SENATE—*Thursday, May 17, 1979*

(Legislative day of Monday, April 9, 1979)

The Senate met at 10 a.m., on the expiration of the recess, and was called to order by Hon. HOWELL T. HEFLIN, a Senator from the State of Alabama.

PRAYER

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

Hear the words of the third chapter of Proverbs.

Trust in the Lord with all thine heart; and lean not unto thine own understanding. In all thy ways acknowledge Him, and He shall direct thy paths.—Proverbs 3: 5, 6.

Let us pray.

O God, infinite and eternal, we acknowledge Thee to be the Lord and we lean on Thee for understanding and guidance. Forgive us the sins of which we are really guilty, but deliver us from assuming the sins of others. Deliver us from the spiritual enervation of accenting the negative, advertising our national defects, and parading our national imperfections. Save us from unmerited self-punishment, from self-condemnation, and the hypocrisy of pretending to be worse than we are. Help us to accent the positive. Take us as we are. Correct what is wrong. Bless what is right and continue to use us for the achievement of justice and brotherhood in the world.

We pray in the Redeemer's name. Amen.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

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

The legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, D.C., May 17, 1979.

To the Senate:

Under the provisions of rule I, section 3, of the Standing Rules of the Senate, I hereby appoint the Honorable HOWELL T. HEFLIN, a Senator from the State of Alabama, to perform the duties of the Chair.

WARREN G. MAGNUSON,
President pro tempore.

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

RECOGNITION OF THE ACTING MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The Senator from Vermont is recognized.

THE JOURNAL

Mr. LEAHY. 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.

ORDER VITIATING ORDER FOR RECOGNITION OF SENATOR LEAHY

Mr. LEAHY. Mr. President, there is an order for recognition of the Senator from Vermont later this morning. I ask unanimous consent that that order be vitiated.

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

Mr. LEAHY. Mr. President, I reserve the remainder of my time.

RECOGNITION OF THE ACTING MINORITY LEADER

The ACTING PRESIDENT pro tempore. The Senator from Alaska.

ALASKA LANDS

Mr. STEVENS. Mr. President, yesterday, it was with a heavy heart that I, as Alaska's senior Senator, watched the Alaska lands legislation being debated and the final version of the Udall-Anderson bill pass the House. The vote was not as overwhelming this year as it was last year, but the decisions that were made in the House as they affect my State are catastrophic.

Consider, Mr. President, if you came from another country which was one-fifth the size of the United States, had a shoreline which was as long as the United States, and next to which was 70 percent of the Outer Continental Shelf of the United States. If we had been an independent country yesterday and anybody had attempted to deal with our land mass the way the House of Representatives dealt with the Alaska land mass, it would have been a cause, as my colleague in the House said yesterday, for war. I think the Senate should know that it is a cause of war as far as this Senator is concerned.

In order to protect Alaska's caribou, in 1960 and 1961, I assisted, as a member of the Eisenhower administration, in creating the Arctic Wildlife Range. Those caribou have been protected and will be protected. But to listen to the debate over in the House, you would think some Members of the House of Representatives just discovered caribou.

What they have done is force the United States to continue the policy of the past, a policy which has led to no leasing of Alaska's Federal lands since 1965, but has led to leasing offshore Alaska lands at an increasing rate.

The risk to the Alaskan environment is greater offshore. Only this year the Secretary of the Interior, acting as the disciple of the Ayatollah who got that bill passed in the House, is saying that we must lease the Beaufort Sea.

The Beaufort Sea is the breeding ground for the bowhead whale on which the Eskimo people of Alaska have depended for centuries. The Beaufort Sea and the Arctic Ocean are, literally, breeding grounds for the food chain of the Pacific Ocean, if not the oceans of the world. Yet, this administration, which will not lease 1 inch onshore, is leasing 2 million acres offshore.

I cannot understand an administration which would dedicate its policy solely to picking up the environmental vote and not to the future best interests of an area that is one-fifth the size of the United States.

This is an issue of survival for the oceans, as far as I am concerned.

I believe in protecting the caribou. We demonstrated that in the Eisenhower years. We protected the caribou. But we are more dedicated to the oceans off our shores and are dedicated to doing what we can to assist in meeting this Nation's energy needs onshore.

If there is a spill onshore, we can take care of it. If there is a spill offshore in the Arctic Ocean, with the Arctic ice, we have no technology to take care of it.

This is, literally, war, Mr. President. I hope no Member of the U.S. Senate thinks that that House bill is going to get to the Senate floor with ease. This is going to be the worst battle in the environmental history of the United States.

I hope the Senate will start thinking, because it is clear that no one in the Carter administration has the capability of thinking about the future of the oceans of this country, and, particularly, the great productive area off the State of Alaska so far as the marine resources upon which Alaskans depend now and upon which succeeding generations will depend even greater than we do now.

THE EISENHOWER YEARS

Mr. STEVENS. Mr. President, I call the attention of the Members of the Senate to an article I read this morning in the Washingtonian magazine by Vic Gold entitled "Bury My Heart at Burning Tree."

It truly is a fond remembrance of the Eisenhower years, although we would not think so as it starts off. Let me quote, for instance, what Mr. Gold says at the beginning:

> Having been overexposed at an impressionable age to the collected visions of Arthur Schlesinger, Jr. and other votaries of the exalted presidency, I had a fixed opinion on how American Presidents ought to look and act. Smiling wasn't high on my list. Did George Washington smile? Jackson? Lincoln? Presidents were supposed to inspire, leading us to rendezvous with destiny, into and out of crisis and challenges.

Mr. President, I ask unanimous consent that the article be printed in the RECORD.

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

BURY MY HEART AT BURNING TREE: A FOND REMEMBRANCE OF THE EISENHOWER YEARS

(By Vic Gold)

They were neither the best nor the worst of times. But looking back, they weren't bad at all. We had inflation, recession, problems in the inner cities, and angry farmers demanding more money. Overseas, there was the ongoing crisis in the Middle East, complicated by the upheaval in Iran. Presidential aspirants in the Senate were warning of a dangerous shift in the United States-Soviet balance of military power. The Western alliance, according to all the heavyweight columnists, was crumbling. From the Left, there were charges that the administration was neglecting domestic problems; from the Right, there were protests against the administration's pursuit of détente with the Communists.

The President was traveling a lot. Too much, said his predecessor in the Oval Office, who criticized the incumbent for shuttling from world capital to world capital. But the President—known to get testy at times, despite his calm public facade—had a ready answer: "I get a little bit weary," he said, "about people that just say, 'Well, this would be a terrible blow to presidential prestige,' or any prestige. We are talking about the human race and what's going to happen to it."

The syntax wandered and it wasn't exactly the rhetoric of the gods, but even the President's most fervent admirers didn't claim that his use of the language was inspired. Only that, whatever he said, he was sincere. After years of scandal in high places and an unpopular war in Southeast Asia, he had been elected because he had held himself above Washington-style rhetoric and politics. His mandate, as he saw it, was to restore faith in government at home and to build a foundation for peace overseas.

Nevertheless, his criticis insisted he was in over his head. At clever gatherings in Georgetown and fashionable areas of Manhattan, the very mention of his name was worth a laugh. Cartoonists had a field day transforming the presidential trademark—that broad smile—into the foolish grin of a leader who didn't quite know his way to the White House men's room.

Well, either you were caught up by the charisma or you weren't. I wasn't. The first time I saw the man, other than on a television screen, he was making a campaign swing through the South, mouthing platitudes about the need for decency-in-government and putting a lid on the bureaucrats up in Washington. And always, there was that smile. The crowds went wild, but the idea of having such a man in the White House left me and most of my friends cold.

Having been overexposed at an impressionable age to the collected visions of Arthur Schlesinger Jr. and other votaries of the exalted presidency, I had a fixed opinion on how American Presidents ought to look and act. Smiling wasn't high on my list. Did George Washington smile? Jackson? Lincoln? Presidents were supposed to inspire, leading us to rendezvous with destiny, into and out of crises and challenges.

That was what was missing in this White House. There was no sense of urgency, no voice calling us to the barricades or into the breach. No élan, no style. None of the mythic elements that separate the truly great Presidents from the dross.

Our leader was, in short, a bore. His administration was colorless at best, rudderless at worst. As John Kenneth Galbraith quipped—no doubt somewhere in Georgetown or Manhattan—the bland were leading the bland. Another wit, possibly Mort Sahl, described the spirit of the time as a declension of the Secretary of State, *dull, duller, Dulles.*

Almost twenty years have gone by since Dwight Eisenhower sat in the Oval Office, enough time for some judgment of history to have been rendered on the man and his leadership. Harry Truman, his predecessor in the White House, has been duly reinvented for posterity, while John F. Kennedy, Ike's successor, is undergoing a painful historical revision. As of now, the verdicts are that Truman was somewhat more than people considered him in his time, Kennedy somewhat less. But that, too, could change.

Judgments of history, no less than Gallup polls, are subject to ebb and flow. It all depends, to paraphrase Churchill, on who is writing the history. At the moment, Truman is faring well, Kennedy is shaky—and Eisenhower? He's looking better each passing day, though our appreciation of the man is coming through in filtered form.

Consider: All around us there is evidence that the country is riding a 1950s nostalgia wave. Exhibit A is prime-time television, that transcendent weathervane of pop culture. Nobody gives the people what they want more than the packagers of prime-time TV shows. Once they helped us escape from our workaday lives into the romance of the Old West. More recently, our escape has been into those fun-filled fifties—Matt Dillon giving way to the Fonz, the Cartwright family replaced by Lavern and Shirley. Even the highbrows who deplore the current state of the medium are prone to a romantic vision of what the country was like during the Eisenhower years. They speak reverently of a "golden age" of television. And when was that? The fifties, of course.

On Broadway, there is *Grease.* In fashion, the retro look. Progressive jazz, along with contact dancing, is enjoying a revival. Young and old, Americans are looking back longingly on the Eisenhower era. Not because they were necessarily great days or challenging days. Merely happy days.

That being the case, a question rises as to why, in all the nostalgia for the fifties, the President whose expansive spirit infused the era seems to have been forgotten. The networks have given us docu-dramas covering the presidencies of FDR, Truman, and Kennedy; but this month, when ABC finally gets around to rediscovering Ike, the story we'll get is that of "the life of Dwight David Eisenhower from Pearl Harbor and the commencement of his meteoric military rise through World War II and up to his decision to run for President of the United States."

"Up to" his presidency? I might suspect a conspiracy taking place in the towers from which historical judgments flow, a plot to deny Ike his presidential due. That sort of suspicion, however, runs counter to the man's own cardinal rule, the principle of politics and governance that sets him apart from other recent Presidents.

At a reunion of the old Eisenhower White House staff not long ago, Bryce Harlow, who served as one of Ike's speechwriters, offered an example of how this rule applied around the Oval Office during the fifties. One morning, Harlow said, he placed a press release on the President's desk for final approval.

"It was one of those campaign releases that charged the opposition with distorting the record on something or other, I forget precisely what," said Harlow. "But what I haven't forgotten is what the President did. He took his pen, scratched out one word, put the pen into its holder, leaned back, and told me, 'Okay, now you can let it go.' The word he had deleted was 'deliberately.' I'd written that the opposition had 'deliberately' misrepresented the record on an issue, but Ike marked it out. As I picked up the release and started to leave, he said, 'Bryce, I want you always to remember this. Whatever a fellow may do or say that we might not like, never attack his motives.' "

All right, I won't attack the motives of the ABC producers who focused their Eisenhower docu-drama on "the Supreme Commander . . . who fell in love with his pretty aide, Kay Summersby . . . two lovers caught up in a relationship the world around them could only forbid." I'll just say it's likely to be pseudo-historical soap opera schlock, and let it go at that.

But conspiracy or no conspiracy, what I can't let pass is the fact that the historians of our time, both highbrow and lowbrow, haven't come to grips with the idea that Dwight Eisenhower, whatever we once thought of him, was a rare modern President who gave his countrymen eight years of peace, prosperity, and fond memories.

No other President over the past forty years can claim as much.

Eisenhower nostalgia: When I first came to Washington in the winter of 1958–59, it was not Ike's city, in the way I understood it had once been FDR's city. The executive branch was Republican, but Capitol Hill and the middle bureaucracy were overwhelmingly Democratic. The two ends of Pennsylvania Avenue were poised, to use a catch phrase of the period, in a state of peaceful coexistence.

Well, not always peaceful. Moving into the twilight of his presidency, Ike was learning the truth of the old southern political adage that a setting sun giveth forth little heat. Obstreperous Democrats in the Senate, notably maverick Wayne Morse, were blocking his appointments with increasing frequency. Clare Boothe Luce, up for nomination as ambassador to Brazil, took three weeks of Morse's grilling, then finally broke the Eisenhower rule of equanimity by telling an inquiring reporter that her only problem on the Hill was that Morse had once been kicked in the head by a horse.

So much for the Luce appointment. It was a colorful interlude in a staid period. Not that Eisenhower-era politics were uninteresting; on the contrary, by today's standards the city back then was far more interesting politically, if less exciting socially. To watch Lyndon Johnson fine-tune a Senate vote, or Sam Rayburn keep the House in order, or Republican Senate leader Everett Dirksen at his parliamentary games was well worth a sixty-cent cab ride to the Hill. Congress, under the rein of strong leadership, was still very much a working branch of the federal government—neither the rubber stamp it became under LBJ's presidency, nor the babble of TV interviews and Golden Fleece releases that we know now.

It was about this time that David Brinkley, then in his prime as co-anchor with Chet Huntley on the country's number-one evening news show, dropped the line that the capital was a city "filled with people who think they are celebrities." Nowhere was this observation more accurate than in Congress, where senior committee chairmen unknown to 99 percent of the country beyond the Potomac were lords of the realm. The faces and personalities on the Hill were fixed. They had been there for ages. There was no quick turnover. It was a special world—going out of style, though we didn't know it at the time—in which Howard Smith, the chairman of the Rules Committee, was better known and could inspire greater awe walking through the corridors than Howard Smith, the television newsman.

At the other end of Pennsylvania Avenue, the White House was still a place where the President was served by aides with a passion for anonymity. This, too, would soon go out of style. When, late in the Eisenhower administration, Emmet John Hughes wrote a book covering his experiences as a speechwriter in the White House—how speeches were drafted, decisions made, and so forth—it was regarded as a breach of form, if not trust. Washington was still a place where form was important.

Jim Hagerty was the best-known member

of the White House staff, for one obvious reason: He spoke for the President. Hagerty was the first modern presidential press secretary. He brought the position out of the pre-electronic Dark Age, when White House press relations consisted of bourbon in the back room with the boys a few times a week. With Eisenhower and Hagerty came television coverage of presidential news conferences, along with verbatim Q-and-A transcripts. Because quoting the President directly and at length was a novelty, the cold print of the transcripts gave Ike an undeserved reputation for rambling discourse. Later examination of JFK's and LBJ's answers to questions found them no better in verbal precision or syntax; but Ike was the first, and the bumble-tongue image stuck.

On the whole, Ike's relations with the press were warm, but not cuddly. Of daily columnists, his favorites were Roscoe Drummond of the Herald-Tribune and Arthur Krock of the Times. But it was Walter Lippmann, then the ayatollah of political writers, whose early appraisal of Eisenhower captured the essence of the man's capacity as a leader: "His great strength and his great value to the country lies . . . in that he stands for the big things about which there are really no violent issues," wrote Lippmann. "He must find some formula for not getting entangled in the little issues."

This was a role that Ike, by temperament and experience, was uniquely qualified to fill: the mediator, the peacemaker, the father figure brought in when needed to settle family arguments. Imperial, however, he was not.

In those years, as today, an invitation to a White House function was the hottest social ticket in town. But state dinners in the grand European manner were not Ike's or Mamie's style. High society snickered and sneered at the plain fare served at White House dinners during the fifties. This wasn't populist symbolism contrived by Hagerty. The Eisenhowers simply had middle-class tastes. Ike's first and only inaugural appearance in a top hat came on January 20, 1961, when John F. Kennedy was sworn in. For his own inaugurals, he preferred the humbler felt homburg.

Ike and Mamie did occasionally show up at one of Gwen Cafritz's politico-social soirees, however, a fact that boosted Gwen into the top wire-service ranking as the Washington hostess, replacing Harry Truman's Democratic favorite, Perle Mesta. As for embassy parties during the era, they helped fill what were then called the society pages, but "dull, duller, Dulles" said it all for the nightlife of the diplomatic corps.

It was a provincial capital, as foreigners and New Yorkers frequently said, a cultural Bridgeport for theater and the arts. When Sol Hurok and Patrick Hayes brought a Soviet dance troupe to town for the first historic cultural exchange between the US and USSR, the elegant diplomatic crowd had to squeeze into the musty Warner Theater for the three-hour performance. For Hollywood stars of the era, the nation's capital wasn't a particularly exciting place to visit—with the exception of Robert Montgomery, who served as Ike's part-time TV consultant.

On local television, Roger Mudd anchored the evening and late-night news at Channel Nine, his competition being Joseph McCaffrey at Channel Seven and Richard Harkness at Channel Four. Channel Five had no news department. The most popular weatherman in town was Louis Allen, at Seven, but Channel Four's Tippy Stringer, who would later marry Chet Huntley, also had a large following.

The city needed more hotel space. Of the established hotels, the Mayflower was favored by Democrats, while the Carlton had the Republican vote. The most publicized hotel move of the decade occurred when Sherman Adam's friend Bernard Goldfine, in town to testify before a Senate committee, discovered that his conversations were being monitored by Drew Pearson's associate, Jack Anderson, from a nearby room. In the middle of the night, Goldfine and entourage checked out of the Carlton and crossed the street in their night clothes to register at the Statler-Hilton.

There were only a few good restaurants, no great ones. The sports crowd preferred Duke's, convenient to the Redskins' offices on the corner of Connecticut and L, Northwest. Goldie Ahearn's, at Connecticut and M, also had a sports motif, quite different from the ambience of its neighbor half a block down, La Salle du Bois, one of the capital's few French restaurants. A few doors from the Mayflower, J. Edgar Hoover would catch lunch and dinner at his favorite, the old Harvey's. John L. Lewis, another creature of fixed habit, could be seen each noontime in the Carlton dining room, which occupied the space now filled by the Federal City Club. But for those with a craving for continental cuisine, the best answer was a weekend in Manhattan. Round trip on the new Eastern shuttle cost $36.

