today—is the least advantageous option, while only one percent of the respondents feel this is the most advantageous option. These results indicate that a solid majority of respondents oppose the continuation of current activities on the site.

SUMMARY AND CONCLUSIONS

A majority of respondents to the questionnaire express attitudes which could be termed anti-nuclear development. A majority of the respondents (56%) do not feel that the licensing of nuclear power plants in the U.S. should be speeded up. By a larger margin (63%), respondents think the federal government should spend more money on the development of solar energy than on the development of nuclear energy.

On specific aspects of the Western New York Nuclear Service Center, respondent attitudes are similarly straightforward. The aspect of the problems connected with the West Valley site with which respondents are most concerned is the health and safety of workers and the residents of the community. Sixty-two percent of the respondents rank that issue as the one on which they are most concerned. In addition, they are more concerned about the technical ability to deal with existing wastes at the site than they are with any of the economic concerns included in the questionnaire.

Given options on future disposition of the site, a majority of the respondents (52%) choose a return of the site to non-nuclear use as soon as it is technically possible. When asked to rank alternatives for the site twenty years from now, 56 percent also choose complete decontamination and decommissioning of the site as most advantageous.

In terms of future decision-making on the disposition of the site, a majority of respondents feel a coalition of several entities should make the decisions. They see roles in the decision-making for Congress, the State of New York and the Nuclear Regulatory Commission, and lesser roles for the Department of Energy and Nuclear Fuel Services, Inc.

The only question included in the survey on which a clear majority of respondents does not exist is on the performance of Nuclear Fuel Services and the Nuclear Regulatory Commission in the closing of the West Valley site.

Some generalizations can also be made about the demographic profiles of the above attitudes. There is generally a split in attitudes along age, length of residence and sex lines. Younger respondents, shorter-term residents and females are more likely to hold the views outlined above than are older respondents, long-term residents and males. It should be pointed out, however, that significant proportions of each of the latter groups of respondents hold views similar to, and help comprise, the majority opinions cited above.

Familiarity with the operations of the West Valley site do tend to influence attitudes in the survey. Respondents who have visited the site and respondents with family-member employment by NFS are less likely to hold the majority views outlined above, with one interesting difference—they tend to agree that the Nuclear Regulatory Commission acted properly in upgrading criteria for operation of the site in greater proportions than do other respondents in the survey.

PROFILE OF RESPONDENTS

LENGTH OF RESIDENCE

0–2 years	4.
2–5 years	9.
5–10 years	13.
Over 10 years	34.
All of life	40.

AGE

20–30	21.
30–40	32.
40–60	28.
Over 60	18.

OCCUPATION

Farmer	6.
Businessperson	15.
Housewife	29.
Laborer	11.
Science Professional	7.
Other	32.

SEX

Male	56.
Female	44.
Females under 40	26.

EVER VISITED SITE

Yes	56.
No	44.

FAMILY MEMBER EMPLOYED BY NFS

Yes	33.
No	60.

A NEW VISION OF OLDER AMERICANS

HON. HENRY A. WAXMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 21, 1979

● Mr. WAXMAN. Mr. Speaker, the legislative record of the 95th Congress reflects a recognition of the importance of older Americans to the life of this country. In the past 2 years, Congress has become aware that older Americans represent a potent political force which cannot be ignored.

This force has dramatically changed both public and congressional perceptions of older Americans. In addition to insuring the passage of needed health and support service programs, older Americans have rewritten the definition of aging and individual competence. No longer are the elderly viewed solely as individuals in need of support services. Increasingly they are viewed as contributors to society who demand their right to pursue their lives as they choose.

In the past, Congress has tended to view the older American as someone needing money and services. Legislation has generally embraced income supports, health benefits and a variety of social programs. Indeed, many seniors have greatly benefited from these varied initiatives. However, while remaining supportive of these service-oriented programs, the 95th Congress has departed from this traditional framework in a dramatic way.

For the first time, the Congress now views older people not only as needy, but also as having potential for continued productivity and usefulness. Two laws stand out as hallmarks breaking new ground for seniors. These bills view older people as contributors rightfully demanding both equality of opportunity and the provision of relevant support services.

These laws significantly broaden work opportunities for people in their later years and assure them that they may continue to work for as long as they can do the job. This right—to be productive—has in the past been severely limited by the barrier of age.

The Age Discrimination in Employment Act Amendments of 1978 are a revolutionary departure from traditional employment practices. The law redefines the concept of a working life and stands to have a major impact on employment practices for people of all ages. The amendments abolish forced retirement in the Federal sector and raise the mandatory retirement age in the private sector from 65 to 70. The legislation recognizes that many people are living longer, more active lives and do not wish to be arbitrarily forced into statutory idleness. The law views retirement as a right and not an obligation.

Further, the legislation is a first step toward acknowledging the increasing strain the retired population is placing on the social security system. It is a little known fact that the fastest growing age group in this country embraces people over 75. By the year 2000, it will embrace those over 65. Clearly the demography of our population is changing. Increasingly the taxpayer is being called upon to finance payments to many people who desire to work and do not wish to retire. Such social policy makes neither economic nor moral sense; abolishing mandatory retirement is a beginning toward realining proper priorities.

A second significant provision, which parallels this view of older people as productive workers, is contained in the recently passed Comprehensive Employment and Training Act Amendments of 1978. The act now requires the Secretary of Labor to sponsor programs to meet the unique employment needs of unemployed persons over age 55. Although much attention in employment policy is properly focused on the needs of younger unemployed Americans, thousands of individuals over 55 are unemployed and actively seeking jobs. An employment policy which favors one age group at the expense of another is both shortsighted and cruel. Both groups deserve support.

Traditionally, CETA programs have been regarded as youth programs and have generally ignored the needs of older workers. In fact, last December the U.S. Commission on Civil Rights confirmed this imbalance by charging CETA programs with age discrimination against older workers seeking employment.

This new section of CETA corrects a major deficiency in the Nation's principal employment and training program. It is an important beginning toward altering past CETA biases and integrating older people into positions of productive employment.

Despite these advances, a clear challenge remains for the 96th Congress. While we must continue to support programs for those in need, we must also respond to the older American's increasing desire for self-support, self-sufficiency, and independent living. Our society must offer each citizen the opportunity to make his or her contribution regardless of age.

In the coming years, Congress will be faced with the prospect of an increasingly aging population with fewer younger workers to staff the economy and fund the social security and pension systems. In addition to steps already taken, a radical shift in national manpower policy is in order. Just as increased attention is now being focused on the employment needs of younger workers, the future health of our economy requires that greater steps be taken to provide older workers the opportunity to pursue new careers under imaginative schedules and working arrangements.

The full consequences of the 95th Congress actions in changing employment patterns are as yet unclear. However, it is certain that society will no longer easily accept age as a standard for judging competence.●

LETTER OF THE MONTH

HON. RON MARLENEE

OF MONTANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 21, 1979

● Mr. MARLENEE. Mr. Speaker, sometimes the response to a letter is so inappropriate that it is worth sharing. That is why I wanted to show my colleagues the Carter administration's reply to both a Montana and a Colorado agency's letter that called for the removal of an administration official.

In letters to President Carter, the Montana and Colorado Boards of Crime Control asked that he remove John Rector, Administrator of the Office of Juvenile Justice and Delinquency Prevention.

They charged that Rector arbitrarily diverted funds from programs, infringed upon State's rights, and ignored the Western States.

The White House's response?

Thank you for your recent message to President Carter.

Your comments have been noted and the President appreciates your interest in sharing your views. He finds it helpful to have the benefit of the thinking of as many fellow citizens as possible.

Regrettably, however, in view of the great variety and number of concerns which are brought to our attention each day, it is impossible for us to undertake to comment on them individually. We hope you will understand.

With best wishes,
Sincerely,

LANDON KITE,
Staff Assistant.

Well, Montanans did not "understand." Asking for a resignation is serious and this was no exception.

However, the seriousness in which the administration took the Montana and Colorado proposal is best gaged by the staff assistant assigned the responses, Landon Kite. According to an article in the Sunday supplement Parade magazine, January 28, 1979, Landon Kite handles "birthday, wedding, graduation and condolence messages."

In Montana, and I am sure Colorado, we do not think that resolutions passed by our crime control board fall into Mr. Kite's areas of specialty.

I think it is time the administration considers crime control in a different light.●

NICARAGUA—VICTIM OF VENDETTA

HON. GEORGE HANSEN

OF IDAHO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 21, 1979

● Mr. HANSEN. Mr. Speaker, the behavior of the United States with regard to our old friend, Nicaragua, is shameful, indeed.

Bullying, intimidation, and coercion have become the tools of an immature foreign policy and an inept State Department.

We behave like the spoiled child who takes a tantrum and hogs his toys whenever we can not impose our will on others. This is especially sad when many of the conditions we demand of our friends are not even possible or desirable in the United States.

The reduction of U.S. assistance programs and cutback of American officials and personnel in Nicaragua may seem like a penalty to the disoriented masterminds of our current foreign policy, but it must have been a breath of fresh air for President Somoza and his people when those pushy gringos left.

The trouble with Nicaragua, Taiwan, Rhodesia, and many other devoted friends of the United States is that they remain loyal and anti-Communist in a day when it is stylish to play the kangaroo version of Russian roulette called "jump in bed with a Red, Fred."

Following please find my news release upon returning from Nicaragua and Panama and a letter to House Banking Committee Chairman HENRY REUSS regarding the financial atrocities being committed by our State Department:

HANSEN CHARGES U.S. POLICY ENCOURAGES BLOODSHED IN NICARAGUA

WASHINGTON, D.C., January 9, 1979.—"This Administration might well have blood on its hands if Wednesday's threatened violence occurs in Nicaragua," warned Congressman George Hansen (R–Idaho) in Washington today.

Hansen, a Senior Member of the House Banking Committee, returned Sunday night from a weekend conference with President Aristides Royo of Panama and Anastasio Somoza of Nicaragua and other key U.S. and Latin officials regarding American foreign policy problems.

The Idaho lawmaker reported, "My investigations and observations reveal shockingly exaggerated and grossly distorted picture of the situation in Central America, particularly in reference to Nicaragua."

"The criminal threats of the Sandanista revolutionaries coupled with our gullible and paranoid State Department have given me and most other people a picture that is very unfair and harmful to the interests of the people of that Nation.

"I was led to believe by the State Department and some elements of the media that Nicaragua is a land of suppression and violence under the heels of a dictator who owns everything, but I found it to be a peaceful and pastoral private enterprise nation.

"Advertising and articles in the U.S. press have too often viciously portrayed a mild-

mannered U.S. educated president as a bloody tyrant with grossly distorted comparisons to 'King Herod' and 'Idi Amin'.

"Fear is placed in the hearts of would-be travelers to Nicaragua by distorted reports of violence in the press and by an incompetent State Department which failed to cope with Jonestown and now continues to make the same mistakes with Nicaragua by encouraging revolutionary and criminal activities in the name of human rights.

"Intimidation is the name of the game of our foreign policy in Nicaragua which sees us applying political pressure through denial of bank loans and military assistance programs to overthrow the government in Nicaragua which is being violently assaulted, while continuing such aid to neighboring countries who provide sanctuary to the terrorists."

"And Nicaragua is not the only base of Sandanista operations, the Castro-backed revolutionaries are a composition of communists, yankee-haters and disgruntled local citizens in the various countries of their operations. A vivid illustration of this is an article by Hugo Spadafora in the December 28, 1978 Panama City *Critica* which stated, 'On the day that the U.S. Senate was voting on the ratification of the Torrijos-Carter treaty a group of 20 experienced young guerrillas belonging to the Sandinist National Liberation Front (FSLN) was in Panama prepared to go into battle alongside a large and properly organized and trained Panamanian contingent, ready to initiate an armed struggle in the Canal Zone on that very day in the event the treaty was rejected.'

"The false climate created has placed the people of Nicaragua under needless assault, jeopardizing their markets, their jobs and their very lives. Great mischief is being done by misguided activists who are so blinded by their idealistic hate of an imperfect political system that they give encouragement to an even more imperfect revolutionary effort with the unconscionable violence and oppression it promises.

"I am today calling on the Administration and U.S. State Department for an immediate end to our bullying of Nicaragua—and a denunciation of any support of violent acts the revolutionaries may be planning for Wednesday, or be prepared to take responsibilities for having the blood of the people of this small friendly nation on their hands."

FEBRUARY 14, 1979.

Hon. HENRY S. REUSS,
Chairman of the Committee on Banking, Finance and Urban Affairs.

DEAR MR. CHAIRMAN: Herewith please find a report on my recent visit to the nations of Panama and Nicaragua. At the invitation of President Aristides Royo, I traveled to the Republic of Panama on January 5, 1979, and met at length with Sr. Royo and Vice President Ricardo de la Espriella, as well as officials of the United States government, Military Command and the Panama Canal Company.

You may be aware that the Panama Canal Company last October requested of Congressman John McFall, Chairman of the Appropriations Subcommittee on Transportation, approval to expend funds to prepare for the implementation of the Panama Canal Treaty. This clearance was denied pursuant to House legislative history and the Brooke Amendment to the treaty which specifically prohibits any such actions before March 1, 1979. I found that this prohibition has been observed by the Canal Company.

Similar permission was sought of Congressman Gunn McKay, Chairman of the Appropriations Subcommittee on military construction, by the Department of Defense. This request was also denied. However, the Department has gone ahead anyway with a "military alignment" program in defiance of Congress and in apparent violation of law in release of unauthorized funds and illegal contracting procedure.

Further, I found that the Federal Aviation Administration this month has turned over air control facilities and other assets amounting to some $5 million to Panamanian authorities effective in October without authorization of implementation legislation by Congress. I have also discovered that the World Bank made a loan to the Republican of Panama to build their modern airport when there was a general policy against such loans to the nations of Central and South America.

Of further significance, I found that commercial bank loans to Panama for hundreds of millions of dollars, which were known to be in difficulty before conclusion of the Treaty, have now been rolled over and extended for as long as ten years. I feel constrained to point out that during Treaty consideration last year I was strongly questioning whether the proposed treaty primarily constituted a "bail-out" for large commercial bank loans to the Republic of Panama and whether, if that were so, the Treaty might be reflecting too strongly the narrow interest of the banks involved—a matter all too obvious with Marine-Midland Bank officials Sol Linowitz acting as primary negotiator for the United States.

I remember being told by big banks involved that their loans were certainly not in trouble, that their status had nothing to do with the Canal or the Treaty, that the loans would not impact on any banks, and that the entire subject had nothing in it worthy of oversight hearings. But isn't it interesting to see that the banks are sufficiently reassured to extend their loans from practically a call basis to ten-year terms and that such reassurance coincided with the Treaty, which in short has operated to collateralize the canal in the Wall Street pawn shops.

What all of this comes to, Mr. Chairman, is confirmation of my contention that the proposed Treaty and the financial realities in the Republic of Panama could not conceivably be dealt with separately. While it is not the business of the House of Representatives to ratify treaties, it is certainly our place to monitor and, if necessary, publicize the dealings of United States banks and international financial agencies of which the United States is a member when these dealings may stray from secure and appropriate financial operations.

I have argued that it is wrong for financial special interest groups to outweigh the just political interests of the citizens of the United States. Likewise, it is wrong for partisan political interests to dictate international financial affairs. My recent investigations confirm that the respective domains of finance and politics have not been preserved, and the interests of the United States have been subordinated to narrow financial concerns.

Upon concluding my stay in Panama, I visited the Republic of Nicaragua at the express invitation of President Anastasio Somoza. I met with him and other Nicaraguan officials including Dr. Roberto Incer, who is head of the Central Bank of Nicaragua.

Contrary to widespread reports, the country is calm and there is little danger to travelers. It was most disturbing to discover that our State Department has been engaging in a campaign of deliberate and systematic deception to portray the government of Nicaragua as well as the whole country being at the point of collapse, a fact which can be confirmed by Merchant Marine and Fisheries Committee Chairman John Murphy and Appropriations Committee member Charles Wilson of Texas, both of whom have made recent visits to Nicaragua. Of most interest to you, Mr. Chairman, I found that this campaign extended to political interference in the work of the International Monetary Fund.

You are no doubt aware that the IMF has a specific prohibition in its first Article against political criteria being used in deciding whether a member country should be able to use its borrowing privileges. Early in 1978, Nicaragua had started consultation with the IMF for a stand-by agreement. The IMF demanded, as preconditions to any drawing, a number of steps including, among other things, increased taxes, decreased spending by government, liberation of interest rates, and the like. These steps were accordingly duly adopted by the Nicaraguan Congress.

Without going into great detail here, I shall simply point out that the staff and Managing Director of the IMF, informed that the government of Nicaragua had complied with the preconditions, advised Nicaragua to make a request for use of financing from the Fund. This request was properly submitted, was recommended for adoption by the staff and Managing Director, and was scheduled for action at the meeting of the Board of Directors on September 15, 1978.

The evening before that meeting, Nicaragua was informed that the United States would take the unprecedented step of asking for deferral of the request on political grounds. This was done. Officials of the Nicaraguan government and Central Bank discussed the situation thoroughly with the staff of the Fund, representatives of the U.S. Treasury, and European representatives to the IMF at the annual meeting of the IMF in Washington late in September. In consequence, Nicaragua was promised that when the matter next came up at a meeting of the Directors, it would be dealt with on its merits. The IMF staff took the opportunity to revise and update its consideration of the matter and again made a favorable recommendation.

The request was then placed on the agenda for the meeting of November 1, 1978. In the last week of October, Nicaragua was informed by all members of the Board that a decision would be taken on the merits of the request.

Late on October 30, Nicaragua was told that the United States would again ask for a deferral of the request. At the same time, the government of Nicaragua was told by other members of the Fund that the U.S. State Department had addressed through diplomatic channels a request to other governments to support the deferral.

The President of Nicaragua and the head of the Central Bank told me that our Ambassador informed them that the State Department's request was based on a desire to put pressure on the government of Nicaragua in reference to the "mediation" then going on through an O.A.S. commission—clearly a political consideration alone. I understand that the State Department unfortunately made this political criterion evident in its request addressed to other governments.

There is strong evidence to suggest that the United States has breached the Articles of the International Monetary Fund and thus set a most unfortunate precedent, a precedent I might add, which has apparently caused considerable concern among those persons of other nations who witnessed this shocking behavior. Upon returning to the United States, I immediately made private inquiries to try to establish whether there was truth to the Nicaraguan allegations.

I regret to report, Mr. Chairman, that the facts are indeed true as alleged. I invite you, if you have doubts about it, to make your own inquiries to, for example, Mr. Sam Cross, our representative on the Board of Directors of the IMF, or perhaps Mr. Henry Owens of

the Department of State. It is Mr. Owens, by the way, who seems to have confirmed the State Department's role by asking one of our colleagues—not a Member of this Committee—to assure the government of Nicaragua that the request, if renewed, will not only be decided on its merits according to the Articles of the IMF, but will be favorably decided. State clearly doesn't know enough not to put the second foot in it.

The Nicaraguan situation vis-a-vis the IMF seems to show a simple continuation of the inability of the State Department to get its priorities straight, and set those priorities in accordance with law and the legitimate interests of the United States.

The relations of the United States with the IMF are within the sole jurisdiction of this Committee. It would seem most appropriate that we hold hearings to fully deal with this erratic financial situation or, at the least, that every Member of the Committee should address a letter to Secretary Blumenthal, Secretary Vance, and Mr. Cross, asking for a full explanation of their conduct, and stressing our insistence that U.S. representatives to the Fund abide by the Articles of the IMF.

I note also, Mr. Chairman, that the Treasury Department will be coming to us with a request to authorize participation in a further "quota increase" in the IMF later this year. In light of the evidence now available, it would seem necessary that we be able to assure our colleagues in the House that such authorization will not be exceeded, and that in the future representatives to the IMF will abide strictly by the articles which govern disposition of United States tax monies committed to the Fund.

In this regard, I would hope that oversight hearings, previously suggested, would be held by the relevant subcommittee on this specific topic and the principals in the affair be asked to testify on the subject. These persons again are Secretary Blumenthal, Secretary Vance, Mr. Sam Cross and Mr. Henry Owens. It would be of particular interest to explore the division of responsibility on Board votes and decisions and, in particular, just what part the State Department thinks it has in dictating such votes.

In summary, Mr. Chairman, my trip on behalf of the Committee brings confirmation of the view that the State Department has, in a most inept and improper manner, comingled financial and political considerations in IMF, World Bank and Treaty Considerations to the point of scandal and embarrassment. This has now spilled into our Committee's jurisdiction in a way which cannot and should not be ignored. Surely our firm committment to prevention of citizen exploitation by special financial interests and the political independence of entities such as the IMF must be maintained. Unfortunately, such a committment was reiterated by Secretary Blumenthal at the meetings in September even while the State Department was manuevering to violate it which surely requires our forceful protest of this illicit bungling in dealing with the request of the government of Nicaragua.

I ask you, in view of what has been discovered by my investigations, to lead vigorous action by the Committee to prevent future recurrences of this unfortunate situation.

Thank you, Mr. Chairman, for making it possible for me to undertake this investigation on behalf of the Committee. I look forward to hearing from you soon on the subjects outlined and stand ready to provide additional information as you may require.

Sincerely,

GEORGE HANSEN,
Member of Congress.●

CXXV—187——Part 3

KHOMEINI LINES UP WITH THE PLO TERRORISTS

HON. LARRY McDONALD

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 21, 1979

● Mr. McDONALD. Mr. Speaker, on Saturday, February 17, as 1,000 Americans assembled at Teheran's airport to await evacuation to safety from the revolutionary violence and mob rule that has gripped Iran, the first foreign guest arrived for meetings with the leader of the Islamic revolutionary forces, Ayatollah Ruhollah Khomeini. That very first guest of the Khomeini regime was Yasir Arafat, head of the terrorist Palestine Liberation Organization (PLO).

During December and January, Khomeini openly alined his revolutionary forces with the PLO and other terrorist so-called liberation movements. Now with the visit of Arafat to Teheran, the specter of Khomeini-controlled Iran, which may come to rival even Col. Muammar Qaddafi's Libya in extremism, engaging in support of a "jihad" against Egypt as well as Israel is now within the borders of possibility.

It will be recalled that for several years the PLO—both the Al Fatah-led majority and the "rejectionists" faction—has been providing terrorist training to Iranian revolutionaries representing a variety of political tendencies including the National Front's Islamic fundamentalist sectors and its Islamic Marxist terrorists of the Organization of Mujaheddin of the People of Iran (OMPI) through the descendants of the Tudeh party Communists in the Marxist-Leninist Organization of Iranian People's Fedayee Guerrillas (OIPFG). The Iranian revolutionaries were trained in PLO camps in Lebanon, Libya, Iraq, the People Democratic Republic of Yemen (Aden); and more recently in Cuba.

Yasir Arafat, whose strategies in the world political arena come from Moscow, began cultivating extreme sectors of the Islamic religious community last fall. In November 1978, Arafat met with the top officials of the Islamic World League. Arafat joined with the league's leaders and with the President of Pakistan, Mohammad Ziaul Haq, who had accompanied him to the league's offices, in calling for, as reported by the Saudi Riyadh radio, "all Moslems throughout the world to join in holy jihad to liberate Palestine * * *." Arafat said "that the Zionists pose a threat not only to the Palestinian people, but also to the entire Islamic world," and that the existence of Israel was—

a major plot directed against the entire Islamic world. "Hence," he said, "I call upon you and all Moslems to join in holy jihad to liberate this holy land."

Arafat's new tactic of "playing the Islamic card" has been part of an effort by the PLO and radical Soviet-alined states like Libya and the PDRY to export the unhappiness of Saudi Arabia and Jordan to the Egyptian-Israeli peace talks and bring them into full support for the PLO despite the fact that those governments are as much a target for overthrow by the PLO and its Communist Arab allies as is Israel.

As for Khomeini's relations with the PLO, 2 months ago Arafat sent a letter and emissaries to see the Iranian Shi'ite leader at his headquarters in the suburbs of Paris expressing his "full support" for Khomeini's movement and offering "all possible assistance" in the struggle to overthrow the Iranian Government. Khomeini's reported response was a statement of his "backing and support for the Palestinian revolution in all fields."

Khomeini is the most prominent of the radical Iranian Shi'ite clergy, but it is supported by other Iranian ayatollahs. One of these, Ayatollah Montazari, who has been a leading member of the National Front, the party of the former pro-Soviet Prime Minister Mossadegh who was deposed by the Shah in 1953. Ayatollah Montazari, who is a close aide to Khomeini, gave an interview to the Libyan Jamahiriyah News Agency (JANA) on January 8. JANA said:

In answer to a question about the stand of the National Front towards the Palestinian cause, Ayatollah Montazari reaffirmed the support of the Front for the Palestinian revolution as well as that of the Iranian people. He also stressed the National Front's support for all Moslems in the Philippines and for liberation movements not only in Africa but all over the world.

The Libyan regime has been backing the Moro National Liberation Front in the southern Philippines which has a tactical alliance with the Maoist Communist terrorists of the New People's Army. Libya has also been funneling support to the Soviet-controlled terrorist movements in southern Africa; and it is certainly "diplomatic" of the Ayatollah Montazari to compliment Libya's favorite terrorist "liberation movements." The JANA report of the interview continued:

(Montazari) described Zionism as a fascist racist movement and voiced his opposition to usurpation of land, to those who make peace with Zionism, and to the enemies of Islam.

In other words, Montazari attacked Egypt for trying to obtain a peace agreement with Israel. It should be noted that the phrase "the enemies of Islam" is applied by the Shi'ite ayatollahs to the Baha'i sect, a 19th century outgrowth of Shi'ite Islam and the mystical Sufi philosophy. The Baha'i emphasis on education for both sexes has resulted in a large proportion of the members of this small sect attaining prominence. Envy of Baha'i members influence and opposition by Islamic extremists of Baha'i toleration for non-Islamic religions makes them a particular target of the Khomeini forces.

The similarities of the PLO's revolutionary efforts with the Khomeini forces in Iran were emphasized by PLO chief Arafat in a Damascus speech on January 8 marking the PLO's 15th anniversary. In a speech at the Al Yarmuk camp, Arafat pointed out that the Khomeini supporters "raised the slogan of 'a revolution, revolution until victory'

* * * (which) is the slogan raised by the Palestinian revolution."

As for collaboration between the Khomeini forces and the Communists and Marxist terrorist organizations, the recent reports from correspondents in Teheran show that the street fighting in Teheran and other cities was led by the OIPFG and OMPI. And as for the political collaboration between the Marxists and Islamic revolutionaries, the Teheran correspondent for the Paris newspaper, Le Figaro, Thierry Desjardins, had a report in January on maneuverings in Teheran of National Front leaders Karim Sanjabi and Ayatollah Talebani, the Shi'ite leader of Teheran. According to Desjardins:

After a lot of fine words, this religious leader surprised me. When I asked, "What are your relations with the Communists?" the holy man replied, "On the philosophical level no agreement is possible between us and the atheist Marxists, but on the political and social level we agree with them."