For other entertainment, we had the Redskins and the Senators; that is, if your idea of entertainment was watching the national pastimes played at their worst. More than any other local institution—with the exception of the Congress and what passed for city hall in a non-home-rule community—the Redskin represented the last vestige of Washington as a pre-World War II southern village. All-white to please its Dixie network TV audience, the team played to all-white crowds at Griffith Stadium. The few local blacks who showed up on Sundays invariably rooted for the visiting team, especially when Cleveland came to town with Jim Brown and Bobby Mitchell. In 1962, Mitchell would be the first black ever to wear a Redskin uniform.

The Redskins' head coach during those dismal seasons was Joe Kuharich. But there was also a George Allen in the local news, a popular game player. He was George E. Allen, Ike's bridge partner and golf companion at the Burning Tree Country Club, the White House court jester who, they said, could relax the Old Man after he'd put in a hard day at the Oval Office.

Vignette: Dwight Eisenhower, as seen by Bryce Harlow:

"He worked on problems by knowing the right questions to ask. I think that's where Kennedy went wrong at the Bay of Pigs. The project might have begun under Eisenhower, but Ike would have asked the people running the show some tough questions before he gave them a go-ahead.

"I remember the meeting where the decision was made to send Marines into Lebanon after the coup in Iraq. This was one of Ike's biggest foreign-policy crises. But it was at sessions like that when his wartime experience paid off—all those days and months spent listening to arguments back and forth on the best way to handle this invasion or that battle.

"Well, this particular day everybody trooped in—the Vice President, the chairman of the Joint Chiefs, the Secretary of State, and his brother Allen, who headed the CIA. There was unanimous agreement we had to go in with a show of force or the whole Middle East structure would collapse. One by one, everybody had his say. Ike didn't interrupt; he just sat there doodling—he was one of the great presidential doodlers of all time. Finally, the Secretary of State's turn came to sum it all up. Dulles was very good at trimming things down to their essentials, and he made the case for our going in sound very simple. Ike doodled and listened, then when Dulles had finished there was one of those pregnant pauses where everybody just looks at the President and waits. We all thought he was going to give his go-ahead right then, but instead Ike slapped down his pencil and in that deep guttural voice of his said, 'All right, Foster, so we go in, but it doesn't work. What do we do next?'"

Vignette: Richard Nixon, as seen by Dwight Eisenhower:

At a 1967 news conference, former President Eisenhower was asked who his favorite candidate was for the Republican presidential nomination the following year. Hedging, Ike listed a number of possibilities, men he admired: Rockefeller, Reagan, Romney, among others. That question answered, he waited for the next. But Mamie was tugging at his sleeve. "Dick!" she whispered, "you forgot *Dick!*" Ike flushed, bit his lip, and stammered, "Oh yes, Dick Nixon—fine American, splendid candidate."

Some historians will say that Ike merely deferred the country's festering problems, so that the omissive sins of the fifties were visited on his successors in the sixties. According to this view, the Eisenhower administration laid the groundwork for (1) the Vietnam war, (2) the domestic violence of the Johnson-Nixon years, and (3) Watergate; and by logical extension, (4) the decline of the dollar, (5) the transfer of the Senators to Minneapolis, and (6) the break-up of the Beatles.

On that premise, no President since George Washington is responsible for anything that happened during his tenure. Backdate Kennedy's mistakes to Ike, then Kennedy takes the rap for Johnson, Johnson for Nixon, Nixon for Carter. It's an age-old partisan game, but for my money, the only way to appraise any President is by applying the Alligator Test, set forth in Walt Kelly's Pogo strip back in those wonderful fifties:

Pogo and his friend Albert the Alligator are lost in the swamp during a rainstorm. Fed up with wandering in circles, Albert declares he is replacing Pogo as guide in order to do "something leaderful." Six panels later, the pair is still lost and wandering. Pogo chides Albert, but the alligator doesn't back off. "Look," he says, pointing skyward, "at least it's stopped raining." Conceded, Pogo replies, but surely Albert can't take credit for that. To which Albert snaps: "Why not? It happened during MY administration, didn't it?"

Exactly. The more Presidents I watch pass through this capital, the more I've come to believe that what counts isn't the judgment of history but, sufficient unto the day, what happens during their administrations. Maybe Harry Truman, as his defenders claim, has indeed "grown" with the passage of time. But ungrown, the Truman years meant the beginning of the Cold War, inflation, recession, industry seizures, nationwide strikes, and finally, that "limited police action" in Korea. If you liked the Vietnam years, you must have loved the Truman era.

Under Ike, the fighting in Korea ended. During his eight years in office, there were no wars, no casualty lists from "police actions." Militarily, we enjoyed an overwhelming edge over the Soviets—an edge that has steadily diminished in the intervening years—and without those stylish Green Berets at that. Under Ike, we prospered. Not perfect prosperity, but compared to what we've had since, the "recessions" of the fifties were economic high tides. Under Ike, the first civil rights legislation since Reconstruction was enacted, the decision in Brown vs. Board of Education was rendered—by a court headed by an Eisenhower appointee—and when a governor defied the courts on a

desegregation order, there was no choreographed stand-in-the-schoolhouse-door: He sent in the 101st Airborne to enforce the ruling. Under Ike, the District of Columbia's school system was desegregated, as it had not been under FDR, Truman, or any of the historically approved Presidents. Ike came as close as any President in this century has ever come to fulfilling a campaign slogan—peace, prosperity, progress.

It all happened during his administration, True, there was a darker side: Suez, Hungary, Sherman Adams, the U–2, Castro, and Autherine Lucy, a young black woman prevented by a mob from entering the University of Alabama.

But the country was together, as it hasn't been since. We survived under a presidency that, if not brilliant or dazzling, was decent, competent, at one with the mood of the country. The President smiled a lot, reassuringly, and for whatever reason—whether my friends and I understood it or not—the overwhelming majority of Americans was indeed reassured. Charisma and style, when you get right down to it, are in the eye of the beholder, like beauty. Eisenhower's style was summed up on an ebony desk plaque that read, *Suaviter in modo, fortiter in re:* gentle in manner, strong in deed.

Ike: How wrong I was. God spare us any more "great" Presidents.

Mr. STEVENS. Mr. President, when one reads the words of Mr. Gold's article, he can only come to the assessment that history is starting to judge President Eisenhower as those of us who were devoted to him and loved him in years to come, and served with him in the Eisenhower administration, felt he should be judged.

ORDER OF BUSINESS

Mr. LEAHY. Mr. President, I yield to the Senator from Virginia such time as he needs, from my time.

Mr. HARRY F. BYRD, JR. I thank the distinguished Senator from Vermont for yielding.

(The remarks of Mr. HARRY F. BYRD, JR., at this point in connection with the introduction of legislation are printed under Statemets on Introduced Bills and Joint Resolutions.)

ORDER OF BUSINESS

Mr. LEAHY. Mr. President, I reserve the remainder of my time, and 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. LEAHY. 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. LEAHY. Mr. President, I ask unanimous consent that I be allowed to yield 7 minutes to the distinguished Senator from Wisconsin.

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

Mr. PROXMIRE. Mr. President, I thank my good friend from Vermont very much for being so gracious and accommodating. It is typical of his generosity.

FEDERAL RECLAMATION LAW: NEED FOR TOUGH ENFORCEMENT OF FAMILY FARM PROVISIONS

Mr. PROXMIRE. Mr. President, in recent years the Federal Government has spent between $750 million and $1.1 billion annually for the Bureau of Reclamation. The Bureau's basic job is to provide water to arid land. Over the years, tens of thousands of otherwise almost worthless land has been reclaimed. Bureau projects have literally made the desert bloom. But spending tax dollars to irrigate arid lands can be justified only if such funds promote stable communities and family farms.

That is why the 1906 Reclamation Act provided that water provided by the Bureau of Reclamation was limited to 160 acres per person with the requirement that the owner live within 50 miles of the farm. As the limit applied to each "person," a farmer and his wife and his children could each be entitled to enough water to irrigate up to 160 acres.

Over the years this program has been corrupted and distorted in a variety of ways. Congress often passed "riders" exempting a project from the limitations. Furthermore, some of the biggest companies in the United States, railroads, land companies and others, got exemptions. Land "leased" and not owned was exempted from the restrictions. The Bureau of Reclamation and some former Interior Department officials failed to enforce the law.

During the last 16 years my colleague from Wisconsin, Senator NELSON, has developed an extensive record showing how the Interior Department has allowed big Western landowners, especially in California, to evade the family-farm provisions of Federal reclamation law. Rather than conforming to the requirement of the 1902 act that the benefits of federally subsidized water should be limited to resident, small family farmers, the Interior Department over the years has allowed large corporate operations to monopolize these benefits.

Senator NELSON's hearing record has produced documentation and charts on over 30 large land transfers which grossly violated Federal reclamation law's 160 acre limitation and residency requirements. In all of these group sales, names were provided for each 160 acres worth of lands, but in most cases, the names were used as phony "fronts" for corporate purchases.

One of these transfers exposed in Senator NELSON's 1975 hearings led to the first indictment and conviction ever under the 1902 reclamation Act. Discovery proceedings during the trial revealed that the 12 alleged buyers in the group had no more interest in the land than the $1,000 they were paid for the use of their names. After several months of plea bargaining, the principal defendant, John Bonadelle, entered a guilty plea for one of his corporations and was fined $10,000. In the 11-day double turnover of the land he had made a speculative profit of over $300,000. He complained of selective prosecution—saying he had done only what the Department of Interior had approved and everybody else was doing the same thing.

Even this administration approved the transfer of one 4,600 block from Anderson-Clayton, one of the world's largest cotton marketing firms, to the Telles family which already farmed 15,000 acres with federally subsidized irrigation water. This sale was arranged by Anderson-Clayton's California chief, Ralph Carr, who, as soon as the papers were filed with the Department of Interior, quit Anderson-Clayton and went to work for Telleses, the buyers.

Senator NELSON's investigations have been followed by several court decisions upholding the applicability of the acreage limitation to big California landholdings and directing the Secretary of Interior to enforce the law. Now, Congress is faced with well-financed demands that the reclamation law be weakened or totally destroyed so that the manipulations uncovered by Senator NELSON will be legalized.

One of the basic arguments we hear in this campaign is that the Federal Reclamation law's acreage limitations on the amount of subsidy any one owner receives is a violation of private property and free enterprise.

The crude answer to that logic is that the whole reclamation program is a violation of free enterprise. Federal water projects are heavily subsidized. The Department of the Interior estimates that irrigators repay about 20 percent of project costs, while Federal taxpayers across the country repay 80 percent.

In a strict business sense, the projects are not feasible. No private utility can build the projects, sell the water and cover costs—much less make a profit.

Therefore, the Western States have turned to the Federal Government and asked for a subsidy to irrigate arid lands which, without irrigation, are next to worthless. At issue is not private property, but the distribution of a vast public subsidy. Such a subsidy can be justified only if many of our citizens share directly in its benefits. There can be no justification for the program if the practices uncovered by Senator NELSON's investigations are allowed to continue—either legally, as some now propose, or under the table, as has been the past practice.

It is perhaps true that in the colder climates of the high plains our policies must be modified to accommodate the short growing seasons.

But as it applies to California and Arizona the areas with long growing seasons—and the root of the scandals uncovered by Senator NELSON—the law must be tightened to assure that Federal subsidies are widely distributed among small resident family farmers of modest means. New legislation should explicitly close the loopholes, not widen them.

The enforcement of the 160 acre limitation is crucial to sustaining the family farm and a democratic society. Where

it has been enforced we find communities of land-owning farmers and their families, thriving banks and businesses, schools and churches, and a solid, stable community life. Where the law has been corrupted or unenforced we find migrant labor, feudal-like communities and powerful nonresident and absentee interests who represent the very opposite purposes from those envisioned by the 1902 Reclamation Act.

I can recall in the years I spent here in the Senate that the distinguished Senator from Oregon, Mr. Morse, used to rise again and again to plead for the same cause that Senator NELSON is fighting for so effectively, and I think all Senators if they know the facts and if they follow the facts will support the position that Senator Morse and Senator NELSON championed.

If the federal reclamation program is not restored to its original intention, there can be no further justification for continuing to provide massive Federal subsidies to enrich large Western landowners and encourage the growing food monopoly at the general taxpayer's expense.

GENOCIDE REMEMBERED

Mr. PROXMIRE. Mr. President, in recent weeks our country has been reawakened and reacquainted with the holocaust. The Days of Remembrance for the Holocaust, International Holocaust Day, and a multitude of reports, articles, and editorials have paid tribute to a loss unparalleled in our time.

For too many years, though, we swept our feelings of loss and guilt under the rug. As an April 28 Washington Star editorial rightly points out:

It's so easy to forget because it's so disturbing to remember.

But, Mr. President, has the Senate forgotten?

For 30 years now, this body has been stalling to ratify the only international treaty which seeks to prevent a crime that has left in its wake a scarred civilization. This treaty is the Genocide Convention. During these 30 years of indecision genocide has continued to flourish unabated and unchecked.

Remembering the holocaust is important, but striving to see that it never recurs is essential. We must act now to ratify the Genocide Convention.

I ask unanimous consent that the text of the April 28 Washington Star editorial be printed in the RECORD.

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

HOLOCAUST REKINDLED

It's so easy to forget.

Which is one reason why there has been a presidential commission on the Holocaust, why the President, the Congress and much of official Washington met so solemnly in the Capitol Rotunda earlier this week and why today and tomorrow have been designated days of remembrance for the millions of people murdered 35 years ago in Hitler's "final solution" to "the Jewish problem."

It's so easy to forget because it's so disturbing to remember.

Who can bear to be reminded that human beings are capable of treating each other as the Nazis treated the Jews? And that human beings who would not engineer a Holocaust themselves are nonetheless capable of looking away when such things happen?

It is significant that only now, more than a quarter-century after the fact, are we to any notable degree facing up to the Holocaust. Eager as people always are to find villains to blame for the world's wrongs, there has been a reluctance to think about the supreme horrors of this chapter. Even with a villain as easy to damn as Hitler.

For many, if not most, Germans, it has been all but impossible to think about the Holocaust. Too much guilt too close to home.

Guilt, individual or collective, is not the point. The point is that the capacity for doing evil is always alive somewhere in the dark corners of human personality. There are circumstances that bring it out. There are social systems that breed the circumstances. There are mysterious chains of events that periodically unravel the inhibitions through which law and education and religion try to hold the evil in check.

To confront these dismaying truths about life as we do in commemorating the Holocaust does not mean surrendering to cynicism or bitterness. It means catharsis: vindicating our humane side in grief for the anguish of Holocaust victims and in strengthened resolves not to let it happen again. Hope and virtue are forever rising from ashes as deadly as those of the Holocaust ovens, hope and virtue as real as the evil they would supplant.

Mr. PROXMIRE. Mr. President, I thank my good friend from Vermont for generously providing me the time, and I yield the floor.

Mr. LEAHY. I thank the Senator from Wisconsin.

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. LEAHY. 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.

INTER-AMERICAN DEVELOPMENT BANK, ASIAN DEVELOPMENT BANK, AND AFRICAN DEVELOPMENT FUND PARTICIPATION

The ACTING PRESIDENT pro tempore. Under the previous order, the hour of 10:30 a.m. having arrived, the Senate will now resume consideration of S. 662, which the clerk will report.

The legislative clerk read as follows:

A bill (S. 662) to provide for increased participation by the United States in the Inter-American Development Bank, the Asian Development Bank, and the African Development Fund.

The Senate resumed consideration of the bill.

ROLLCALL VOTE ON S. 662 TO OCCUR AT 12 NOON

Mr. ROBERT C. BYRD. Mr. President, this request has been cleared with Mr. JAVITS, Mr. PELL, Mr. CHURCH, Mr. STEVENS, and others. I ask unanimous consent that the vote, which will be a rollcall vote, occur on final passage of the pending measure at 12 noon today.

Mr. JAVITS. And third reading may be had as soon as we are through with debate?

Mr. ROBERT C. BYRD. The third reading may proceed. I also ask that paragraph 3 of rule XII will be waived.

Mr. STEVENS. Will the majority leader say what will come up if this is terminated before that time? Will we have a brief period of morning business?

Mr. ROBERT C. BYRD. Yes. If we reach third reading and no Senators wish to be recognized to further discuss the pending measure, then the Senate will have morning business, assuming there is time available. I thank the Senators.

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

Mr. PELL. Mr. President, I believe this is a bill that has been reported unanimously from the committee and to which no objection has been filed.

Mr. CHURCH. Mr. President, the bill now under consideration, S. 662, provides for increased participation by the United States in the Inter-American Development Bank, the Asian Development Fund, and the African Development Fund.

The bill authorizes appropriations of $4 billion over a 4-year period for the three multilateral banks. Of the $4 billion, $1.5 billion, or 37 percent, will actually result in outlays from the U.S. Treasury. The remaining $2.5 billion is callable capital, which represents a contingent liability of the United States. However, it should be pointed out that there has never been a default on any bank loan which has necessitated a call on capital held by donor countries.

S. 662 is divided into three principal titles, each of which refers to a separate multilateral institution.

Title I authorizes appropriations of $3.45 billion as the U.S. share of the fifth replenishment to the Inter-American Development Bank.

The contribution is broken down as follows:

A sum of $2.75 billion for the capital stock increase of the Bank, of which $206 million is paid-in capital requiring appropriations. The remainder, or $2.5 billion is callable capital which does not require a budget outlay.

A sum of $700 million for the Fund for Special Operations, which is the concessional loan window of the bank which requires full appropriation. This authorization would require appropriations of $175 million per year during the fiscal years 1980 through 1983.

As a result of reductions in the size of the Fund for Special Operations, reductions in the proportion of paid-in capital, and increases in contributions from other members, the U.S. contribution to the IDB will be lower than for previous replenishments. Our share of the total contributions will be 35.5 percent.

Under the fourth replenishment for the IDB, U.S. budget outlays for 1976

through 1978, as negotiated, were $240 million. The proposed 1979 through 1982 budget outlays in the fifth replenishment will be $226.5 million—a reduction of $13.5 million per year from the fourth replenishment.

Title II authorizes increased U.S. participation in the Asian Development ment Fund, the concessional loan window of the Asian Development Bank.