Additional aspects of the alliance between the Palestine Liberation Organization and Khomeini have been explored in an article published in the February 12, 1979, edition of the Daily Telegraph (London), by Robert Moss. The article follows:

[Excerpt]

UK JOURNALIST NOTES PLO LINKS TO KHOMEYNI MOVEMENT

(By Robert Moss)

While the mostly Sunni Arab world is divided on how to deal with Iran's Shi'ite leader, the Ayatollah Khomeyni, the major Palestinian groups seem to have no doubt that his assumption of power in Tehran would be a powerful boost for their ambitions.

Western intelligence sources say that there was an exchange of letters between Khomeyni and the Palestine Liberation Organisation (PLO) leader Yasir 'Arafat before the ayatollah left France. Khomeyni has pledged to give the PLO an office in Tehran and to provide full Iranian backing for an independent Palestinian state if he succeeds in establishing his "Islamic republic."

This is obviously in keeping with Khomeyni's vehement anti-Zionism. Cooperation between some of his aides—notably Dr. Ibrahim Yazdi—and the main Palestinian movements appears to go rather deeper.

Nayif Hawatimah, the Marxist chief of the Democratic Popular Front for the Liberation of Palestine (DPFLP), which enjoys considerable Soviet backing, has maintained close ties with the ayatollah's entourage. Together with Muhsi Ibrahim, the leader of the Lebanese Communist Action Organization, Hawatimah is said to have played an important part in pulling Khomeyni's Shi'ite movement and the communist Tudeh Party more closely together.

Mainly thanks to Hawatimah, the more radical elements in the PLO have long-standing associations with Tudeh Party leaders. During Iran's upheavals a number of Tudah Party publications have actually been produced on PLO printing presses in Beirut.

SUPPORT FROM AL-QADHDAFI

The most intriguing aspects of this emerging Khomeyni-PLO axis are: (A) its military potential; and (B) the Palestinians' ability to help raise cash for Iran's leftists. Libya's Colonel al-Qadhdafi who, although a Sunnite, backs Khomeyni as a standard-bearer in the Islamic revival—is reported to have set aside a budget to enable Palestinian groups to provide guerrilla training for Iranians in Lebanon and some of the gulf emirates.

At the same time, Palestinian organisations (including the DPFLP) are said to have been mobilised to collect money in Khomeyni's name from the large Shi'ite communities of migrant workers on the Arab side of the Persian Gulf.

Such developments are not regarded with much relish by other Arab states in the region. Even the Iraqis, although close to Moscow are nervous about the psychological effect of the Shi'ite revolt in Iran, since the Ba'thist regime in Baghdad represents Sunni domination over a Shi'ite majority.

Meanwhile, Western observers report a marked increase in the number of Russians in Iran—from the KGB and the International Department (ID) of the Central Committee of the Communist Party of the Soviet Union—in the past two months. Boris Ponomarev, chief of the influential ID, has been entrusted with overall responsibility for liaison between Moscow and Iran's Tudeh Party.●

THE "VOICE OF THE PEOPLE"—ROBERT CODY BROWN—IS STILL

HON. L. A. (SKIP) BAFALIS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 21, 1979

● Mr. BAFALIS. Mr. Speaker, earlier this month, Lee County, Fla., and indeed the entire State of Florida, lost a strong voice, that of Robert Cody Brown, a journalist of note, an historian, a politician, a soldier, and a great American.

Born in 1894, Robert Cody Brown watched this world move from the horse-and-buggy era to man's landing on the Moon. A soldier in World War I, then a newspaperman in Chicago and New York, Robert Cody Brown moved to Fort Myers in 1939 after retiring as assistant publisher of the New York Journal. And he quickly became the conscience of the community.

A tribute follows:

HOUSE OF REPRESENTATIVES,
Washington, D.C., February 21, 1979.

To the Family and Friends of Robert Cody Brown:

Only rarely in an entire lifetime are we blessed to have in our midst a man of the stature, character and integrity of Robert Cody Brown.

In his 84 years Bob Brown had not only witnessed but participated in the making of much history. He learned from each experience and each encounter throughout his life and, with wisdom, candor, and wit, shared his vast knowledge and philosophy with us like a teacher or father.

To me—and to the members of my staff who also came to know and love him—Bob Brown was more than just a friend. He had become my counselor, my confidant, my political conscience. However, Bob was not selfish or parochial in sharing his wisdom and foresightedness. National figures from all walks of life sought him out for counsel and advice.

A dedicated and outspoken patriot, Bob Brown's love of his country was unbounded though sometimes concealed by his doomsday predictions if governments and elected officials didn't take his advice and straighten out. In truth, his only real motivation was to insure that this great nation was left to his survivors in better shape than he found it.

Let this time of mourning also be a time of thanksgiving—for each of us should be deeply grateful for having known and enjoyed this great American.

L. A. "SKIP" BAFALIS,
Member of Congress. ●

WHICH HALF UNDERSTANDS FACTS

HON. JAMES M. COLLINS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 21, 1979

Mr. COLLINS of Texas. Mr. Speaker, the other day the Gallup poll said half the people were in favor of wage and price controls to end inflation. Obviously, the other half have studied history and know that price controls have never worked in peace times. Controls make things worse, because when pressure removes them, the prices skyrocket.

People with limited education will say they want no limit on wages; just limit prices. If everyone in the plant gets a salary boost, how can the business continue to operate, unless it raises prices.

Where are the half of the people who do not understand the facts:

Inflation is primarily caused by Congress overspending. We spend more than our income. Then when the government prints money or increases unfunded Federal bank reserves, this results in the value of the dollar falling.

Balanced budget in Congress would be the answer to inflation. Price control will only make a bad problem worse.

Ralph K. Bennett had an excellent analysis in January's Readers Digest of "What Really Causes Inflation." Bennett talks in facts and answers myths that have been suggested as an easy answer.

Let me quote from Bennett on wage and price controls. Readers Digest tells it as it is.

Wage and price controls will "cure" inflation. This popular delusion feeds on the first myth. "Price controls have been imposed repeatedly for more than 2,000 years," notes Nobel Prize-winning economist Milton Friedman. "They have always failed." Roman emperor Diocletian used capital punishment in a futile effort to enforce controls in A.D. 301. Thousands died, and the economy was nearly wrecked.

In 1775, the Continental Congress sought to finance our infant government's debt by authorizing the issue of an almost worthless paper money. A disastrous inflation followed. The Pennsylvania legislature sought to stem it with price controls. Many farmers and businessmen refused to sell at the controlled prices. Shortages developed. The army wintering at Valley Forge in 1777–78 could not get badly needed supplies. The army's misery, wrote John Adams, was due largely to "that improvident Act for limiting prices . . . [which] if not repealed will ruin the state and introduce a civil war."

Historical experiences like these underscore the well-known deficiencies of wage and price controls. Such controls * * *

Create shortages. Many businesses cannot or will not produce at the artificially set prices.

Result in a lowering of quality. Former "standard" features on a product become costly extras.

Are consistently circumvented. Black markets spring up.

Require a large and expensive bureaucracy to administer them. During World War II—our longest flirtation with controls—the Office of Price Administration (OPA) employed 65,000 bureaucrats who directed an additional 325,000 "price-control volunteers."

But, worst of all, while controls may create an illusion of being effective, they only temporarily hold down wages and prices, while the tremendous pressure of inflation continues to build up. Once the controls are lifted, the market spurts to find its natural level, and a more pronounced and damaging inflation is usually the result.

This country's most recent attempt at controls—the Nixon Administration's "Phase I, II, III and IV" program begun in August 1971—built up pressure for one of the worst inflationary explosions in U.S. history. The rate of growth of consumer prices had been in decline at the time the controls were instituted. This was the result of a cutback in money supply in the waning days of the Johnson Administration. But during the period of controls the Consumer Price Index began a steep climb, reaching almost 13 percent by mid-1974. The disaster was compounded by a harrowing confluence of events—a worldwide crop failure and the Arab oil embargo. Some people still entertain the idea that these factors caused the inflation of 1973–74. The fact is that the Nixon controls were a facade behind which government spending increased sharply.

Why then do governments return to wage and price controls, frequently with popular support? (A recent Gallup poll showed about half the respondents in favor of some form of controls.) The outcry for controls, contends Friedman, "is based on neither experience nor analysis but simply on the for 'God's sake let's do something' syndrome." However, controls are not the answer when they are imposed by a government that at the same time goes deeper into debt while printing more money to pay the bills.

LITHUANIAN ANNIVERSARY

HON. JAMES J. FLORIO

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 15, 1979

● Mr. FLORIO. Mr. Speaker, February 16, 1979, marked the 61st anniversary of the reestablishment of the independent state of Lithuania.

On this date, in the year 1918, the resurgence of an independent Lithuanian people was realized. What a remarkable feat this was. Since its first historical recognition as a nation in the year 1009, much of the history of Lithuania has been dominated by the conquests and seizure of control of the nation by foreign powers.

Russian domination began in 1795 and continued until 1915. During Russia's long occupation, attempts were made to replace Lithuanian language and culture with Russian. But the Lithuanian people, strong in their faith in their God and their nation, refused to accept the dismantling of their national ways and traditions.

While Lithuanian faith remained impenetrable, their nation was ravaged in the destruction of the First World War. But the close of the conflict found Lithuania in a most favorable political position. Negotiations with the German state resulted in the birth of a sovereign, wholly independent state of Lithuania, with its centrally formed government based on strong democratic principles. February 16, 1918, Lithuania Independence Day, will forever be celebrated by Lithuanians and freedom-loving peoples throughout the world.

The following years found Lithuania accepted as a sovereign state in the League of Nations, and a permanent constitution was adopted which accorded a republican form of government and preserved the freedoms of speech, assembly, and religious expression.

And, finally, before the eyes of the world, Russia in 1920 signed a peace treaty with Lithuania, recognizing it as an independent nation and dissolving forever any rights of sovereignty over it.

A free and independent Lithuania flourished. Land reform programs allowed a vast number of Lithuanians to own and farm the countryside. Industrial enterprises increased a thousandfold and educational opportunities were expanded.

World War II quickly dissipated the momentum of progress the nation was on. Once again Lithuania was engulfed by invading armies. Soviet occupation prevailed and in 1940 Lithuania was illegally declared a constituent Republic of the U.S.S.R. by the Supreme Soviet in Moscow.

The protests of the Lithuania people were strong. It is estimated that more than 30,000 freedom-fighting Lithuanians were deported to Siberia, and many more thousands were executed. Finally the close of the war found Lithuania firmly behind the Iron Curtain.

News from Lithuania is now censured as controlling bureaucracies from Moscow now dictate that nation's course. In their struggle for self-determination, the Lithuanian people have been joined by the desires of other non-Russian nationals for self-independence from Moscow's controlling policies. This newfound "union" has strengthened the fight for basic freedom and rights in the U.S.S.R.

Soviet dissident trials this past year brought to the world's attention the hypocrisy that exists under Soviet "justice" for those who would dare contradict state policy. Sadly those who suffer most severely from this travesty are the national non-Russian dissidents, Lithuanians, Estonians, Latvians, Georgians, and others. Their "crimes" of conscience are more quickly brought to review and sentence more harshly handed out.

While the Soviet State apparently has no intention of giving up efforts to strip from each Lithuanian his pride in his culture and national heritage, Lithuanian fortitude remains stronger today than ever before. While Lithuania does not exist today as a politically sovereign nation, the freedom-loving traditions of its people continue. We who have freedom have the responsibility to assist those whose human, political, and national rights are oppressed. I would like to urge my colleagues to join with me in this continuous effort.●

LEARN TO EARN

HON. BOB WILSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 21, 1979

● Mr. BOB WILSON. Mr. Speaker, at a time when America's leadership seems to have lost the confidence of our citizens, it is interesting to note the observations of our unofficial House of Representatives philosopher, Joe Machugh. His latest essay, entitled "Learn To Earn—Confidence That Endures" deserves the attention of opinion makers everywhere.

It is remarkable that this essay, which emphasizes the need of earning confidence, was written in October 1978, before the current wave of no confidence was so apparent.

I include Machugh's essay as a part of my remarks:

LEARN TO EARN—CONFIDENCE THAT ENDURES

Few realists would challenge validity of the concept that—restoration of confidence in the United States, its government and its people—is our current top priority! The word is of Latin derivation, meaning trust and respect; and is intangible like the word personality. Both readily are recognized; but, for each there is no central ingredient. Rather it is a compendium of specifics that make up personality and inspire confidence. The analogy recalls a cleavage of view on governmental restraint during World War II. The National Administration urged a piecemeal approach whereas that perennial Presidential Advisor, Bernard M. Baruch consistently advocated overall control.

Precisely how is confidence established among individuals, groups or nations? Early in this Writer's career a loan was needed but collateral was not available. Bank offered a "character loan" insisting on repayment by monthly installments. Confidence prompted the loan and repayment confirmed respect. Achievements (significant jobs—well done) fire the fuels of confidence. They constitute firm foundation for respect. Confidence never is born full-grown nor is it won instantaneously. It takes time (perhaps much time) and testing for its consummation. Foundation and tests are building-blocks for "the house of confidence" proceeding under aegis of that implicit law of gradualness. Who ever saw evening shadows lengthen, springtime buds sprout on tree-branches or watched piquant, human adolescence in actual process of development?

Shortly after World War Two, the media reported Baruch as saying: "America was so strong militarily, industrially and psychologically—as to be able to repel attack by any single enemy or from any conceivable combination of hostile opponents." What hardy soul today would venture a similar assertion? So, what was basis for the original assertion? America had been preponderant supplyer of men, money and material throughout that War—which ended abruptly with American atomic bombing of Hiroshima and Nagasaki! The Manhattan Project-development of the A-Bomb was a superb achievement in secrecy. Reconstruction aid for war-torn Europe under the Marshall Plan was unprecedented. Finally, with exclusive atomic monopoly, United States offered unilatterally (though never accepted) to give a proposed International Authority all secrets and administration for that powerful weapon. Such foursome of dynamic leadership—is the figurative diet on which confidence both feeds and thrives.

That earlier confidence can be revived but probably only by stages of transition, coupled with a truly spiritual approach—using talents bestowed on a select few qualified to lead a march of progress in ultimate best interest of the human species. Its acid test: Will formidable challenges be resisted and will confidence endure? Spectaculars, like their sparked euphoria, often substantially subside. In Arthurian legendry the sword-Excalibur, magically fixed in stone to be withdrawn by rightful King of England; and only Arthur did so. When mortally wounded, Arthur ordered Sir Bevidere to cast it in the lake—from whose water an arm clothed in white samite appeared to receive it.

Holy Writ says humility is the touchstone for lasting success, implying avid desire to place one's own interest at the bottom and those of others at the summit. There is an infallible guideline to success, achievement and happiness. Since durability is the evaluant of confidence—could any admonition be more salutary for the welfare of all mankind than this trenchant and cogent counsel: Learn to Earn the pearl of Great Price—Confidence that Endures.

JOSEPH V. MCHUGH.●

REFORM OF THE NCAA

HON. BRUCE F. VENTO

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 21, 1979

● Mr. VENTO. Mr. Speaker, during the 95th Congress I had the opportunity to participate in the hearings of the Interstate and Foreign Commerce Subcommittee on Oversight and Investigations regarding the National Collegiate Athletic Association's investigation, enforcement, and penalty policies.

Initiated by a request from 67 of my colleagues and myself to subcommittee Chairman John Moss, the purpose of these hearings was to investigate the widespread allegations on NCAA abuses in its investigative and enforcement processes.

In the style that so well characterizes the operations of the Oversight Subcommittee, the review of the NCAA was conducted in a conscientious, thorough, and unbiased manner. Even before the hearings on this issue had begun, members of the subcommittee and their staff had examined thousands of documents and had interviewed hundreds of individuals. I would like to commend my colleagues, particularly former Chairman Moss, and the staff for their dedication and hard work on this issue. The hundreds of hours spent in preparation were rewarded by an excellent series of hearings and the development of a solid foundation of documentation upon which the subcommittee based its report's findings and recommendations. I strongly urge my colleagues to review this report on the NCAA for the authority of that organization is wide ranging and affects hundreds of thousands of American student-athletes.

The hearings and subsequent subcommittee report clearly have demonstrated that the policies and practices of the NCAA are basically unfair and that an organization that is, at least in part, designed to protect the student athlete has, through its practices, ignored the rights and needs of the athlete. The NCAA is the classic example of a bureaucracy run amok—a bureaucracy composed of rules and regs whose purposes are to perpetuate the organization and to strangle the membership in a never ending deluge of Orwellian redtape; a bureaucracy ruled by the letter of the law rather than the spirit of the law; a bureaucracy that callously casts aside the rights of the individual in the name of the greater good.

The findings of the subcommittee uncovered a wide area of problems within the NCAA ranging from that organization's lack of cooperation with member institutions during investigations to rules that are vague, confusing, unenforceable, and do not distinguish between serious and minor misconduct. Each of these findings contribute to the overall picture of NCAA abuses.

By bringing to light these practices, the subcommittee has independently substantiated the numerous complaints leveled against the NCAA and has provided the opportunity for initiating a public debate by the member institutions and others of NCAA policies, practices, and needed reforms. The subcommittee offers a focal point for this discussion by recommending a series of reforms for the NCAA. These recommendations are not intended to hamper the proper functions of that organization. Indeed, by adopting these proposals, the NCAA will be able to dispel the aura of unfairness that currently permeates its investigations and will thereby enhance cooperation with member institutions and improve its investigative function.

The subcommittee presented its findings to the NCAA national convention in a sincere effort to establish a forum to discuss NCAA practices and the needed reforms. It is my hope that the NCAA and its member institutions will utilize this report as a vehicle to initiate their own review of the organization and will make an honest effort to eliminate NCAA abuses. I am heartened to see that some of our recommendations have been adopted. However, many more basic reforms are still required. While Congress is, in effect, throwing the ball back to the member institutions to move forward with reforms, we will continue to monitor the activities of the NCAA. The current arrogant disregard of that organization toward the rights of the individual is offensive to the American concepts of justice and fairness. This practice cannot continue. If the NCAA continues to trample upon the rights of the individuals, Congress must and will act to correct that situation. For now, the onus is on the NCAA and its membership. I am confident that they will move quickly to remedy any and all abuses.

In order to further the discussion of NCAA reforms, I would like to present today and tomorrow an excellent commentary on this issue for my colleagues' attention. In a letter to Chairman Moss, two individuals closely involved with the NCAA investigation of the University of Minnesota detailed many of the problems that they encountered from the NCAA and their recommended reforms. At the time of the investigation, John Nichols was the assistant to the supervisor of the university's investigation of the NCAA allegations, Dr. Stanley Kegler. In this position, Mr. Nichols observed first hand the practices of the NCAA and experienced the frustrations that resulted in dealing with that organization. Joseph Dixon is a lawyer who was hired by the University of Minnesota to conduct an independent investigation of the allegations. This investigation went far beyond the parameters of the NCAA allegations and uncovered additional charges that were presented to the NCAA by the university. In fact, Messrs. Nichols and Dixon were involved in an investigation that the NCAA testified was a model of cooperation. I want to thank Messrs. Nichols and Dixon for their excellent analysis of the NCAA abuses and their suggested reforms. Throughout the entire investigation of the NCAA, they have been most helpful and their recommendations were carefully considered by the subcommittee in the preparation of the committee report. It should be noted that neither is now associated with the University of Minnesota. Their actions stem not from a desire to embarass the NCAA nor to exonerate the university. They acted in a sincere desire to see the adoption of the reforms needed to improve intercollegiate athletics and the organization that oversees it.

The material follows:

WASHINGTON, D.C.,
August 8, 1978.

JOSEPH T. DIXON, Jr., Esq.
Title Insurance Building,
Minneapolis, Minn.

DEAR MR. DIXON: I would like to express my most sincere appreciation to you and Mr. Nichols for your letter of July 18, 1978, transmitting your recommendations for reform of the enforcement procedures of the National Collegiate Athletic Association. Additionally, you have the Subcommittee's thanks for your efforts in assisting the Subcommittee's staff with the preparation and conduct of the hearings which we have held to date.

It is obvious from your letter that both of you have spent considerable time in analysis of this area and have great dedication in seeing that substantial change take place within the NCAA. You may be assured that at the time of the Committee's consideration of our recommendations in this area, those you have offered will receive the most thorough consideration.

Thank you once again for your concern and your consideration.

Sincerely,

JOHN E. MOSS,
Chairman, Subcommittee on Oversight and Investigations.

JULY 18, 1978.

Hon. JOHN MOSS,
Chairman, Oversight and Investigation Subcommittee, U.S. House of Representatives, Rayburn House Office Building, Washington, D.C.

DEAR CHAIRMAN MOSS: Your staff has encouraged us to write with our recommendations for reform of the enforcement procedures of the National Collegiate Athletic Association which is now under investigation by your subcommittee, and we welcome that opportunity.

For a period of about two years, we were retained by a major state university to conduct its internal investigation of serious

violations of NCAA rules and to represent the university in its complex and controversial dispute with the association. During that period, we interviewed scores of principals involved in the violations, produced thousands of pages of written reports regarding the investigation, represented the university in numerous hearings before NCAA committees, and in the process, developed a detailed familiarity with the procedures of the NCAA, in specific, and the state of intercollegiate athletics in the nation, in general.

It is important to note that neither of us are currently employed by that university, thus, we are in the rather rare situation of having inside understanding of the NCAA enforcement procedures yet having no direct allegiance to any of the parties represented at the congressional hearings. Further, we have no vested interest in the outcome of your hearings other than to see the adoption of basic reforms needed to improve intercollegiate athletics.

During the course of our work it became clear that violations of NCAA rules were committed not only by the university we represented, but by universities throughout the nation. Not just minor violations of petty association rules but flagrant infractions alien to any reasonable person's concept of amateur athletics. It was exactly for this reason that the NCAA was originally empowered to establish standards of conduct in intercollegiate athletics, investigate violations and punish the wrongdoers.

However, in recent years, the NCAA like many large bureaucracies, has become entangled in its own procedures and authority and seems to have lost sight of its primary mission. We observed the NCAA consistently employ methods and procedures directly contrary to our—and we believe most other people's—fundamental concepts of fairness. We saw procedures used which seemed diametrically opposed to the openness and equality needed in a fact finding process aimed at fair treatment and correct decisions.

Despite its ills, the NCAA still serves a necessary function of policing intercollegiate athletics. Without the association, the professionalism and corruption surrounding amateur sports would undoubtedly increase. But reforms are needed to ensure that the means it uses to enforce this end are honorable and fundamentally fair; that the institutions and individuals involved are fairly treated and that correct determinations are reached. It is with this goal that we offer our suggestions for internal reform of the NCAA enforcement procedures in the hopes that they might be useful in the continuing dialogue before your subcommittee.

I. Recognition of Differing Interest Between the Institution and the Individual:

Present NCAA infractions procedures dictate that universities are responsible for the investigation and defense of not only institutional wrongdoing but also allegations against all individuals related to the universities, i.e. student-athletes, coaches, staff and representatives of athletic interests. The NCAA allows an infraction hearing only for the university, and all other individuals affected by the outcome of those hearings must funnel their defense through the university. And the penalties meted out by the NCAA are directed only at the university with the implication that the university, in turn, must levy appropriate penalties against the individuals found guilty in the investigation. In the case of student-athletes, the university must declare the rules violators ineligible to compete for the remainder of their college careers. The university may then appeal on behalf of the student-athlete to have a portion of the eligibility restored.

Such a system fails to recognize that the best interests of the institution and the individual athlete can, and often do, differ. For example, a university might adopt a certain defense tactic that might be best for the overall athletic program but at the same time might not be the most vigorous defense of allegations regarding an individual athlete. And the individual athlete would have no direct recourse to the NCAA decisionmakers. Therefore, to protect the sometimes divergent interests of both the accused university and the individuals affected by the outcome of the NCAA infractions hearings, the following reforms are proposed:

(1) All those charged with violations of NCAA rules or who are affected by the outcome of the hearings should be allowed direct access to the hearings. The individual student-athlete should have equal standing before the NCAA in all matters such as right to counsel, evidence, appeals, etc. Conversely, the NCAA should deal with student-athletes directly with respect to findings, penalties and declaration of ineligibility. If the Infractions Committee decision is to be determinative, which it probably should, then it should make the declaration of ineligibility. This would prevent the conflict situations in which a university responds for the individual athlete maintaining his innocence, but then, based on findings of NCAA hearings, being forced to declare the athlete ineligible from competition.

(2) The NCAA should clearly segregate institutional violations from individual punishment. In the event that individual athletes have neither committed violations of NCAA rules nor are members of a team found in violation of rules, they should not be prevented from competing in post season events or otherwise punished because their university has been round guilty of wrongdoing. In sum, individual athletes not involved in wrongdoing should not be held accountable for institutional actions over which they had no control. The NCAA has sufficient means to punish institutions, especially the power of the purse string, without withholding innocent athletes from competition. Indeed, it is ironic that the NCAA, a body formed to encourage uncorrupted amateur competition among young athletes, is occasionally responsible for preventing it.

II. Increased Openness in Enforcement Process:

As a basic principle, we believe that administrative corruption and abuse of power breed under conditions of secrecy. Yet all of the NCAA's hearings are conducted behind closed doors and the use of its investigative materials are severely restricted even for those whose athletic careers or good names will be substantially affected by the outcome of the investigation. Even if secret hearings and closed association files could provide for fair treatment for those accused of violations, these conditions would still be undesirable. The result of the NCAA's secrecy is a declining credibility of its enforcement process and thus minimizes its power to effectively deal with actual cases of wrongdoing.

The NCAA argues that it does not wish to release investigative information because it would make it too easy for institutions to avoid punishment for their violations. Although it is true that releasing investigative materials to the accused parties might result in fewer "convictions" in marginal cases, there are so many flagrant violations committed in intercollegiate athletics that, regardless of any concession given to the accused, the NCAA would have more airtight cases than it could possibly handle with many times its current staff.

The following specific reforms for making the NCAA enforcement process more open and accessible, in our opinion, would be fairer to the accused parties while not substantially reducing the effectiveness of the enforcement staff—and perhaps, in the long run, improve their credibility and their commensurate ability to keep the lid on corruption in amateur sports:

(1) There should be a period of discovery prior to all infraction Committee hearings in which all documentary evidence, staff memos, tapes, transcripts and the like should be made available to those substantially affected by the outcome of the hearings—including institutions, student-athletes, and perhaps even representatives of athletic interests. Further, they should be allowed to transcribe those hearings or the NCAA's tapes of those hearings.

(2) If an individual charged with violation of NCAA rules, especially a student-athlete, requests a public hearing of those allegations requests a public hearing of those allegations, the NCAA should be prohibited from conducting closed door hearings.

(3) The NCAA enforcement staff should be prohibited from using testimony from witnesses who will not also consent to be interviewed by representatives of the party accused of NCAA violation. Currently, all student-athletes, coaches and institutional officers (this group constitutes the majority of witnesses used in most infractions cases) must submit to interviews by the NCAA enforcement staff. However, they are not obligated to discuss the allegations with representatives of the accused. Thus, there arises instances in which the NCAA staff presents damaging testimony without the defense having an opportunity to test the veracity of the testimony.

(4) The NCAA manual, including the constitution, by-laws and rules, should be rewritten in a direct, clear and understandable manner. These rules should be easily understandable by the institutions and individuals who are expected to abide by them. As matters currently stand the NCAA rules are a hodgepodge of its constitution, by-laws, rules and opinions most of which are found in the NCAA manual, but some of which can be found only by a weekly reading of the NCAA News. Further, the rules as written are inconsistent, unclear and misleading. For example, NCAA rules currently make it clear that "regular or periodic use of an automobile without (or at a reduced) charge" is a forbidden extra benefit which may not be provided a student-athlete. However, the Committee on Infractions and staff interpret the more general extra benefits rules to prohibit any use of an automobile, even on a single occasion. If that is to be the case, the rule should be written to expressly forbid "any" use of an automobile, not merely the "regular or periodic use." While this is admittedly a minor point, it does serve to demonstrate the difficulty in attempting to follow the rules as written. Further, various interpretations of the NCAA constitution and by-laws made by the Council, and binding upon the membership, often fail to find their way into print in the NCAA manual. In the case of one student-athlete, the NCAA enforced an interpretation of rules first made four years prior to the conduct there involved, but not included in the NCAA manual until nearly a year after the conduct.

The current failure of the NCAA to provide clear and understandable direction with respect to the obligations of institutions and student-athletes serves to heighten the secrecy of the NCAA and its enforcement process. Unless the rules are known and understood by all participants, there can be no equality or fairness for the participants.

(5) Further, and in addition to a rewritten rulebook, the NCAA should make accessible all past decisions, interpretations, penalties, etc. so that those accused of violations have a clear idea as to how previous such cases have been dealt with. Currently a smattering of this material is published in the NCAA News and distributed in a helter-skelter manner. All such findings should be regularly collected, indexed, published and distributed among the membership as a standardized reference of infractions policy.

Some NCAA policies are so vague or confusing that even members of the Committee on Infractions are occasionally unclear on

certain nuances and have to ask the staff for its position. Further, the staff's answers to questions concerning meanings, definitions and interpretations of the rules is all too frequently "well, we have always . . ." But yet, the institution or its investigator have no way of determining how the NCAA staff construed a particular rule, especially since many of the answers run contrary to established principles of construction.

Even an entirely open enforcement process is not fair if the accused institutions and individuals don't have equal access to the precedents in policy and equal understanding of the complexities of the application of that policy.

(6) The NCAA constitution and rules should be amended to specifically preclude their use in stifling public discussion of NCAA enforcement policy and practices. In the past, the NCAA staff have charged with violation of the sportsmanship clause [NCAA constitution 3-6-(a)] those who dared to publicly criticize (whether justly or unjustly) the NCAA policies and procedures. Open and unrestricted debate of important issues is basic in American society and tends to improve the quality of governance by public institutions and private associations alike. In the case we are most familiar with, the NCAA charged university administrators with violations of the NCAA rules for criticizing in the press certain aspects of the NCAA's investigation of the university despite the fact that some of the university's points were eventually adopted as reforms of NCAA rules. Thus, as a matter of policy, the NCAA should not only avoid discouraging public and internal criticism of the association by its member but should take steps to encourage discussion of controversial issues affecting the organization.●

FEDERAL CONSTITUTIONAL CONVENTION PROCEDURES ACT

HON. L. H. FOUNTAIN

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 21, 1979

● Mr. FOUNTAIN. Mr. Speaker, on January 31, I introduced H.R. 1664, the Federal Constitutional Convention Procedures Act. The purpose of this legislation is to provide procedures for calling Constitutional Conventions for proposing amendments to the Constitution, on application of two-thirds of the State legislatures, pursuant to article V of the Constitution.

We are faced with the real possibility that in the very near future 34 States will have petitioned the Congress to call a convention for the purpose of proposing a balanced budget amendment to the Constitution.

Yet the Nation is completely unprepared for such an eventuality, because the Congress has never taken action to spell out in detail the terms of the Convention alternative set forth in article V.

H.R. 1664 provides an authoritative basis for resolving many of the sensitive questions posed in connection with the article V Convention provision—all of which are matters of fundamental constitutional concern. My bill would establish the basic ground rules for a Convention, thereby reducing the chances of chaos and constitutional crisis which might well ensue from a runaway convention.

For example, the legislation would achieve this objective by specifying the details of the application process, including an application's effective period and the question of rescissions; by spelling out the congressional role once the requisite number of applications has been received, including determining the validity of applications and issuing a convention call; by providing for the selection of delegates to the Convention, the selection of officers and other routine business, the Convention's scope of deliberations, its duration, and the limits to be placed on the subject matter of any proposed amendments it might adopt; and by prescribing congressional responsibilities after a proposed amendment has been approved by the convention.

This legislation reflects the constructive efforts of the distinguished former senior Senator from North Carolina, Sam J. Ervin, Jr., who guided it to passage by the Senate in 1971 (S. 215 of the 92d Congress) and, in identical form, again in 1973 (S. 1272 of the 93d Congress).

In fact, H.R. 1664 technically differs from the Ervin legislation in only two respects. Sections 2 and 3(b) have been slightly altered so as to make clear that the Congress would have the power to determine the validity not only of applications transmitted to the Congress after the enactment of the bill but also of applications transmitted before enactment. The Ervin version would appear to be applicable only to resolutions submitted after enactment.

Mr. Speaker, I might also point out that section 10(a) of H.R. 1664 provides that a convention may propose amendments by a two-thirds vote of the total number of delegates. When the Senate passed S. 215 in 1971, much debate, and a floor vote, occurred on the question of whether it should take a two-thirds majority, or only a simple majority, to propose an amendment—Senator Ervin adhered to the latter point of view although the Senate adopted the two-thirds standard. While I am not unalterably wedded to the two-thirds figure, I do at this time believe it to be preferable since a two-thirds majority in each House is required under article V for the Congress itself to propose an amendment directly—an integral part of our system of checks and balances with regard to the amendatory process.

While I personally prefer the Congress proposing an amendment to balance the budget rather than a convention doing so, and have sponsored separate legislation to that effect, I want to emphasize that the primary purpose of H.R. 1664 is to put into statutory form the processes governing a convention should a congressional call become mandatory under article V. This bill's purpose is wholly procedural, though basic questions of powers and prerogatives are obviously involved. And, with respect to those questions, I believe that a sensible and salutary balance is struck in this legislation between the interests of the States and those of the Congress—all with a view toward preserving constitutional integrity.

The framers of the Constitution unquestionably intended the convention method of proposing amendments to be an attainable means of constitutional change. Moreover, the Congress has the obligation to legislate on this subject now, without the sort of emergency fever pitch which might well be prevailing later, and try to prevent ahead of time the procedural quagmire which could transform a convention into a constitutional nightmare.

Mr. Speaker, the Advisory Commission on Intergovernmental Relations, on which I am privileged to represent the House, urged in 1971 the enactment of legislation of this type. Two years later, a special study committee of the American Bar Association also reached the conclusion that such legislation is needed to remove unintended obstacles in the way of legitimate use of the convention approach to amending the Constitution.

For these reasons, I believe that early action on this legislation is crucial. Further delay could well place the Nation in a regrettable situation—perhaps even this year. I, therefore, urge the Judiciary Committee to give serious and timely consideration to this pressing matter so that the Congress might satisfy a long-neglected constitutional responsibility.●

EIGHTY-NINE COSPONSORS TO ANDERSON CRIME-CONTROL BILL

HON. GLENN M. ANDERSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 21, 1979

● Mr. ANDERSON of California. Mr. Speaker, I want to call our colleagues' attention to a bill I have introduced, H.R. 1495, imposing a mandatory minimum 5-year prison sentence on those convicted of committing Federal felonies with a gun.

During the 95th Congress, a similar proposal attracted 108 cosponsors. With the additional Members whose names are being added to H.R. 1495 today, we already have 89 cosignatories this year, just 1 month into the 96th Congress.

COSPONSORS OF H.R. 1495—MANDATORY SENTENCING

Anderson, Glenn; Andrews, Mark; AuCoin, Les; Barnard, Doug; Benjamin, Adam; Blanchard, James; Bonior, David; Bouquard, Marilyn Lloyd; Brown, Clarence; Broyhill, James; Buchanan, John; Burgener, Clair; Cleveland, James; Coelho, Tony; Coleman, E. Thomas; Corcoran, Tom; Corrada, Baltasar; Dannemeyer, William.

Davis, Mendel; Davis, Robert; Derwinski, Edward; Dornan, Robert; Downey, Thomas; Duncan, John; Edgar, Robert; English, Glenn; Ertel, Allen; Fazio, Vic; Fithian, Floyd; Fountain, L. H.; Gephardt, Richard; Gibbons, Sam; Glickman, Dan.

Gore, Albert, Jr.; Green, S. William; Guyer, Tennyson; Hagedorn, Tom; Hefner, W. G. (Bill); Heftel, Cecil; Hollenbeck, Harold; Huckaby, Jerry; Ichord, Richard; Jones, Ed; Jones, James; Kindness, Thomas.

Lagomarsino, Robert; Leach, Jim; Lederer, Raymond; Levitas, Elliott; Long, Gillis; Lott, Trent; McCloskey, Paul, Jr.; McHugh, Mat-

thew; McKinney, Stewart; Madigan, Edward; Martin, James; Matsui, Robert; Mazzoli, Romano; Miller, George; Mineta, Norman; Mitchell, Donald.

Moakley, Joe; Mollohan, Robert; Mottl, Ronald; Panetta, Leon; Pashayan, Charles, Jr.; Patterson, Jerry; Pepper, Claude; Rahall, Nick Joe, II; Rangel, Charles; Robinson, J. Kenneth; Roe, Robert; Rose, Charles.

Sebelius, Keith; Sensenbrenner, F. James, Jr.; Simon, Paul; Skelton, Ike; Solomon, Gerald; Spence, Floyd; Staggers, Harley; Trible, Paul, Jr.; Wampler, William; Whitehurst, G. William; Wilson, Charles (Texas); Wilson, Charles H. (California); Wolff, Lester; Won Pat, Antonio Borja; Young, Robert; Zeferetti, Leo.

As you can see, the cosponsors of this bill represent every viewpoint on the political spectrum. They have joined together in this effort because they know that H.R. 1495 is a sound bill, and one that, if enacted, will reduce crime. And, like all of us, they receive letters from their constituents asking that we do something to make the streets of this country secure places to walk, and the homes of this Nation safe places to live.

People want the potential criminal to know that if he uses a gun in the commission of a crime, he will go to jail. They believe, as do I, that this will deter some potential criminals before they act. And those that go ahead and commit a crime, and are convicted, will surely not have the opportunity to repeat their offense for at least 5 years. They will be in prison.

During these past few years that I have been advocating this measure, mail has poured into my office from all parts of the country offering support. And in a districtwide survey I conducted last year in California's 32d District, which I represent, 93 percent of those responding expressed their favor of this approach. Only 3 percent opposed it, and 4 percent were undecided. Of all the questions asked, on many important issues of the day, this one elicited the most uniform response.

And a study conducted in 1977 by an independent national marketing and opinion research firm found that well over 90 percent of all chiefs of police, sheriffs, and rank-and-file police officers believe that mandatory prison sentences for all persons convicted of committing a felony with a firearm would reduce crime. About 80 percent said that it would serve this purpose more effectively than does current law, or would Federal registration, Federal licensing, or a prohibition on private ownership of firearms.

I would stress here that this bill does not restrict a person's ability to own guns. It is not a gun-control bill, but is rather an effective approach to crime control. Those who favor traditional gun-control legislation will be free to work for that, regardless of the status of my bill. And in the meantime, should H.R. 1495 be enacted, it will assure that those convicted of misusing firearms in the commission of a Federal felony will be punished.

Mr. Speaker, I hope that more of our colleagues will join in sponsoring legislation that is directed at the criminal who abuses the gun; the individual who, through his own actions, jeopardizes the rights and lives of honest, law-abiding citizens. H.R. 1495 does just that.●

CONGRESSIONAL IRISH PEACE FORUM GAINS IMPORTANT BACKING

HON. MARIO BIAGGI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 21, 1979

● Mr. BIAGGI. Mr. Speaker, as I have advised my colleagues on earlier occasions, on February 1, the executive committee of the Ad Hoc Congressional Committee for Irish Affairs voted unanimously to support my recommendation that we sponsor a Congressional Irish Peace Forum later in 1979. As chairman of the ad hoc committee I have been extremely gratified at the many indications of support I have received concerning the forum.

The February 17 edition of the Irish Echo featured as its only editorial an endorsement of the peace forum. In addition, its Dublin correspondent, John Kelly donated his entire column to a discussion about the peace forum, also indicating support. The Irish Echo is the leading Irish American newspaper and its support is most important as they reflect the views of many Irish Americans. I am proud to have their support and hope my colleagues will review the articles and lend their support to this initative whose sole objective is to advance the cause of peace and justice in Ireland.

In the coming week, I expect to announce the official date for the peace forum. I am confident that the type of forum we intend to conduct—where all shades of political thought as well as the Irish and British governments will be invited to serve as a catalyst to peace and restoration of human rights. We enter this undertaking as totally neutral sponsors and will remain so throughout.

The Irish Echo articles follow:

PEACE FORUM CALL

The call by the executive committee of the Ad Hoc Congressional Committee on Irish Affairs for a "peace forum" on Northern Ireland seems to us to be a wise and sensible move during the current impasse.

Bringing together people to talk about their differences is always a laudable aim. When it can be done at a distant place—Washington in this instance—it often leads vying factions to face the facts they cannot face at home.

Urging all parties to participate, Representative Mario Biaggi, chairman of the Irish Affairs Committee said:

"I am proposing that we sponsor a peace forum at which all parties to the dispute in Ireland would be invited for the sole purpose of presenting and listening to peace proposals. I further propose that the forum be conducted as a series to insure that all shades of political thought be heard and made part of the process which leads to a solution—if there is to be a lasting solution. Throughout the forum we would actively encourage the participation of both the London and Dublin Governments whose roles are critical as well."

"I emphasize that the Ad Hoc Committee as the sponsor will remain totally neutral—supporting no solution nor any group but instead providing equal access to the forum by all those who share a role in Ireland's future—a future we want to be of peace. It is also my hope that the forum could play a major role in helping to restore lost human and civil rights in Ireland."

This seems to us a very reasonable outlook and a most realistic one. It is difficult to understand how anyone could oppose it.

ASSESSING THE PEACE FORUM

(By John A. Kelly)

DUBLIN.—The news from Washington that the Ad Hoc Congressional Committee on Irish Affairs is to hold a forum on the North's' problems in the U.S. sometime in the near future is good. That much can be said immediately. Some Irish commentators are already attacking the suggestion on the grounds that Americans are incapable of understanding the complexities of the Irish tangle. Allowing even for the possible truth of such a wide assumption then all that I can say at this stage is, welcome to the club.

Very few seem to "understand" the Northern situation as some self-appointed or media annointed intellectual gurus seem to believe it should be understood.

Perhaps it is even true that Americans like Congressman Mario Biaggi don't have all the answers but they are surely no farther from the horizon than the blundering Roy Mason and the lame-duck Labor administration in London who have managed to offend everybody without pleasing anybody.

As this is written, the Social Democratic and Labor Party leader, Gerry Fitt, has publicly proclaimed that he will refuse to discuss absolutely anything with Roy Mason again. Difficult to blame him when you consider that Mason during a television interview referred to an EEC poll which is reported to show a swing of opinion towards official Unionists and the Alliance Party.

GREENER

This Mason claimed, shows a considerable drift towards "moderation." He went even further. He described the SDLP as having become a little "greener" and implicitly criticized it for favoring a united Ireland. Like others in his party, he seems to be leaning over backwards to prove to Unionists that there will be no change in the status quo while the government rules—and Unionists get more seats at Westminster.

The priority in Britain, of course, is not to "understand" the problem in the North at all. British Premier, Jim Callaghan, has already shown that he understands it only too well, when he is out of office, that is. In a book, then he expressed the opinion clearly that the only real solution for Ireland is reunification.

The British Labor Party will pay any price in Ireland to retain its grip on office. If the Unionists want more seats at Westminster the Government will ensure that they get them. If the Unionists want no new initiative in the North, they will not get it.

BALANCE

And if in the future, the balance of political power remains as indefinite as it now is in Britain, the greater number of Unionist representatives will be avidly courted by whichever party needs them most to stay in power. Quite often they will be wooed even more fervently by the opposition party. Either way it seems as though the Unionists must continue to be pleased. They will remain firmly in the drivers seat which is where they've always believed they rightly belonged.

* * * stand the problems perfectly well. They just don't want to attempt to solve them. They are avoiding any such moves because it does not suit them politically on the domestic front.

In the meantime, they are charitably attempting to ensure that the people of the North are forced to live with what they regard as an "acceptable level of violence" to paraphrase a former British Minister of State. They are also continuing to attempt to hide their misdeeds beneath a formidable cloak of propaganda.

TRIAL

Two British soldiers, members of the SAS have finally been sent for trial for the mur-

der of a 16-year-old youth some considerable time ago. The youth was shot in the back after he excitedly went to investigate an arms dump which had, ironically, been reported to the police by his family.

I have commented on this incident already in the Irish Echo. There is no point in dredging up its tragedy again, except to underline that the British troops reported at the time that the youth had been pointing a rifle at them when they shot him.

The British administration in the North propagated that story and men experienced in the media, men like Peter Jay, the British Premier's son-in-law, and the resident British Ambassador in the United States, did all that they could to ensure that this was the message the media got.

RUC investigations quickly established that the British Army version was a lie. Yet it took months before any prosecutions were brought—and I am prepared to guarantee from afar that the incident received hardly any mention in the American media.

VICIOUS

British propaganda is vicious and lying. It was always so when it was applied to Ireland. Put quite simply, the less any foreigner understands about Ireland, the more the British like it.

And that is why I welcome this forthcoming forum on the North. Anything that can be done to expose the cynical attitude of the British towards the North must be welcomed by all who have the interests of this island at heart.

It is no secret that the organizers of the Washington forum have been meeting with spokesmen for parties, political and paramilitary, on both sides of the divide in the North.

Neither is it any secret that many in the Six Counties are prepared, even eager, to consider the feasibility of establishing an independent state, free of the British Army. It is just as true that the Provisional Republican movement has repeatedly made it clear that it would not favor an independent North and its opposition must be regarded as a major stumbling block to any initiative that might possibly emanate from the forum.

If the leaders of that movement are not now prepared to rethink their position, perhaps they may be less reluctant after the forum is held and other opinions become clearer.●

AMERICANS HOPE FOR LITHUANIAN FREEDOM

HON. ELDON RUDD

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 21, 1979

● Mr. RUDD. Mr. Speaker, this month marks the 61st anniversary of Lithuania's initial and all too short-lived independence.

Hopefully, some day in the not too distant future, Lithuanians everywhere will be able to celebrate this occasion in an atmosphere of freedom in contrast to the oppression which they have courageously endured for the past 39 years under Soviet imperialist domination.

It is my fervent hope, and that of countless other Americans, that the indomitable spirit of freedom is being kept alive in Lithuania, and that the spirits of the people there will remain optimistic about eventual liberation from tyranny.

Lithuanians should know that many Americans in my State of Arizona and throughout this country are vitally concerned about their future. We are especially troubled by the lack of once hoped for improvement in their condition, which followed the signing of the so-called Helsinki Agreement. This agreement was supposed to guarantee basic human rights, but in practice seems to have guaranteed only the continued oppression of East European people by the Soviets.

It has become abundantly clear to those who follow the activities in Lithuania and other nations which have been forcibly annexed by the Soviets that basic human rights are not tolerated, even though rhetorical statements by Soviet officials may indicate otherwise.

Indeed, it is perhaps most disappointing that our President and State Department do not practice their much heralded "human rights" policy with regard to the troubled people in Lithuania. For in actuality, Lithuania is one of the most oppressed countries in the world, and is likely to remain so as long as Soviet troops and Communist dictatorship are imposed on that beleaguered country.

There is no doubt, Mr. Speaker, that Lithuanians long for the day when freedom will triumph, and they will be governed by true principles of freedom and equality. Perhaps some day soon, freedoms of speech, religion, press, assembly, movement, and countless other liberties which we take for granted will be restored to the freedom-loving people in Lithuania.

I would reiterate my hope that somehow the message from the American people will penetrate behind the Iron Curtain. We here in the United States are most concerned about the Lithuanian plight, and urge the continued struggle of all peoples oppressed by the Soviet Union to throw off the shackles of slavery in exchange for freedom.●

ANDREW YOUNG AND THE AYATOLLAH KHOMEINI: A MEETING OF MINDS

HON. LARRY McDONALD

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 21, 1979

● Mr. McDONALD. Mr. Speaker, my colleagues will recall that in the 95th Congress nine Members joined with me to introduce a resolution to impeach the U.S. Ambassador to the United Nations, Andrew Young. That resolution unfortunately was not acted upon by the House. As a result we have been treated in the past few weeks to a number of new outlandish pronouncements by Mr. Young which have had to be contradicted by the President.

On January 9, 1979, Ambassador Young told the Interdependent, the newspaper of the United Nations Association, that the terrorist Palestine Liberation Organization (PLO) had "captivated the imagination of the Palestine people" and that the PLO's United Nations observers "are very skilled politicians and very intelligent decent human beings" with whom this country must deal. His statement is, of course, in direct contradiction of official U.S. policy which is to take no action that would encourage terrorism in the world.

Two weeks ago, in the midst of the volatile situation in Iran, Mr. Young chose to interject himself into the situation by stating that the Ayatollah Ruhollah Khomeini, leader of the Islamic revolutionary forces, "would eventually be hailed as 'a saint.' " The New York Times of February 8 further reported on this matter:

Although he acknowledged that Ayatollah Khomeini had been accused of anti-Christian and anti-Semitic remarks, Mr. Young, who is an ordained minister in the United Church of Christ, predicted that "Khomeini will be somewhat of a saint when we get over the panic."

One must assume that Ambassador Young has made such statements because he has not bothered to acquaint himself with any of the Ayatollah's writings which are available in English translations. As one example, let me quote from Khomeini's collection of lectures on "Islamic Government," in which he told his students the following:

Christian, Jewish and Baha'i missionary centers are spread in Teheran to deceive people and to lead them away from the teachings and principles of religion. Isn't it a duty to destroy these centers?

Help and rescue Islam because Islam is crying for your help. Save the Moslems from the dangers engulfing them. Here they (Christians and Jews) are killing Islam in the name of religion and in the name of the Prophet. Their missionaries, who are the lackeys of colonialism, have spread throughout the country, have invaded villages, rural areas and subdistricts and have aimed their efforts at children, juveniles, and youths who are the hope of Islam, and have misled them. Rise to help these misled people.

A 1977 collection of positions papers and interviews with Khomeini published in Arabic contained the following question and answer which are certainly significant when considering Khomeini's qualifications for "sainthood:"

Question. After infiltration of the Zionist fingers into all the vital establishments in the Moslem Iran, what is your eminence's opinion on the must successful means that you advise our Moslem people there to follow in order to cut off all the secret Zionist hands in Iran so that our brothers may be able to offer all their resources to the struggling fighters?

Answer. In the name of God, the merciful and the compassionate:

The most successful means lies in having the Moslem Iranian people try with all their capabilities to sever every dealing with the Zionists residing in Iran and other Zionists, to uproot them spiritually and materially, harass them in all domains and fight them economically in all spheres so that they may sever oil relations with Iran and its people and so that the people may be able to offer all their spiritual and material resources to the free strugglers. These bitter Islamic conditions require every Moslem to exert utmost efforts to liberate our occupied lands and to take venegeance on the occupiers and God is the giver of success. There is no doubt that the Moslem Palestinian people's duty is the duty of every Moslem in every

part of the world. The Moslem should be united against whoever tries to harm and undermine them.

Mr. Young has made untrue, distorted statements because Khomeini is not being merely "accused" of anti-Semitism; the man's own words show he actually is a rabid anti-Semite and also a bigot against Christians and members of the Baha'i faith, which is actually a sect of Islam. Furthermore, our U.N. Ambassador has provided fodder for the Soviet Union's propaganda mills. On February 12, 1979, the Moscow Domestic Service in Russian broadcast the following statement:

UPI reports from Washington that U.S. Ambassador to the U.N. Andrew Young again provoked President Carter's anger. Commenting on events in Iran, he said that the religious and political leader Khomeini might achieve the popularity of a saint, thereby admitting that Khomeini has enormous prestige among Iranians.

As you know, official Washington supports someone else altogether in Iran, the Shah's appointee, Prime Minister Bakhtiar. Young's frank admission has put U.S. diplomacy in an awkward position.

Last week, Ambassador Young chose to continue making irresponsible statements, this time about the gangs of armed thugs who are now roaming the streets of Iranian cities. An Associated Press report published in the Baltimore Sun on February 13, 1979, stated:

WASHINGTON.—United Nations Ambassador Andrew Young said yesterday the Iranian revolution was largely brought about by thousands of Iranians who learned the lessons of American democracy as students here, then applied them at home.

Despite the Carter administration's longstanding support for the Iranian monarchy and that nation's constitutional processes, Mr. Young spoke of the emergence of a new order in Iran:

"This is not something that we should necessarily feel threatened by. We should not be afraid when people begin to feel a sense of their own power."

Mr. Young, a former civil rights activist in the South, said he felt a close sense of identification with Iranian demonstrators.

"Whether we like it or not, the change has come from us," he said. "The most powerful force loose in the world is not Communist ideology, the most powerful force loose in the world is the idea that all people are somebody."

He added that upheavals in many countries are an outgrowth of foreign students "having shared in the American experience and then going back to their homes and saying "Why should I, after having had this kind of experience, let somebody else run my country?' "

Ambassador Young must have eschewed the simple task of reading the daily newspapers who have reported how in Chicago, Houston, Los Angeles, and other American cities the Iranian revolutionary students have been applying the principles not of the American system of representative government under law but of mob violence organized by Marxist totalitarians from the Iranian Students Association.