The Asian Development Bank originally proposed a replenishment of $2.15 billion for the second replenishment of the Fund. However, since the U.S. negotiators stated that we could not provide more than 22.2 percent of a $2.0 billion replenishment, the other members agreed that the basic replenishment would be limited to $2 billion. Contributions from Australia, Austria, Germany, Japan, Switzerland, and the United Kingdom total an additional $150 million in supplementary financing for the Fund.

The U.S. share of the replenishment would be $445 million. This represents 20 percent of the total contribution, or 8 percent lower than the U.S. share of the first replenishment to the Fund.

Appropriations pursuant to the authorization will be requested in four annual installments of $111.25 million, beginning in fiscal year 1980. Other donors will begin making contributions this year.

Title III of S. 662 authorizes appropriations of $125 million as the U.S. share of the second replenishment to the African Fund. This would amount to 17.5 percent of the currently pledged resources and would represent an increase in the U.S. position on the Fund. Since this is a 3-year replenishment, the annual U.S. contribution would be $41.7 million.

The United States joined the Fund in November of 1976 and has contributed $50 million to date. The resources of the Fund are now exhausted. As a result, the donors have agreed to a $780 million target for the replenishment. The principal justification of this rate of increase lies in the extreme poverty of its regional members and their requirements for concessional resources.

Mr. President, it should be pointed out that the U.S. percentage share of contributions to each of these institutions falls within the guidelines suggested by a sense of the Congress resolution which passed last year. For the Inter-American Development Bank, the paid-in and callable capital contributions represent 34.5 percent of the total contributions. The U.S. contribution to the Fund for special operations of the IDB represents 40 percent of the total proposed contributions. These are the guidelines suggested for the IDB by the sense of Congress resolution.

For the Asian Development Fund, the U.S. share of the total replenishment would be about 20 percent, or some 2 percent below the guideline suggested by the resolution.

For the African Development Fund, the U.S. share of that replenishment would be 17.5 percent, or five-tenths of a percent below the guideline suggested by the resolution.

S. 662 was reported unanimously from the Committee on Foreign Relations and reflects the members' views that the U.S. Government has been highly successful in carrying forward the burden-sharing principle upon which these banks were founded. Since our negotiators have complied with the guidelines for each of these three institutions—guidelines which Congress itself recommended—it would be particularly unfortunate if the Senate were to reject, or reduce, the authorization request for these replenishments. Any reductions in the authorization for any of these three multilateral institutions would result in the renegotiation of the replenishment agreement. Therefore, the committee recommends strongly Senate approval of S. 662 as reported.

Mr. JAVITS. Mr. President, I join with my esteemed colleagues, the chairman and ranking member of the Foreign Relations Committee, in urging passage of S. 662, a bill which provides for increased U.S. participation in the Inter-American Development Bank (IADB), the Asian Development Fund (ADF), and the African Development Fund (AfDF) and authorizes $4.019 billion in U.S. contributions to these three international financial institutions. This figure is deceptively large because it includes over $2.5 billion in callable capital, which is a form of guarantee that has never in the past actually left the U.S. Treasury. The actual U.S. dollars to be contributed to these institutions are more accurately reflected by the budget outlays authorized by S. 662 ($1.476 billion over the next 4 years or $379.7 million for fiscal year 1980).

While the IADB, the ADF, and the AfDF, along with the World Bank, may not be household words, they play a vital, behind-the-scenes role in the proper functioning of a stable economic world order. These strong and successful international development institutions directly benefit the average American by financing U.S. exports and generating U.S. jobs. I wish to emphasize this point today since this pragmatic aspect of our support for the Banks has not been adequately recognized in the past. Besides constituting the backbone for improved relations between the developed and developing worlds, the MDB's provide direct and specific benefits to the United States.

The Banks work through the discipline of the market and provide a unique blend of access to private financing and development expertise. The United States is a member of four multilateral development banks: The International Bank for Reconstruction and Development, the Inter-American Development Bank, the Asian Development Bank, and the African Development Bank. By generating capital and then lending this money to the LDC governments, the Banks provide supplementary financing for economic development. In effect, the MDB's substitute their credit-worthiness for that of the LDC's, thereby, giving the developing countries access to the large pool of international capital that would otherwise have been difficult for them to utilize on their own. The Banks also provide technical evaluation and assistance in connection with projects financed by their loans. In addition, the multilateral nature of the Banks generates cooperation and understanding that plays a significant, positive role in improving United States-LDC relations.

I have long been a supporter of U.S. participation in the MDB's because of my strong belief in U.S. development assistance efforts and the efficacy of multilateral cooperation in this area. Events of recent years have clearly demonstrated the economic, political, social, and moral interdependence between nations and have reconfirmed my commitment to multilateral development efforts. The rise to power of the OPEC oil cartel, the rapid expansion of world trade in the past decade, and the international dangers accompanying the proliferation of nuclear power are all dramatic illustrations of our newly interdependent world. The economic and political fate of the United States can no longer be thought of separately from that of our global neighbors.

Nowhere is this interdependence more evident than in the rapidly increasing trade and financial ties between the United States and the developing countries. The United States is not and cannot afford to view itself as being economically self-sufficient. Our increasing dependence on exports to fuel the U.S. economy is perhaps the most important example of our dependence on international trade for our economic health. By helping us improve our balance of trade, exports play a pivotal role in our fight for a strong dollar and reduced inflation.

At present, developing countries purchase about 40 percent of our exports and have enormous potential for expansion of our overseas markets. And reciprocally, developing countries now provide the United States with 25 percent of our raw material requirements. Jobs in the United States are becoming more and more dependent on export markets and upon access to secure sources of raw materials that we import from developing countries.

I draw to the attention of my colleagues a comparison between U.S. exports to the top non-OPEC borrowers from the MDB's and the level of MDB lending to these same countries. For almost all developing countries, U.S. exports far exceed MDB lending. For example, in 1977, Brazil borrowed $790 million from the Banks and U.S. exports to Brazil totaled $2.482 billion; while Thailand borrowed $155 million and received U.S. exports of $510 million. Between 1971 and 1977, the annual average growth in U.S. exports was 17.1 percent to Brazil and 23.5 percent for Thailand.

Furthermore, the direct benefits to the United States from participation in the MDB's can be measured in terms of balance-of-payments improvements, GNP growth, increased U.S. employment, and increased Federal tax revenue. In bal-

ance-of-payments terms, the activities of the Banks in a direct sense have returned to the United States in merchandise and service exports $2.4 billion more than the United States has provided in contributions. The Treasury Department has also determined that, for every dollar the United States paid into the MDB's between 1972 and 1977, real U.S. GNP has increased by between $2.40 and $3.40. An average of 57,000 to 103,000 U.S. jobs per year are traceable to the direct and indirect effects of U.S. participation in MDB lending. In fact, in 1974 and 1975, when the United States was in a recession, the increased jobs ranged from 72,000 to 107,000 per year, which indicates that our official lending actually had a beneficial countercyclical effect on U.S. employment.

Finally, the creation of income and additional jobs in the U.S. economy resulted in an annual increase in the flow of Federal Government tax receipts of between $492 million and $564 million. These are substantial, tangible benefits that, to my mind, constitute a central reason to continue and increase our support for the MDB's.

One unresolved problem of great concern to me is the financial and budgetary soundness of requiring an appropriation to cover in full the callable capital for the MDB's. As I have pointed out on numerous occasions, callable capital is only "called" in the event of a serious default by many MDB borrowers. This has never happened in the history of the MDB's, and the continuing financial integrity of the MDB's is proven in the AAA status of their bonds in the international capital markets. In light of this excellent fiscal record, I do not believe it is necessary to require full appropriation of callable capital.

Furthermore, requiring full appropriation, in the words of Secretary Blumenthal, "distorts the true size of the request for the MDB's."

In his words:

It is virtually certain that appropriated amounts will never result in budget outlays.

On April 1979, Secretary Blumenthal wrote to Senator INOUYE, chairman of the Subcommittee on Foreign Operations of the Committee on Appropriations, concerning this matter of fully appropriating callable capital.

I ask unanimous consent that the Secretary's letter be printed in the RECORD at this point.

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

THE SECRETARY OF THE TREASURY,
Washington, D.C., April 9, 1979.

DANIEL K. INOUYE,
Chairman, Subcommittee on Foreign Operations, Committee on Appropriations, U.S. Senate, Washington, D.C.

DEAR MR. CHAIRMAN: At the Subcommittee's hearing on the FY 1980 appropriations requests for the multilateral development banks (MDBs), you asked for my ideas on the possibility of changing the budgetary and appropriations treatment of U.S. subscriptions to callable capital. I have given the matter a great deal of thought and want to share my ideas with you.

I agree with you that the appropriation of callable capital in full distorts the true size of the request for the MDBs, since the costs to the Government are solely contingent in nature and since it is virtually certain that the appropriated amounts will never result in budgetary outlays.

In considering whether there are alternatives to the full appropriation of the specific sums required for the U.S. subscription, we have eliminated those which would bypass the appropriations process. Thus, we would not seriously consider an alternative that would not provide for action within the framework of the annual Foreign Assistance Appropriations Act.

The three alternatives that seem most promising would involve a ceiling on U.S. subscriptions to callable capital in annual appropriations acts. Under that ceiling, the Congress could (1) not appropriate any funds, (2) appropriate "such sums as may be necessary", or (3) appropriate a contingency reserve (perhaps 10 percent) to meet potential outlays. These approaches would appear reasonable in light of the minimal risk that there would ever be a call and the large amounts that have already been appropriated or would be available through public debt authority.

On two occasions in the past, the General Counsel of the Treasury Department has reviewed the question which you have raised on whether appropriations must always, as a matter of law, be obtained prior to U.S. subscriptions to callable capital. In both cases, the General Counsel has held, after analyzing the relevant legislation, that appropriations are not legally required to back such subscriptions unless and until payment is required of the United States on a call made by the institution. These Treasury opinions rely on a series of Opinions of the Attorney General which held that other U.S. Government guarantee programs need not be fully funded to be backed by the full faith and credit of the United States. I am enclosing copies of the two opinions of the General Counsel of the Treasury Department for your information.

Whether full appropriations are required prior to subscriptions to callable capital thus depends on the legislation passed by the Congress. We have presently pending appropriations for U.S. subscriptions to the callable capital of the IBRD, ADB, and IDB. To implement the ceiling approach either without appropriation or with a contingency reserve, the legislation authorizing U.S. subscriptions to IBRD and ADB callable capital (P.L. 95-118) would have to be amended, since that legislation provides that the amounts required for the U.S. subscription to callable capital must be appropriated, before the subscription is made. Because the ceiling approach with appropriation of "such amounts as may be necessary" would, in fact, appropriate the amounts required, no change in existing legislation for the IBRD and ADB would, in our view be necessary under that alternative.

The bill which we have submitted for U.S. participation in the new IDB replenishment and which is now being considered by the Congress, would, we believe, give the Congress sufficient flexibility to provide for the alternative appropriations treatment in annual appropriations acts which I have suggested.

We have previously discussed the fact that funds for callable capital are not generally appropriated in other industrial countries prior to subscription. In some countries further parliamentary action would be required in case of a call; in those cases, according to our information, formal parliamentary approval would generally be expected to follow as a matter of course; in other countries, payment would be made without proceeding through further legislative action. I am enclosing, for your information, a copy of the data we have on procedures of the major industrialized countries relating to subscriptions to callable capital in the MDBs.

As I mentioned at the hearing, I am personally very interested in finding an appropriate budgetary and appropriations treatment for callable capital. I would welcome your reaction to my proposals, which I believe would be complementary with the President's recent proposals for budgetary controls over Federal credit and guarantee programs. I am taking the liberty of sending a copy of this letter to Senator Javits, who has also expressed interest in this issue.

Sincerely,

W. MICHAEL BLUMENTHAL.

Mr. JAVITS. In that letter, Secretary Blumenthal suggests three alternatives to remedy this situation, all of which involve a ceiling on U.S. subscriptions to callable capital to be contained in annual appropriations acts. Under that ceiling, the Congress could: First, not appropriate any funds; second, appropriate "such sums as may be necessary"; or third, appropriate a contingency reserve of perhaps 10 percent to meet potential outlays.

I believe all of these are reasonable alternatives. The current authorization legislation for the callable capital for the Inter-American Development Bank (IADB) is flexible enough to accommodate these alternatives; however the apriations issue will finally be resolved. I urge my colleagues to acknowledge the precedent set by other industrialized countries which do not generally appropriate callable capital and to agree upon a budgetary arrangement that will more accurately and honestly reflect the nature of the actual U.S. contribution to the MDB's.

I would like to briefly discuss the specific components of S. 662 and the records of the IADB, the ADF, and the AfDF.

INTER-AMERICAN DEVELOPMENT BANK

Latin America has made substantial progress in its economic development efforts, and this region is now far ahead of the poor regions of Africa and Asia. The GDP of Latin American nations in 1978 was $354 billion, double that of 1966. Continued Latin American development is an important objective of U.S. foreign policy because of the direct impact of the region's economic and political conditions on the United States. Latin America's economic significance is growing rapidly as can be seen in U.S. exports to Latin America—$20 billion in 1977 and U.S. direct investment in Latin America since 1960 exceeds $20 billion, or two-thirds of U.S. investment in developing countries.

Despite this dramatic progress, the worst problems of poverty continue to plague much of Latin America's population. A strong and visible commitment to the region's economic develoment is extremely important and particularly effective when provided in a collaborative manner through the IADB. The increase in the resources of the IADB pro-

vided by the fifth replenishment request now before us is a strong indication of continuing U.S. support for this important institution.

The fifth replenishment will provide a 5- to 7-percent rate of real growth in the Bank's lending program. The U.S. contribution, as contained in S. 622, consists of $206.2 million in paid-in capital over the 1979–82 period and $2.543 billion in callable capital and $700 million for the Fund for Special Operations, which is the Bank's soft window and which provides funds to the poorest countries of the region on highly concessional terms.

I would like to point out that the terms of this replenishment have been negotiated with substantial advantages to the United States. Due to U.S. insistence on this matter, the lending program of the Bank will be based on the principle of graduation from the soft to the hard window as economic conditions permit. Therefore, we can be assured that the poorest Latin American countries are receiving assistance and that the "advanced developing countries" in Latin America are sharing the burden of this assistance.

Specifically, Chile and Uruguay will graduate from the soft-loan window of the FSO due to their improved economic situation. Argentina, Mexico, Brazil, Trinidad and Tobago, and Venezuela have already agreed to borrow only from the Bank's hard window. As a result of the graduation of some bank members, the U.S. contribution to this FSO replenishment will decline from $200 million annually to $175 million a year, which is a real indicator of the economic progress of the recipient countries. In addition, the members have agreed that 50 percent of total IADB hard-window lending during the 1979–82 period will benefit low-income groups. Overall, the budget outlays for 1979–82 of $225.5 million in U.S. IADB contributions constitute a reduction of $13.5 million per year over the 1976–78 period.

ASIAN DEVELOPMENT FUND

Our participation in the ADF is an important element of U.S. foreign economic policy in the post-Vietnam period. The major ADB borrowers—Korea, the Philippines, Malaysia, Indonesia, and Thailand—are countries of particular political and economical importance to the United States. The ADF is the concessional affiliate of the ADB and was formed in 1974.

Title II of this bill authorizes a U.S. contribution to the second replenishment of the ADF of $111.25 million for 4 years beginning with fiscal year 1980 or a total of $445 million in paid-in capital. This constitutes 20.7 percent of the total replenishment, which is less than the U.S. share in the first replenishment. The total proposed replenishment would enable the ADF to raise lending levels from $350 million a year in 1978 to $670 million by 1982.

I am pleased to report that the goals the U.S. sought to advance in the replenishment negotiations have been agreed to. The members have agreed that lending will resume to "marginally eligible" countries of Indonesia, Thailand, and the Philippines, which are of particular concern to the United States. In addition, agriculture and rural development will continue to be the primary lending sector of the Fund with increased emphasis placed on projects assisting poor people; and the Fund will be more aggressive in obtaining cofinancing agreements, particularly with Middle Eastern countries.

AFRICAN DEVELOPMENT FUND

The African Continent contains one-half of the poorest developing countries in the world. In response to this situation, the African Development Fund was created in 1973 as the concessional lending affiliate of the ADB. The Fund is designed to channel non-African resources into the African development process and to help meet the need for softer terms for projects in African nations. (The AfDF makes credit available to countries with incomes below $550 per capita.) The members of the Fund are 12 European countries, Brazil, Canada, Japan, Kuwait, Saudi Arabia, and Yugoslavia.

The U.S. contribution to the second replenishment as authorized in title II of S. 662 is $125 million in budget outlays or $41.7 million per year starting in 1980. This is 17.5 percent of the total replenishment and represents a substantial increase from the less than 6 percent U.S. share in the first replenishment. This is still well below the overall average of the U.S. shares in all MDB's. Overall Fund resources and lending will be increased by 10 percent per year. I believe this is justified by the extreme poverty and the need for concessional aid to the Fund's members. In addition, while the Fund donors have pledged $713.5 million, the resources of the Fund are currently exhausted. A strong and renewed U.S. commitment is especially important at this time.

Mr. President, I have dealt with our foreign aid program for many years and I consider the work of the international financial institutions preeminent in the field.

In the past, we defended U.S. participation in the multilateral development banks as benefiting the United States in terms of the peace of the world, our moral commitment to the improvement of the condition of people all over the world, and the hope that such aid would permit the recipient nations to grow economically and become active participants in the international trading system. For many developing countries, that corner has been turned, and the developing world has become the biggest market for U.S. exports.

All of us are very deeply troubled by our serious trade imbalance with industrial countries like Japan. In this regard, I advance a personal view, although I believe it to be a sound one. The structure of the Japanese economy is such as to make it highly doubtful that we can fully redress the trade imbalance we have with the Japanese. Unless we adopt a completely protectionist policy in the United States and really shut down our market to their exports, we are going to continue to have some kind of imbalance, generally estimated to range between $5 and $10 billion a year.

That is a completely unsatisfactory situation. If we will view this situation solely on a bilateral basis, we will find ourselves as I have just indicated, faced with shutting our market as the only possibility of redress.

That possibility is so serious that I doubt that we would undertake such a move, not only for economic but for political and diplomatic reasons.

A multilateral approach provides, however, a possible solution. What is entirely feasible, is for Japan to use its productive strength to help in the financing of international trade, through increased contributions to the MDB's as to bring to us trade benefits on a third-, fourth-, and even fifth-country basis, which will far outweigh the structural imbalance of our trade with Japan.

When our delegation, which Senator CHURCH and I had the honor of leading to the People's Republic of China within the last few weeks, stopped in Japan, the Prime Minister, the Foreign Minister, and the permanent officials of the Foreign Office, clearly indicated that this multilateral financing approach made great sense to the Japanese and that they were prepared materially to increase their support for multilateral banking institutions for the reasons which I have described. I hasten to add that I think that our trade imbalance with Japan can be improved by between $3 and $5 billion, in areas where the structural problems of the Japanese market allow it.

Mr. President, I take special satisfaction in the fact that this bill seems to have general approval here in the Senate. I hope the same thing is true in the House.

This is the way to go. It is realistic. It is practical. The Japanese are willing. It can do us just as much good as the grave strains we would otherwise have and the grave dangers we would otherwise run in a dollar-for-dollar balance for Japan.

In summary, Mr. President, I believe that strong U.S. support of the MDB's is of critical importance to maintaining and improving our relations with politically and economically important neighbors in the developing world. I also believe, and I have documented this in my statement, that passage of S. 662 is in the best interest of the U.S. economy due to the benefits accruing to the United States in terms of GNP growth, jobs generated, and financing exports of U.S. products. I urge my colleagues to support this important piece of legislation.

Mr. President, unless there are other Members who wish to be heard, I am prepared to have third reading of the bill.

Mr. PELL. Mr. President, as usual, the Senator from New York has explained in an articulate, commonsense manner the

merit of these banks, their records, and the reasons, to our national advantage, to continue with the multilateral course.

Also, I think it is in our interest that since Government guarantees were brought into effect in the late 1950's there has not been a single default on the part of any one of these banks. That is a record that any bank can be very proud of and hope to emulate.

The chairman has already made a statement in the RECORD. I, too, am conscious of no other Senators who wish to speak on this matter, and I would ask for third reading at this time.

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

MULTILATERAL DEVELOPMENT BANKS

Mr. DOLE. Mr. President, I rise to speak in favor of this legislation, S. 662, which is on balance, a fair and equitable measure providing for the continued participation of the United States in several multilateral development banks (MDB's). In one sense, the title of this bill is a little misleading, since the increased participation of the United States is more in the nature of continued investment in the ongoing programs and goals of these banks, rather than an increase in the size of the American share of these activities. In fact, as I understand it, we have been successful in negotiating with the other member-nations of these banks to enhance the burden-sharing principle upon which they can continue to function.

U.S. ECONOMY BENEFITS

Over the years studies have shown an unexpected side benefit to our desire to precipitate development in the Third World countries these banks aid. Since the United States is one of the largest industrial and exporting nations in the world, many of the purchases by developing nations with MDB funds are made in this country—40 percent of our exports are bought by these countries. This represents a potentially favorable rate of return on our tax dollar investment, which the Treasury Department variously estimates to be between 2.4 and 3.4 to 1, above and beyond the nearly nominal rate of interest charged on these loans. This expansion of our overseas markets results in an average 57,000 to 103,000 American jobs either directly or indirectly related to this MDB sponsored trade.

Mr. President, the United States does not participate in these banks for the economic benefits that accrue to ourselves, however I think it is an interesting sidelight on our activity that would give heart to the taxpayers of this country. Our principle aim is to contribute to the healthy growth patterns and stable development of the areas the MDB's cover, in the so-called Third World. We have a humanitarian concern to aid peoples in lesser developed regions, and the programs these loans fund are the type of aid that allows us to help them help themselves. In this way we achieve long term, firmly based solutions to problems that might otherwise lead to future famines, hopeless poverty and social and political unrest.

Mr. President, I believe this legislation represents the best type of foreign assistance our country can provide toward long lasting change and progress.

● Mr. ROTH. Mr. President, I am voting against S. 662 for budgetary reasons. In view of the current inflationary pressures in the United States, it is essential to have a very austere, tight budget. I believe, therefore, that we should place a moratorium on contributions to the development banks, while continuing to permit the banks to raise capital through the private capital markets. Of the $4 billion authorized in S. 662, $1.5 billion will result in budget outlays.

In addition, I am concerned about certain aspects of bank operations and our Government's willingness to closely monitor bank activities. Over the past several years, the Senate Appropriations Committee has published information regarding the inflated salaries at several of the development banks. The most recent Appropriations Committee report, for example, shows employees of the Inter-American Bank are among the best paid in the world. Gross compensation for management positions of non-Americans at the bank range from $82,000 to $91,000, while the top professionals are paid $77,000. I think it is high time we made it clear to the banks that we do not support institutions which demonstrate such a low regard to tight fiscal management.●

The PRESIDING OFFICER (Mr. BAUCUS). The bill is open to amendment. If there be no amendment to be proposed, the question is on the engrossment and third reading of the bill.

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

Mr. JAVITS. Mr. President, I ask unanimous consent that the Secretary may be permitted to make any technical changes which may be required in the bill.

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

Mr. JAVITS. Mr. President, under the unanimous-consent agreement, we will have the opportunity for a record vote at noon today.

The PRESIDING OFFICER. The Senator is correct.

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

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

ROUTINE MORNING BUSINESS

The PRESIDING OFFICER. Under the previous order, there will now be a period for the transaction of routine morning business until 12 noon.

Mr. DOLE. Mr. President, I ask unanimous consent that I be allowed to speak for a period of 5 minutes.

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

THE 25TH ANNIVERSARY OF THE BROWN AGAINST THE BOARD OF EDUCATION OF TOPEKA DECISION

Mr. DOLE. Mr. President, it was 25 years ago today that the United States Supreme Court handed down a unanimous decision which declared that "separate educational facilities are inherently unequal." It followed then that the separate but equal doctrine under which States had maintained racially segregated schools had no place in public education. While persons will disagree on the progress toward racial integration which has been since that time, no one can refute the claim that this case changed the course of education in America.

HISTORICAL SETTING

It was in 1951 that the Rev. Oliver Brown and 12 other plaintiffs filed suit in Topeka. At that time, the talk about town was not this lawsuit, but a devastating flood which is still talked about by Kansans. Black students were expected to attend segregated elementary schools through the eighth grade, at which time they transferred to integrated junior high schools and from there to integrated high schools. While classes were integrated, most other activities were not. Separate teams were maintained for basketball, football, swimming, tennis, cheerleading, pep clubs, and other activities. Movie theaters, hotels, swimming pools, and restaurants were segregated, and in general, Topeka probably differed little from most other cities in the country. I think it is interesting to remember that Kansas became a State in 1861. There was a big debate over whether or not it would be a free or a slave State. It joined the Union as a free State, but because Missouri recognized slavery, there were many border skirmishes fought over the issue. I am proud that Kansas remained a free State, just as I am proud of the role Kansas played in this landmark decision.

CAST OF CHARACTERS

Mr. President, the cast of characters in that case as far as the attorneys and those who participated is most interesting. Two of the three Topeka attorneys representing the plaintiffs were brothers. The father of the sons, Elisha Scott, was a black attorney who graduated from Washburn Law School in Topeka in 1916. Throughout his career, he was very active in the pursuit of racial justice, and many times took on the Ku Klux Klan and other civil rights issues. In this atmosphere, his three sons were raised. All had a keen identity with the work of their father, and all became attorneys. They were also active with the Topeka chapter of the NAACP.

The three attorneys, Charles and John Scott, and Charles Bledsoe, realized clearly that the doctrine of separate but equal education was not working in Topeka. At that time, most racial discrimination cases were based on the

argument that the separate facilities were not equal. Had the Topeka lawyers proceeded with this charge, it is unlikely that their case would have ever reached the Supreme Court. However, with the help of national civil rights organizations and considerable legal research, the Topeka attorneys decided to challenge the validity of the separate but equal doctrine. Their argument was that when children are segregated on the basis of race, the resulting education is not equal. And so, in 1951, the argument was made in the U.S. District Court in Topeka that segregation holds back the achievement of the black student and denies him equal educational opportunities.

THE TOPEKA DECISION

In a later interview, the Topeka judge, Judge Huxman, claimed that his court decided that case on the basis of constitutionality alone. He felt that in light of the Plessy against Ferguson case which established the separate but equal doctrine, the Brown case was not valid. The district court wrote that:

Segregation of white and colored children in public schools has a detrimental effect on the colored children. The impact is greater when it has the sanction of law, for the policy in separating the races is usually interpreted as denoting the inferiority of the Negro group.

I respect the Topeka attorneys for their knowledge of the law, and for their clear perception that the separate but equal doctrine was not appropriate in public education systems.

THE REACTION

Although the Rev. Oliver Brown and his daughter, Linda, received most of the attention following the Supreme Court decision, there were a dozen other plaintiffs joined in this suit. Like Brown, they also had children who had been refused admittance to white schools, and felt their children had been denied the opportunity for equal education. After the lawsuit was filed, the reaction towards it was mixed. Much of the black community alined itself squarely behind the plaintiffs. However, many black teachers feared that integrated schools would cost them their jobs, a charge which the plaintiffs vigorously denied. They felt integration would increase jobs, since their fight was not only for integration of students, but for teachers as well. Many of the black communities feared an outlash from the white community, remembering an earlier incident when 8 black teachers had been fired after one had successfully sued the Topeka school district to achieve integration at the junior high level.

Regardless of the mixed feeling initially, there was no mistaking the elation following the 1954 Supreme Court decision. The plaintiffs felt as if they had been recognized as human beings, and now their children would have the same learning opportunities as white children throughout the city. Not only would education improve, but the black student's self-esteem would no longer suffer the abuse which came from attending segregated, inferior schools.

THE RESULTS

During this week, there has been much written on the results of the 1954 Supreme Court decision.

There has been a lot said this week and will be a lot said today. Some persons feel significant, monumental improvements had been made, and others feel that the situation has not changed. I think that while we have seen improvements, there is much which remains unachieved. We still have major problems with large urban schools, and in many suburban schools there is an underlying atmosphere of racial tension. However, there are documented changes which have occurred, which point to tangible progress. We have more elected black officials, at all levels of the government. We have integration of hotels, restaurants, theaters, and recreational centers which we did not have 15 and 20 years ago. Neighborhoods, churches, and television are now integrated. While persons disagree as to the results, I think that future progress can only be made if we hold true to the intent of the 1954 decision, and the hope which it promises. But while we still have a way to go before we have achieved real equal opportunities, I believe in the validity of Reverend Brown's words in reaction to the decision 25 years ago:

* * * this decision holds a better future, not only for one family, but for every child * * * this will no doubt, bring about a better understanding of our racial situation and will eliminate the inferiority complexes of children of school age * * *.

I suggest that we must work for that future.

Mr. JAVITS addressed the Chair.

The PRESIDING OFFICER. Does the Senator ask unanimous consent to be permitted to speak for a period of time during morning business?

Mr. JAVITS. I do.

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

Mr. JAVITS. Mr. President, I have heard with admiration the distinguished words of the Senator from Kansas about a case which originated in his State, and I wish to attest to its legendary and historic character in terms of our country and how so many of us, including the Senator from Kansas himself, have worked indefatigably to make good the promise of Brown against Board of Education in the Topeka case.

I pay tribute today to the heroes of the Civil Rights Act of 1964 which incorporated these basic concepts and implemented them in law. A number are no longer with us: Hubert Humphrey and Everett Dirksen—Everett Dirksen probably more responsible than any other single person in this Chamber for the enactment of that law, notwithstanding the dire predictions that it would fall to the then still fashionable filibuster. I pay tribute to many who are still with us, like Mike Mansfield, who is now our Ambassador to Japan, and others who are here, ABE RIBICOFF and other Senators. I am searching in my mind. Was the Senator from Kansas in the Senate at that time?

Mr. DOLE. Not at that time. I was a Member of the House of Representatives.

Mr. JAVITS. That is right. That is what I thought.

I know if the Senator from Kansas had been here he would have joined this durable band and these very activities as I am sure would the minority leader, Senator BAKER, and our majority leader, Senator ROBERT C. BYRD.

But I think it is a fitting time to say a word for those who have departed from our world, like Everett Dirksen and Hubert Humphrey, and Senator Hart of Michigan, Senator Douglas of Illinois, and others who had such an heroic part in the consummation of that historic departure from the past to which the Senator has referred. I refer also to those who are happily still with us but no longer in this Chamber, like Mike Mansfield, and refer to the historic character of these events.

I have often thought as I stood here and spoke how are we different from the Websters, the Clays, the Borahs, the Norrises, the Tafts, and the greats of other days, and I have always come to the conclusion that we are not. It is just the issues with which we are associated that have not yet found their perspective in the history of our country. When they do, we also—I do not know which of us—but we also will be in the same tradition, the same glorious tradition of freedom and self-rule which has characterized this body.

I hope the Senator will join me in those thoughts, as will other Senators. This is a uniquely important contribution to the history of our country, with which those who are so intimately associated still have their contact with us of a contemporaneous world, and I have great personal satisfaction in referring to it here today.

Mr. DOLE. I thank my distinguished colleague, and I appreciate without question his leadership.

There is no doubt about the leadership role played by the distinguished Senator from New York during all these times, and certainly no one was more in the forefront than the distinguished Senator from New York.

It does seem to me that when we focus on this one decision in one court in Kansas that it is an appropriate time that we pay tribute, as the distinguished Senator from New York is suggesting, and it is done to many who are active in many other areas of the civil rights battles on the House side, the Senate side, outside the Congress, and certainly, as I look back at what happened in my State, the State of Kansas, the decision written by a prominent Democrat, the attorneys involved for the most part prominent Republicans, it is an indication that the problem was understood by all those who were willing to focus on it.

Certainly the progress has been made, but I doubt that anyone would question the need for continued progress everywhere in America in the civil rights field.

Mr. BAKER. Mr. President, I ask unan-

imous consent that I may proceed for 5 minutes.

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

Mr. BAKER. Mr. President, I take this opportunity on an especially significant day to pay my respects to my colleagues who have just spoken.

There is no one in the Senate, there are few who have served in the Senate, who deserve the recognition that the distinguished Senator from New York does in his contribution to the extension of human rights and civil liberties in the United States.

Few are equal to the contribution of the distinguished Senator from Kansas in his dedication not only to civil rights but also to the needs of the poor and the downtrodden in this country.

It is a special pleasure for me as the Republican leader to acknowledge these two men as men of great talent and of great value to the Republican Party as the political organism which was founded on the concept of equality and freedom of human beings in this country.

Senator DOLE and Senator JAVITS have a special niche in the history of the quiet revolution that has occurred in this country in the elaboration and extension of personal liberties and human rights beyond that which anyone would have ever dared dream of as little as two centuries ago when the Republic came into being.

The Senator from New York mentioned some of our former colleagues. None of them is superior, in my judgment, to his contribution. He recalled my late father-in-law, our former colleague, Senator Dirksen, as one who participated in this effort, and I am sure the Senator from New York will not be put off if I cite one piece of conversation I once had with Senator Dirksen when I first came to the Senate.

By the way, and parenthetically, serving in the Senate with a father-in-law is at least a challenging experience.

One of the marks of Ev Dirksen's greatness was that he never once in all of his career asked me how to vote or told me how to vote or requested me to vote in a particular way which, I think now in retrospect, must have required a great deal of restraint on his part and a recognition of a father-in-law/son-in-law relationship.

But in any event, the remark I wish to repeat for the benefit of my colleagues and for this RECORD today is that early on in that career when I came to the Senate, Ev Dirksen told me that "JACK JAVITS," if I may use the familiar expression, the distinguished Senator from New York, who is here on this floor today, "JACK JAVITS is the finest legal mind in the Senate."

I agree with him. I have thought about that statement a thousand times since then as we approach matters of great importance and complexity; as Senator JAVITS focuses his great resources and ability on those issues, how right he is and has been, and in no field more right that of the continuation of the struggle for equality in the United States.

Mr. President, it is thus a special privilege for me to pay tribute to the distinguished Senator from Kansas and the distinguished Senator from New York for their part in this continuum of civil liberty. I, too, think of our departed colleagues on both sides of the aisle. The one name I did not hear mentioned was a close friend of mine and a frequent adversary. I am speaking of the former Senator Robert Kennedy. Bob Kennedy and I served a long time together. We were the same age, within a matter of days, and had many of the same experiences in World War II. Both of us as young men were on the staff of the McCarthy committee, on opposite sides of the aisle. But he, too, contributed much, as so many others have before us.

Mr. President, the job is not done, and in this day of celebration it is a day of mourning as well because the civil rights movement has lost one of its first and greatest giants with the passing of A. Philip Randolph, and the cause of brotherhood and understanding among all people has lost a powerful champion.

But today is also a day of celebration—the 25th anniversary of the Supreme Court decision banning segregation in American public schools.

The impact of that decision, as we know now, has gone far beyond the public education system in America. It gave impetus to a great many changes in the social fabric of our country, and most of those changes have been for the better.

The best remembered words from the Court's decision a quarter century ago were that in this society the doctrine of "separate but equal" has no place.

Twenty-five years later, the false doctrine of "separate but equal" is less our problem than the harsh reality of a society that is still too often separate and unequal.

Too many black Americans are still separated from the mainstream of economic and social life in this country. Too many have an unequal education, unequal job training opportunities, an unequal chance to fulfill the American dream in their own lives and share in America's bounty.

Forty percent of our black teenagers are out of work, many because they have neither the educational background nor the job skills to qualify for productive work.

That this condition exists, and persists, 25 years after Brown against Board of Education is nothing less than a national disgrace.

In recent years we have found ourselves engaged in heated controversies over whether "to bus or not to bus" to overcome racial imbalances in our schools. We have debated at great length the issue of "reverse discrimination" in educational and employment opportunities.

But these controversies, as vigorously as they have been debated, seem to miss the central point: A good education should be the birthright of every American citizen, regardless of race, and too many young Americans, regardless of race, are not getting the education and the training they need to survive and prosper in modern America.

A good education and good job training can be the passport from poverty to prosperity in this country. If we fail to provide a good education and relevant training for the jobs of today and tomorrow, we have no one to blame but ourselves for the waste of a whole generation of young Americans.