We must ask yet again how much longer President Carter will allow Ambassador Young's irresponsibility to embarrass our country.●

THE PANAMA CANAL TREATY

HON. RON PAUL

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 21, 1979

● Mr. PAUL. Mr. Speaker, last week the Subcommittee on Panama Canal of the House Committee on Merchant Marine and Fisheries conducted hearings on two bills implementing the Panama Canal Treaty signed in 1977 and ratified by the Senate in 1978. Since I have had an enduring interest in the Panama Canal, I prepared a statement for those hearings presenting my views on the treaty and the constitutional questions surrounding it. I request that my statement be entered into the RECORD as an extension of my remarks.

STATEMENT BY REPRESENTATIVE RONALD E. PAUL

Mr. Chairman, I thank you for the opportunity to submit a statement during these hearings on implementation of the Panama Canal treaties.

While in Congress in 1976, I introduced H. Res. 1410 for the purpose of expressing the sense of the House of Representatives that:

(1) the Government of the United States should maintain and protect its sovereign rights and jurisdiction over the canal and zone, and should in no way cede, dilute, forfeit, negotiate, or transfer any of these sovereign rights, power authority, jurisdiction, territory or property that are indispensably necessary for the protection and security of the United States and the entire Western Hemisphere; and

(2) there be no relinquishment or surrender of any presently vested United States sovereign right, power, or authority or property, tangible or intangible, except by treaty authorized by the Congress and duly ratified by the United States; and

(3) there be no recession to Panama, or other divestiture of any United States-owned property, tangible or intangible, without prior authorization by the Congress (House and Senate), as provided in article IV, section 3, clause 2, of the United States Constitution.

Since July of 1976 when that Resolution was introduced, many things have happened. The Resolution was not acted upon by the House. The President, after appointing a negotiator not confirmed by the Senate, signed a treaty with Omar Torrijos, dictator of Panama. The Senate ratified the treaty signed earlier by President Carter, and today we are discussing implementation of that treaty. The difficulty with such a discussion is that the treaty we are proposing to implement is not valid, and there is, in fact and in law, no treaty to implement.

In his testimony before the Subcommittee on Separation of Powers of the Senate Judiciary Committee on November 3, 1977, Professor Raoul Berger of the Harvard Law School made the following comments:

"Although I am in favor of the Panama Canal Treaty, I share your solicitude for the preservation of constitutional boundaries and your concern lest the function committed to Congress be diminished. I have long held the conviction that all agents of the United States, be they Justices, Members of Congress, or the President, must respect these boundaries. No agent of the people may overleap the bounds of delegated power. That is the essence of constitutional government and of our democratic system."

The Constitution explicitly provides in Article IV, Section 3, Clause 2 that Congress, not the Senate alone, or the President alone, or the Senate and the President together, has the sole power to dispose of property of the United States. To discuss implementation of a treaty which is blatantly unconstitutional is to acquiesce in a usurpation of power by the Executive. Professor Berger included in his testimony in 1977 some remarks about the hearings in which he was participating. Those remarks apply equally well to these hearings here today.

"The effect of these hearings ranges beyond the Panama Treaty. The Panama cession will constitute a landmark which, should the State Department prevail, will be cited down the years for 'concurrent jurisdiction" of the President in the disposition of United States property. Acquiescence in such claims spells progressive attrition of Congressional powers; it emboldens the Executive to make ever more extravagant claims. I would remind you that Congressional acquiescence encourages solo Presidential adventures such as plunged us into the Korean and Vietnam wars. Congressional apathy fostered the expansion of executive secrecy. Then as now the State Department invoked flimsy 'precedents,' for example the pursuit of cattle rustlers across the Mexican border to justify Presidential launching of a full-scale war. If Congress slumbers in the face of such claims it may awaken the Samson shorn of his locks."

Professor Berger was quite forceful in expressing his view that no property belonging to the United States in Panama can be transferred to Panama by treaty alone. The Professor did not hesitate to draw the logical conclusion of this idea, that any treaty purporting to transfer United States property, even if ratified by the Senate, is void.

We need not, of course, rely on expert opinion to reach this conclusion. The Constitution is perspicuous. It could not speak more clearly on the issue. The oaths that each Member of Congress has taken to uphold the Constitution requires, that each Member reject any attempt to implement this treaty, unless, of course, the Member wishes to commit perjury and face the consequences of that action. If one wishes to maintain that the Constitutional requirements have been met for the disposition of United States property in Panama, let him present the evidence of any action taken by the House of Representatives in disposing of that property. Until such evidence is presented, discussion of implementation of the treaty signals one more instance of Congressional obsequiousness in the face of Presidential usurpation.●

ASKING MORE AND GIVING LESS

HON. DAVID C. TREEN

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 21, 1979

● Mr. TREEN. Mr. Speaker, I believe that Joseph Kraft, the noted political journalist, has put his finger on the basic problem in America today in an essay which appeared in the February 18 edition of the Washington Post entitled "A Weakening of National Fiber."

I was particularly interested in Mr. Kraft's statement that the "combination of asking more and giving less is a sure recipe for trouble." That unhappy American obsession is the root of our economic problems. Until this is recognized and overcome, we are headed for even greater difficulties down the line.

I am inserting Mr. Kraft's article in

the hope that it will help create additional interest in the subject:

A WEAKENING OF NATIONAL FIBER

(By Joseph Kraft)

Once upon a time ago, Washington's birthday denoted the long, drawn-out, uphill struggle for national independence. Lincoln's birthday commemorated an agony of battle for unity and equality.

But what message does Presidents' Day—the amalgam of the two—deliver? To me, anyway, it announces a weakening of national fiber, a decline in the atmosphere of American life.

By itself, the fusion of the two holidays expresses a changed attitude toward work. Two dates traditional to the national heritage have been virtually scrubbed from the calendar to make way for a long weekend—more time off.

Taking it easy has been legitimized by most of the "enlightened" movements developed in the 1960s. The heroes and heroines of the "greening of America"—the hippies and druggies and beatniks of the counterculture—had as their common bond a disdain for productive activity.

Minority groups have joined in that sentiment. Despite the pressing need of their followers for employment, the leaders are constantly condemning "dead-end jobs." Hence the widespread demand for bringing in illegal workers from Mexico and other parts of Latin America to do stoop labor on the farms, work in restaurants and domestic service.

Along with "dead-end jobs" goes the epithet "workaholic." It is a term of abuse dear to middle-class women who use it partly to attract attention from men absorbed in productive enterprises and partly as a ticket of entry to lush jobs. Either way it cuts down the effectiveness of American society.

Inevitably, those views have spilled over into the mainstream of national culture. The Fonz, one of the most popular characters on television, had until recently no visible means of support. In the highly successful film, "The Graduate," suggestions by various well-meaning elders that the main character, a kid fresh out of college, go into business evoked from practically everybody paroxysms of helpless laughter.

More generalized expressions of this negative outlook emerge from the latest figures on productivity—or output per hour. An average growth of about 3 percent for the immediate postwar years slipped to about 2.5 percent in the mid-'60s, and fell below 2 percent in the present decade. The country now faces a productivity disaster. That means growth at a very slow rate for years to come—relatively hard times.

But no commensurate disposition to make sacrifice shows itself. On the contrary, practically everybody—professionals, businessmen, workers and farmers—are asking for more and more and more.

This surge of the acquisitive instinct is not surprising. For no other lead comes from persons in the higher ranges of the government service—persons who ought to pace the way to sacrifice. It is typical that the career naval officer serving—and not very well, by all accounts—as director of central intelligence is a double dipper.

The combination of asking more and giving less is a sure recipe for trouble. It explains not a few of our national difficulties. Inflation springs from that source, and the inability to compete in foreign markets, and the decline of the dollar, and a feeling, among both friendly and hostile countries, that the United States has lost its way, and is a patsy.

Still, in the absence of catastrophe, Americans avert their eyes from the signs of trouble. The energy shortage is dismissed as a company conspiracy. Statistics pointing to more and more inflation get written off as special cases, not likely to repeat themselves. Even when an undoubted crisis like that in Iran supervenes, there develops a national debate about whether the United States has the right to protect its own interests—especially in the Third World.

Which brings me back to Presidents' Day. Inflation, upheaval in Iran and now the Chinese invasion of North Vietnam—all these troubles have deep roots. They are not the fault of Jimmy Carter. But it is his fault—it is indeed the supreme weakness of his administration—that he generates no sense of urgency.

It is no accident that Carter has recently been getting lumps from the Russians, from the Chinese, from the Mexicans and from practically everybody else. He comes on weak, and whatever the merits of this or that policy, it seems beyond dispute that under his stewardship the country is very poorly prepared to meet a challenge as difficult as any we have faced since World War II.●

SALUTE TO HELEN, GA.

HON. ED JENKINS

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 21, 1979

● Mr. JENKINS. Mr. Speaker, this month Helen, Ga., is celebrating its 10th anniversary as a No. 1 tourist attraction in north Georgia and, in fact, the entire State. This White County town of less than 300 people has realized its dream of providing employment opportunities for its citizens while offering entertainment and relaxation for vacationers from all over our country and the world.

Through an innovative community spirit, cooperation, and hard work, Helen, out of the remains of an old lumber village, was transformed in 1969 into a small alpine village. The natural beauty of the mountains in which the town is nestled forms a background for the themed exterior design recreating the atmosphere of a small Bavarian community.

The quaintness of the cobblestone streets and old style buildings, the beauty of the flowers and plantings, the relaxed atmosphere with benches for sitting and visiting while the children play in the river which runs right through town—these are the elements that have made Helen a place to visit and love. Beyond the shopfronts one steps into a world of surprises. Here are gift shops from around the world, and craftsmen working in many styles and materials. The eating places are equally varied, from American to Vietnamese.

As seasons of the year come and go, there are many activities that take place in the town. Canoe races, trout fishing contests, bike races, Saint Bernard shows, arts and crafts exhibits, and live summer theater are only some of the events. Golf, tennis, and other sports are available all year long. In the fall, Octoberfest is a feast of music, singing, dancing, and good German food, set in the splendor of our Ninth District mountains ablaze with color.

Whatever the season, Helen is ready to offer an escape from the hurried world, a chance to relax and be entertained, and perhaps an opportunity to become among those who feel that Helen belongs to us, too.

Helen, Ga., is indeed, an amazing success story. I salute its residents on their imagination and dedication to a dream which has become a unique reality of wonder, opportunity, and accomplishment. I wish them continued progress and prosperity; they deserve it and I am confident that they are the kind of people who will continue to achieve it.●

THE GROUNDWORK IS LAID FOR UNITED STATES-MEXICO RELATIONS

HON. GEORGE E. BROWN, JR.

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 21, 1979

● Mr. BROWN of California. Mr. Speaker, I would like to insert into the RECORD the joint communique issued by the Presidents of Mexico and the United States at the conclusion of the visit of President Carter to Mexico.

I would like to call to the attention of my colleagues the number of issues discussed and the future for negotiation to create a more cooperative and harmonious relationship with Mexico. The border between the United States and Mexico is like no other in the world with the potential for a relationship equally enriching to each neighboring country. I believe we should be working toward this goal and, particularly, Congress should be prepared to adequately oversee the building of this relationship through ongoing discussion and a broad perception of the overall picture. Congress presently has a mechanism for exchange with Mexico, the interparliamentary group, which I would like to see expanded to encompass both interparliamentary and intraparliamentary interaction.

I would also like to call to the attention of my colleagues two agreements reached by the Presidents on the issue of technological exchange. One agreement would facilitate greater research and development between the two nations and the other, in which I am particularly interested, would facilitate arid land management.

Now that the Presidents have met it is important to keep the momentum going. Our history of exchange with Mexico is one of cordial meetings with little substance flowing and no solutions forthcoming. The potential for a bilateral commission and other mechanisms for exchange has never been greater. We cannot let this time pass by.

The material follows:

JOINT COMMUNIQUE ISSUED

MEXICO CITY, February 16—Following are excerpts from the joint communiqué issued today by the United States and Mexico upon conclusion of the visit of President Carter to Mexico:

At the invitation of the President of the United Mexican States Licenciado José López Portillo, the President of the United States of America, Jimmy Carter, made a visit to Mexico from the 14th to the 16th of February, 1979.

Both Presidents held extensive discussions in an atmosphere of sincerity, friendship, and mutual understanding. They reviewed international issues, hemispheric problems and bilateral matters, from the time when President López Portillo made a state visit to Washington, D.C.—the first visit by a foreign head of state to the United States after the inauguration of President Carter.

Both Presidents reviewed the operation of the U.S.-Mexican consultative mechanism, which was established during that visit to review issues facing the two countries within the context of an overall bilateral relationship.

In this regard, they decided to strengthen the mechanism and provide it with more dynamism, cohesion and flexibility for its more effective operation. To this end, they agreed that, in the light of the guidelines spelled out in this joint communiqué, concrete recommendations would be made within a period of four months on ways the mechanism can more effectively solve problems, taking into consideration the close relationship among these problems.

PRINCIPLES OF RELATIONS

They also expressed support for the important work of the Organization of American States and the need to strengthen and modernize this regional organization.

They emphasized that a new international system should be guided by accepted principles of international conduct, particularly the following: non-intervention in the internal affairs of other states; the prohibition of the use of threat or force; respect for the self-determination of peoples; the peaceful solution of conflicts; and the sovereign right of each nation to take full advantage of its natural resources for the economic and social development of its people.

Both Presidents expressed their agreement that peace is more than just the absence of hostilities, peace also includes the elimination of hunger, disease, illiteracy, poverty, ignorance and injustice—tasks in which all countries of the international community share responsibility.

The Presidents examined the development of their economies within a global context. They agreed that major efforts should be made to adjust and improve the international economic system to take into account the interests and concerns of developing countries. They expressed their concern over the worldwide problems of inflation, unemployment, protectionism and monetary and financial difficulties.

They recognized that it is important to assure the adequate transfer of real resources to developing countries and to promote stable economic and social development throughout the world.

ON HUMAN RIGHTS

The Presidents expressed their particular interest in strengthening international organizations engaged in the protection of guarantees of individual rights. They especially commended the work of the Inter-American Commission on Human Rights and urged other nations in the hemisphere to give it their full support.

Both leaders expressed their deep concern over the crisis that continues to affect the people of Nicaragua, violating their most fundamental human rights, reaffirming their decision to continue working through the United Nations and the Organization of American States, in the search for a democratic and fair solution to the conflict.

Upon reviewing trade relations between their countries, both Presidents expressed their satisfaction with the continuous growth of this exchange.

REDUCING TRADE BARRIERS

President López Portillo noted the historic trade deficit of Mexico with the United States, particularly if recent sales of Mexican oil are excluded, making known the convenience of taking all measures necessary to reduce it.

President Carter emphasized the need to reduce trade barriers on a broad basis.

President Carter expressed his strong support for expanding world trade and reducing trade barriers, and expressed his hope that Mexico would play a greater role in the shaping and the management of an improved world-trading system.

The two Presidents agreed that the rapid and satisfactory conclusion of the multilateral trade negotiations will represent an important step toward the improvement of the world's economy, particularly with regard to differential treatment for developing countries.

They also agreed to try to conclude successfully and within the shortest period of time, their bilateral trade negotiations within the framework of the multilateral trade negotiations.

SCIENCE AND TECHNOLOGY

The Presidents also agreed that the future expansion of trade between the two countries will require a continuous liberalization of both countries' trade policies, in accordance with the trade, financial and development needs of each nation. They also committed themselves to renew their efforts to this end and to carry out close consultations on trade and financial matters.

President López Portillo expressed hope that the new rules of international trade would give due consideration to the interests of developing countries, and would not institutionalize the increasing protectionist actions by developed nations.

The Presidents emphasized the importance of cooperation in the field of science and technology as a means for dealing with many economic and social problems. They also agree on the mutual advantages of intensifying this cooperation.

To signal their commitment, the two Presidents took note of the two agreements signed during the visit—on arid lands management and urban planning, and a memorandum of understanding on scientific and technical cooperation, also signed during the visit.

They also discussed plans for the Institute for Technological Cooperation, which they agreed would facilitate cooperative research and development between the two countries.

Both Presidents exchanged views on fishery matters because they considered this a priority interest for both nations, and agreed to carry on discussions in this important field.

ENERGY DISCUSSION

The leaders had a wide-ranging discussion on energy, which included both its bilateral and global aspects. They agreed that it is not possible to separate energy resources from economic development, not only for countries who have them, but for countries that do not have them, and because of this, an economic order should be sensitive to the necessity to provide for the needs of the poor, and investment should be directed so as to encourage their industrialization.

Taking into consideration Mexico's potential as an energy-producing country, President López Portillo reiterated that energy resources must be considered as the patrimony of mankind, so that the production, distribution and consumption of these resources may be made in orderly and rational fashion, and so that all alternative sources of energy be developed, including the financing and transfer of technologies that are accessible to all developing countries .

President Carter expressed interest in this idea and willingness to explore these subjects further.

The two Presidents decided to start immediately the design of plans to collaborate in the field of energy, with a strict observance of their respective national policies, and to initiate or expand, whatever might be the case, trade in hydrocarbon products, electricity and other energy resources.

MIGRANT WORKERS

With regard to the eventual sale of surpluses of Mexican natural gas to the United States, the Presidents discussed the future possibility of such transactions.

The two Presidents agreed to examine jointly the prospects of future sales of crude oil and petroleum products from Mexico to the United States.

The phenomenon of the Mexican migrant workers was discussed within the overall context of social and economic relations between both countries. The two Presidents committed themselves to carry out a close bilateral cooperation in order to find an integral, realistic, and long-term solution which would respect the dignity and the human rights of these workers, and which would also respect the many social, economic and development problems that are involved in this matter.

President López Portillo reiterated that Mexico does not wish to export workers but goods. He added, however, that is necessary to take into consideration that this is a matter of bilateral nature, of long history, that it is stimulated by a real demand, and that, in any event, it deserves respect with regard to its human aspect and required a clear and objective analysis, taking into consideration that restrictive measures in other areas slow down the solution that both countries wish for this problem.

President Carter expressed concern about the problem of unlawful immigration into the United States and its impact on the United States. He took note of the responsibility of the United States Government to enforce the laws respecting immigration and the need to bring to justice those who traffic in undocumented migrants.

DRUG TRAFFIC

The Presidents discussed the status of border relations, reaffirming their goals to promote an adequate flow of goods and people, to fight all kinds of contraband which adversely affect the economies of both countries, and to strengthen cooperation between the authorities of both countries.

They noted with satisfaction the success of current programs in sharply reducing the traffic in dangerous drugs and pledged to continue to strengthen and expand their efforts to suppress the production and trafficking of illicit narcotics.

The Presidents agreed to continue their consultations over a wide range of international political and economic matters, and reaffirmed their intention to maintain close contact and to give their personal and continuous attention to the reinforcement and broadening of the numerous areas of cooperation existing between their nations.

President Carter suggested that both Presidents meet again in the summer to examine the report of the consultative mechanism and to assess progress on the issues discussed in Mexico City. President López Portillo gladly accepted this suggestion.●

NOBEL PRIZE FOR ARCHBISHOP ROMERO

HON. STEPHEN J. SOLARZ

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 15, 1979

● Mr. SOLARZ. Mr. Speaker, I would like to take this opportunity to join with

my colleagues in support of the nomination of Archbishop Oscar Arnulfo Romero y Galdames, the Archbishop of El Salvador, for the Nobel Peace Prize.

Archbishop Romero has been a strong supporter in the fight for a more just, free, and more peaceful society ever since he was appointed as archbishop of this sorely troubled nation early last year. He has been an outspoken critic of the many alleged human rights abuses committed by the Government of El Salvador and has attempted to stand up for the right of his country's peasant workers to organize and protest the widespread economic injustices being practiced in the name of national stability.

It seems to me that the archbishop's efforts to meet the social and very human needs of the members of his congregation, as well as providing their spiritual leadership, have shown him to be worthy of the honor of the Nobel Prize. He has fearlessly refused to be intimidated, at a time when many other religious leaders have died in brutal and seemingly senseless ways.

Our own Nation was founded on the principles of life, liberty, and the pursuit of happiness and our Government and our people have long and often spoken out in support of these rights and freedoms for all people, the world over. Let us join together once again in recognition of this outstanding humanitarian and spokesman for human rights.●

IN SUPPORT OF ARCHBISHOP ROMERO

HON. S. WILLIAM GREEN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 15, 1979

● Mr. GREEN. Mr. Speaker, as a cosigner along with 22 of my House colleagues of a letter nominating Archbishop Oscar Arnulfo Romero y Galdames of San Salvador for the Nobel Peace Prize, I would like to express to the remainder of my colleagues my support for the archbishop in his role as spokesman for the 3½ million Roman Catholics of El Salvador suffering religious persecution by that country's military government.

Often news of tragic events in distant countries comes to us in the United States in the form of a story about an extraordinary individual whose role in the event symbolizes the bravery and courage of the victims. Archbishop Romero's outspoken criticism of the tyrannical Salvadorian Government at tremendous personal risk has helped to bring to our attention the religious persecution being practiced in El Salvador.

Too often the cries of people all over the world who find themselves the victims of human rights violations go unheard. For every leader willing to take a stand as Archbishop Romero has done there are countless others who are unwilling, unable, or afraid to speak out. Through the encouragement and support we can lend to Archbishop Romero and his followers, we can inspire new hope in those who suffer.

The oppressed and the oppressors everywhere should know that the United States is firm in its commitment to human rights.●

THE GREAT DEPRESSION

HON. RON PAUL

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 21, 1979

● Mr. PAUL. Mr. Speaker, unless we can bring Federal spending and government-caused inflation under control, some sober economists believe that we may be in for a repeat of the Great Depression.

Dr. Hans Sennholz, the distinguished chairman of the economics department at Grove City College in Grove City, Pa., has been an especially eloquent and persistent voice in favor of freedom. His warning of the disaster that may lie ahead unless we mend our free-spending ways, is important for all of us.

[From the Freeman, April 1975]

THE GREAT DEPRESSION

(By Hans F. Sennholz)

Although the Great Depression engulfed the world economy some 40 years ago, it lives on as a nightmare for individuals old enough to remember and as a frightening specter in the text books of our youth. Some 13 million Americans were unemployed, "not wanted" in the production process. One worker out of every four was walking the streets in want and despair. Thousands of banks, hundreds of thousands of businesses, and millions of farmers fell into bankruptcy or ceased operations entirely. Nearly everyone suffered painful losses of wealth and income.

Many Americans are convinced that the Great Depression reflected the breakdown of an old economic order built on unhampered markets, unbridled competition, speculation, property rights, and the profit motive. According to them, the Great Depression proved the inevitability of a new order built on government intervention, political and bureaucratic control, human rights, and government welfare. Such persons, under the influence of Keynes, blame businessmen for precipitating depressions by their selfish refusal to spend enough money to maintain or improve the people's purchasing power. This is why they advocate vast governmental expenditures and deficit spending—resulting in an age of money inflation and credit expansion.

Classical economists learned a different lesson. In their view, the Great Depression consisted of four consecutive depressions rolled into one. The causes of each phase differed, but the consequences were all the same: business stagnation and unemployment.

THE BUSINESS CYCLE

The first phase was a period of boom and bust; like the business cycles that had plagued the American economy in 1819–20, 1839–43, 1857–60, 1873–78, 1893–97, and 1920–21. In each case, government had generated a boom through easy money and credit, which was soon followed by the inevitable bust.

The spectacular crash of 1929 followed five years of reckless credit expansion by the Federal Reserve System under the Coolidge Administration. In 1924, after a sharp decline in business, the Reserve banks suddenly created some $500 million in new credit, which led to a bank credit expansion of over $4 billion in less than one year. While the immediate effects of this new powerful expansion of the nation's money and credit were seemingly beneficial, initiating a new economic boom and effacing the 1924 decline, the ultimate outcome was most disastrous. It was the beginning of a monetary policy that led to the stock market crash in 1929 and the following depression. In fact, the expansion of Federal Reserve credit in 1924 constituted what Benjamin Anderson in his great treatise on recent economic history (*Economics and the Public Welfare*, D. Van Nostrand, 1949) called "the beginning of the New Deal."

The Federal Reserve credit expansion in 1924 also was designed to assist the Bank of England in its professed desire to maintain prewar exchange rates. The strong U.S. dollar and the weak British pound were to be readjusted to prewar conditions through a policy of inflation in the U.S. and deflation in Great Britain.

The Federal Reserve System launched a further burst of inflation in 1927, the result being that total currency outside banks plus demand and time deposits in the United States increased from $44.51 billion at the end of June, 1924, to $55.17 billion in 1929. The volume of farm and urban mortgages expanded from $16.8 billion in 1921 to $27.1 billion in 1929. Similar increases occurred in industrial, financial, and state and local government indebtedness. This expansion of money and credit was accompanied by rapidly rising real estate and stock prices. Prices for industrial securities, according to Standard & Poor's common stock index, rose from 59.4 in June of 1922 to 195.2 in September of 1929. Railroad stock climbed from 189.2 to 446.0, while public utilities rose from 82.0 to 375.1.

A SERIES OF FALSE SIGNALS

The vast money and credit expansion by the Coolidge Administration made 1929 inevitable. Inflation and credit expansion always precipitate business maladjustments and malinvestments that must later be liquidated. The expansion artificially reduces and thus falsifies interest rates, and thereby misguides businessmen in their investment decisions. In the belief that declining rates indicate growing supplies of capital savings, they embark upon new production projects. The creation of money gives rise to an economic boom. It causes prices to rise, especially prices of capital goods used for business expansion. But these prices constitute business costs. They soar until business is no longer profitable, at which time the decline begins. In order to prolong the boom, the monetary authorities may continue to inject new money until finally frightened by the prospects of a run-away inflation. The boom that was built on the quicksand of inflation then comes to a sudden end.

The ensuing recession is a period of repair and readjustment. Prices and costs adjust anew to consumer choices and preferences.

And above all, interest rates readjust to reflect once more the actual supply of and demand for genuine savings. Poor business investments are abandoned or written down. Business costs, especially labor costs, are reduced through greater labor productivity and managerial efficiency, until business can once more be profitably conducted, capital investments earn interest, and the market economy function smoothly again.

After an abortive attempt at stabilization in the first half of 1928, the Federal Reserve System finally abandoned its easy money policy at the beginning of 1929. It sold gov-

ernment securities and thereby halted the bank credit expansion. It raised its discount rate to 6 percent in August, 1929. Time-money rates rose to 8 percent, commercial paper rates to 6 percent, and call rates to the panic figures of 15 percent and 20 percent. The American economy was beginning to readjust. In June, 1929, business activity began to recede. Commodity prices began their retreat in July.