Brown against Board of Education affirmed that every American should have an equal chance to learn and an equal chance to share in the blessings and the freedom of the United States—and that people of all races should work together to see those goals achieved.

Our responsibility now, 25 years later, is to insure that those opportunities for learning are vastly improved, that more Americans of every race will share in the progress of this country, and that we in the United States should not only stand equally before the law but walk together toward a better life for all our people.

That is my hope, and that must be our common commitment, on this historic day.

Mr. JAVITS. Mr. President, I ask unanimous consent that I may proceed for 2 minutes.

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

Mr. JAVITS. Mr. President, I would like to first express my deep thanks to Senator BAKER for his customary generosity in commenting on me, and I thank him very much for both his own statement of his recollections of Senator Dirksen, with whom I enjoyed not only a warm, but a tremendously rewarding friendship, over many years.

I would also like to join Senator BAKER in mourning the loss of A. Philip Randolph.

I was saddened to learn that one of America's greatest figures in its human rights history, A. Philip Randolph, died yesterday. He was a man who devoted his life to the cause of human rights and was a friend who gave his untiring support in the Nation's great moral struggle to eliminate discrimination against blacks and other oppressed minorities, including the long, successful drive to enact the landmark Civil Rights Act of 1964.

Randolph was the first to understand the power of the trade union movement in bettering working conditions for black workers and endured enormous hardships in founding the Brotherhood of Sleeping Car Porters more than 50 years ago. Through his effective organizing abilities and the strength of his moral persuasion, he led the way for ending segregation and other forms of racial discrimination in labor unions, finally becoming an officer of the AFL–CIO. I take great pride in having been associated with him. He deserves the highest tributes of all citizens for his enormous contributions to the cause of bringing dignity, justice, and opportunity to deprived Americans through peaceful means.

Mr. DOLE. Mr. President, will the Senator yield before moving on to another subject?

Mr. JAVITS. I yield.

Mr. DOLE. Let me join the distin-

guished Senator from New York in complimenting our minority leader and our friend, Senator BAKER. Not just in any partisan sense, but just to let it be known, let me say that the Republican Party has in the past, and will continue its efforts, as we should, made a great effort to attract more black Americans, more Hispanics, more Americans into the Republican Party, and perhaps this 25th anniversary of the famous case that occurred in the State of Kansas will be a reminder to all Americans, and particularly those who aspire to leadership roles in any political party, of the responsibilities we have in representing all Americans.

I thank the Senator.

Mr. JAVITS. I thank my colleague.

● Mr. BAYH. Mr. President, today marks the 25th anniversary of the Supreme Court decision in the Brown against Board of Education school desegregation case. On this day 25 years ago, the highest court in this Nation decided that "separate but equal" had not worked, and as a result schools throughout the South were ordered to desegregate. Even though this particular case addressed the question of segregated school facilities, its impetus carried to all institutions that were segregated. One might say that this decision served as the catalyst for the entire civil rights movement.

It was in the following year a brave and beautiful lady by the name of Mrs. Rosa Parks refused to abide by the law which stated that a black person must relinquish his or her seat on a bus for someone white. In rightfully refusing to condone and accept segregation, Mrs. Parks' efforts served as a logical extension to the 1954 Supreme Court decision.

From that point on there was no refusing more than 20 million Americans their God-given rights. Under the able leadership of such great men as Dr. Martin Luther King, Jr., Phillip Randolph, Bayard Rusin, and Thurgood Marshall, the black race marched forward like a great phalanx on the move to freedom. In a peaceful, but effective manner, black Americans demanded that the walls of discrimination come tumbling down, and because of their determined efforts, black and white Americans sat side by side at lunch counters, in school, on buses, and in churches throughout the South.

Across America, black and white leaders declared that old man discrimination had finally passed away. White America took pride in the fact that it was finally able to treat all Americans as equals. To prove that the demise of discrimination was permanent, white America pointed to the accomplishments of Dr. Ralph Bunche, Thurgood Marshall, Gen. Chappie James, and Marion Anderson. By the middle of the 1960's America declared that equal opportunity was a reality, and all one had to do was to apply his talents in order to profit within the mainstream of the American economic system.

However, Mr. President, our proclamations of equality were a little premature. As our cities went up in flames during the middle 1960's it became quite apparent that we still had a great deal of work to do before we could rightfully claim that equality was a fact of life in America. Frustrated black Americans, tired of oppression and fed up with broken promises, demonstrated that frustration in a manner that shook our country. As a result of the riots, the Kerner Commission concluded that America was headed toward two separate societies, one black and one white. That commission warned against continued economic and social injustice in America. As a result of the riots in Los Angeles, Detroit, and Newark, the emphasis shifted from school desegregation in the South to the Great Society programs in the North. The Congress as well as the President concentrated their efforts on eradicating poverty in the inner cities of America.

By the early 1970's, after pouring considerable amounts of money into the inner cities, the President of the United States proclaimed during his state of the Union address in 1971, that the urban crisis was over. He claimed that as a result of the Great Society programs all Americans were equal and one need only demonstrate the desire and talent in order to be successful in the mainstream of America's economic system. To prove that equality was a fact of life our leaders pointed to the gains that black America had made since 1965. Statisticl studies were done to show that black and white Americans were on an equal basis in terms of jobs and income. Many pointed to the burgeoning black middle class, and pointed out how they were moving to the suburbs in search of the better life. Facts and figures were used to point out that blacks were now graduating from medical schools, law schools, as well as other graduate schools in growing numbers. It was stated that black America had finally arrived.

Despite the fact that there have been a number of gains on the part of black Americans, and despite the fact that a great deal of discrimination has disappeared from the scene, it is erroneous for us to assume that our society is now free from racial, social, and economic discrimination. One need only visit our major cities this summer to realize that we are still sitting on a time bomb that could explode if we are not careful. There is no way we can expect the black youth of America to accept the fact that there are no jobs available for them, when many Americans live in luxury and comfort. We cannot expect the unemployed black father to sit idly by while other men are able to provide the necessary food and shelter for their families. It is unconscionable for us to expect the poor living in the inner cities to bear the overwhelming burden of inflation and unemployment at the same time. The fact that many Americans will be without heat in the winter because of the escalating cost of energy should be unacceptable to all concerned leaders.

While many struggle for additional comforts in life, others struggle for survival. We can only judge the worth of our society and we can only judge how far we have come since Brown against Board of Education, by the number of Americans, be they black, white, or otherwise, that are struggling for survival. Unless we begin to recognize that a country is only as strong as the weakest link in its chain, then Mr. President, I feel that we are in for hard times in the years to come. We look back at the 1960's and say never again. We hope that the tragedies that struck our major cities during that time will never occur again. However, we must be willing to learn from history. And our history tells us that we cannot simply proclaim equality for all Americans. We must work hard to make it a reality.

The lesson, Mr. President, that we all must learn from Brown against Board of Education is that once men acknowledge their weaknesses, they must work hard to improve their ways. We acknowledged that segregation was a weakness in our system, and we set out to eradicate its existence. We acknowledged that economic deprivation was anathema to our social and economic system. However, before we proclaim the demise of poverty, we work to assure opportunity for the weakest link in our system. We must assure the unemployed teenager the opportunity to find a meaningful job. We must assure the unemployed father that there is work. We must demand that no American go without heat in the winter. We must elevate the eradication of deprivation in our country to a higher level of importance. We must be willing to sacrifice some of our riches so that others might survive. Until we are willing to do these things, then the lessons to be learned over the past 25 years will be for naught. If, on the other hand, we are willing to make such sacrifices for our fellow Americans, then by the 50th anniversary of the Brown against Board of Education decision, we can truly proclaim the demise of old man segregation, and his ally, deprivation, as well.●

● Mr. SASSER. Mr. President, I was saddened to learn of Asa Philip Randolph's passing in New York City.

History will record A. Philip Randolph as one of the outstanding men of the 20th century, especially in the area of social justice. Few individuals have given so much of themselves for the cause of freedom and equality.

For over 60 years, A. Philip Randolph committed himself to improving the quality of life for his fellow black Americans. He first came into the public eye in 1925 when he began his attempt to organize the predominantly black railroad sleeping car porters. His fight with the Pullman Co. was one of the most bitter and difficult of the early efforts to organize American workers; it was one of the earliest battles against economic exploitation of the black American worker. He won that battle with his patience and peaceful, but persistent tactics, the tactics that would be the mark of his life's work.

The career of A. Philip Randolph did not peak with the victory against Pullman. He participated in every major endeavor of the civil rights movement. In the 1930's he fought for the acceptance of black workers and black unions in the American Federation of Labor. In the 1940's he persuaded President Roose-

velt to end discrimination against blacks in the war industries. Later he convinced President Truman to end segregation in the Armed Forces. In the 1950's he was instrumental in the fight for desegregated schools. In the 1960's, Mr. Randolph along with Dr. Martin Luther King organized the civil rights marches on Washington and was instrumental in the passage of the 1964 Civil Rights Act.

Mr. Randolph said that he wanted to be remembered for his dedication to peaceful change. I join the millions of other Americans who today mourn the loss of A. Philip Randolph. His great legacy will live on, eternally enshrined in the soul of America.●

LEGACY OF THE BROWN DECISION: SNOWBALLS, PEBBLES, ROOTS AND BRANCHES

● Mr. BIDEN. Mr. President, today is the 25th anniversary of the decision of the Supreme Court in the landmark case of Brown against Board of Education. Despite the dismay which I and fellow Delawareans feel about the perversion of that case and its progeny in the massive busing ordered last year in Wilmington, I am confident that a majority of the citizens of Delaware support that decision. Indeed, a poll conducted in Wilmington immediately before the implementation of the order, indicated that a majority supported the basic principles of the Brown decision. I am sure that a majority of Americans share that view and agree with me that nothing better exemplifies the majesty of our Constitution, the basic decency of our people, and the uniqueness of our democracy as the Brown decision. To be a bit corny, the Brown decision makes us all proud to be Americans.

However, mixed with the feeling of pride, the 25th anniversary of the Brown decision creates intense feelings of dismay and a great deal of confusion. I suppose that the feeling of dismay is best summarized by the mother of four who confronted me on the street in Wilmington about 2 years ago and said:

I just don't think it's fair for me to have to pay by having my kids' education disrupted, for institutional racism that occurred 30 or 40 years ago by real estate agents. I'm not a racist and I don't like being treated like one.

Certainly that dismay is compounded by the confusion that a large proportion of the population and most lawyers have about what the law of the land is with respect to school desegregation. That is why I have introduced legislation designed to create a congressional desegregation code which preserves the basic principles of Brown and the progeny of cases that followed, and at the same time would prohibit what we believe is the absurd result arrived at in Wilmington.

An excellent article by Lyle Denniston appeared in yesterday's Washington Star which does the best job I have seen thus far in attempting to explain the state of law since Brown. As that article points out the Supreme Court is about to decide two cases, one involving Dayton, Ohio, and another involving Columbus, Ohio, which may finally resolve an important and basic question with respect to the state of the law in this area. As Mr. Denniston explains, in the past few years it has become clear that the Supreme Court "silently laid a basis for two contrary theories that continue to make the law of school desegregation uncertain for northern school systems."

The Supreme Court decided the first Dayton case in the summer of 1977 and ruled that segregation only violates the 14th amendment if done "intentionally." In Denniston's words:

It is a Federal judge's duty, however, only to undo the "incremental effect" of that "segregative intent," the court said. In other words, the remedy was to go only so far as the violation. Only if the violation is systemwide need the remedy go that far.

To some judges, the "incremental effect" is like the path of a snowball going down a hill. It may have been pushed by an isolated act of segregation—perhaps in a single school only—but the snowball gathers size and impact as it rolls. It does not roll straight, either, so its impact spreads more widely. By the time it reaches the bottom, it will require a remedy much larger in size and scope.

The end result of the snowball theory is that it makes it easier to find the basis for a systemwide remedy, including crosstown busing of thousands of children.

To other judges, however, "incremental effect" that follows from a school board's intentional segregation is like a pebble rolling straight down a hill. It is pushed by an isolated act of segregation, and it rolls downhill, in a narrow path, to the bottom. There, all that is necessary is a specific remedy for the isolated act of pushing it. If only one school had been segregated intentionally, only that school need be desegregated—not the whole system.

Some judges like the district judge in Dayton, or the judge in a recent decision in St. Louis, followed the "pebble" theory. Unfortunately, the district judge in Wilmington followed the "snowball" theory and ordered busing for the overwhelming majority of the schoolchildren in Delaware although the violation in question probably involved several hundred kids over two decades ago.

The legislation that I have offered and which the Senate came within one vote of adopting last year, opts for the "pebble" theory. Hopefully the Supreme Court when it decides the new Dayton and Columbus cases will make the same choice. Such a decision is not only consistent with the original Brown decision but it will eliminate much of the dismay and confusion that has tarnished the Supreme Court's action 25 years ago today.

I ask that Mr. Denniston's article be printed at this point in the RECORD.

The article follows:

SCHOOL ANTI-BIAS LAW TAKES ON NEW LOOK IN THE 70'S

(By Lyle Denniston)

After 25 years of growth, and some erosion, there are some unusual features on the landscape of the law of school desegregation.

No longer, apparently, is the "root and branch" the most prominent feature. It may be the snowball—or, possibly, just a pebble.

Those are shorthand words that help even seasoned lawyers and judges understand the complexity that has grown into desegregation cases in the quarter-century since Brown vs. Board of Education.

Of course, many pure legalisms are used, too—like "de jure" and "de facto," "segregative intent" and "incremental effect."

Judges with long experience in such matters, however, seem not much more certain than the citizen on the street about what those mean.

The end result, of course, is supposed to be the same as it was in 1954: White children, black children, other minority children are to go to school together because, as the Supreme Court said 25 years ago, "Separate educational facilities are inherently unequal."

But the legal path to that result is a lot longer now, and has many twists and turns in it.

The Supreme Court is supposed to straighten all of that out, within the next six weeks. Its coming ruling easily could be its most significant pronouncement since the Brown decision.

But clarity of meaning is no longer as sure to emerge from the court each time it rules on a desegregation case. Neither is unanimity. No outsider can know how the new ruling will come out.

In the meantime, it is possible to discover something like a consensus about what "Brown" means—so far. Understanding that consensus makes it easier to get to the "root and branch" and to the snowball and pebble theories.

Basically, the Brown ruling still means that it is unconstitutional to separate students in public schools by race; where such unconstitutional segregation is found, it must be undone, completely.

It means, supposedly, that this undoing is to be accomplished now, not later.

It means, supposedly, that if it takes busing to undo racial segregation, by transporting students away from their neighborhoods to desegregate the schools, that may be ordered.

And it means, supposedly, that a federal judge might be supervising the operation of schools in a community for years to come, until desegregation occurs and stays for awhile.

Most of those explanations of Brown would have been apt right after the first Brown ruling in 1954, finding segregation to be unconstitutional, or at least right after the second one, in 1955, telling local federal judges to fashion remedies one case at a time.

The original Brown decisions to this day have been altered directly in only one way: their timetable. In the beginning, it was not required that desegregation occur "now."

Desegregation, the court said in 1955, was to occur "with all deliberate speed." That was never explained. But, after 10 years, it was obvious that that phrase had meant only delay.

The court then discarded the phrase, commenting in the Prince Edward County, Va., case in 1964: "The time for mere 'deliberate speed' has run out."

Further change in the law, much of it, has come indirectly as school desegregation moved out of the South and into the North. The task for the judges was different, and the law changed with it.

In the 11 states of the Old South plus several of the border states, segregation of the races in public schools had been required as a matter of law.

That meant there were "dual school systems"—one for whites, one for blacks. They were, in theory if not in fact, "separate but equal" school systems.

That is what lawyers and judges called de jure (by law) segregation. And it was the only kind that the court apparently thought it was considering in 1954. It struck that down, and told judges and local school boards to do away with it.

Fourteen years later, in 1968, the court's patience had worn thin. In a case from New

Kent County, Va., it told Southern school boards to come up with plans that "promise realistically to work now." The word now, never before used by the court in this field, was emphasized.

The Court also said that "dual" school systems racial discrimination was required to be eradicated "root and branch." That famous phrase for many years was understood widely to mean, although the court did not say it, that every school in a segregated system was to be desegregated. There were to be no one-race schools left in such a community—"just schools," as the court phrased it.

In 1971, in the now-famous Swann case from Charlotte, N.C., the court for the first time explicitly endorsed busing as a desegregation technique and said that judges could, if they wished, use racial ratios as a "starting point" in achieving desegregation of individual schools. But, it said, racial balance was not to be required as a constitutional duty—the first real sign that the court did not actually mean to require that every school be desegregated.

As matters have turned out, Swann was the last major opinion by the court to deal with schools in the South. The law was ready to turn northward.

Throughout those 17 years after Brown, the court had been dealing only with de jure segregation, and that was strictly a Southern and border state matter.

No Northern state had required segregation by state law for decades. But many Northern school systems were segregated in fact—de facto, in the legal phrase.

Many schools north of Dixie and the border obviously were one-race schools: for blacks only, for whites only. Many more had only token integration.

Some lower federal courts, however, had concluded that it was just as unconstitutional to have de facto segregation as it was to maintain it by law. If schools were segregated, those courts said, school boards had a duty to do something about it.

That point never had the Supreme Court's direct support, however. The idea that a Northern school board would violate the Constitution simply by doing nothing about racial separation in the schools has not yet attracted a majority of the court.

In 1973, in the first Northern case—the Keyes case from Denver—the court made it clear that the only kind of segregation that was unconstitutional was de jure—required by law, or at least by official action that had the effect of law.

Significantly, that decision split the court for the first time in a school desegregation case. But the actual ruling in the Keyes case was more significant.

The majority said that, if a school board intentionally separated the races (by de jure action) in one part of a city, it was then up to the school board to prove that it was not similarly responsible for segregation everywhere in the city. If the school board could not prove that, citywide desegregation would have to be ordered.

That posed a threat to the "neighborhood school" in the North. A systemwide remedy as lawyers and judges would call it, clearly could require crosstown busing.

Promptly, however, the court made known its doubts about extending citywide remedies to the suburbs. In the Milliken case from Detroit in 1974, the court said that desegregation could be extended beyond the city limits only if the suburban schools, too, were segregated as a result of official acts.