The security market reached its high on September 19 and then, under the pressure of early selling, slowly began to decline. For five more weeks the public nevertheless bought heavily on the way down. More than 100 million shares were traded at the New York Stock Exchange in September. Finally it dawned upon more and more stockholders that the trend had changed. Beginning with October 24, 1929, thousands stampeded to sell their holdings immediately and at any price. Avalanches of selling by the public swamped the ticker tape. Prices broke spectacularly.

LIQUIDATION AND ADJUSTMENT

The stock market break signaled the beginning of a readjustment long overdue. It should have been an orderly liquidation and adjustment followed by a normal revival. After all, the financial structure of business was very strong. Fixed costs were low as business had refunded a good many bond issues and had reduced debts to banks with the proceeds of the sale of stock. In the following months, most business earnings made a reasonable showing. Unemployment in 1930 averaged under 4 million, or 7.8 percent of labor force.

In modern terminology, the American economy of 1930 had fallen into a mild recession. In the absence of any new causes for depression, the following year should have brought recovery as in previous depressions. In 1921–22 the American economy recovered fully in less than a year. What, then, precipitated the absymal collapse after 1929? What prevented the price and cost adjustments and thus led to the second phase of the Great Depression?

DISINTEGRATION OF THE WORLD ECONOMY

The Hoover Administration opposed any readjustment. Under the influence of "the new economics" of government planning, the President urged businessmen not to cut prices and reduce wages, but rather to increase capital outlay, wages, and other spending in order to maintain purchasing power. He embarked upon deficit spending and called upon municipalities to increase their borrowing for more public works. Through the Farm Board which Hoover had organized in the autumn of 1929, the Federal government tried strenuously to uphold the prices of wheat, cotton, and other farm products. The GOP tradition was further invoked to curtail foreign imports.

The Hawley-Smoot Tariff Act of June, 1930, raised American tariffs to unprecedented levels, which practically closed our borders to foreign goods. According to most economic historians, this was the crowning folly of the whole period from 1920 to 1933 and the beginning of the real depression. "Once we raised our tariffs," wrote Benjamin Anderson, "an irresistible movement all over the world to raise tariffs and to erect other trade barriers, including quotas, began. Protectionism ran wild over the world. Markets were cut off. Trade lines were narrowed. Unemployment in the export industries all over the world grew with great rapidity. Farm prices in the United States dropped sharply through the whole of 1930, but the most rapid rate of decline came following the passage of the tariff bill." When President Hoover announced he would sign the bill into law, industrial stocks broke 20 points in one day. The stock market correctly anticipated the depression.

The protectionists have never learned that curtailment of imports inevitably hampers exports. Even if foreign countries do not immediately retaliate for trade restrictions injuring them, their foreign purchases are circumscribed by their ability to sell abroad. This is why the Hawley-Smoot Tariff Act which closed our borders to foreign products also closed foreign markets to our products. American exports fell from $5.5 billion in 1929 to $1.7 billion in 1932. American agriculture customarily had exported over 20 percent of its wheat, 55 per cent of its cotton, 40 percent of its tobacco and lard, and many other products. When international trade and commerce were disrupted. American farming collapsed. In fact, the rapidly growing trade restrictions, including tariffs, quotas, foreign exchange controls, and other devices were generating a world-wide depression.

Agricultural commodity prices, which had been well above the 1926 base before the crisis, dropped to a low of 47 in the summer of 1932. Such prices as $2.50 a hundredweight for hogs, $3.28 for beef cattle, and 32¢ a bushel for wheat, plunged hundreds of thousands of farmers into bankruptcy. Farm mortgages were foreclosed until various states passed moratoria laws, thus shifting the bankruptcy to countless creditors.

RURAL BANKS IN TROUBLE

The main creditors of American farmers were, of course, the rural banks. When agriculture collapsed, the banks closed their doors. Some 2,000 banks, with deposit liabilities of over $1.5 billion, suspended between August, 1931, and February, 1932. Those banks that remained open were forced to curtail their operations sharply. They liquidated customers' loans on securities, contracted real estate loans, pressed for the payment of old loans, and refused to make new ones. Finally, they dumped their most marketable bond holdings on an already depressed market. The panic that had engulfed American agriculture also gripped the banking system and its millions of customers.

The American banking crisis was aggravated by a series of events involving Europe. When the world economy began to disintegrate and economic nationalism ran rampant, European debtor countries were cast in precarious payment situations. Austria and Germany ceased to make foreign payments and froze large English and American credits; when England finally suspended gold payments in September, 1931, the crisis spread to the U.S. The fall in foreign bond values set off a collapse of the general bond market, which hit American banks at their weakest point—their investment portfolios.

DEPRESSION COMPOUNDED

1931 was a tragic year. The whole nation, in fact, the whole world, fell into the cataclysm of despair and depression. American unemployment jumped to more than 8 million and continued to rise. The Hoover Administration, summarily rejecting the thought that it had caused the disaster, labored diligently to place the blame on American businessmen and speculators. President Hoover called together the nation's industrial leaders and pledged them to adopt his program to maintain wage rates and expand construction. He sent a telegram to all the governors, urging cooperative expansion of all public works programs. He expanded Federal public works and granted subsidies to ship construction. And for the benefit of the suffering farmers, a host of Federal agencies embarked upon price stabilization policies that generated ever larger crops and surpluses which in turn depressed product prices even further. Economic conditions went from bad to worse and unemployment in 1932 averaged 12.4 million.

In this dark hour of human want and suffering, the Federal government struck a final blow. The Revenue Act of 1932 doubled the income tax, the sharpest increase in the Federal tax burden in American history. Exemptions were lowered, "earned income credit" was eliminated. Normal tax rates were raised from a range of 1½ to 5 per cent to a range of 4 to 8 per cent, surtax rates from 20 per cent to a maximum of 55 per cent. Corporation tax rates were boosted from 12 per cent to 13¾ and 14½ per cent. Estate taxes were raised. Gift taxes were imposed with rates from ¾ to 33½ per cent. A 1¢ gasoline tax was imposed, a 3 per cent automobile tax, a telegraph and telephone tax, a 2¢ check tax, and many other excise taxes. And finally, postal rates were increased substantially.

When state and local governments faced shrinking revenues, they, too, joined the Federal government in imposing new levies. The rate schedules of existing taxes on income and business were increased and new taxes imposed on business income, property, sales, tobacco, liquor, and other products.

Murray Rothbard, in his authoritative work on *America's Great Depression* (Van Nostrand, 1963), estimates that the fiscal burden of Federal, state, and local governments nearly doubled during the period, rising from 16 per cent of net private product to 29 per cent. This blow, alone, would bring any economy to its knees, and shatters the silly contention that the Great Depression was a consequence of economic freedom.

THE NEW DEAL OF NRA AND AAA

One of the great attributes of the private-property market system is its inherent ability to overcome almost any obstacle. Through price and cost readjustment, managerial efficiency and labor productivity, new savings and investments, the market economy tends to regain its equilibrium and resume its service to consumers. It doubtless would have recovered in short order from the Hoover interventions had there been no further tampering.

However, when President Franklin Delano Roosevelt assumed the Presidency, he, too, fought the economy all the way. In his first 100 days, he swung hard at the profit order. Instead of clearing away the prosperity barriers erected by his predecessor, he built new ones of his own. He struck in every known way at the integrity of the U.S. dollar through quantitative increases and qualitative deterioration. He seized the people's gold holdings and subsequently devalued the dollar by 40 per cent.

With some third of industrial workers unemployed, President Roosevelt embarked upon sweeping industrial reorganization. He persuaded Congress to pass the National Industrial Recovery Act (NIRA), which set up the National Recovery Administration (NRA). Its purpose was to get business to regulate itself, ignoring the antitrust laws and developing fair codes of prices, wages, hours, and working conditions. The President's Reemployment Agreement called for a minimum wage of 40¢ an hour ($12 to $15 a week in smaller communities), a 35-hour work week for industrial workers and 40 hours for white collar workers, and a ban on all youth labor.

This was a naive attempt at "increasing purchasing power" by increasing payrolls. But, the immense increase in business costs through shorter hours and higher wage rates worked naturally as an *antirevival* measure. After, passage of the Act, unemployment rose to nearly 13 million. The South, especially, suffered severely from the minimum wage provisions. The Act forced 500,000 Negroes out of work.

Nor did President Roosevelt ignore the disaster that had befallen American agriculture. He attacked the problem by passage of the Farm Relief and Inflation Act, popularly known as the First Agricultural Adjust-

ment Act. The objective was to raise farm income by cutting the acreages planted or destroying the crops in the field, paying the farmers not to plant anything, and organizing marketing agreements to improve distribution. The program soon covered not only cotton, but also all basic cereal and meat production as well as principal cash crops. The expenses of the program were to be covered by a new "processing tax" levied on an already depressed industry.

NRA codes and AAA processing taxes came in July and August of 1933. Again, economic production which had flurried briefly before the deadlines, sharply turned downward. The Federal Reserve index dropped from 100 in July to 72 in November of 1933.

PUMP-PRIMING MEASURES

When the economic planners saw their plans go wrong, they simply prescribed additional doses of Federal pump priming. In his January 1934 Budget Message, Mr. Roosevelt promised expenditures of $10 billion while revenues were at $3 billion. Yet, the economy failed to revive; the business index rose to 86 in May of 1934, and then turned down again to 71 by September. Furthermore, the spending program caused a panic in the bond market which cast new doubts on American money and banking.

Revenue legislation in 1933 sharply raised income tax rates in the higher brackets and imposed a 5 per cent withholding tax on corporate dividends. Tax rates were raised again in 1934. Federal estate taxes were brought to the highest levels in the world. In 1935, Federal estate and income taxes were raised once more, although the additional revenue yield was insignificant. The rates seemed clearly aimed at the redistribution of wealth.

According to Benjamin Anderson, "the impact of all these multitudinous measures—industrial, agricultural, financial, monetary and other—upon a bewildered industrial and financial community was extraordinarily heavy. We must add the effect of continuing disquieting utterances by the President. He had castigated the bankers in his inaugural speech. He had made a slurring comparison of British and American bankers in a speech in the summer of 1934. . . . That private enterprise could survive and rally in the midst of so great a disorder is an amazing demonstration of the vitality of private enterprise."

Then came relief from unexpected quarters. The "nine old men" of the Supreme Court, by unanimous decision, outlawed NRA in 1935 and AAA in 1936. The Court maintained that the Federal legislative power had been unconstitutionally delegated and states' rights violated.

These two decisions removed some fearful handicaps under which the economy was laboring. NRA, in particular, was a nightmare with continuously changing rules and regulations by a host of government bureaus. Above all, voidance of the act immediately reduced labor costs and raised productivity as it permitted labor markets to adjust. The death of AAA reduced the tax burden of agriculture and halted the shocking destruction of crops. Unemployment began to decline. In 1935 it dropped to 9.5 million, or 18.4 per cent of the labor force, and in 1936 to only 7.6 million, or 14.5 per cent.

A NEW DEAL FOR LABOR

The third phase of the Great Depression was thus drawing to a close. But there was little time to rejoice, for the scene was being set for another collapse in 1937 and a lingering depression that lasted until the day of Pearl Harbor. More than 10 million Americans were unemployed in 1938, and more than 9 million in 1939.

The relief granted by the Supreme Court was merely temporary. The Washington planners could not leave the economy alone; they had to earn the support of organized labor, which was vital for re-election.

The Wagner Act of July 5, 1935, earned the lasting gratitude of labor. This law revolutionized American labor relations. It took labor disputes out of the courts of law and brought them under a newly created Federal agency, the National Labor Relations Board, which became prosecutor, judge, and jury, all in one. Labor union sympathizers on the Board further perverted the law that already afforded legal immunities and privileges to labor unions. The U. S. thereby abandoned a great achievement of Western civilization, equality under the law.

The Wagner Act, or National Labor Relations Act, was passed in reaction to the Supreme Court's voidance of NRA and its labor codes. It aimed at crushing all employer resistance to labor unions. Anything an employer might do in self-defense became an "unfair labor practice" punishable by the Board. The law not only obliged employers to deal and bargain with the unions designated as the employees' representative; later Board decisions also made it unlawful to resist the demands of labor union leaders.

Following the election of 1936, the labor unions began to make ample use of their new powers. Through threats, boycotts, strikes, seizures of plants, and outright violence committed in legal sanctity, they forced millions of workers into membership. Consequently, labor productivity declined and wages were forced upward. Labor strife and disturbance ran wild. Ugly sitdown strikes idled hundreds of plants. In the ensuing months economic activity began to decline and unemployment again rose above the ten million mark.

But the Wagner Act was not the only source of crisis in 1937. President Roosevelt's shocking attempt at packing the Supreme Court, had it been successful, would have subordinated the Judiciary to the Executive. In the U.S. Congress the President's power was unchallenged. Heavy Democratic majorities in both houses, perplexed and frightened by the Great Depression, blindly followed their leader. But when the President strove to assume control over the Judiciary, the American nation rallied against him, and he lost his first political fight in the halls of Congress.

There was also his attempt at controlling the stock market through an ever-increasing number of regulations and investigations by the Securities and Exchange Commission. "Insider" trading was barred, high and inflexible margin requirements imposed and short selling restricted, mainly to prevent repetition of the 1929 stock market crash. Nevertheless the market fell nearly 50 per cent from August of 1937 to March of 1938. The American economy again underwent dreadful punishment.

OTHER TAXES AND CONTROLS

Yet other factors contributed to this new and fastest slump in U.S. history. The Undistributed Profits Tax of 1936 struck a heavy blow at profits retained for use in business. Not content with destroying the wealth of the rich through confiscatory income and estate taxation, the administration meant to force the distribution of corporate savings as dividends subject to the high income tax rates. Though the top rate finally imposed on undistributed profits was "only" 27 per cent, the new tax succeeded in diverting corporate savings from employment and production to dividend income.

Amidst the new stagnation and unemployment, the President and Congress adopted yet another dangerous piece of New Deal legislation: the Wages and Hours Act or Fair Labor Standards Act of 1938. The law raised the minimum wages and reduced the work week in stages to 44, 42, and 40 hours. It provided for time-and-a-half pay for all work over 40 hours per week and regulated other labor conditions. Again, the Federal government thus reduced labor productivity and increased labor costs—ample grounds for further depression and unemployment.

Throughout this period, the Federal government, through its monetary arm, the Federal Reserve System, endeavored to reinflate the economy. Monetary expansion from 1934 to 1941 reached astonishing proportions. The monetary gold of Europe sought refuge from the gathering clouds of political upheaval, boosting American bank reserves to unaccustomed levels. Reserve balances rose from $2.9 billion in January, 1934, to $14.4 billion in January of 1941. And with this growth of member bank reserves, interest rates declined to fantastically low levels. Commercial paper often yielded less than 1 percent, bankers' acceptances from ⅛ percent to ¼ percent. The Treasury bill fell to 1/10 of 1 percent and Treasury bonds to some 2 percent. Call loans were pegged at 1 percent and prime customers' loans at 1½ percent. The money market was flooded and interest rates could hardly go lower.

DEEP-ROOTED CAUSES

The American economy simply could not recover from these successive onslaughts by first the Republican and then the Democratic Administrations. Individual enterprise, the mainspring of unprecedented income and wealth, didn't have a chance.

The calamity of the Great Depression finally gave way to the holocaust of World War II. When more than 10 million able-bodied men had been drafted into the armed services, unemployment ceased to be an economic problem. And when the purchasing power of the dollar had been cut in half through vast budget deficits and currency inflation, American business managed to adjust to the oppressive costs of the Hoover-Roosevelt Deals. The radical inflation in fact reduced the real costs of labor and thus generated new employment in the postwar period.

Nothing would be more foolish than to single out the men who led us in those baleful years and condemn them for all the evil that befell us. The ultimate roots of the Great Depression were growing in the hearts and minds of the American people. It is true, they abhored the painful symptoms of the great dilemma. But the large majority favored and voted for the very policies that made the disaster inevitable: inflation and credit expansion, protective tariffs, labor laws that raised wages and farm laws that raised prices, ever higher taxes on the rich and distribution of their wealth. The seeds for the Great Depression were sown by scholars and teachers during the 1920's and earlier when social and economic ideologies that were hostile toward our traditional order of private property and individual enterprise conquered our colleges and universities. The professors of earlier years were as guilty as the political leaders of the 1930's.

Social and economic decline is facilitated by moral decay. Surely, the Great Depression would be inconceivable without the growth of covetousness and envy of great personal wealth and income, the mounting desire for public assistance and favors. It would be inconceivable without an ominous decline of individual independence and self-reliance, and above all, the burning desire to be free from man's bondage and to be responsibe to God alone.

Can it happen again? Inexorable economic law ascertains that it must happen again

whenever we repeat the dreadful errors that generated the Great Depression.●

NEW HEALTH GRANTS DEEMED IRRESPONSIBLE AND FRAUDULENT

HON. GEORGE HANSEN

OF IDAHO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 21, 1979

● Mr. HANSEN. Mr. Speaker, over the past several months, I have received a number of requests from individuals and groups within the State of Idaho asking that I look into grants made by the Department of Health, Education, and Welfare to an Idaho-based nonprofit organization known as SIFMES (Southeast Idaho Family Medical and Educational Services, Inc.). On the basis of these requests, I made several contacts with HEW offices at all levels with little more than token response at best and in many cases, no response at all.

Under these circumstances, I decided to assign a research-oriented staff member to investigate the matter fully and the results of his inquiries into these questionable operations are, indeed, shocking and demand your immediate attention and response. The investigation began in earnest on December 14, 1978, when this staff member was dispatched to region X headquarters in Seattle with a Freedom of Information Act letter requesting all of HEW's files relating to SIFMES operations and grants.

A sizable amount of information was received which included documents which clearly indicated that SIFMES had recently come under considerable HEW review and that the agency had in fact threatened to cut off funds from the organization, because of serious questions of "integrity," managerial incompetence, waste, and possibly fraud. A letter to SIFMES from HEW dated November 30, 1978, listed specific steps that SIFMES had to take in order to avoid having their grant moneys terminated at the end of 1978.

In a telephone conversation on January 16, 1979, my office was informed that SIFMES had still not met the guidelines set by HEW, but that the deadline had been extended in order to allow SIFMES time to draw up a new contract. Then in a letter to my office dated January 26, 1979, HEW claimed that problems identified in the areas of budget, contracts, verification of payment, and clarification of medical services rendered had been rectified by SIFMES and that all areas of concern are now considered acceptable by HEW.

It is obvious that HEW considers this case closed, but let me assure you that it is not. I find that HEW continues to dispense huge sums of the taxpayers' money into health programs which are identified by their own internal memorandums as "vague" and "loaded with unrealistically inflated costs."

A June 19, 1978, memorandum clearly identifies the fact that HEW officials were aware of serious deficiencies which could justify an end to further funding followed by a four-page memorandum dated September 12, 1978, concluding—

That no further funds (should) be awarded to this grantee until its managerial and financial posture is understood and the previous condition explained thoroughly.

And yet, on August 4, 1978, during the period covered by these memorandums, I find HEW dispensing the largest grant yet ($422,995) with no evidence that questioned conditions had been rectified or properly explained. How do we account to heavily burdened taxpayers of this Nation for such wasteful if not fraudulent handling of funds by HEW?

My investigations have further revealed that SIFMES is not providing the services stipulated in the grant applications. They have apparently deliberately misstated the amounts and types of services provided in order to continue receiving Federal grant moneys. They have misled local officials regarding the nature of their services. They have apparently received moneys for which they cannot give an account. And they have had a deleterious effect on the quality and quantity of medicine in their service area.

Numerous discrepancies have been identified in descriptions submitted to HEW regarding the services SIFMES claims are being provided as compared to these same services as reported by local doctors, health officials, hospitals, and HEW's own internal reports. I have every reason to believe that HEW officials are not only aware of these discrepancies, but are possibly trying to cover them up. Our research has shown that my office was not given the complete HEW file as was requested. As a matter of fact, information vital in proving that there are serious problems in the SIFMES organization was apparently deliberately withheld from me in order to protect the joint interests of HEW staff members and SIFMES. Just last week (February 8, 1979) I again requested that HEW furnish the missing files, but the Seattle office now claims that some of those records have been lost.

Along this same line, I have also learned that one HEW grant specialist, who challenged the integrity of the SIFMES operation, who discovered information seriously questioning whether the grantee was complying with the required conditions of regulations and law, and who found that SIFMES had possibly deliberately inflated cost projections, was taken off of the SIFMES case (and later left HEW) even though other reviews confirmed his findings.

Among the disquieting elements which require immediate explanation and answer are the following:

1. How does HEW justify continuing a grant program in which—

(a) HEW itself questions the integrity of the program or its operators.

(b) HEW cites substantial evidence of administrative incompetence.

(c) There exists substantial overpricing in elements of the grant applicant's operation.

2. When a newspaper in the concerned area of Southeast Idaho began a series of articles raising the issues of competence and effectiveness of SIFMES, HEW quickly glossed the situation over by reporting to the newspaper that the problems are being corrected. However, there is serious questions regarding how one corrects a problem of integrity, one of the concerns spelled out.

3. A substantial part of one of the most recent grants by HEW to SIFMES consisted of approximately $95,000.00 to be used for an adolescent health program. The grant application states that the area schools were to be the base of the program. The application also strongly implies pre-existing agreement by the schools to participate in the adolescent health program. Eleven months later, when my office asked the very schools listed by SIFMES as participants in the program, every single school denied that any consent had been given by the schools as of the time of my inquiry on February 7, 1979.

4. When my office sought the same information from the operator of the proposed program who initiated the meeting, copies of alleged consent letters by two of the schools were offered. The initial offer of corroboration was later withdrawn in circumstances which make it doubtful that the consent ever existed. Why is $95,000 in the possession of this grantee not only without a program for it, but with little chance of the affected schools ever approving such a program.

5. The program in item 4 above was advertised to the community shorn of any controversial aspects. The grant application, however, carries specifics of the more controversial aspects of the program. The question arises whether HEW, or the SIFMES group, or both, are seeking, not so much to serve the people of Southeast Idaho, but to force upon them concepts and values foreign to their own. Is the Department of Health, Education and Welfare embarked on making grants based on the social views of the grantees without reference to competence or integrity, or even for family trust and individual morality?

6. Several of the directors of SIFMES, including its founder, are in the business of medicine as a profit-making venture. Since SIFMES was founded, its founder organized a profit-making medical corporation. SIFMES has contracted virtually all of its medical services with that profit-making medical corporation. The close relationship between SIFMES as a tax exempt organization and a profit-making operation run by SIFMES directors raises serious questions as to possible misuse of exempt status under the Internal Revenue Code.

7. HEW recently granted funds to SIFMES to provide a physician and physician's attendant in the American Falls clinic which is presently operated by SIFMES under a Kellogg grant. The HEW grant was ostensibly made to SIFMES to provide adequate medical care for the community involved. The grant was made at about the same time that the privately funded HSRI clinic in American Falls dismissed a physician because of a lack of need, and a study of statistics will show SIFMES services have not been increasing to cause this reduction.

8. HEW, on September 12, 1978, states that "It is still not clear how many (health) providers are being purchased by this grantee." During the three years of HEW's grant program, it had granted more than $700,000 to SIFMES. However, it does not know at the end of the three year period what its grants purchased. This single example raises important questions of how the taxpayers'

money is being used. In addition to the apparent waste of tax money, does HEW's grant program influence other giving? Are CETA funds also paid to SIFMES at least in part as a result of the assumption that HEW knows what it is doing? In this case, even a private foundation granted a substantial sum, approximately $200,000 in one community alone. Would they have given their money had they known HEW's doubts about the integrity, competency and even truthfulness of the grantee organization?

9. SIFMES has received grants to provide a mental health "linkage" program in spite of the fact that SIFMES has no psychiatrist. The grant was made over the strenuous objections of area psychiatrists.

10. There are several academic PhD's associated with SIFMES. Some sources allege that SIFMES patients see a person who is called a "doctor", but in truth the attending person is a PhD or a paramedic and not a physician.

11. According to HEW reports a large percentage of SIFMES patients are served by mid-level practitioners (PA's or nurses) and do not see physicians.

The overriding questions are:

(A) How funding can be achieved over the objections of key elements concerned or without their knowledge, particularly when controversial and even unacceptable programs are involved. For instance, how is it possible for HEW funds to be dispensed in the face of unanimous rejection by the involved medical society and what is the relationship of the council of governments to this process?

(B) How can funds be granted for a program such as adolescent health care which involves highly controversial aspects (such as birth control, abortion and venereal disease counselling with this so-called adolescent right to exclude parents in such matters), probably not acceptable to the areas proposed for inclusion and with no apparent evidence that necessary authorities in local governments and schools will cooperate?

Three years into the SIFMES program, two facts are evident:

(1) HEW does not know what it should know about its grantee's activities.

(2) SIFMES has not performed in accordance with its own assessments of the deficiencies in the local medical community.

Unfortunately, the SIFMES problem is not an isolated one, it seems to be scandalously common in HEW operations. For instance, I recently learned that yet another HEW grant has been awarded to the Idaho Migrant Council in two other cities in my district. This award was made over the strenuous objections of local and State health officials who considered the grant of nearly $400,000 a duplication of existing medical services.

And there is no question, but that such an uncoordinated and unresponsive operation as here demonstrated by HEW could be subject to even more severe exploitation in those large population centers where far greater funding potential is available.

Given the number of problems evident even from HEW's own evaluation of SIFMES, I have contacted Secretary Joseph Califano and his Inspector General to insist that this agency immediately conduct an investigation into HEW funding of SIFMES and other like programs in Idaho and across the Nation and proceed to identify the full scope of the moneys being dispensed to the grantee(s) concerned. A full and early explanation of HEW's apparent irresponsible, if not fraudulent, handling of Government grants was demanded along with their plans for corrective action and recovery of funds improperly dispensed.

The matter has also been referred to the General Accounting Office and other appropirate offices for their review. I would suggest that other Members of Congress with similar complaints or concerns ask for simultaneous review.●

"SUPPOSE THEY SENT A BILL AND NOBODY PAID?": A RESPONSE TO CONSUMER DEBT

HON. JOHN CONYERS, JR.

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 21, 1979

● Mr. CONYERS. Mr. Speaker, all kinds of consumer problems are affecting citizens. These range from obtaining adequate home and auto insurance, especially if you happen to live in inner-city neighborhoods, to obtaining mortgage money and paying for the rising costs of energy. Consumer debt is currently estimated at $1 trillion, which includes both installment and mortgage debt (this amounts to 23 cents of the average person's take-home dollar that goes to payment on the debt).

A recent article, "Suppose They Sent a Bill and Nobody Paid?" written by Mark Sufrin that appeared in In These Times (Feb. 7–13, 1979 issue), provides a very cogent view of the growing use of personal bankruptcy as a means for dealing with debt. I recommend the following article to my colleagues:

SUPPOSE THEY SENT A BILL AND NOBODY PAID?

(By Mark Sufrin)

Once upon a time in the U.S., debt was something you were supposed to honor, and bankruptcy was a mark of personal failure and disgrace. "Today," says one lawyer, "things have improved. Personal bankruptcy is something like contracting a venereal disease—socially acceptable but nothing to brag about."

But some of the stigma remains.

"There's nothing worse than what bankruptcy does to your pride," says Henry Roberts of Dallas. "It's not the fact that you can't buy nice things. It's that you're going against the whole moral teachings of the last 200 years."

"It means admitting in public," says Paul Walker of Los Angeles, "that I couldn't handle myself financially—something my All-American upbringing had taught me to have pride in. It also meant abandoning 20 years of a perfect credit record. The choice was agonizing. But in the end, I chose to go bankrupt—and it was the wisest thing I ever did. At first I was in a state of shock. Then I started to live again, with a free slate. For the first time in years I wasn't afraid, and that feeling overcame my guilt."

More and more, debt-ridden Americans are using this legal escape to rip off their creditors. The message is becoming increasingly clear to the public:

Anybody—anyone at all who does not wish to pay his debts—any individual who yearns to start a spanking-clean economic life without owing a dime has only to walk into the nearest federal court and declare himself a personal bankrupt. He doesn't even need a lawyer (though it's advised); just the proper legal forms filled out plus a $50 filing fee (payable in installments) wash all creditors out of his hair and all garnishes from his paycheck. And no one can stop him.

The message, of course, shakes the business-credit establishment. The American consumer public is into credit people for over one trillion dollars (that's a thousand billion dollars) on home mortgages, charge accounts, personal loans, installment credit, etc. And 10 percent of that stupendous sum owed is in nonrecoverable consumer goods and cash loans. In short, the credit people have 100 million bucks working the street and not a leg-breaker on the payroll. Who wouldn't get nervous?

"Bankruptcy is as American as apple pie," says one consumer advocate. "Hell, big business, movie stars, rock musicians, society people, everybody does it all the time, everybody but the poor slob who really needs it.

"Business, banks, and credit card and loan companies try to keep the whole idea of bankruptcy a secret. They put out the propaganda that personal bankruptcy is something to be ashamed of. But they wouldn't hesitate 15 seconds to go bankrupt if it meant making a profit. They grab credit too freely, and they just about say that bankruptcy is good for everyone but the consumer. Besides bad debts losses are tax deductible. The trouble is, information about personal bankruptcy for the average man has been a well-kept secret for too long."

It might be said that behind this silence is the fear that mass use of bankruptcy could wreck the economy of our country. Fortune magazine recently lamented:

"The fact that bankruptcy is getting to have a good name may be bizarre, but it's very much in tune with the times. In an age that holds society responsible for the misfortune of individuals, the personal bankrupt is no longer a failure, but an innocent victim whom the rest of us have an obligation to help. . . . Some people do go broke through no fault of their own, and they deserve help. But if Americans blithely assume that every case of bankruptcy is like that, the nation will find itself—well, bankrupt."

"That's a lot of baloney," says a Chicago lawyer who pleaded to remain anonymous. "People have been brainwashed that it's wrong not to pay their debts no matter what. I want everybody to know that you don't have to. And the U.S. Supreme Court in 1973 backed that up."

"The Bankruptcy Act," said the court "relieves the honest debtor from the weight of oppressive and often unfair indebtedness and permits him to start afresh, free from obligations and responsibilities. It gives the debtor a new chance in life and a clear field for the future, unhampered by the pressure and discouragement of pre-existing debt."

"Who are the personal bankrupts?" says Harold Lavien, a federal bankruptcy judge in Massachusetts. "In my court I've had secretaries making $8,000 to people earning $35,000 or more. They're people who are charge-accounted and loaned and mortgaged to their full earnings and somewhat over. And almost every personal bankruptcy usually has something that touches it off. Something has happened in the bankrupt's life—divorce, death, an accident, extensive hospitalization, loss of a job—you name it."

"The truth is that too often it's people who are innocent victims," says federal bankruptcy judge Emil Goldhaber of Philadelphia. "I'm amazed at how many people wind up in

bankruptcy court with no assets and with $10,000 to $15,000 in debt to lending institutions. I sometimes feel that people who come before my court have had credit jammed down their throat—and I don't blame them for going bankrupt."

"I can't punish myself," says bankrupt Jeff Neinrich of Indianapolis, "for debts to Master Charge and organizations like that, which are always running ads saying something like, "Charge your way across the country." That makes it possible for anyone in this country to live beyond their means. Basically, I did wrong. But the credit companies made it all too easy. They make you feel you can have anything you want."

"When you lose your job," says another personal bankrupt, "have a crisis in the family, or just can't keep up, when you owe X thousands of dollars and in the time it takes to mumble some legal mumbo jumbo your debt is suddenly gone, that's a mighty positive thing. It eliminates that despair, that sense you'll never get out from under. The feeling of relief is incredible."

The demand for information on bankruptcy is swelling with the rise in unemployment and the rate of inflation. Federal bankruptcy courts are jammed with their biggest caseloads in history. In the six months ended July 1978, more than 175,000 people filed for personal bankruptcy—an increase of 70,000 over the same period in the previous year. Most officials expect the situation to get much worse.

The credit establishment says that this costs them more than $2 billion a year. But with the $100 billion "working the street," the gross profit is still $18 billion, which makes the loss of $2 billion a tolerable business expense. Also: The rate of consumer borrowing is rising much faster than the rate of bankruptcies. And there are businessmen who, if given the choice between a key to the back door of Fort Knox and the charter to open a loan company, would take the loan charter every time.

If you're in debt over your head, bankruptcy is often the best—sometimes the only—way of getting a new start. Of course, after you do so, you will have to pay cash for everything for a while. Not too long though.

There are several reasons why bankruptcy won't hurt your credit rating in the long run. One is that you can only go bankrupt every seventh year. That figure seems to have originated in the Bible:

"If thou buy a Hebrew servant, six years shall he serve and in the seventh he shall go free." (Exodus 21:2)

"At the end of every seven years thou shalt make a release . . . every creditor that lendeth aught unto his neighbor shall release it, he shall not exact it of his neighbor, or of his brother, for it is the Lord's release." (Deuteronomy 15:2)

So once you file for bankruptcy, your creditors know that you can't escape via that route for another six years. They also know that bankruptcy probably wiped out most of your debts. Some companies have been known to solicit business from recent bankrupts. "I wasn't going to get caught by those vultures again," says one man. "I had to shut myself up in a room with no phones. I had to fight myself to beat off their temptations."

All debts are not wiped out by bankruptcy, however. The main classes of debts that you will still be responsible for even after going bankrupt are:

State and federal taxes (due within the last three years)

Fines and penalties arising out of criminal violations and traffic offenses

Child support

Alimony

Debts arising from willful or malicious acts

Debts incurred by fraud or false pretenses

Secured debts—home mortgages or payments due on your car

The bankruptcy court can also use all your assets to pay debts, except for the property exempted under each state's laws, and these can vary tremendously. Generally, most states will allow you to keep clothing, some cash, the tools of your trade, even basic transportation (like a ten-year-old car).

Any money you get after going bankrupt is exempt. If your Aunt Matilda heard you were in a bad way and laid $100,000 on you the day after you filed, your creditors can't touch it. In addition, the federal government exempts Social Security payments, veterans benefits, and railroad and federal pensions, among others.

A lawyer's fee for a simple bankruptcy may run as high as $350 or more. Too many lawyers recommend bankruptcy because it's the simplest and most lucrative way for them to handle their client's immediate problems, say Jan Slavicek, co-author with Robert Burger of *The Simplest Guide to Personal Bankruptcy*. But many experts feel the lawyers fee is well worth it. A good lawyer provides you with psychological as well as legal security.

A simple bankruptcy involving only a few debts and no complications, however, can be done on your own. In addition to the Slaicek-Burger book, another good one is *Wipe Out Your Debts and Make a Fresh Start*, by Jerome Neyers, who says, "A person continually paying out more than 20 percent of his income for past debts is fighting a losing battle and only prolongs the misery and inevitable financial disaster." Some consumer groups offer do-it-yourself bankruptcy kits for prices ranging from $10 to $50, depending on your financial state.

The aftermath can be an explosion of joy and relief. "It made me feel reborn," says a Chicago woman. "It removed feelings of guilt and anxiety that had crippled me for years."

Before filing for bankruptcy, it's perfectly legal to convert non-exempt assets into exempt assets. For example, you can take cash out of the bank and buy an insurance policy that names a child, wife, or dependent relative as the beneficiary.

Steven Prindle of Miami Beach, who goes into bankruptcy as often as the law allows, says, "People have to be shown that *money has no shame!* You can even make money by going bankrupt. Just before I file, I replace my two old cars with new ones. Now the old cars will be worth something to the creditors, no matter how beat up, because they're paid for. The new cars, however, they won't touch. They'd have to make the payments, and as soon as I drive the car, it's second-hand and drops $500 in value, at least, so they'd be losing money on the deal. Of course, I don't list the chattel mortgages on the cars on the bankruptcy form. I make an exception and keep up those payments. Nobody can touch my new cars.

"Then," he continues, "I do friends a favor. I list them as creditors, that I owe them maybe $5000 or $10,000. That way they have a nice legal income tax deduction, and they owe me a favor. Usually they're people who can help me get my credit back. You have to wait a while, maybe a few months, maybe a year, but it's not too hard. Houses are easy to save if you plan it right. Also, you know that going into bankruptcy doesn't wash out taxes. Owe them as long as you can because then the feds put a lien on everything and that stops your creditors from throwing you into involuntary bankruptcy—hitting you before you hit them."

Asked if many of his strategems aren't illegal and lawyers would refuse to use such tactics, Prindle says: "What the hell do you think they get paid for? To fill out forms? They have classes on sex in school now; maybe soon they'll have the guts to teach the kids about money!"

There is something less traumatic than bankruptcy. It is called Chapter 13 (a heading in the federal bankruptcy law), or the Wage-Earner Plan. Under the plan, a debtor pays his creditors over a period of three years—provided the majority of creditors agree—under court supervision. If the debtor gets behind in his payments, he can still file for outright bankruptcy.

Chapter 13 has some big plusses: you keep your property, your creditors are paid, and your pride and credit reputation take less of a beating. The filing fee is $15.

It also has some drawbacks. The debtor "is subject to the complete control of the court regarding the disposition of his income," notes author Jerome Meyers.

"The lawyers and courts try to talk people into Chapter 13," says Anyce Hutchinson, a consumer adviser in Fresno, Calif. "So you get payments strung out for years. They do everything to protect the creditors because the creditors are the big-business people who give the lawyers all their work. What can a poor bankrupt give them after he goes bankrupt?"

There are many, of course, who withstand the pressure and salivating creditors and work their way back from the brink of bankruptcy.

"If you can do it, fine," says Arnold Howell, a bankrupt. "Your Boy Scout credentials will be unsullied and probably look even brighter than before. But for those of us who couldn't or wouldn't hack it, it's the only way. Credit makes us like sheep, and it's difficult for a person to get over the feeling that he's getting something for nothing. Creditors know it—and thrive on it. Once in a while—for kicks—I fill out one of those credit card applications you see everywhere and drop it in a mailbox. It would be hilarious if someone actually sent me one. I wouldn't know what to do with it. Or would I?"●

THIRTIETH ANNIVERSARY OF THE SENTENCING OF CARDINAL MINDSZENTY

HON. FRANK HORTON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 21, 1979

● Mr. HORTON. Mr. Speaker, a little more than 30 years ago, the Communist regime of Prime Minister Rakosi sentenced Joseph Cardinal Mindszenty to life in prison. Cardinal Mindszenty's only crime was his struggle to preserve the independence and integrity of his church and faith in post-war Hungary. His struggle paralleled those in the political arena that sought to establish a free and Democratic society in Hungary. Both noble causes suffered essentially the same fate—suppression by Hungarian and Soviet Communist forces.

Now, barely more than 30 years since Cardinal Mindszenty's sentencing, and 5 years since his removal by Pope Paul VI as Primate of Hungary, the situation confronting the church in Hungary is the same as it was in 1949. Neither the church nor the people of Hungary are

free from the heavy-handed state intrusion in their affairs. In fact, according to Cardinal Mindszenty's statement in February of 1974, the dioceses of Hungary are governed by a church administration created and controlled by the Communist regime.

On this, the 13th anniversary, several Hungarian organizations in the United States, such as the Hungarian Freedom Fighters Federation and the President of the Hungarian Catholic Priests' Association, have issued statements in respect of the memory of Cardinal Mindszenty. At the head of those groups participating in the anniversary commemoration is the Coordinating Committee of Hungarian Organizations in North America, chaired by Jozsef Kovago. He and Executive Secretary Istvan B. Gereben, have prepared a statement which I would like to insert into the CONGRESSIONAL RECORD. I strongly commend it to my colleagues. The text follows:

STATEMENT OF THE COORDINATING COMMITTEE OF HUNGARIAN ORGANIZATIONS IN NORTH AMERICA ON THE OCCASION OF THE 30TH ANNIVERSARY OF THE SENTENCING OF CARDINAL MINDSZENTY

Thirty years ago, on February 8, 1949, a special court of the Rakosi-led Communist reign of terror delivered a lifelong sentence for Jozsef Cardinal Mindszenty. The Prince Primate of Hungary was arrested on trumped up, false charges. During the long interrogation he endured extraordinary physical and psychological torture. The sentencing of Cardinal Mindszenty concluded the most notorious show trial of the Communist authorities in East-Central Europe.

On the occasion of the 30th anniversary of this act of infamy the Coordinating Committee of Hungarian Organizations in North America—compelled by a sense of duty to preserve the Hungarian past—calls upon all decent citizens of the World to pay tribute to the life, the sacrifice and the memory of Jozsef Cardinal Mindszenty, the Primate, the Hungarian, the Man, who was victorious in his defeat.

The gates of prison were slammed behind the heroic Price Primate thirty years ago. His defense was that he fought for the Church, for his country and for freedom. He became a mere number in the Hungarian Gulag in which tens of thousands of decent Hungarians were detained, tortured, executed, all of whom shared a common commitment to fight against the Russian directed Communist take-over of Hungary. They all were convinced that the forceful push for a Communist dictatorship violated the Agreement of Yalta signed solemnly by the leaders of the Allied Powers, and which declared that after the war the citizens of the European countries would enjoy the right to freely elect the form of government in which they want to live. The Agreement of Yalta also promised the renewed enjoyment of sovereign rights by all nations of Europe.

The ink was still wet on the signed Agreement of Yalta, when in 1945, in the shadow of the occupying Red Armv. the Hungarian nation, through free nationwide elections and with an overwhelming majority, decided to establish a western-style, free, multiple party, parliamentary form of government. This unqualified manifestation of the Hungarian people electrified the whole Western World. At the same time, it alarmed the Soviet Union. The Kremlin gave the free hand to its Moscow trained vassals—who controlled the Secret Police—to undermine the budding democratic system of the Hungarian government.

Shortly after the election attacks were waged against the Smallholders' Party, which obtained an absolute majority of the votes. Many thousands of Hungarians who opposed the Communists were tried by mock trials and disappeared in political prisons full with the cries of men tortured to death. In the shadow of Soviet bayonettes, the intimidated nation moved towards the national tragedy from which only the Western World could have saved her.

In February, 1947, Bela Kovacs, the brave, undauntable Secretary-General of the Smallholders' Party was arrested and abducted to the Soviet Union by a Russian commando unit. The members of the Parliament representing the majority party were unnerved by the Communists, those who protested were liquidated by the Moscow controlled Secret Police. The leaders of the Smallholders' Party were forced in exile.

At the end of 1947, the thugs of the Kremlin, who by now felt the smell of success, thought that a new national election would result in the victory of the Communist Party because the nation lost her faith in the weakened Smallholders' Party. But courageous politicians formed new liberal parties which had the trust and support of the people.

In the 1947 election the Hungarian nation, despite the Communist threats, with overwhelming majority again expressed her wish not to live in a Communist system. Unfortunately by now real power was in the hands of the Moscow supported Communists who declared the Sulyok, Pfeiffer, Barankovics led liberal parties illegal.

After the forced fusion of the Social Democratic Party into the Communist Party in 1948 there was only one obstacle left in the way of the Rakosi led reign of terror: a fearless, immaculate and determined man, Jozsef Cardinal Mindszenty.

The Masses celebrated by the Hungarian Prelate were attended by tens of thousands. The nation prayed and asked the Lord to give the ability to the apostolic Prince Primate to stop the Communists. Millions hoped that the thugs of Moscow would not dare to treat the supreme leader of the Hungarian Catholic Church as they treated the politicians. It was strongly assumed that the Western World would not tolerate the mistreatment of the Prince Primate. But the harsh reality was that God was banished from society by Moscow a long time ago. According to the rulers of the Kremlin people should march without God on the tears and blood soaked road of dialectic materialism. During this time in Washington a new policy, the policy of "containment" was established. This policy accepted the fall of East-central Europe in the sphere of Soviet interest.

Thus as the result of the shifting scenery on the stage of history the only role which remained for the heroic Prince Primate of Hungary was the role of suffering. He was arrested on December 26, 1948. His deplorable and unjust sentencing on February 8, 1949 represents a dark nadir of Hungarian history.

On this 30th anniversary, the Coordinating Committee of Hungarian Organizations in North America represents that we, as the community of free men, bow our heads in respect of the memory of the Hungarian Prince Primate, who surely continues to pray for the withdrawal of the Soviet Union from Hungary, for the reestablishment of the sovereignty of his country, for the freedom of his nation.

Let's bear in mind that the true cause of the suffering of the Hungarian nation is Soviet domination over Hungary.●

THE FUTURE OF AN AGING AMERICA

HON. MARIO BIAGGI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 21, 1979

● Mr. BIAGGI. Mr. Speaker, recently the New York Sunday Times ran an interesting article discussing perhaps the most important demographic fact for the present and future—America as a people is growing older.

The article written by Steven Roberts parallels much of what the Subcommittee on Human Services of the House Select Committee on Aging has been researching in its series of hearings on the future of aging. As chairman of the subcommittee I can assure my colleagues that future policy in this Nation will have to be more receptive to a growing elderly population.

My subcommittee in its work has held five hearings on all aspects of the political, social, and economic implication of an aging society with the last hearings conducted in California to assess the impact of proposition 13 on services to the elderly. Presently a report is being written which will not only summarize the main points of the hearings, but will offer a number of policy recommendations for the future.

The distinction between the young old and old old offered by Mr. Roberts is extremely important to understanding the future of aging. While the overall over 65 population is expected to increase dramatically during the balance of this century, the fastest growing group will be the 75 and over group, the so-called frail elderly who will demand a great deal of the future health and social service dollar. Therefore, it is essential that we begin to plan to develop more comprehensive services for this element. In addition we should provide for more realistic service programs for the remaining elderly population so we are not giving what is not needed.

The issues presented in this article are real and deserve very close attention. The House Select Committee on Aging will continue to focus its attention on this important phenomenon and the upcoming report on the future of aging will present additional consideration of this matter.

The article entitled the "Old Become Both Older and Younger" follows:

THE OLD BECOME BOTH OLDER AND YOUNGER

(By Steven V. Roberts)

WASHINGTON.—Just before the Carter budget was published last week, it still contained a surprising proposal. It suggested raising the minimum age for receiving Social Security from 62 to 65. At the last moment the idea was deleted for further study, but the President did propose reductions in Social Security benefits.

The changes reflect a growing debate over how long people should work, when they should retire and how they age. The possible answers to these social questions range widely, but the basic facts of life, and death, are incontrovertible.

Old people are no longer a small, homogeneous group. They can now be divided into

the "young old," who are between 65 and 75, and the "old old," who are over 75 and represent one of the faster-growing segments of the entire population.

"In effect, we are adding a whole new generation of living people," said Robert Benedict, the United States Commissioner on Aging. "It's a social achievement, not a deficit."

But as President Carter's budget indicates, this "social achievement" also involves sizable costs. While Americans are living longer, they are retiring earlier. A generation ago there were nine workers for every retired person; today there are six, and in 50 years there will be only three. This shift has caused a phenomenon known as "the graying of the Federal budget." Now, about one-quarter of all Federal expenditures go to the elderly, but in 2030 the share will rise to 40 percent. Who is going to pay the bill?

"Both 'young' and 'old' elderly may increase pressure on public and private sources of income," said Robert J. Samuelson, a writer on economics, in the National Journal, a Washington weekly that analyzes Government affairs. "More and more, the young elderly expect that their retirement income—mainly Social Security and private pensions—will keep them living at their preretirement standard of living. As for the old elderly, they require increasing public support."

When Social Security was adopted, average life expectancy at birth was 63 years, but today it is 69 for men and 77 for women. More importantly, life expectancy at age 65 has jumped sharply, to 18 years for women and 14 for men. For anyone who lives to retirement age, the post-working years are likely to last as long as childhood, if not longer. Some families already contain two generations of elderly persons, a great strain on any budget.

The differences between the young and old elderly are not just chronological. Chronic illnesses, debilitating injuries and loss of sensory perception rise steeply after age 75. Only 12 persons out of 1,000 in the 65-to-74 age group live in nursing homes, but the figure rises to 59 in the 75-to-84 range and to 237 above age 85.

These stages raise important questions of public policy. For example, how old is old? Or put another way, at what age does a person become dependent?

Ironically, while Americans are living longer, they are retiring earlier. More than 50 percent of Social Security recipients begin receiving benefits at age 62, and some private pension schemes allow retirement at 55 or earlier. Many experts agree with Robert M. Ball, a former Social Security commissioner, who called this trend "bad public policy." To these experts, 62 or even 65 is an arbitrary retirement age, based on medical assumptions that are no longer valid. Ways should be found, it is argued, to keep the "young old" in the work force.

One proposal is to raise the retirement age under Social Security, and President Carter's advisers were pushing him to back the idea this year. For political reasons, any change would probably apply only to new workers, so the rules of the game have to be changed now, goes the argument, to affect the budget 50 years from now. But it is sometimes objected that raising the age would hurt the sick and the unskilled, and that workers should be encouraged to put off retirement. One inducement is the legislation adopted last year giving workers a 3 percent bonus in Social Security payments for every year they stay on the job after 65.

Another idea is to end the sharp break between work and leisure, allowing workers to ease gradually into retirement. More flexible work hours, part-time work and second careers could keep senior citizens more productive for longer. Before this can happen, however, employers must rethink their stereotypes about the capacities of older workers. "As long as we continue to see old people as inept," warns Jack Ossofsky, executive director of the National Council of the Aging, "we won't open opportunities for them."

When it comes to social services, senior citizens are still usually considered a single group. But many "young" oldsters need only occasional help—a ride to the store, say, or legal advice about pension rights. There is often no middle ground between a private apartment or a nursing home. But experts say that many elderly could remain independent with group living arrangements or with the expansion of "day-care" services. Even many bedridden patients could be cared for in their own homes, yet medical insurance plans seldom pay for home-based care.

The demographic shift will affect almost every profession. In medicine, for example, more research is needed on the health troubles of the "old old," ranging from senility to hip fractures. Architects need to devise new ways to house the aged, while the legal problems of the elderly represent a growth industry in the law. In politics, the "gray power" lobby is showing considerable muscle.

With more retired workers living longer, public and private pension funds are faced with huge, unfunded liabilities. At the same time, two-thirds of the "old old" are women, many of them widowed and unprotected by their late husbands' pension plans.

The "new generation" of elderly Americans also presents opportunities. For the first time, most people will know thir grandparents, and even their great-grandparents, into adulthood. With the gift of time, and good health, older people now have more of a chance to change jobs, learn new skills, take up new interests. Life—or an important part of it—really begins after 60.●

CONSTITUTIONAL AMENDMENTS TO BALANCE THE FEDERAL BUDGET

HON. ROBERT N. GIAIMO

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 21, 1979

● Mr. GIAIMO. Mr. Speaker, the 96th Congress is receiving, and will continue to receive, substantial pressure to join the "Balanced-Budget Drive" which is taking place in many States. The immediate objective of this movement is to urge Congress to call a constitutional convention to pass an amendment to require that the Federal budget be balanced. Enough Members have asked my views regarding these proposals to prompt me to share my thoughts with all Members of the House.

Let me first make a distinction between the concept of a balanced Federal budget and a constitutional amendment to require a balanced Federal budget. First, I know of no Congressman who likes budget deficits. We all support the concept of a balanced budget and we are working hard to achieve that goal. Last fall, for example, while we were not as successful as we hoped we would be, Congress passed a budget resolution which contained the lowest deficit in the past 5 years. We are moving in the right direction and in a deliberative manner which takes into account national economic conditions.

But while I support balancing the Federal budget, I am wary of tampering with our Constitution to accomplish that objective. I am very suspicious of what appears to be a "quick-fix" for what are extremely complicated fiscal problems.

Initially, we must remind ourselves that the Federal Government is not a State and does not manage its fiscal and financial affairs like a State. No State budget is an economic policy document. No single State's budget transaction, or for that matter all the States combined, has the same kind of effect on economic trends and conditions as has the Federal budget. No State is responsible for providing for our national defense or aid to State governments.

Aside from the substantial legal questions involved, we need to know a great deal more about the fiscal impact of the constitutional amendments being proposed. We should know what the long-term as well as short-term effects will be before we jump on this bandwagon. We need to remember the important role Federal stimulus programs play when our economy is weak and the delicate relationship between the economy and the Federal budget. Three years ago, the Joint Economic Committee summarized this very well:

> The Federal deficit is the result of economic conditions as well as tax and spending policy. For example, if the rate of inflation is high causing money income to rise, people will be pushed into higher tax brackets and Federal tax receipts will rise. If the economy is depressed so that personal income and profits decline, then Federal tax receipts also decline. If the unemployment rate is high, Federal spending for unemployment compensation and other income support programs will rise. In order to assess the consequences of a deficit, we must consider the state of the economy at the time the deficit occurs.

We need to examine what constitutes the term "balanced-budget" as it is used by the States and as it is used in the various proposed constitutional amendments. Some experts have claimed that if the Federal Government used the same accounting approaches as most States use, the current Federal budget would be close to being balanced rather than showing a deficit of almost $40 billion. The National Governors' Association has been quoted as saying that "although State governments operate on balanced general fund budgets, they may still incur debt by borrowing funds through the bond market and spending the borrowed funds through separate capital budgets." If we are to imitate the States in this way, we need to analyze the impact of establishing a separate capital budget at the Federal level. Will moving major Federal borrowing programs out of the traditional Federal budget result in Congress losing budgetary control of these activities?