Two years later, in the case of Washington vs. Davis—not even a school desegregation case—the court went as far as it ever had to clarify what kinds of official actions of racial discrimination were unconstitutional: a crucial issue for Northern school systems.

The Davis case, a challenge to the use of a police recruit test in the District, resulted in a ruling that the Constitution forbids only intentional forms of race bias: those done on purpose by officials who knew what they were doing.

The court promptly started applying that to school cases, too, sending them back to lower courts to consider the impact of the Davis decision on desegregation.

As a result of that, together with some of the things the court had said in the Denver and Detroit cases, it became clear that the court had silently laid a basis for two contrary theories that continue to make the law of school desegregation uncertain for Northern school systems.

Those are the theories of the snowball and the pebble.

Those theories describe how judges have dealt differently with the idea of intentional segregation and its impact. The theories actually began coming into the open in lower-court decisions only after one more Supreme Court ruling had come down.

That was Dayton I—the first Supreme Court ruling in the Dayton, Ohio, case, in 1977. The court, following up its Davis ruling, declared that school segregation is unconstitutional only if done intentionally by school officials: that is, putting or keeping kids in racial isolation in school as a matter of "segregative intent."

It is a Federal judge's duty, however, only to undo the "incremental effect" of that "segregative intent," the court said: In other words, the remedy was to go only so far as the violation. Only if the violation is systemwide need the remedy go that far.

To some judges, the "incremental effect" is like the path of a snowball going down a hill. It may have been pushed by an isolated act of segregation—perhaps in a single school only—but the snowball gathers size and impact as it rolls. It does not roll straight, either, so its impact spreads more widely. By the time it reaches the bottom, it will require a remedy much larger in size and scope.

The end result of the snowball theory is that it makes it easier to find the basis for a systemwide remedy, including crosstown busing of thousands of children.

To other judges however, "incremental effect" that follows from a school board's intentional segregation is like a pebble rolling straight down a hill. It is pushed by an isolated act of segregation, and it rolls downhill, in a narrow path, to the bottom. There, all that is necessary is a specific remedy for the isolated act of pushing it. If only one school had been segregated intentionally, only that school need be desegregated—not the whole system.

When the Dayton case got back to a U.S. District Court, the judge applied a variation of the pebble theory: Official segregation of an isloated kind had existed, but that pebble had stopped even before reaching the bottom; therefore, no remedy was needed.

That gave rise to the appeal in what soon will be known as Dayton II—the potentially sweeping ruling that gives the Supreme Court a chance to give an anniversary clarification of the Brown decision.●

IN MEMORY OF A. PHILIP RANDOLPH

● Mr. JACKSON. Mr. President, today we are without one of this country's most ardent civil rights and labor leaders, A. Philip Randolph. During his life which has spanned this century he has seen major changes in the civil rights movement. He was a part of those changes; he effected many of them. The highlights of his career speak for his prudence and fortitude in seeking justice for the poor, the working class, and the minorities in the United States.

We all know of his emergence onto the national labor and civil rights scene. He was instrumental in unionizing a corporation employing sleeping car porters. The hard, rocky ground that he had to till turned out a bountiful harvest not only for the railroad porters, maids, and cooks but also for America's black community. We will remember him against many backdrops—on the streets of Harlem, at AFL–CIO conventions, in the White House. He has been one-on-one with Presidents and one of many in massive marches on Washington.

His life has been full, and we are grateful for that. We are grateful because his life was full with service for his fellow man. He spoke and acted on behalf of those who have not shared fairly in the fruits of our country, socially or economically. He was determined; he was compassionate; and he will be missed. I understand he leaves no known living relatives. I, as one of his family of friends, mourn his passing.●

CHARLES FRANKEL—IN MEMORIAM

Mr. JAVITS. Mr. President, I call the attention of the Senate to the tragic and senseless death of Charles Frankel, former Assistant Secretary of State for Educational and Cultural Affairs of the United States.

Mr. President, last week, in a tragic and senseless episode, our Nation lost one of its leading spokesmen for freedom and reason in American education and American politics. Charles Frankel, endowed with a high and noble spirit, embodied all that was good in both the political and academic realm, and understood the critical impact that the nexus of these two worlds could have on the future of the American political system. All of us who believe firmly in the liberal spirit which moved this fine man, who never strayed from the path on which his conscience led him, have lost a true and honest friend.

Charles Frankel was Assistant Secretary of State for Educational and Cultural Affairs from 1965 to 1967, a time when our Nation was experiencing a tremendous moral and social upheaval. He had come to this post from the world of academia, bringing to his work in the State Department an analytic and inquiring mind, honed from years of teaching and study. This spirit of critical inquiry caused him to resign from the Department during the darkest days of the Vietnam war, to return to his first love, teaching. It was out of this love of teaching, and his appreciation for the beauty of rational inquiry, that he took leave from his Professorship of Philosophy and Public Affairs at Columbia to found and direct the National Humanities Center. Dr. Frankel dedicated himself to this endeavor to promote advanced study in the humanities as an integral element in man's understanding of himself and his relationship to nature and to society. The National

Humanities Center opened in September of last year and was just beginning to reach fruition as a place for scholars to engage in discussion and study at the time of Charles Frankel's death.

The National Humanities Center will serve as a living memorial to the liberal spirit of Charles Frankel. I mourn the loss of a personal friend, and a friend of liberty and reason.

Mr. President, I ask unanimous consent that articles from the New York Times and the Washington Post on the life and work of Charles Frankel be entered into the RECORD.

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

[From the New York Times, May 13, 1979]

FRANKEL MEMORIAL SERVICES TO BE HELD AT COLUMBIA

Funeral services for Dr. Charles Frankel, a Columbia University professor of history and former Assistant Secretary of State who was slain with his wife Thursday night at their Bedford Hills estate, have been tentatively scheduled for next Tuesday at 4:30 P.M. in St. Paul's Chapel on the Columbia campus.

Dr. Frankel gained national attention in 1967 when, after serving two years as an Assistant Secretary of State, he resigned in protest against the Vietnam War.

At the time of his death, Dr. Frankel was on leave as Columbia University's Old Dominion Professor of Philosophy and Public Affairs and was the president of the fledgling National Humanities Center near Raleigh, N.C. He was married to the former Helen Beatrice Lehman, who was also found murdered.

After his resignation as Assistant Secretary of State for Educational and Cultural Affairs, Dr. Frankel returned to Columbia, where he had taught since 1939.

The 61-year-old professor took his leave over the Humanities Center, an institute for advanced study in humanities meant to match those in science at Princeton and in social sciences in Washington. With the help of $3.5 million in aid from foundations, corporations and the Government, it opened in September in the Triangle Research Park in North Carolina.

In discussing his goals in organizing the center for the study of history, literature, philosphy and the arts, the professor said:

"These disciplines have usually been at their best and most vital when they have had a sense of engagement with issues of public concern." But he quickly added, in amendment: "Scholarship cannot and should not be shackled to problem-solving. It must be free to follow crooked paths to unexpected conclusions."

PRESERVATION OF LIBERTY

According to Nicholas Farnham, executive director of the International Council on the Future of the University, a group of scholars concerned with the future of universities throughout the world, Dr. Frankel "specialized in bringing together eclectic ideas and making them work—he provided a rationale for liberal philosophy."

His field, which he pursued in his writing, in appearances on educational television and in his teaching, was the need for the preservation of liberties in the West world—freedom of speech, of the press, of worship and of other basic rights.

In 1977, he led a television discussion in defense of the right to privacy in the face of demands for more detailed and personal information from the Census Bureau, law-enforcement agencies, banks and other institutions.

He wrote a number of books, including, "The Faith of Reason" in 1946; "The Case for Modern Man" in 1951, and "High on Foggy Bottom" in 1969.

Born in New York City in 1917, Dr. Frankel received his bachelors' and doctor's degrees in English and philosophy at Columbia University, and received a law degree from Mercer University in 1966.

He was a Guggenheim Fellow in 1953 and 1954 and the Fulbright professor at the University of Paris the same years.

He explained his quiet resignation from the State Department to an art critic in 1968 by saying that the Johnson Administration's preoccupation with the war had caused it to ignore all the programs for intemational exchange that he felt should be basic to relations with the rest of the world.

He is survived by a son, Carl, and a daughter, Susan.

[From the New York Times, May 13, 1979]

SLAIN REASON

Charles Frankel ate philosophy for breakfast so that he could vigorously reason his way through the affairs of every day. As thousands of Columbia students learned from his exhausting Socratic assaults on their values, it was a discriminating diet, too. Plato and Marx were rich confections, worthy of a certain professional admiration, but ruinous to a liberal body politic. A life of thought required an open society and those minds that would close society became its enemies, and his.

Charles Frankel wrote for The Times Magazine and in many other forums. He managed the State Department's cultural programs abroad for a time, then returned to a campus in rebellion to find enemies even among students, who nonetheless kept ranking him among their favorite teachers. He taught philosophy on television. And he set out to create an institute that would do for humanists what other retreats did for scientists: let them think.

Even on a walk through the woods with his wife, Helen, Charles Frankel was a teacher. The world existed to be understood and the purpose of life was to facilitate understanding. What challenge to his faith he would have seen in his chilling, random murder, and that of his wife and two neighbors in rural Westchester last week. That faith will be even harder to sustain without him.

[From the Washington Post, May 13, 1979]

CHARLES FRANKEL

Stories of the murders of prominent people carry a shock of their own, in part because prominent people are assumed to be immune from murder, at least from murder with any passionless motive like robbery—the way Charles Frankel was murdered last week. Mr. Frankel and his wife were shot to death by robbers in their home in a wooded area of Bedford Hills, N.Y. Either before or afterward their killers also murdered two other people in a nearby home, from which they stole a safe. "Why would a professional burglar kill four people?" asked Acting District Attorney Thomas A. Facelle, posing the immediate, practical question. The wider question is simply: Why do such things happen?, which is the kind of question you would have asked Mr. Frankel.

Mr. Frankel's abiding intellectual interest was the problem of liberty. As professor of philosophy and public affairs at Columbia; as assistant secretary of state for educational and cultural affairs under Lyndon Johnson; as author of a dozen books and who-knows-how-many articles, he saw the idea of freedom as the central condition of civilization. The freedom of citicism, of course. The freedom of dissent, naturally. Yet the freedom to be let alone, as well: "The function it serves, the long-term social interest it represents, is a complex of basic good: family, free friendship, love and personal communion, solitude and self-confrontation, religious or philosophical integrity, the intimacies and intensities that are only possible for rational people when they can choose their company and keep the prying world away."

It is not an idea often heard these days that the counterbalance to self-expression is the private development of integrity. Behind it is nothing selfish at all, but rather the firm belief that society is served by privacy. Mr. Frankel saw freedom as a social, not just a personal good. In his writings he commonly used words such as "honor," "nobility," "grace," "elegance," "truth" and "reason" above all. He loved an intellectual battle mainly because he trusted his adversaries to be reasonable. His first book was "The Face of Reason." Later came "The Case for Modern Man," in whom he also had faith. All of which showed plainly in his own face—big, honest, alive, almost always with a cigar in it.

What Mr. Frankel would have made philosophically of his murder and that of his wife, and of the two other innocents is not hard to guess. He would have seen the acts as aberrations, not at all affecting his fundamental optimism, or trust in rational life. "Our disappointments are real," he wrote in "The Case for Modern Man," "but they are real because our powers are great and our expectations legitimately bright." That may be so. But there are moments such as this when we have a right to dwell more on the disappointments than our great expectations and to weep for the difference.

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

The PRESIDING OFFICER. Without objection, it is so ordered. Without objection, the Senator from Idaho may proceed for such time as he wishes.

Mr. CHURCH. I thank the Chair.

WORLD HEALTH ORGANIZATION

Mr. CHURCH. Mr. President, earlier this week the Senate rejected an amendment which would have reserved to the United States the right to decide on a case-by-case basis whether or not we would rescind portions of the assessment we pay to the United Nations specialized agencies to use for the purpose of carrying on certain technical assistance programs. Had the amendment passed it would have placed the United States in contravention of pledges we have made, and various agreements we have entered into, relating to these agencies.

I argued strongly that the amendment should be rejected, and I commend the Senate for the action that it took. What we were saying then was that we believed the United States should keep its promises, and the United States should not attempt, as a member of the United Nations, to reserve for itself, unilaterally, pledges that are normally shared by all members of that organization.

In other words, the Senate said by its vote that we would be a good member of

the U.N. and abide by the promises we had made when we entered into these various agreements.

After showing our own good faith, I am very much distressed that other members of the United Nations continue to do whatever they can to debase the international character of the U.N., to politicize its activities in ways that are contrary to the letter and spirit of the Charter. I refer this morning to the effort that has been launched within one of these specialized agencies, the World Health Organization, by certain member states to suspend from the Organization one country, Israel.

It is ironic indeed that such an effort would ever be undertaken within a specialized agency connected with the United Nations, an institution that was established in the first place to promote and preserve peace.

Mr. President, the Government of the United States is doing everything it can to defeat this unsavory move, and I hope very much that other member states can see the folly of attempting to use the World Health Organization as a forum for advancing their own political purposes in a manner that is contrary to the character of the Organization and that of its parent, the United Nations itself.

I am here to say, Mr. President, that if this kind of activity persists, the integrity of these organizations will be undermined. Indeed the United Nations itself will be so seriously weakened that I could not confidently predict that the Congress of this country would continue to give it that measure of support that was reflected in the earlier vote this week, and that we have sought to give it through the years.

These member states acting in this manner put not only the World Health Organization but the United Nations itself in jeopardy of the continued wholehearted support of this country, and they ought to know it, and they ought to hear it from this floor. Because in the end it will not be the State Department, nor even the President, who will decide the measure of support this country continues to give to the United Nations and its specialized agencies; it will be the Congress of the United States which controls the purse strings of this country.

I am very saddened at this move, and I rise this morning, in the few minutes that remain before the vote that we will take at noon, to join with my distinguished colleague the ranking Republican member of the Foreign Relations Committee (Mr. JAVITS) in making our opinion known.

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

Mr. CHURCH. I am happy to yield.

Mr. JAVITS. First, I subscribe to and wish to join in the views expressed by the chairman of the committee (Mr. CHURCH).

Second, I feel deep indignation at, and denounce any such efforts as appear to be made now in the World Health Organization. They are destructive of the United Nations, particularly in such a sensitive area as the health of the people of the countries which are contriving this move—one of the strange and ghastly paradoxes of our time.

Finally, for people who have suffered so much to seek to exclude others from the ambit of the relief of that suffering is strictly beyond understanding and beyond comprehension. We were right, Senator CHURCH, in what we did about defeating any effort to be niggling and parochial about what is organic to the statute of the World Health Organization in technical assistance to other countries, and we should do it again.

But what these irresponsible advocates of throwing out a given country from the WHO for reasons which have no substance either in law or in fact are doing is destroying the organization, basically, so that whatever may be our adherence to its satutes, our country has every right, if it wishes, to say it will not belong to the WHO. What they ought to be concerned about is the rights and futures of their own citizens who are so badly in need of the ministrations of the WHO, and the WHO as much enlarged.

So, Mr. President, I hope they hear us, and not just that they read the word but that they hear us, because these are very serious portents of things to come, unless there is a very much revised humane and human attitude with respect to the work of the WHO.

INTER-AMERICAN DEVELOPMENT BANK, ASIAN DEVELOPMENT BANK, AND AFRICAN DEVELOPMENT FUND PARTICIPATION

The Senate continued with the consideration of S. 662.

The PRESIDING OFFICER. The hour of 12 o'clock having arrived, the Senate will proceed to vote on S. 662.

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

The PRESIDING OFFICER. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

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

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

Mr. JAVITS. Mr. President, I ask for the yeas and nays.

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

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is shall the bill pass? The yeas and nays have been ordered and the clerk will call the roll.

The legislative clerk called the roll.

Mr. CRANSTON. I announce that the Senator from Delaware (Mr. BIDEN), the Senator from Oklahoma (Mr. BOREN), the Senator from Nevada (Mr. CANNON), the Senator from South Carolina (Mr. HOLLINGS), the Senator from Hawaii (Mr. INOUYE), and the Senator from Louisiana (Mr. JOHNSTON) are necessarily absent.

Mr. STEVENS. I announce that the Senator from Illinois (Mr. PERCY) and the Senator from Texas (Mr. TOWER) are necessarily absent.

I further announce that the Senator from Vermont (Mr. STAFFORD) is absent due to illness.

The PRESIDING OFFICER. Are there any Senators in the Chamber wishing to vote?

The result was announced—yeas 67, nays 24, as follows:

[Rollcall Vote No. 101 Leg.]

YEAS—67

Baker	Ford	Moynihan
Baucus	Glenn	Muskie
Bayh	Gravel	Nelson
Bellmon	Hart	Nunn
Bentsen	Hatfield	Packwood
Boschwitz	Hayakawa	Pell
Bradley	Heflin	Pryor
Bumpers	Heinz	Ribicoff
Byrd, Robert C.	Huddleston	Riegle
Chafee	Jackson	Sarbanes
Chiles	Javits	Sasser
Church	Kassebaum	Schmitt
Cohen	Kennedy	Schweiker
Cranston	Leahy	Stevens
Culver	Levin	Stevenson
Danforth	Long	Stewart
DeConcini	Lugar	Stone
Dole	Magnuson	Tsongas
Domenici	Mathias	Weicker
Durenberger	Matsunaga	Williams
Durkin	McGovern	Zorinsky
Eagleton	Metzenbaum	
Exon	Morgan	

NAYS—24

Armstrong	Humphrey	Simpson
Burdick	Jepsen	Stennis
Byrd, Harry F., Jr.	Laxalt	Talmadge
	McClure	Thurmond
Cochran	Melcher	Wallop
Garn	Pressler	Warner
Goldwater	Proxmire	Young
Hatch	Randolph	
Helms	Roth	

NOT VOTING—9

Biden	Hollings	Percy
Boren	Inouye	Stafford
Cannon	Johnston	Tower

So the bill (S. 662) was passed, as follows:

S. 662

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

TITLE I—INTER-AMERICAN DEVELOPMENT BANK

SEC. 101. The Inter-American Development Bank Act, as amended (22 U.S.C. 283 et seq.), is further amended by redesignating section 29 as section 28 and by adding at the end the following new section:

"SEC. 29. (a) The United States Governor of the Bank is authorized to vote for two resolutions which were proposed by the Governors at a special meeting in December 1978, and are pending before the Board of Governors of the Bank. These resolutions provide for (1) an increase in the authorized capital stock of the Bank and additional subscriptions thereto and (2) an increase in the resources of the Fund for Special Operations and contributions thereto. Upon adoption of these resolutions, the United States Governor is authorized on behalf of the United States (1) to subscribe to two hundred twenty-seven thousand eight hundred and ninety-six shares of the increase in the authorized capital stock of the Bank of which two hundred ten thousand eight hundred and four shall be callable and seventeen thousand and ninety-two shall be paid-in and (2) to contribute to the Fund for Special Operations $700,000,000: *Provided, however,* That any commitment to make such subscriptions to paid-in and callable capital stock and to make such contributions to the Fund for Special Operations shall be effective only to such extent or in such amounts as are provided in advance in appropriation Acts.