Also, shifting activities from one Federal budget to another could inevitably lead to budget gimmickry. Ingenious Federal officials could quickly discover ways to subvert the whole purpose of the amendment. If this occurred, the result could be a mockery of our Constitution.

Finally, we also need to examine the effect of such a constitutional requirement on Federal programs. A constitutional amendment could place the Con-

gress and the President in a fiscal straitjacket. For example, if the economy became weak and Federal revenues were low, necessary Federal stimulus programs might be impossible. If stimulus programs became necessary, severe budgetary reductions would have to be made in other areas of the budget or taxes would have to be raised. Severe budget cuts would undoubtedly have disastrous effects on the financial stability of State and local governments. For example, recently, the Treasury Department reported that Federal aid to State and local governments has increased 50 percent in the period from 1975 to 1978. This support is currently estimated to be about $83 billion and has been one of the fastest growing parts of the Federal budget. The irony is that the improved conditions at the State level—where significant pressure for a constitutional amendment is growing—is due in part to this large increase in Federal support.

These are some of the concerns that lead to my apprehension. We must face the economic reality that the reasons for budget deficits will not disappear by commanding that the Government spend only as much as it receives in revenues. Revenues rise or fall as the economy rises and falls, and a drastic cut in spending when real output is falling would only succeed in driving the economy down into a recession. That bitter lesson was learned nearly 50 years ago.

But while I do not think that the current proposals are good ideas, Congress cannot ignore them. They should receive their day in court. But as we debate these proposals, we should have as much and the best information that we can obtain. I intend to recommend that the House Budget Committee closely examine the approaches currently being proposed to determine their economic and budgetary impacts. I will recommend the committee solicit the views of our country's leading economists and constitutional scholars for their views on this important subject. When available, I intend to share these views with the House.●

ARIZONA STATE HOUSE REAFFIRMS SECOND AMENDMENT

HON. ELDON RUDD

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 21, 1979

● Mr. RUDD. Mr. Speaker, I am pleased to bring to the attention of the House a memorial unanimously passed by the Arizona House of Representatives, urging the Congress to oppose any legislation or regulations which would in any way restrict the constitutional right to keep and bear arms.

I have noticed that often in the discussion of gun ownership, attention seems to concentrate on the negative aspects of guns, without a balancing focus on the beneficial results of personal protection and safety which arise from the private ownership of firearms.

I believe that the members of the Arizona House of Representatives have reflected in their memorial many of the positive aspects which result from the second amendment.

CRIME PREVENTION

Probably the most cogent point raised by the legislators is the observation that—

Crime statistics only cover the use of firearms in crimes, and do not disclose the many instances where the lawful possession or use of firearms for defense have prevented crimes.

Recently, an organization called Handgun Control, Inc., sent to Members of Congress news clippings from our districts purporting to show numerous abuses of firearms in general, and handguns in particular. What this antigun lobby and other gun control groups neglect to point out is that the overwhelming majority of American gunowners are not causing any problems or disturbances by the personal ownership of their firearms.

In my view, it is a total misunderstanding of the facts to assume that gun-related crimes are committed by "typical" gun owners, and that elimination of guns will result in the end or even reduction of crime.

Of course, the peaceful, law abiding majority of gun owners do not make as sensational a story as the comparatively small, but more "interesting" instances of gun abuse. Nonetheless, the statistics clearly reveal that only a very small percentage of the population misuse firearms, despite the heavy publicity which such tragic instances attract.

SELF-DEFENSE

My fellow Arizonans have wisely pointed out:

The handgun is the most effective weapon for self-defense, and its mere possession frequently is sufficient to repel an invader or attacker.

What we would see should there ever be Federal handgun restrictions would be increases in crime, not the decreases which gun control advocates envision. For gun ownership restrictions would remove the deterrent to criminals, and would not prevent the unlawful from continuing to perpetrate crime against a defenseless citizenry.

The Arizona House noted, quite accurately, I believe, that despite the best-intentioned motives, restriction or elimination of gun ownership "would not prevent the acquisition of weapons by criminals or their misuse by criminals." No one has ever satisfactorily explained to me, Mr. Speaker, why we are to expect that the criminal element in our society would obey Federal gun control legislation when criminals do not now obey other statutes.

ARIZONA'S MANDATORY SENTENCING

I should point out, of course, that Arizona legislators are concerned, as am I, about the misuse of guns. They have adopted a course which I believe to be wise and prudent, and an approach which I believe the Congress should seriously consider.

The State of Arizona requires mandatory sentences for certain crimes in which guns are used. If, as gun control advocates claim, their aim is truly to stop the criminal use of handguns, the Arizona method seems to me the realistic approach to adopt at the national level as well.

Our Nation's laws should punish those who misuse firearms, not adopt a guilt-by-association philosophy which punishes the innocent as well as the guilty.

I might add that Arizona crime statistics indicate a substantial reduction in the incidence of gun-related crimes since the implementation of this law in 1975. I believe the experience in Arizona warrants consideration of the adoption of this approach in Federal statutes.

I do not believe that we need to waste the law enforcement resources of our Nation on the registration, control, or confiscation of firearms, which would likely have counterproductive results, as I have indicated. In my view, this would be a terribly misdirected approach.

NO FEDERAL GUN REGISTRATION

Mr. Speaker, I am pleased to report to the House that the Treasury Department has advised me that no attempt will be made to implement a nationwide Federal firearms registration system, such as was attempted in 1978.

As you know, last year the Bureau of Alcohol, Tobacco, and Firearms attempted such sweeping proposals without consulting or obtaining the approval of Congress. This "back door" approach was an attempt to circumvent the will of the Congress and the American people.

I have been concerned that the Federal bureaucracy might attempt another such proposal again this year. I asked Treasury Secretary Michael Blumenthal about his Department's intentions on this matter when he appeared last month before the House Appropriation Committee, of which I am a member. The answer I received from the Treasury Department is as follows:

There are absolutely no funds in the FY 1980 budget to implement the firearms regulations proposed by BATF in 1978. A final decision on whether to withdraw the regulations or propose a new modified version has not been made. Consistent with Secretary Blumenthal's commitment to Congress last summer, if any new proposal for regulations is made, it will be accompanied by a separate request to Congress for implementation funds. Therefore, there is no intention whatsoever to reprogram any funds to implement such regulations.

I believe, Mr. Speaker, that our Federal law enforcement agencies, including the BATF, should concentrate on the apprehension of those citizens who have abused handgun ownership through illegal and criminal means, in addition to other effective crime control measures. They should not work to disarm the American public.

Mr. Speaker, I include the memorial of the Arizona House of Representatives in the RECORD at this point:

HOUSE MEMORIAL 2001

A memorial urging the President and the Congress of the United States to oppose any further sport or self defense weapons control proposals for Federal legislation or regulation

To the President and the Congress of the United States of America: Your memorialist respectfully represents:

Whereas, defense of one's person against assault by another is a natural right recognized by every generation; and

Whereas, every individual's right to the possession of adequate weapons for his defense or the defense of his home and family is essential to the protection of this natural right; and

Whereas, the Bill of Rights of the Constitution of the United States and Article II, Section 26 of the Constitution of Arizona guarantee to their citizens the right to keep and bear arms; and

Whereas, the handgun is the most effective weapon for self defense, and its mere possession frequently is sufficient to repel an invader or attacker; and

Whereas, crime statistics only cover the use of firearms in crimes, and do not disclose the many instances where the lawful possession or use of firearms for defense have prevented crimes; and

Whereas, handgun control legislation would deny a citizen the right to obtain weapons for self defense, but would not prevent the acquisition of weapons by criminals or their misuse by criminals; and

Whereas, there currently are adequate laws to punish criminals for the misuse of firearms in crimes if properly enforced.

Wherefore your memorialist, the House of Representatives of the State of Arizona pray:

1. That the President and the Congress of the United States take those steps necessary for the proper enforcement and judicial punishment of criminals, rather than enact further legislation or allow rules and regulations by government agencies which would curtail the right of honest citizens to acquire weapons for sport or self defense.

2. That the Secretary of state of the State of Arizona transmit a copy of this Memorial to the President of the United States, the President of the United States Senate, the Speaker of the House of Representatives of the United States and to each Member of the Arizona Congressional Delegation.●

ELDERLY VICTIMS OF CRIME

HON. MARIO BIAGGI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 21, 1979

● Mr. BIAGGI. Mr. Speaker, Michael Daly, a reporter for the New York Daily News, recently wrote a three-part series of articles dealing with a tragic situation that merits prompt congressional attention. I am referring to the fact that an estimated 100,000 elderly citizens, in New York City alone, have become prisoners in their own homes due to the fear of being victimized by crime.

As New York's ranking member on the House Select Committee on Aging, I intend to do everything possible to insure that this matter receives the high priority that it deserves. I wish to urge my fellow colleagues to join me in initiating and supporting effective measures necessary to correct this problem.

Mr. Speaker, at this time, I would like to extend my wholehearted praise to Mr. Daly for bringing this matter to the public's attention. The following is the final article of this series—the first two of which appeared in the January 31 and February 8 RECORD, respectively:

JENNIE'S 120 DAYS OF HARD TIME

PRISONER OF FEAR

Police estimate that the fear of being robbed, raped or murdered keeps 100,000 older persons here virtual prisoners in their homes. Newsman Michael Daly spent three days recently with one of those prisoners in her Coney Island apartment. He recorded the events and emotions of Jennie Kelly's 120th day in her "jail" in this diary of fear.

(By Michael Daly)

The Westinghouse alarm clock pounds at the stillness in Jennie Kelly's two rooms like 120th day of her incarceration in her two-room Coney Island apartment.

It is 7:30 a.m.

As the alarm sputters and finally dies out, the 83-year-old widow sits up in the bed and begins her morning calisthenics. Holding her arms straight out in front of her, Jennie cocks her elbows, bringing her hands back to her shoulders. This is the warmup exercise Jennie learned from the girl's basketball coach at Brooklyn's Erasmus Hall High School in 1911, 67 years before the three muggings that left her too afraid to venture beyond her doorstep, more than half a century before anyone could imagine that in a city which bills itself as the most cosmopolitan, elderly people would serve life sentences in their own homes.

As she repeats the exercise, Jennie recites the lines of Milton's "Paradise Lost" she memorized for her senior year's English exam.

"LOSS OF EDEN"

"Of man's first disobedience and the fruit of that forbidden tree whose mortal taste brought death into all the world and all our woe with loss of Eden until one greater man restoreth and regain the blissful seat, sing heavenly muse."

It is 7:15 a.m.

"I don't think the exercise was really a warmup, Jennie tells you as you walk into the room. "I think it was a bust developer. It doesn't do much for my bust, but it gets me going in the morning. If I just sat here and asked myself why I should get out of bed, I would probably just lie here and die. Exercise is a way of getting going without thinking about it."

Holding the collar of her brown robe around her throat, Jennie walks the 14 steps to the bathroom, stopping once to cough, and again to catch her breath. Standing at the sink, she cups a small mound of salt in her left hand. Wetting her right, index finger, she curls back her lips and rubs the salt on her teeth.

HER REAL TEETH

"They're all real," Jennie says after rinsing her mouth. "The teeth."

It is 7:40 a.m.

Repeating the lines from Milton, Jennie starts to make the bed, tucking the sheets and blankets into precise hospital corners.

"My mother was a nurse," Jennie says, "and I've been making a bed the same way for maybe 80 years. As long as I make the bed, I know I'm okay, I know I still have my spirit."

It is 7:58 a.m.

Leading you into the kitchen, Jennie returns to the bedroom and closes the door. Twenty-three minutes later, the door knob rattles.

"NOBODY WOULD HEAR"

"Help me with the door, it's stuck," Jennie says, knocking on the wood with her knuckles.

"I never close it when I'm alone," Jennie says after you force the door open. "It could kill me I could be stuck in there and nobody would hear me and I would die."

Smoothing her hair, Jennie walks into the kitchen. She is wearing a loose-fitting red velveteen dress. From her neck hangs a string of pearls. The edges of her high-heeled patent leather shoes cut into her swollen feet.

"I always dress on Sundays," Jennie says.

It is 8:30 a.m.

Moving to the kitchen window, Jennie takes down the stack of beer cans that serves as her burglar alarm.

"It's hot in here," she says. Spreading her feet bends her knees and presses her palms against the window frame. Her face turns red with the strain as the window cracks, opening an inch. Bending down, Jennie takes a deep breath of the air seeping through the crack.

REPAIRS WALLPAPER

Taking a roll of cellophone tape out of the counter drawer, Jennie inspects a peeling strip of wallpaper behind the steampipe in the corner. As she pressed the tape on the wallpaper, her knuckles brush against the pipe.

"Ouch," Jennie says, shaking her hand, "that's hot." She puts four more strips of tape in the corner, burning her knuckles three times.

"That's done," Jennie says.

It is 9:11 a.m.

As Jennie sits down at the kitchen table, footsteps pound up the stairwell, pass the door of her third-floor apartment, and continue up the next flight of stairs.

"That's Junior," Jennie tells you.

"How do you know?" she is asked.

LIKE A HOSPITAL

"I learned the sound he makes on the stairs and I heard somebody shout to him once when he was running by my door," Jennie says. "He's on his way to the roof. I think he keeps birds, but I'm not sure. His family just moved in three weeks ago, after I stopped going out. He has a sister, I think, maybe two sisters. I can always tell the difference between him and my nephew coming up the stairs."

"Do you look forward to seeing your nephew?" Jennie is asked.

"Not really," she answers. "It's like you're in the hospital and somebody's coming to visit you. Here, you sit here, and I'll pretend I'm the nephew and you'll see what it's like."

Her high heels clicking on the linoleum, she walks to the front door.

"Don't be afraid," she calls. "It's me, the nephew."

Walking up to you, Jennie pats you on the head.

"How are you getting along?" she says, lowering her voice. "How is your health? Here's the groceries. Are you feeling well? That's good. You sure you don't want to move to a home? It's not good for you being locked up in here. Are you feeling well? That's good. Well, I've got to run.

"That's what it's like," Jennie tells you. "Just like the hospital. They don't talk to you about the news or their friends, the things they talk to most people about. All they talk about is your condition. And nothing else."

It is 10:28 a.m.

LIKE POTATOES

Rust coughs out of the pipes when Jennie turns on the kitchen spigot. Waiting for the water to clear, Jennie fills a stainless steel pot and lights a front stove burner. Taking two small potatoes out of the paper bag on top of the refrigerator, Jennie spreads a sheet of newspaper on the table.

"I don't like to eat much more than potatoes," Jennie says as she peels the skins. "Some tuna, but mainly the potatoes. With salt which isn't good for me."

When the water comes to a boil, Jennie stands up and drops the two potatoes into the pot. Careful not to spray water on her dress, she washes her hands.

"I miss the french fries at Nathan's," Jennie says, drying her hands on a towel with "Manhattan Beach Hotel" emblazoned across the middle. "Not so much that, I guess, as going to Nathan's for french fries."

NOT AFRAID OF DYING

"Are you ever tempted to risk it?" Jennie is asked.

"Sometimes," Jennie says, "but then I get afraid. I'm not so much afraid of dying as of how I die. It's hard to explain, the difference is."

"Is it something like missing going to Nathan's for the fries more than just having the fries?" Jennie is asked.

"Something like that. I suppose," says Jennie. "The last time it happened to me, I was knocked to the floor and I thought I was going to be murdered. After all my life I just didn't want to be murdered on the floor. I suppose it's crazy."

It is 11:15 a.m.

"I'M SAVING MYSELF"

Banging the bottom of the shaker with the back of her hand, Jennie coats the potatoes with salt. Grabbing a fork, she breaks off a small piece, blows on it gently, and places it in her mouth.

"I could risk it," Jennie says. "I could go out every day and maybe nothing could happen to me. But things have happened to me and I know they could happen again. I've done what I need to do. Why should I risk it, as you say. I don't even really want visitors. I'm saving myself for the time when it's really time for me to go. Not when somebody wants to murder me."

"What do you mean by saving yourself?" Jennie is asked.

"Like I saved myself for my husband until we were married," Jennie says. "The potatoes are good." ●

A SALUTE TO LYNN SINGER—WOMAN OF THE YEAR

HON. JEROME A. AMBRO

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 21, 1979

● Mr. AMBRO. Mr. Speaker, on Saturday, February 24, the East Meadow Chamber of Commerce will honor a very great and gracious lady—Lynn Singer—as the Woman of the Year.

Lynn, as all Long Islanders know, is the president of the Long Island Committee for Soviet Jewry. In this position, she has literally devoted the last 8 years of her life to insuring the well-being and the freedom of millions of Soviet Jews held under virtual house arrest by a repressive dictatorship. Making her own considerable financial contribution to the cause she so deeply believes in, Lynn has made countless visits to the Soviet Union to obtain a first-hand view of the situation facing Jews there. Armed with this knowledge and with an unquenchable dedication and unflagging energy, she has made hundreds of trips to Washington: To my office, to the offices of my congressional and Senate colleagues from many States, and to the offices of the State Department. Her mission has been simple and urgent: To acquaint all of us with the brutal treatment—the harrassment, the unjust and lengthy prison sentences—accorded those whose only crime is being Jewish and wanting to join their families in Israel.

Through her efforts, many of us have adopted "Prisoners-of-Conscience", writing to those serving prison sentences for a variety of manufactured charges stemming from their desire for exit visas, and to Soviet Government and penal authorities to assure their well-being—such as it is—while serving their harsh sentences.

She has also put us in contact with many of the "refusnik" families—those who have been refused exit permits, but are subsequently subject to all kinds of harrassment, both physical and emotional, for years to come. She has forged a human chain stretching from this country to the towns and cities of the Soviet Union; a chain of concern and courage that serves as a lifeline of hope to those caught in the web of Soviet tyranny.

In addition to tending the flickering flame of freedom for the "refusniks" and the "Prisoners-of-Conscience," Lynn has, through her untiring efforts, been single-handedly responsible for the successful emigration of scores of Soviet Jews to the free world. She is truly a champion of human rights and a humanitarian in every sense of that word.

Mr. Speaker, I have know Lynn Singer for 4 years, and in that time, I have come to regard her as a confidant and valued adviser on a subject about which I share her passion, and as a dear friend. If ever there was a Woman of this or any Year, there could not be a finer choice than Lynn Singer.●

TRIBUTE TO JUDGE ROBERT J. O'NEAL

HON. GILLIS W. LONG

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 21, 1979

O Mr. LONG of Louisiana. Mr. Speaker, this past summer, Judge Robert J. O'Neal, one of the Nation's finest jurists and most dedicated civic leaders, passed away at the age of 90. Judge O'Neal touched the lives of all who knew him in a very special way, and I am certain the deep sense of personal loss felt by his family is shared by his friends and peers in the Shreveport community. I would like to take this opportunity to share with my distinguished colleagues a resolution which was adopted by the Shreveport Bar Association as a tribute to the life and career of this remarkable gentleman. The resolution follows:

IN MEMORIAM: JUDGE ROBERT J. O'NEAL, SEPTEMBER 27, 1887 TO AUGUST 24, 1978

We, the undersigned committee, designated by the President of the Shreveport Bar Association to prepare and submit the resolution to the memory of the late Robert J. O'Neal, Judge of the First Judicial District Court, submit the following:

Robert J. O'Neal was born in Choudrant, Lincoln Parish, Louisiana, on September 27, 1887, the son of Robert D. and Maude Kelly O'Neal. He was educated at Northwestern State University and studied law in the office of a district judge in Vernon Parish. Judge O'Neal was admitted to the Louisiana Bar in 1911.

He served as City Clerk and City Attorney in Leesville and DeRidder, Louisiana. In 1928 he moved to Shreveport and became a member of the law firm of Long, Fields & O'Neal. From 1928 until 1936 he served as Attorney for the Tax Collector of Caddo Parish and was an Assistant State Attorney General, representing the Department of Revenue.

He became District Judge of the First Judicial District Court in 1936 and served in that capacity continuously until his retirement in 1961.

Long ago it was said by Socrates that four things belong to a judge; to hear courteously, to answer wisely, to consider soberly and to decide impartially. All of these belonged to Judge O'Neal.

The dignified manner in which he conducted the court, his sense of honor and integrity in all matters, his high standard of ethics and kindness in his relations with lawyers, litigants and witnesses were also among his outstanding qualities as a judge. The people of Caddo Parish recognized him as an outstanding jurist, and therefore he was continuously re-elected without opposition.

Judge O'Neal was a member of all Masonic bodies from first to seventh degree in York Rite, 32nd degree in Scottish Rite and El Karubah Shrine.

Judge O'Neal's services to his fellow man were not restricted to his judicial functions. He was a leader and an active participant in all work of the Methodist Church, including service on the Board of Trustees of his local churches in DeRidder and Shreveport, lay leader in the Shreveport District and Treasurer of the Louisiana Conference. He also served as Chairman of the Boards of the Salvation Army and the Association for the Blind in Shreveport.

We of the Shreveport Bar who had the privilege of practicing before him shall always remember the consideration and courtesy he showed to counsel, litigants and witnesses in the course of a trial.

Judge Robert J. O'Neal is survived by two daughters, Mrs. Stuart DeLee of Shreveport, Louisiana, and Mrs. M. Miles Snider of Homer, Louisiana.

Now, therefore, be it resolved that we, of the Shreveport Bar Association, do hereby express our deep admiration and respect for the late Judge Robert J. O'Neal, whose ideals and standards of honor and justice are worthy of emulation by every member of the Bench and Bar.

Be it further resolved that we extend to the members of his family our sincere and heartfelt sympathy in his death, and that a copy of this resolution be spread upon the minutes of the First Judicial District Court as a final tribute to his outstanding public service to his community and state.

Be it further resolved that a copy of this Memorial be delivered to the immediate members of his family.

ROBERT ROBERTS, Jr.,
CHARLES L. MAYER,
JOHN R. PLEASANT,
Chairman.

(Read and adopted at Memorial Exercises Monday, October 16, 1978.) ●

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 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, February 22, 1979, may be found in the Daily Digest of today's RECORD.

MEETINGS SCHEDULED

FEBRUARY 23

9:00 a.m.

Agriculture, Nutrition, and Forestry

Nutrition Subcommittee

To resume hearings on the nutritional information contained on food labels.

322 Russell Building

Human Resources

Alcoholism and Drug Abuse Subcommittee

To hold hearings on the impact of the President's budget proposals for alcoholism programs, and on proposed legislation to deal with alcoholism.

4232 Dirksen Building

10:00 a.m.

Banking, Housing, and Urban Affairs

To resume oversight hearings on present U.S. monetary policies.

5302 Dirksen Building

Commerce, Science, and Transportation

To hold hearings on the nominations of Jesse Hill, Jr., of Georgia, and Joan Fleischmann Tobin, of the District of Columbia, each to be a Member of the Board of Directors of the Communications Satellite Corporation, and Anne P. Jones, of Massachusetts, to be a Member of the Federal Communications Commission.

235 Russell Building

Joint Economic

To receive testimony from Advisor to the President on Inflation Kahn on the state of the U.S. economy.

1202 Dirksen Building

10:30 a.m.

Appropriations

Labor-HEW Subcommittee

To hear Secretary Marshall on proposed budget estimates for fiscal year 1980 for the Department of Labor.

S-128, Capitol

1:00 p.m.

Foreign Relations

To receive testimony from Deputy Secretary of State Christopher on proposed FY 1980 authorizations for foreign assistance programs.

4221 Dirksen Building

FEBRUARY 26

9:00 a.m.

Commerce, Science, and Transportation

To hold hearings on the nomination of Gordon Vickery, of Washington, to be Administrator of the U.S. Fire Administration, to be followed by hearings on proposed legislation authorizing funds for programs administered by the Federal Fire Prevention and Control Act (P.L. 93-498).

5110 Dirksen Building

Human Resources

Alcoholism and Drug Abuse Subcommittee

To continue hearings on the impact of the President's budget proposals for alcoholism programs, and on proposed legislation to deal with alcoholism.

4232 Dirksen Building

10:00 a.m.

Banking, Housing, and Urban Affairs

To hold hearings on S. 85, proposed Monetary Policy Improvement Act.

5302 Dirksen Building

Commerce, Science, and Transportation

To hold hearings on the objectives that a national policy on tourism should seek to achieve.

235 Russell Building

Environment and Public Works

Environmental Pollution Subcommittee

To hold hearings on Executive Office involvement in the development of environmental regulations.

4200 Dirksen Building

2:00 p.m.

Appropriations

State, Justice, Commerce, and the Judiciary Subcommittee

To hold hearings on proposed budget estimates for FY 1980 for the Japan-U.S. Friendship Commission, and on supplemental appropriations for FY 79 for the International Communications Agency and Renegotiation Board.

S-146, Capitol

2:30 p.m.

Appropriations

Labor-HEW Subcommittee

To hear Secretary Califano on proposed budget estimates for fiscal year 1980 for the Department of HEW.

S-128, Capitol

FEBRUARY 27

9:30 a.m.

Commerce, Science, and Transportation

Science, Technology, and Space Subcommittee

To hold oversight hearings to access Government and industrial potential needs for powered "lighter-than-air" vehicles used for surveillance and reconnaissance.

235 Russell Building

Human Resources

Child and Human Development Subcommittee

To mark up S. 239, authorizing funds through fiscal year 1981 for ACTION programs, and S. 232, authorizing funds through fiscal year 1981 for information and counseling projects to aid families who experienced sudden infant death syndrome deaths.

4232 Dirksen Building

Judiciary

To hold hearings on the nominations of Phyllis A. Kravitch, of Georgia, to be U.S. Circuit Judge for the Fifth Circuit; John G. Penn, of Maryland, to be U.S. District Judge for the District of Columbia; Abraham D. Sofaer, of New York, to be U.S. District Judge for the Southern District of New York; and Robert E. Kelton, John J. McNaught, David N. Sutherland, and Rya W. Zobel, all of Massachusetts, each to be a U.S. District Judge.

2228 Dirksen Building

10:00 a.m.

Appropriations

Interior Subcommittee

To resume hearings on proposed budget estimates for fiscal year 1980 for the Department of the Interior, to hear its Secretary.

1224 Dirksen Building

Appropriations

Labor-HEW Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1980 for the Health Services Administration, Department of HEW.

S-128, Capitol

Banking, Housing, and Urban Affairs

To mark up S. 108, proposing simplification of the truth-in-lending laws, and on proposed legislation, to extend for two years, through 1981; the Council on Wage-Price Stability.