"(b) In order to pay for the increase in the United States subscription and contribu-

tion provided for in this section, there are hereby authorized to be appropriated, without fiscal year limitation, for payment by the Secretary of the Treasury (1) $2,749,207,988 for the United States subscription to the capital stock of the Bank and (2) $700,000,000 for the United States share of the increase in the resources of the Fund for Special Operations."

TITLE II—ASIAN DEVELOPMENT BANK

SEC. 201. The Asian Development Bank Act, as amended (22 U.S.C. 285 et seq.). is further amended by adding at the end the following new section:

"SEC. 24. (a) The United States Governor of the Bank is hereby authorized to contribute on behalf of the United States $445,000,000 to the Asian Development Fund, a special fund of the Bank: *Provided, however,* That any commitment to make such contribution shall be made subject to obtaining the necessary appropriations.

"(b) In order to pay for the United States contribution to the Asian Development Fund provided for in this section, there are hereby authorized to be appropriated without fiscal year limitation $445,000,000 for payment by the Secretary of the Treasury.".

TITLE III—AFRICAN DEVELOPMENT FUND

SEC. 301. The African Development Fund Act, as amended (22 U.S.C. 290g et seq.), is further amended by redesignating section 212 as section 211 and by adding at the end the following new section:

"SEC. 212. (a) The United States Governor of the Fund is hereby authorized to contribute on behalf of the United States $125,000,000 to the Fund as the United States contribution to the second replenishment of the resources of the Fund: *Provided, however,* That any commitment to make such contribution shall be made subject to obtaining the necessary appropriations.

"(b) In order to pay for the United States contribution provided for in this section, there is hereby authorized to be appropriated without fiscal year limitation $125,000,000 for payment by the Secretary of the Treasury.".

TITLE IV—EFFECTIVE DATE

SEC. 401. This Act shall take effect on the date of its enactment, except that no funds authorized to be appropriated by any amendment contained in title I, II, or III may be available for use or obligation prior to October 1, 1979.

Mr. JAVITS. Mr. President, I move to reconsider the vote by which the bill was passed.

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

The motion to lay on the table was agreed to.

ROUTINE MORNING BUSINESS

Mr. ROBERT C. BYRD. The President, before the Senate proceeds to take up another measure, which I expect to do, but before proceeding to take up that measure, I ask unanimous consent that there now be a period for the transaction of routine morning business, not to extend beyond 30 minutes, and that Senators may be permitted to speak during that period for up to 5 minutes each. That is the request for now.

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

HUMAN RIGHTS WITH RESPECT TO IRAN

Mr. JAVITS. Mr. President, I report and send a resolution to the desk on behalf of myself, the majority leader, the minority leader, Senator CHURCH, chairman of our committee, and the following Senators: Senators MCGOVERN, STONE, SARBANES, ZORINSKY, LUGAR, HAYAKAWA, and PERCY, and I ask it be stated.

The PRESIDING OFFICER. The resolution will be stated by title.

The second assistant legislative clerk read as follows:

A resolution (S. Res. 164) on human rights with respect to Iran.

Mr. JAVITS. Mr. President, I ask unanimous consent that further reading of the resolution be dispensed with.

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

Mr. JAVITS. Mr. President, this resolution is in response to the feeling of many Members that, considering what is taking place in Iran, we should express ourselves in some way on this proposition. So this morning, Senator CHURCH very kindly put up to the Foreign Relations Committee the resolution which is now before us, which is reported unanimously from the committee and the sponsors I have already named.

Mr. CRANSTON. If the Senator will yield, I would like to have my name added as cosponsor.

Mr. JAVITS. Of course.

Mr. President, I ask unanimous consent that Senators CRANSTON, STEVENS, and BOSCHWITZ may be added as cosponsors.

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

Mr. JAVITS. Mr. President, the resolution speaks eloquently for itself. It is the total argument in the case. I shall read it to the Senate:

Whereas the people of Iran represent one of the oldest and most distinguished civilizations in the world, and have a history of close and friendly relations with the people of the United States;

Whereas there have been reports of widespread resort to secret trials and summary executions which offend basic principles of justice and humanity and due process of law;

Whereas the chief of the revolutionary courts in Iran is reported to have called for the assassination of the Shah of Iran, members of his family and others loyal to him in any country where found, notwithstanding that international law strictly forbids the carrying out of even criminal punishments or of terrorism by one country within the territory of another; and

Whereas the prospects for the continuation of close and friendly relations between the people of Iran and the people of the United States and the rest of the world would be seriously harmed by the prolongation of these violent and offensive actions;

Therefore, be it

Resolved, That it is the sense of the Senate that the United States:

(1) expresses its abhorence of summary executions without due process, and welcomes the recent statement of the Ayatollah Khomeini that executions for crime in Iran shall hereafter be limited to the crime of murder and be based upon proof of guilt; and

(2) will act to prevent and to punish any attempts to carry out criminal or terrorist actions against persons in the United States whatever their alleged offenses in other countries.

Mr. President, as I said, I express my gratitude and that, I think, of many, many, many Americans to the chairman of our committee for bringing this matter up so promptly, to our committee for voting it out, to the majority leader for his generosity in allowing it to be brought up so promptly, the very morning on which it has been reported favorably, and to the minority leader for joining in that opportunity.

I hope very much it will be unanimous action by the Senate.

Mr. CHURCH. Will the Senator yield?

Mr. JAVITS. I yield.

Mr. CHURCH. Mr. President, I commend the Senator from New York for the part he has played in bringing this resolution to the floor and in presenting it this morning. I am proud to be associated with it.

I think that it is timely and important that the Senate go on record, as it will, with the passage of this important resolution.

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

Mr. JAVITS. I yield.

Mr. ROBERT C. BYRD. Mr. President, several of us have spoken out before on the subject which is dealt with in this resolution.

I am glad that we are stepping forward in unity on this matter at this time. I hope this encourages more to do the same in the near future in other countries. Unfortunately, at this time, we speak almost alone.

One would have thought that by now there would be a chorus of loud and persistent protests from around the world against the mock trials and executions by firing squad of at least 209 citizens in Iran.

But I have heard no such protest.

Why is there this reluctance to protest? Some have reported that it might be because we are so dependent on foreign oil, including Iranian oil, that we dare not jeopardize that supply of oil.

Whatever the reason, Mr. President, I do not believe continued silence can be justified.

This resolution is very timely. For as we speak, the killing continues in Iran.

Reportedly, the judgments are quick, based on hearsay, with no appeal, and the victims are shot, sometimes within minutes after the revolutionary court's decision.

And the charges for which the victims are found guilty are as transparent as the procedures. One man was found guilty of "economic imperialism." His crime was that he was successful and that he gave money to Israel. This is not justice.

Spokesmen in Iran say that they are not bound by the trappings of Western justice. But Western standards are not at issue here. Human standards are—the basic decency of due process that should be the right of every individual, everywhere.

Recently, the chief of the revolutionary courts in Iran decreed that the Shah and his family, and certain former Iranian officials, were fair targets for assassination. He said no trial was necessary, that the accused were guilty by virtue of Iranian public opinion, and that anyone who tried to assassinate these individuals would have the blessings of the Iranian courts. He went on

to say that those who wish to attempt assassination would be, and I quote, "free anywhere to carry out the order of the court. They cannot be arrested by any foreign government as a terrorist because they will be carrying out the orders of Iran's Islamic revolutionary court."

Of course, Mr. President, that is utterly preposterous. No international law permits the citizens of one country to murder those of another.

The Iranian official has, in effect, put an international bounty on the heads of certain individuals. This is an act as inhumane and vile as it is ill-conceived.

The question may be asked as to why I single out Iran. There recently have been killings just as senseless in El Salvador and the Central African Empire.

Mr. President, it is the premeditated nature of the killings in Iran that makes them especially objectionable, the systematic and calculated processing of victims who have no chance of being treated fairly.

And it is the international bounty, to which I referred a moment ago, that also makes these acts so objectionable. An official in Iran tells would-be assassins that they will not be arrested in any foreign country if they proceed to assassinate or attempt to assassinate one of the persons marked for extinction. That is pure nonsense.

Mr. President, these killings cannot even be considered crimes of passion, crimes committed in hot blood. These crimes have been performed with persistence, in a calculated and premeditated manner, over a long period of time.

No one condones murders occurring in other countries, or in Iran prior to this regime's existence. No one condones the injustices of our own judicial system; nor is it our purpose to defend what may have occurred in the past, under the Shah, or the behavior in those times by persons whom the Iranians have chosen now to execute. We do not have access to evidence brought against these people, so we cannot make any informed opinion as to the innocence or guilt of all of them.

However, what we do know, and what we speak out against today, is that an arbitrary exercise of power is being demonstrated by certain Iranian officials, an arbitrariness that flies in the face of all human sensibilities.

Of course, the Iranian Government has the right to defend itself. But the way in which it is doing this is only adding to the atmosphere of violence in that country and to the insecurity that surrounds that government.

Mr. President, we know—because we have been taught from the beginning—that those who live by the sword will die by the sword.

I was pleased to read this week that the leadership in Iran has restricted the use of capital punishment to those who have participated in the death of others. I am pleased to note that the sentences decreed must be based on proof presented during the trial.

These may be positive steps; but we encourage more. We cannot give up our vigilance in pressing for more fairness, and that is why the resolution before us is necessary.

So, Mr. President, I congratulate the distinguished Senator from New York (Mr. JAVITS) for offering the resolution. I am grateful to have the opportunity to be a cosponsor of it.

I hope that the rest of the world will take note.

Mr. JAVITS. Mr. President, I yield to the minority leader.

Mr. BAKER. Mr. President, I thank the distinguished Senator from New York, the ranking minority member of the Committee on Foreign Relations.

I repeat what I said yesterday and what I have said on one previous occasion. I think the time has come when the international community must take note of the outlaw conduct of the administration in Iran. In effect—to use a slang expression of the United States—they have "put out a contract" on countless numbers of people for their murder. I believe that to be unconscionable.

I commend the distinguished majority leader for his support of this resolution, and I am pleased to be a cosponsor of it. I especially congratulate the Senator from New York for his initiative.

Mr. JAVITS. I thank my colleague.

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

Mr. JAVITS. I yield.

Mr. MATSUNAGA. Mr. President, I support the resolution, and I commend the Senator from New York and the Senator from Idaho, the chairman of the Committee on Foreign Relations, as well as all the other members of the committee, for reporting the resolution at this early date.

As has been said by wiser men than I, the worst thing men of good will can do—by the same token, nations of good will can do—is to stand idle while injustices and crimes against humanity prevail about us.

Mr. President, I ask unanimous consent that my name be added as a cosponsor of the resolution.

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

Mr. JAVITS. Mr. President, I am very grateful to my colleague.

I ask unanimous consent that the names of the Senator from South Dakota (Mr. PRESSLER), the Senator from New Mexico (Mr. DOMENICI), the Senator from Washington (Mr. JACKSON), the Senator from Virginia (Mr. WARNER), and the Senator from Connecticut (Mr. RIBICOFF) be added as cosponsors of the resolution.

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

Mr. HARRY F. BYRD, JR. Mr. President, will the Senator yield?

Mr. JAVITS. I yield.

Mr. HARRY F. BYRD, JR. Mr. President, I support the resolution before the Senate. I commend the Senator from New York for the resolution he has submitted. I believe it is a most appropriate resolution, and I hope it will be adopted unanimously.

It is a tragedy that other nations have not officially spoken out against the extremism which now exists in Iran.

I ask the Senator from New York to add my name as a cosponsor.

Mr. JAVITS. Mr. President, I ask unanimous consent that the name of the Senator from Virginia (Mr. HARRY F. BYRD, JR.) be added as a cosponsor of the resolution.

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

Mr. JAVITS. I yield to the Senator from Florida.

Mr. CHILES. Mr. President, I make a similar request of the Senator from New York.

I compliment the Senator for submitting this resolution. I join in complimenting the majority leader and the minority leader for the statements they have made in support of this resolution.

Too many of us have stood by too long and have been silent too long. I am delighted to see the distinguished Senator from New York raise this issue. I believe it is one of great concern to the American people and to the world community as a whole.

The people of Iran should know that we do not live in a vacuum and that they do not operate in a vacuum and that world public opinion is extremely critical of the actions they are taking.

I think many of us realize that a small fraction of the people of Iran actually are responsible for this and that there are many people of good intentions in Iran who deplore this kind of conduct and who would like to see a return to a country of law. I believe they are searching for that.

I feel that the statement in the resolution is a way of trying to express ourselves in saying that we wish to see Iran return to a country of law. If there are people who have violated basic law, anyone responsible for torture—organized or systematic torture—should be brought to justice and should be punished, but it must be done under some kind of fair code. If that is not done, then the very actions that have caused that torture are being repeated by those who now are trying to punish that conduct.

Mr. JAVITS. I thank my colleague.

Mr. President, the Senator from Florida struck two points which I think are critically important.

One is that someone out there is listening, which people who are in the state of anarchy of the Iranian people must know.

The second point is that our country has feeling about punishment of those who have been guilty of crimes against a people or the departure—or whatever other legal steps are taken—respecting the former ruler of a country. We have kept discreetly silent on that score, as is proper.

However, when it comes to the violation of fundamental human conscience, in terms of the summary execution of people or issuing a call, as Senator ROBERT C. BYRD said, for their heads, as if they were some hunted, dangerous animal, then our country simply cannot be silent.

I am grateful to Senator CHILES. I ask

unanimous consent that his name be added as a cosponsor of the resolution.

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

Mr. JAVITS. Mr. President, I yield to the Senator from Washington.

Mr. JACKSON. Mr. President, I commend the distinguished Senator from New York for taking the initiative in this matter.

I ask unanimous consent that my name be added as a cosponsor of the resolution.

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

Mr. JAVITS. I thank Senator JACKSON.

Mr. President, I yield to the Senator from South Dakota (Mr. PRESSLER).

Mr. PRESSLER. Mr. President, I commend the Senator from New York. My name has been added as a cosponsor of the resolution.

I spoke on the Senate floor in February with respect to the minorities in Iran and the difficulties they were experiencing, aside from being subjected to death. I believe this also should be a concern of ours. However, I feel it is very appropriate that we have our voices heard on this important matter of human rights.

Mr. RIBICOFF. It is a privilege to join Senator JAVITS and my other colleagues on the resolution affecting human rights respecting Iran. What is going on in that country is barbaric and beyond the imagination of all of us.

Iran, under the Shah, was a close ally of the United States. Our relationships were most important to bring about peace and stability in that area of the world. The Shah was a proven and true friend of the United States. The entire world should condemn the excesses now taking place in Iran. It is no credit to our own Nation that we have refused to give asylum to the Shah, his wife and members of his family.

It would further seem to me on the basis of self-respect and American traditions our shores should be opened up to those people of Iran who want to settle here.

Mr. JAVITS. I thank my colleagues very much.

Mr. President, I believe that completes the number of Members who wish to speak and who wish to be joined as cosponsors.

I repeat that the sponsors represent those who have offered the resolution; and the committee having acted favorably upon the resolution this morning, I report it to the Senate, and I ask unanimous consent that it may be acted upon immediately.

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

The resolution was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

Resolved,

Whereas the people of Iran represent one of the oldest and most distinguished civilizations in the world, and have a history of close and friendly relations with the people of the United States;

Whereas there have been reports of widespread resort to secret trials and summary executions which offend basic principles of justice and humanity and due process of law;

Whereas the chief of the revolutionary courts in Iran is reported to have called for the assassination of the Shah of Iran, members of his family and others loyal to him in any country where found, notwithstanding that international law strictly forbids the carrying out of even criminal punishments or of terrorism by one country within the territory of another; and

Whereas the prospects for the continuation of close and friendly relations between the people of Iran and the people of the United States and the rest of the world would be seriously harmed by the prolongation of these violent and offensive actions;

Therefore, be it

Resolved, That it is the sense of the Senate that the United States:

(1) expresses its abhorrence of summary executions without due process, and welcomes the recent statement of the Ayatollah Khomeini that executions for crime in Iran shall hereafter be limited to the crime of murder and be based upon proof of guilt; and

(2) will act to prevent and to punish any attempts to carry out criminal or terrorist actions against persons in the United States whatever their alleged offenses in other countries.

Mr. JAVITS. Mr. President, I move to reconsider the vote by which the resolution was agreed to.

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

The motion to lay on the table was agreed to.

THE FUEL SHORTAGE

Mr. PRESSLER. Mr. President, we are very short of diesel fuel in South Dakota. We have struggled to get our crops in, and it has been nip and tuck.

I recall sitting in the White House 2 or 3 years ago, as a Member of the House of Representatives, and being told by the President of the United States that, if we decontrolled diesel fuel, there would be an adequate supply. We did decontrol distillates. Now I believe we are suffering from shortages.

In fact, we have an agricultural advisory committee which serves 15 counties in South Dakota, and where there are not shortages, it is a nip-and-tuck situation.

We have agriculture and trucking, and our small business interest in the State is such that it has caused our people to be angry both at large oil companies and at the Government. They do not know exactly who to blame. But one of the solutions that has been thrown out is to decontrol the entire situation. That is a very good theory. Let me say that my philosophy and approach to government would normally endorse that and would normally go along with that.

But in this case, I have grown very skeptical, and let me say this: My farmers in South Dakota grew very skeptical this spring being short of diesel fuel, the very thing that I helped and others helped to decontrol just a few years ago.