5302 Dirksen Building

Environment and Public Works

Environment Pollution Subcommittee

To resume hearings on Executive Office involvement in the development of environmental regulations.

4200 Dirksen Building

Finance

To hold hearings to review those items in the President's budget for fiscal year 1980 which fall within its legislative jurisdiction and to consider recommendations which it will make thereon to the Budget Committee.

2221 Dirksen Building

Rules and Administration

To resume hearings to receive testimony in behalf of resolutions requesting funds for activities of Senate committees and subcommittees, and to consider other committee business.

301 Russell Building

2:00 p.m.

Appropriations

Labor-HEW Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1980 for the Center for Disease Control, Department of HEW.

S-128, Capitol

FEBRUARY 28

9:00 a.m.

Commerce, Science, and Transportation

Science, Technology, and Space Subcommittee

To resume hearings on S. 354, proposed supplemental authorizations for FY 79 for NASA, and S. 357, proposed authorizations for FY 80 for NASA.

235 Russell Building

9:30 a.m.

Judiciary

Constitution Subcommittee

To resume hearings on S. 10, authorizing the Department of Justice to initiate suit to enforce constitutional rights to institutionalized persons.

2228 Dirksen Building

10:00 a.m.

Budget

To resume hearings in preparation for reporting the first concurrent resolution on the fiscal year 1980 budget.

6202 Dirksen Building

Commerce, Science, and Transportation

To resume hearings on the objectives that a national policy on tourism should seek to achieve.

457 Russell Building

Energy and Natural Resources

Energy Regulations Subcommittee

To resume hearings on the Department of Energy's plans for emergency energy conservation and gasoline rationing.

3110 Dirksen Building

Finance
To continue hearings to review those items in the President's budget for fiscal year 1980 which fall within its legislative jurisdiction and to consider recommendations which it will make thereon to the Budget Committee.
2221 Dirksen Building

10:30 a.m.
Appropriations
Labor-HEW Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1980 for the National Institutes of Health, Department of HEW.
S-128, Capitol

2:00 p.m.
Appropriations
Labor-HEW Subcommittee
To continue hearings on proposed budget estimates for fiscal year 1980 for the National Institutes of Health, Department of HEW.
S-128, Capitol

Appropriations
State, Justice, Commerce, and the Judiciary Subcommittee
To hold hearings on proposed budget estimates for FY 1980, and on supplemental appropriations for FY 1979 both for the Department of State.
S-146, Capitol

MARCH 1

9:30 a.m.
Commerce, Science, and Transportation
Science, Technology, and Space Subcommittee
To resume oversight hearings to assess Government and industrial potential needs for powered "lighter-than-air" vehicles used for surveillance and reconnaissance.
235 Russell Building

Veterans' Affairs
To resume markup of S. 7, to revise and improve certain health care programs of the Veterans' Administration.
412 Russell Building

10:00 a.m.
Appropriations
HUD-Independent Agencies Subcommittee
To continue hearings on proposed budget estimates for fiscal year 1980 for the Federal Home Loan Bank Board, and the National Institute of Building Sciences.
1318 Dirksen Building

Appropriations
Interior Subcommittee
To resume hearings on proposed budget estimates for fiscal year 1980 for the Office of Water Research and Technology.
1223 Dirksen Building

Appropriations
Labor-HEW Subcommittee
To continue hearings on proposed budget estimates for fiscal year 1980 for the National Institutes of Health, Department of HEW.
S-128, Capitol

Budget
To continue hearings in preparation for reporting the first concurrent resolution on the fiscal year 1980 congressional budget.
6202 Dirksen Building

Finance
To continue hearings to review those items in the President's budget for fiscal year 1980 which fall within its legislative jurisdiction and to consider recommendations which it will make thereon to the Budget Committee.
2221 Dirksen Building

2:00 p.m.
Appropriations
Labor-HEW Subcommittee
To continue hearings on proposed budget estimates for fiscal year 1980 for the National Institutes of Health, Department of HEW.
S-128, Capitol

Appropriations
State, Justice, Commerce, and the Judiciary Subcommittee
To continue hearings on proposed budget estimates for fiscal year 1980, and on supplemental appropriations for fiscal year 1979, both for the Department of State.
S-146, Capitol

MARCH 2

9:00 a.m.
Commerce, Science, and Transportation
Science, Technology, and Space Subcommittee
To resume hearings on S. 354, proposed supplemental authorizations for FY 79 for NASA, and S. 357, proposed authorizations for FY 80 for NASA.
235 Russell Building

Human Resources
Alcoholism and Drug Abuse Subcommittee
To hold hearings on proposed legislation to renew programs administered by the Alcohol, Drug Abuse, and Mental Health Administration, HEW.
4232 Dirksen Building

10:00 a.m.
Commerce, Science, and Transportation
To resume hearings on the objectives that a national policy on tourism should seek to achieve.
5110 Dirksen Building

MARCH 5

Appropriations
Interior Committee
To resume hearings on proposed budget estimates for fiscal year 1980 for the Department of the Interior, to hear outside witnesses.
1318 Dirksen Building

Budget
To resume hearings in preparation for reporting the first concurrent resolution on the fiscal year 1980 congressional budget.
6202 Dirksen Building

10:30 a.m.
Commerce, Science, and Transportation
Surface Transportation Subcommittee
To hold hearings on proposed fiscal year 1980 authorizations for the National Rail Passenger Corporation (AMTRAK), and on proposed route restructuring of AMTRAK.
234 Russell Building

2:00 p.m.
Appropriations
State, Justice, Commerce, the Judiciary Subcommittee
To hold hearings on proposed budget estimates for FY 1980, and on supplemental appropriations for FY 1979, both for the Judiciary.
S-146 Capitol

MARCH 6

10:00 a.m.
Appropriations
Interior Subcommittee
To resume hearings on proposed budget estimates for fiscal year 1980 for the Department of the Interior, to hear outside witnesses.
1224 Dirksen Building

Appropriation
Labor-HEW Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1980 for the Alcohol, Drug Abuse, and Mental Health Administration, Department of HEW.
S-128, Capitol

Environment and Public Works
To consider those matters and programs which fall within the Committee's jurisdiction with a view to submitting its views and budgetary recommendations to the Committee on the Budget.
4200 Dirksen Building

11:30 a.m.
Veterans' Affairs
To hold hearings to receive legislative recommendations for fiscal year 1980 from Veterans of Foreign Wars.
318 Russell Building

2:00 p.m.
Appropriations
Labor-HEW Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1980 for the Health Resources Administration, Department of HEW.
S-128, Capitol

Appropriations
State, Justice, Commerce, the Judiciary Subcommittee
To hold hearings on proposed budget estimates for FY 1980, and on supplemental appropriations for FY 79, both for the Department of Justice.
S-146, Capitol

MARCH 7

9:00 a.m.
Commerce, Science, and Transportation
Science, Technology, and Space Subcommittee.
To hold oversight hearings on the implementation of P.L. 94-282, establishing the Office of Science and Technology Policy.
235 Russell Building

9:30 a.m.
Human Resources
Child and Human Development Subcommittee
To hold hearings on proposed legislation to coordinate programs designed to prevent domestic violence.
4232 Dirksen Building

10:00 a.m.
Appropriations
Interior Subcommittee
To resume hearings on proposed budget estimates for fiscal year 1980 for the Department of the Interior, to hear outside witnesses.
1224 Dirksen Building

Budget
To resume hearings in preparation for reporting the first concurrent resolution on the fiscal year 1980 congressional budget.
6202 Dirksen Building

10:30 a.m.
Appropriations
Labor-HEW Subcommittee
To hold hearings on proposed budget estimates for FY 1980 for the Department of HEW.
S-128, Capitol

2:00 p.m.
Appropriations
State, Justice, Commerce, the Judiciary Subcommittee
To continue hearings on proposed budget estimates for FY 1980 for the Department of Justice.
S-146, Capitol

MARCH 8

9:30 a.m.
Veterans' Affairs
To consider recommendations which it will make to the Budget Committee in accordance with the Congressional Budget Act.
412 Russell Building

10:00 a.m.
Appropriations
HUD-Independent Agencies Subcommittee
To continue hearings on proposed budget estimates for fiscal year 1980 for the National Consumer Cooperative Bank, and the National Credit Union Administration.
Room to be announced
Appropriations
Interior Subcommittee
To resume hearings on proposed budget estimates for fiscal year 1980 for the Department of the Interior, to hear outside witnesses.
1224 Dirksen Building
Appropriations
Labor-HEW Subcommittee
To hold hearings on proposed budget estimates for FY 1980 for the Health Care Financing Administration, Department of HEW.
S-128, Capitol
Environment and Public Works
To consider those matters and programs which fall within the Committee's jurisdiction with a view to submitting its views and budgetary recommendations to the Committee on the Budget.
4200 Dirksen Building
2:00 p.m.
Appropriations
State, Justice, Commerce, the Judiciary Subcommittee
To continue hearings on proposed budget estimates for FY 1980 for the Department of Justice.
S-146, Capitol

MARCH 9

10:00 a.m.
Appropriations
HUD-Independent Agencies Subcommittee
To resume hearings on proposed budget estimates for fiscal year 1980 for the Selective Service System, Council on Environmental Quality, and the National Commission on Air Quality.
1318 Dirksen Building

MARCH 12

10:00 a.m.
Finance
Taxation and Debt Management Subcommittee
To hold hearings on the carryover basis provisions of the estate tax law.
2227 Dirksen Building
10:30 a.m.
Appropriations
Labor-HEW Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1980 for the Department of HEW.
S-128, Capitol
2:00 p.m.
Appropriations
State, Justice, Commerce, the Judiciary Subcommittee
To hold hearings on proposed budget estimates for FY 1980, and on supplemental appropriations for FY 79, both for the Department of Commerce.
S-146, Capitol

MARCH 13

10:00 a.m.
Appropriations
Interior Subcommittee
To resume hearings on proposed budget estimates for fiscal year 1980 for the National Endowment for the Arts.
1224 Dirksen Building
Appropriations
Labor-HEW Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1980 for the Department of HEW.
S-128, Capitol
Finance
Health Subcommittee
To hold hearings on proposed legislation to control increases in hospital revenues (Hospital Cost Containment).
2221 Dirksen Building
2:00 p.m.
Appropriations
State, Justice, Commerce, the Judiciary Subcommittee
To continue hearings on proposed budget estimates for FY 1980 for the Department of Commerce.
S-146, Capitol
2:30 p.m.
Appropriations
Labor-HEW Subcommittee
To continue hearings on proposed budget estimates for fiscal year 1980 for the Department of HEW.
S-128, Capitol

MARCH 14

9:00 a.m.
Commerce, Science, and Transportation
Science, Technology, and Space Subcommittee
To resume hearings on S. 354, proposed supplemental authorizations for FY 79 for NASA, and S. 357, proposed authorizations for FY 80 for NASA.
235 Russell Building
10:00 a.m.
Appropriations
Interior Subcommittee
To resume hearings on proposed budget estimates for fiscal year 1980 for the U.S. Forest Service, Department of Agriculture.
1224 Dirksen Building
Appropriations
Labor-HEW Subcommittee
To continue hearings on proposed budget estimates for fiscal year 1980 for the Department of HEW.
S-128, Capitol
Budget
To resume hearings in preparation for reporting the first concurrent resolution on the fiscal year 1980 congressional budget.
6202 Dirksen Building
Finance
Health Subcommittee
To resume hearings on proposed legislation to control increases in hospital revenues (Hospital Cost Containment).
2221 Dirksen Building
2:00 p.m.
Appropriations
Labor-HEW Subcommittee
To continue hearings on proposed budget estimates for fiscal year 1980 for the Department of HEW.
S-128, Capitol
Appropriations
State, Justice, Commerce, the Judiciary Subcommittee
To continue hearings on proposed budget estimates for FY 1980, and on supplemental appropriations for FY 79, both for the Department of Commerce.
S-146, Capitol

MARCH 15

9:00 a.m.
Commerce, Science, and Transportation
Science, Technology, and Space Subcommittee
To continue hearings on S. 354, proposed supplemental authorizations for FY 79 for NASA, and S. 357, proposed authorizations for FY 80 for NASA.
235 Russell Building
10:00 a.m.
Appropriations
HUD-Independent Agencies Subcommittee
To continue hearings on proposed budget estimates for fiscal year 1980 for the National Aeronautics and Space Administration.
1318 Dirksen Building
Appropriations
Interior Subcommittee
To resume hearings on proposed budget estimates for FY 1980 for the Indian Health Service.
1224 Dirksen Building
Appropriations
Labor-HEW Subcommittee
To continue hearings on proposed budget estimates for FY 1980 for the Department of HEW.
S-128, Capitol
Budget
To continue hearings in preparation for reporting the first concurrent resolution on the FY 1980 congressional budget.
6202 Dirksen Building
2:00 p.m.
Appropriations
Labor-HEW Subcommittee
To continue hearings on proposed budget estimates for FY 1980 for the Department of HEW.
S-128, Capitol
Appropriations
State, Justice, Commerce, the Judiciary Subcommittee
To continue hearings on proposed budget estimates for FY 1980 for the Department of Commerce.
S-146, Capitol

MARCH 16

10:00 a.m.
Appropriations
HUD-Independent Agencies Subcommittee
To resume hearings on proposed budget estimates for fiscal year 1980 for the National Aeronautics and Space Administration.
1318 Dirksen Building
Appropriations
Labor-HEW Subcommittee
To hold hearings on proposed budget estimates for FY 1980 for the Office of Human Development Services, Department of HEW.
S-128, Capitol
Budget
To continue hearings in preparation for reporting the first concurrent resolution on the FY 1980 congressional budget.
6202 Dirksen Building
Commerce, Science, and Transportation
Surface Transportation Subcommittee
To hold hearings on the Northeast corridor improvement project.
235 Russell Building

MARCH 19

10:00 a.m.
Energy and Natural Resources
Energy Regulation Subcommittee
To resume hearings on the Department of Energy's plans for emergency energy conservation and gasoline rationing.
3110 Dirksen Building
Finance
Taxation and Debt Management Subcommittee
To resume hearings on the carryover basis provisions of the estate tax law.
2227 Dirksen Building
2:00 p.m.
Appropriations
Labor-HEW Subcommittee
To hold hearings on proposed budget estimates for FY 1980 for the Department of HEW.
S-128, Capitol

Appropriations
State, Justice, Commerce, the Judiciary Subcommittee
To hold hearings on proposed budget estimates for FY 1980 for the Equal Employment Opportunity Commission, U.S. Metric Board, and the Legal Services Corporation.

MARCH 20

9:30 a.m.
Human Resources
Child and Human Development Subcommittee
To mark up S. 4, proposed Child Care Act, and proposed legislation to coordinate programs designed to prevent domestic violence.
4232 Dirksen Building

10:00 a.m.
Appropriations
Interior Subcommittee
To resume hearings on proposed budget estimates for FY 1980 for the Office of Territorial Affairs.
1224 Dirksen Building

Appropriations
Labor-HEW Subcommittee
To hold hearings on proposed budget estimates for FY 1980 for the Social Security Administration, Department, of HEW.
S-128, Capitol

Energy and Natural Resources
Energy Regulation Subcommittee
To continue hearings on the Department of Energy's plans for emergency energy conservation and gasoline rationing.
3110 Dirksen Building

Finance
Taxation and Debt Management Subcommittee.
To continue hearings on the carryover basis provisions of the estate tax law.
2227 Dirksen Building

2:00 p.m.
Appropriations
Labor-HEW Subcommittee
To hold hearings on proposed budget estimates for FY 1980 for the Department of HEW.
S-128, Capitol

Appropriations
State, Justice, Commerce, the Judiciary Subcommittee
To hold hearings on proposed budget estimates for FY 1980 for the Federal Communications Commission and the Small Business Administration.
S-146, Capitol

MARCH 21

9:00 a.m.
Commerce, Science, and Transportation
Science, Technology, and Space Subcommittee.
To resume oversight hearing on the implementation of P.L. 94-282, establishing the Office of Science and Technology Policy.
235 Russell Building

10:00 a.m.
Appropriations
Interior Subcommittee
To resume hearings on proposed budget estimates for FY 1980 for the Office of Territorial Affairs.
1224 Dirksen Building

2:00 p.m.
Appropriations
State, Justice, Commerce, the Judiciary Subcommittee
To hold hearings on proposed budget estimates for FY 1980 for the Commission on Security and Cooperation in Europe, Federal Maritime Commission, Marine Mammal Commission, and on supplemental appropriations for FY 79 for the Board for International Broadcasting.
S-146, Capitol

MARCH 22

9:30 a.m.
Veterans' Affairs
To hold hearings on S. 330, to provide for a judicial review of the administrative actions of the VA, and for veterans' attorneys fees before the VA or the courts.
6226 Dirksen Building

10:00 a.m.
Appropriations
HUD-Independent Agencies Subcommittee
To continue hearings on proposed budget estimates for fiscal year 1980 for the Environmental Protection Agency.
1318 Dirksen Building

Appropriations
Interior Subcommittee
To resume hearings on proposed budget estimates for FY 1980 for the U.S. Geological Survey.
1224 Dirksen Building

Energy and Natural Resources
Energy Research and Development Subcommittee
To hold hearings on S. 14, proposed Reclamation Reform Act.
3110 Dirksen Building

2:00 p.m.
Appropriations
State, Justice, Commerce, the Judiciary Subcommittee
To hold hearings on proposed budget estimates for FY 1980 for the Commission on Civil Rights and the Federal Trade Commission.
S-146, Capitol

Energy and Natural Resources
Energy Research and Development Subcommittee
To hold hearings on S. 14, the Reclamation Reform Act.
3110 Dirksen Building

MARCH 23

10:00 a.m.
Appropriations
HUD-Independent Agencies Subcommittee
To resume hearings on proposed budget estimates for fiscal year 1980 for the Environmental Protection Agency, and the Consumer Information Center.
1318 Dirksen Building

MARCH 26

10:00 a.m.
Appropriations
Labor-HEW Subcommittee
To hold hearings on proposed budget estimates for FY 1980 for the Department of Labor, and related agencies.
S-128, Capitol

MARCH 27

10:00 a.m.
Appropriations
Interior Subcommittee
To resume hearings on proposed budget estimates for FY 1980 for the Bureau of Indian Affairs.
1224 Dirksen Building

Appropriations
Labor-HEW Subcommittee
To hold hearings on proposed budget estimates for FY 1980 for the Department of HEW.
S-128, Capitol

2:00 p.m.
Appropriations
Labor-HEW Subcommittee
To continue hearings on proposed budget estimates for FY 1980 for the Department of HEW.
S-128, Capitol

Appropriations
State, Justice, Commerce, the Judiciary Subcommittee
To receive testimony from Members of Congress on proposed budget estimates for FY 1980 for the Departments of State, Justice, Commerce, and the Judiciary.
S-146, Capitol

MARCH 28

10:00 a.m.
Appropriations
Labor-HEW Subcommittee
To continue hearings on proposed budget estimates for FY 1980 for the Department of HEW.
S-128, Capitol

2:00 p.m.
Appropriations
Labor-HEW Subcommittee
To continue hearings on proposed budget estimates for FY 1980 for the Department of HEW.
S-128, Capitol

MARCH 29

9:00 a.m.
Commerce, Science, and Transportation
Science, Technology, and Space Subcommittee
To hold hearings on proposed legislation to establish an Earth Data and Information Service which would supply data on the earth's resources and environment.
235 Russell Building

9:30 a.m.
Veterans' Affairs
To hold hearings to receive legislative recommendations for FY 1980 from AMVETS, paralyzed Veterans of America, Veterans of World War I, blinded veterans, and Purple Heart.
6226 Dirksen Building

10:00 a.m.
Appropriations
HUD-Independent Agencies Subcommittee
To continue hearings on proposed budget estimates for fiscal year 1980 for the Veterans' Administration.
1318 Dirksen Building

Appropriations
Interior Subcommittee
To resume hearings on proposed budget estimates for FY 1980 for the National Endowment for the Humanities.
1224 Dirksen Building

10:30 a.m.
Appropriations
Labor-HEW Subcommittee
To continue hearings on proposed budget estimates for FY 1980 for the Departments of Labor and HEW.
S-128, Capitol

MARCH 30

9:00 a.m.
Commerce, Science, and Transportation
Science, Technology, and Space Subcommittee
To continue hearings on proposed legislation to establish an Earth Data and Information Service which would supply data on the Earth's resources and environment.
235 Russell Building

10:00 a.m.
Appropriations
HUD-Independent Agencies Subcommittee
To resume hearings on proposed budget estimates for fiscal year 1980 for the Veterans' Administration, the American Battle Monuments Commission, and the U.S. Army cemeterial expenses.
1318 Dirksen Building

APRIL 3

10:00 a.m.
Appropriations
Interior Subcommittee
To resume hearings on proposed budget estimates for FY 1980 for the Office of the Secretary and the Office of the Solicitor.
1224 Dirksen Building

APRIL 4

10:00 a.m.
Appropriations
HUD-Independent Agencies Subcommittee
To continue hearings on proposed budget estimates for fiscal year 1980 for the National Science Foundation.
1318 Dirksen Building

Appropriations
Interior Subcommittee
To resume hearings on proposed budget estimates for FY 1980 for the Heritage Conservation and Recreation Service.
1224 Dirksen Building

APRIL 5

9:00 a.m.
Veterans Affairs
To hold hearings on proposed legislation extending certain veterans' health benefits programs through FY 1980.
5110 Dirksen Building

10:00 a.m.
Appropriations
HUD-Independent Agencies Subcommittee
To resume hearings on proposed budget estimates for fiscal year 1980 for the National Science Foundation, and the Office of Science and Technology Policy.
1318 Dirksen Building

Appropriations
Interior Subcommittee
To continue hearings on proposed budget estimates for FY 1980 for the Heritage Conservation and Recreation Service.
1224 Dirksen Building

APRIL 10

9:30 a.m.
Veterans' Affairs
To hold oversight hearings on the role of the Federal Government in providing educational employment.
6226 Dirksen Building

10:00 a.m.
Appropriations
Interior Subcommittee
To resume hearings on proposed budget estimates for FY 1980 for the Fish and Wildlife Service.
1223 Dirksen Building

APRIL 11

10:00 a.m.
Appropriations
HUD-Independent Agencies Subcommittee
To continue hearings on proposed budget estimates for fiscal year 1980 for the Federal Emergency Management Administration.
1318 Dirksen Building

APRIL 12

10:00 a.m.
Appropriations
HUD-Independent Agencies Subcommittee
To resume hearings on proposed budget estimates for fiscal year 1980 for the Department of the Treasury.
1318 Dirksen Building

Appropriations
Interior Subcommittee
To resume hearings on proposed budget estimates for FY 1980 for the Bureau of Mines.
1223 Dirksen Building

APRIL 24

10:00 a.m.
Appropriations
Interior Subcommittee
To resume hearings on proposed budget estimates for FY 1980 for the Bureau of Land Management.
1223 Dirksen Building

APRIL 25

9:30 a.m.
Veterans' Affairs
To mark up S. 330, to provide for a judicial review of the administrative actions of the VA, and for veterans' attorneys fees before the VA or the courts, and on proposed legislation extending certain veterans' health benefits programs through FY 1980.
412 Russell Building

10:00 a.m.
Appropriations
Interior Subcommittee
To resume hearings on proposed budget estimates for FY 1980 for the Department of the Interior, to hear Congressional Witnesses.
1223 Dirksen Building

APRIL 26

10:00 a.m.
Appropriations
HUD-Independent Agencies Subcommittee
To continue hearings on proposed budget estimates for fiscal year 1980 for the Department of Housing and Urban Development.
1318 Dirksen Building

Appropriations
Interior Subcommittee
To continue hearings on proposed budget estimates for FY 1980 for the Office of Surface Mining Reclamation and Enforcement.
1223 Dirksen Building

APRIL 27

10:00 a.m.
Appropriations
HUD-Independent Agencies Subcommittee
To resume hearings on proposed budget estimates for fiscal year 1980 for the Department of Housing and Urban Development, and the Neighborhood Reinvestment Corporation.
1318 Dirksen Building

MAY 1

9:30 a.m.
Human Resources
Child and Human Development Subcommittee
To hold oversight hearings on the implementation of the Older American Volunteer Program Act (P.L. 93–113).
4232 Dirksen Building

MAY 2

10:00 a.m.
Appropriations
HUD-Independent Agencies Subcommittee
To continue hearings on proposed budget estimates for fiscal year 1980 for HUD and Independent agencies.
1318 Dirksen Building

MAY 3

10:00 a.m.
Appropriations
HUD-Independent Agencies Subcommittee
To resume hearings on proposed budget estimates for fiscal year 1980 for HUD and Independent agencies.
1318 Dirksen Building

HOUSE OF REPRESENTATIVES—*Thursday, February 22, 1979*

The House met at 11 a.m.

The Reverend Harold Burlingame, Bliss Baptist Church, Bliss, N.Y., offered the following prayer:

Our Father, as we come into Thy presence this day, prepare our hearts and minds for the business of this session.

Let us not be afraid of the problems that confront us, but rather give Thee thanks that Thou hast matched us with this hour.

May the invisible hand that charted the course of our great Nation lead us to act courageously against all enemy powers.

Raise up among us, we pray, fearless men who exemplify the truth that we are one Nation under God.

Again, we acknowledge Thy presence, as we hear the words of the prophet, "Thou wilt keep him in perfect peace whose mind is stayed on Thee."

In Thy name we pray. Amen.

THE JOURNAL

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

Pursuant to clause 1, rule I, the Journal stands approved.

CUT IN FOOD STAMPS FOR SENIOR CITIZENS

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

Mr. PEYSER. Mr. Speaker, next Thursday is March 1, and that is the day that the cuts in the food stamp program begin for the poor senior citizens and disabled citizens of our country. Once again, I want to give an example of the impact of what is going to happen to these people.

I have a gentleman in my district who is 75 years old, and has a rheumatic heart condition. He has a total income of $267 per month. He pays $200 for rent, $25 for utilities, and $20 for phone expenses. He now receives $34 a month in food stamps. Starting March 1, his food stamps are reduced to $10 a month.

Surely, it is not the intent of this body to treat our senior citizens and disabled citizens in this fashion. We are going to be having a hearing next Tuesday for seniors, and people interested in working for them around the country are going to be able to talk and let us know their experience and their anticipation of the problem that will be occurring.

THE LATE HONORABLE JAMES P. RICHARDS

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

Mr. HOLLAND. Mr. Speaker, it is my sad duty to report to the House this morning the passing of our former colleague and my predecessor representing the Fifth District of South Carolina, the Honorable James P. Richards.

Mr. Richards served this House for 24 years and was chairman of the Foreign Affairs Committee through some of the most difficult times in our Nation's history. I know the Members of the House