We are not moving forward on gasohol, solar, wind, and other alternatives. We seem to be very much stuck in a situation that we are at the mercy of oil companies and vague allocations by the Department of Energy.

I think it is time that we take a very forceful and tough attitude, and for that reason I have decided to join in Senator JACKSON's effort not to have decontrol at this time until we have further assurances.

I wish to add my name to his bill which he will be bringing to the floor, and I might say that I do this with a certain amount of reluctance about the diesel fuel situation, and we are going to be struggling all the way through until we have our crops out this fall. I remember so vividly of going to a White House meeting, maybe it was 4 years ago, when I was in the House of Representatives where it was said, "If you decontrol distillates and diesel fuel the problem will be ended." We did and the problem is worse there than it ever has been.

I just find that I am not willing to accept this solution.

I saw in the Wall Street Journal just yesterday or the day before an ad urging people to look into the oil companies as a place to invest because the profits are going to be up so much as a result of decontrol. There is no assurances that this decontrol money will be used to drill for more oil in our country, and we are floating along. This is supposedly a plan to get us more gas and oil, but there has not been any relationship shown that it will.

So I am happy to join in Senator JACKSON's effort.

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

Mr. PRESSLER. I yield to the Senator.

Mr. JACKSON. Mr. President, I congratulate the distinguished junior Senator from South Dakota for the very fine statement that he has made to the Senate this afternoon. I also commend him for his deep appreciation to the problems that we face in this country, especially on a current basis the severe shortages of diesel fuel for the farmer.

Mr. President, it is true that when diesel oil was decontrolled, which I opposed at the time in 1976, we were assured that there would be ample supplies available by reason of decontrol. We were also assured that there would not be a radical rise in the price of diesel fuel. On the contrary, what has happened is that there has been a rapid escalation in the price of diesel oil as as well other distillates that have been decontrolled.

I think it is only common sense that the Senate follow the course of action outlined here by the distinguished Senator from South Dakota and reimpose controls during this critical period over the pricing of petroleum supply.

Unless we do that, we are going to find ourselves in the situation where the price will be dictated from month to month by the oil cartel.

The stories are out now that there will be another increase apparently the 1st of June I predict there will be more increases until we get our own energy house in order.

There is no reason why old oil, which will not bring any new oil, should go from $6 a barrel to $18 a barrel by September 1981. I say that keeping in mind that that $81 figure does not take into consideration increases that will occur on the part of the OPEC countries, nor does it take into consideration the in-

flationary forces that are obviously with us.

So, I must say that in due time I think we will find in the Senate a recognition of the need to act here. The Senator from South Dakota (Mr. PRESSLER) I think has set a fine example for our colleagues to follow.

Mr. PRESSLER. I thank the Senator from Washington who is also the chairman of the Energy Committee, and I ask that he add my name to his bill.

The PRESIDING OFFICER. Will the Senator suspend? His time has expired.

Mr. JACKSON. Mr. President, I ask unanimous consent that Senator PRESSLER be added as a cosponsor.

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

Mr. PRESSLER. Mr. President, may I have 1 additional minute?

The PRESIDING OFFICER. Will the Senator take time from another Senator?

Mr. GRAVEL. Mr. President, I yield Senator PRESSLER 1 additional minute.

The PRESIDING OFFICER. The Senator from Alaska is recognized and yields 1 minute of time to the Senator from South Dakota.

Mr. PRESSLER. I thank the Senator.

Mr. President, there is a great deal of anger about the energy situation in South Dakota and throughout our Nation.

Indeed our leader, Senator BAKER, said on television that there was so much frustration and anger that antitrust action and nationalization might be discussed unless steps are taken regarding a better supply of fuel. I shall continue to fight for a good allocation, but we must address the basic problem.

I thank the Senator, and I yield to him.

S. 1176—ANTIQUITIES ACT AND FEDERAL LAND POLICY AND MANAGEMENT ACT AMENDMENTS OF 1979

Mr. GRAVEL. Mr. President, I will send to the desk shortly a bill on behalf of myself and the senior Senator from Alaska, a bill that would reestablish the prerogatives of Congress on the disposition of Federal lands.

As a result of an action taken by the President last December 1, 56 million acres of land in my State were appropriated as national monuments by the executive under the 1906 Antiquities Act.

The Constitution of the United States and the Federal judicial system has repeatedly affirmed that the power in that Constitution to appropriate land rests with Congress.

In the BLM Organic Act that was passed a couple years ago there was a limitation placed on the President of 5,000 acres that he could permanently appropriate without permission of Congress.

The bill that I send to the desk would similarly limit the President in the designation of national monuments under the Antiquities Act to 5,000 acres, and if he goes above that, he would be required to come back to Congress.

I place that similar provision on a section of the BLM Organic Act dealing with land withdrawals where the Executive can set land aside for 20 years.

I think it was not the intent of Congress that land withdrawals should be done in the manner as has occurred and is proposed in Alaska. I think it was the intent of Congress that there should be a general limitation on these powers of the Executive at a 5,000 acre figure.

So, in this legislation we seek to correct what has been an unfortunate abuse of power by the Executive and reaffirm the prerogatives of Congress in this matter and to correct an omission or a misperception that existed in the BLM Organic Act and in the 1906 Antiquities Act.

This bill would be retroactive to last fall and would obviously vitiate the actions of the Executive with respect to the land that was taken in Alaska. I think this is very important because, in one particular instance with respect to the energy crisis, something about which we are all concerned, we see a situation where one person can in a de facto fashion remove from the national inventory millions of acres of land. That certainly was not the intent of the Antiquities Act when it was first written.

In fact, I will ask unanimous consent to have inserted in the RECORD, along with the legislation I introduce, a colloquy that tok place on the floor of the House of Representatives in 1906 between Congressman Lacey and Congressman Stephens wherein they pinpointed with great exactitude the purposes of the Antiquities Act.

The PRESIDING OFFICER. The period for morning business has expired.

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

Mr. GRAVEL. I yield.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the time for morning business be extended for another not to exceed 20 minutes, and Senators may speak therein up to 10 minutes each.

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

Mr. GRAVEL. Mr. President, I will be very brief. I think this legislation that we introduce today will be well received by Members of the Senate and the House for the very simple reason that it reestablishes our prerogatives which have been so sorely eroded over the years by a strengthening Executive. I think it will also be well received because the statements made by the Executive with respect to legislation on Alaska lands, which has been before the Congress, indicate that if the Congress did not legislate in a certain fashion, he would take it upon himself through the use of Executive power to legislate the goals that he seeks with respect to lands in Alaska.

Well, if that threat can be visited upon Alaska and, to a degree it has been, that threat can be visited upon Nevada, Oklahoma, California, Washington, any State right now that has at issue before the Congress the taking of lands for wilderness purposes under the Rare II proposal. If that Rare II proposal is not legislated to the liking of the present Executive, he can then effect his desires through the use of the Antiquities Act.

The law was not intended for that purpose. It was intended to protect specific scientific and historic sites. The abuse to which it has now been put and been used for is totally improper, and I am sure that Congress will seek to correct this misuse of power.

I hope that Congress will act upon this bill expeditiously, because the President's and Secretary's actions will economically disenfranchise to varying degrees many of the citizens who live in Alaska.

I ask unanimous consent, Mr. President, to have printed in the RECORD the Antiquities Act, the House and Senate reports on antiquities, a floor colloquy between the Representatives Lacey and Stephens and the Senate colloquy, section 204 of the BLM Organic Act (FLPMA), a summary of proposed amendments and the text of the bill.

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

S. 1176

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 Antiquities Act and Federal Land Policy and Management Act Amendments of 1979".

ANTIQUITIES ACT AMENDMENTS

SEC. 2. (a) The first section of the Act of June 8, 1906, (34 Stat. 225; 16 U.S.C. 433), is amended to include the following:

"(a) For purposes of this Act, the term—'objects of historic or scientific interest' means historic or prehistoric specimens or structures such as pottery, bottles, weapons, dwellings, rock paintings, carvings, graves, human skeletal materials, and non-fossilized and fossilized paleontological specimens when found in an archeological context. Such objects shall be directly associated with human behavior and activites.

"(b) (1) Any proclamation for reservation of public lands as national monuments by the President pursuant to section 2 of this Act in excess of 5,000 acres shall be transmitted to the Congress. Such proclamation shall not become effective unless within sixty calendar days of continuous session of the Congress after the proclamation has been transmitted, the Senate and the House of Representatives pass a concurrent resolution approving such proclamation.

"(2) For purposes of this section—

"(A) continuity of session of Congress is broken only by an adjournment sine die; and

"(B) the days on which either House is not in session because of an adjournment of more than three days to a day certain are excluded in the computation of the sixty-day calendar period.

"(C) the term 'resolution' means a concurrent resolution, the resolving clause of which is as follows: 'That the House of Representatives and Senate approve the proclamation by the President reserving public lands as the National Monument submitted to the Congress on , 19 .'; the blank spaces therein shall be filled with proper name of the National Monument which corresponds to a legal land description available for public inspection and with the date on which the President submits his proclamation to the Congress.

"(3) Except as otherwise provided in this section, the provisions of section 8(d) of the Alaska Natural Gas Transportation Act shall apply to the consideration of such resolution."

(b) Such Act is further amended by adding at the end thereof the following new section:

"Sec. 5. Notwithstanding any other laws or regulations, any uses of the public lands included within any monument proclaimed under this Act validly occurring at the time of creation of the monument shall be permitted to continue to the extent that the uses do not destroy, disturb, or otherwise adversely impact on the historic or prehistoric sites or specimen to be protected by the establishment of the national monument. Such uses may include hunting, guiding, hiking, boating, and use of motorized vehicles.

"Nothing in this paragraph shall be construed as limiting in any way valid existing rights of owners or holders of property or claims within any monument under existing law."

(c) The provisions of subsection (d) of the first section of such Act of June 8, 1906, as added by this section, shall be deemed to have taken effect as of October 14, 1978, and any proclamation proclaiming a monument under such Act and and after October 14, 1978, shall be subject to the provisions of such subsection (d).

FEDERAL LAND POLICY AND MANAGEMENT ACT OF 1976 AMENDMENT

SEC. 3. Section 204(c)(1) of the Federal Land Policy and Management Act of 1976 (90 Stat. 2752: 43 U.S.C. 1714) is amended by striking out the second sentence and inserting in lieu thereof the following sentence: "The withdrawal shall become effective at the end of ninety days (not counting days on which the Senate or the House of Representatives has adjourned for more than three consecutive days) beginning on the day notice of such proposed withdrawal has been submitted to the Senate and the House of Representatives, if the Congress has adopted a concurrent resolution stating that such House approves the withdrawal."

SUMMARY OF PROPOSED AMENDMENTS TO THE ANTIQUITIES AND FEDERAL LAND POLICY AND MANAGEMENT ACTS

(1) The bill requires that any proposal to create a monument greater than 5,000 acres be submitted to Congress for approval by joint resolution under expedited procedures similar to those under the Alaska Natural Gas Transportation Act. The bill would be retroactive to October 14, 1978 (the date the 95th Congress adjourned) in order to include the monuments created in Alaska December 1, 1978. The 5,000-acre provision conforms to the limits of the discretionary authority granted the Secretary of the Interior for land classification decisions under the Federal Land Policy and Management Act of 1976 (the "BLM Organic Act").

(2) The bill provides that land uses validly occurring at the time a monument was established would not be prohibited unless they directly impact historic or archaeological sites or remains. Thus, an activity such as hunting, which is prohibited automatically under current law, would be permitted to the extent it did not impair the values for which the monument was established.

(3) The bill defines "objects of historic or scientific interest" as used in the Antiquities Act to include only historic, archaeological remains associated with human behavior. The intent of this definition is to limit the President's use of the Antiquities Act to protect only areas of unique historic or archaeological value, not fish and wildlife, scenic, recreational or wilderness areas. We have other laws relating to establishment of these areas.

(4) The bill amends the Federal Land Policy and Management Act of 1976 (the "BLM Organic Act") to provide more direct, positive congressional review of administrative land withdrawals. The Act now enables the Secretary of the Interior to withdraw any amount of land for up to 20 years subject to a congressional veto under expedited procedures. The Secretary currently proposes to use this authority (section 204(c)) in Alaska to create 12 new wildlife refuges of approximately 40 million acres. This bill would make such action effective only after congressional approval by joint resolution under expedited procedures.

THE "EMERGENCY"

Under the terms of section 17(d)(2) of the Alaska Native Claims Settlement Act, the Secretary of the Interior was authorized to withdraw up to 80 million acres of land from all appropriations for potential addition to either the national park, wildlife refuge, forest, or wild and scenic rivers system. If Congress did not act before December 18, 1978, these withdrawals would lapse.

However, at the time the (d)(2) withdrawals were made, the lands were also withdrawn under section 17(d)(1) of the Claims Act. After the December 18, 1978 deadline expired, the "D–1" withdrawals provided the same protection to the land as that occurring under section 17(d)(2). There is no expiration date for the D–1 withdrawals. In addition, most other federal land in Alaska is withdrawn under the D–1 authority.

In a letter sent prior to the December 18 expiration date to solicit public comments on a draft Environmental Impact Statement analyzing several possible administrative actions—including possible use of the Antiquities Act—Cynthia Wilson, Special Assistant to the Secretary, stated:

Although the Administration is confident that the protective land withdrawals which will remain after the expiration of "D–2" withdrawals in December are capable of continuing to preclude the entry, location or selection of the national interest lands, the lands are so significant to the nation that prudence dictates that they be protected as fully as possible under existing executive branch authorities, pending final congressional action.

Despite the protection afforded by D–1, the Secretary withdrew approximately 110 million acres of land in Alaska under the provisions of section 204(e) of the Federal Land Policy and Management Act of 1976 (the "BLM Organic Act") on November 16, 1978. This section of FLPMA authorizes the Secretary to make "emergency" withdrawals of public land from all forms of entry and appropriation for a period of up to three years. This withdrawal affected virtually all the lands under consideration by the Congress during the past session.

Yet, even with this action, which duplicated protection already provided by D–1, the Secretary urged the President to proclaim 56 million acres of land as national monuments under the 1906 Antiquities Act. These national monuments are not just temporary withdrawals until Congress acts, they are permanently designated conservation system units with extremely restrictive land use policies. In particular, such areas are closed to sport hunting, trapping, and related guiding. In Alaska this affects hundreds of people who have had their livelihoods wiped out with the stroke of a pen. Hunting guides, trappers, miners, air taxi operators and recreationists have all been displaced. They are essentially "regulated out" of these vast areas.

Thus, the use of the Antiquities Act can only be viewed as an extreme abuse of power designed to punish and intimidate those who oppose the Administration's proposals for the use of Alaska land.

ANTIQUITIES ACT PROVISIONS

The Antiquities Act was originaly intended to prevent the removal of artifacts and further destruction of archaeological sites in the Southwest. It gives the President authority to withdraw "historic landmarks, historic and prehistoric structures, and other objects of historic or scientific interest" as national monuments. The law further provides that the land withdrawn "shall be confined to the smallest area compatible with the proper care and management of the objects to be protected." In a floor colloquy on the bill in the House in 1906, the following exchange took place:

Mr. Stephens of Texas. How much land will be taken off the market in the Western States by the passage of the bill?

Mr. Lacey. Not very much. The bill provides that it shall be the smallest area necessary for the care and maintenance of the objects to be preserved.

Mr. Stephens of Texas. Would it be anything like the forest preserve bill, by which seventy or eighty million acres of land in the United States have been tied up?

Mr. Lacey. Certainly not. The object is entirely different. It is to preserve these old pueblos in the Southwest, whilst the other reserves the forests and the water resources.

Mr. Stephens of Texas. I hope . . . this bill will not result in locking up other lands.

The areas which were designated monuments in Alaska have long been studied and acclaimed by the Interior Department and environmental groups for their scenic, recreational, wilderness, and fish and wildlife values. In only a very few distinct areas have historic or archaeological values been of prime concern. The 56 million acres withdrawn is by no stretch of the imagination the "smallest area" necessary for the "objects" protected.

---

16 U.S.C. SEC. 431 (ANTIQUITIES ACT)

§ 431. National monuments; reservation of land; relinquishment of private claims.

The President of the United States is authorized, in his discretion, to declare by public proclamation historic landmarks, historic and prehistoric structures, and other objects of historic or scientific interest that are situated upon the lands owned or controlled by the Government of the United States to be national monuments, and may reserve as a part thereof parcels of land, the limits of which in all cases shall be confined to the smallest area compatible with the proper care and management of the objects to be protected. When such objects are situated upon a tract covered by a bona fide unperfected claim or held in private ownership, the tract, or so much thereof as may be necessary for the proper care and management of the object, may be relinquished to the Government, and the Secretary of the Interior is authorized to accept the relinquishment of such tracts in behalf of the Government of the United States. (June 8, 1906 ch. 3060, § 2, 34 Stat. 225.)

[REPORT NO. 3797]

PRESERVATION OF AMERICAN ANTIQUITIES

REPORT

The Committee on Public Lands, to whom was referred the bill (S. 4698) for the preservation of American antiquities, having had the same under consideration, beg leave to report it back with the recommendation that the bill do pass.

This measure has the hearty support of the Archeological Institute of America, the American Anthropological Association, the Smithsonian Institution, and numerous museums throughout the country, and in view of the fact that the historic and prehistoric ruins and monuments on the public lands of the United States are rapidly being destroyed by parties who are gathering them as relics and for the use of museums and colleges, etc., your committee are of the opinion that their preservation is of great importance.

This bill is carefully drawn, and the committee are unanimously in favor of its passage.

[Report No. 2224]

PRESERVATION OF AMERICAN ANTIQUITIES

REPORT

Your committee to whom was referred the bill (H.R. 11016) for the preservation of American antiquities, report the same back with the following amendments:

In line 3, page 1, after the word "shall," insert the words "willfully or wantonly."

In line 9, page 1, after the word "shall," insert "be guilty of a misdemeanor and."

On page 2, at the end of line 14, insert the following proviso: "*Provided further*, That no expense shall be incurred for special custodians under this act."

The various archeological societies of the United States in the Fifty-eighth Congress presented the subject of the enactment of a bill along the lines proposed in the present bill. A full hearing was had on the matter by the Committee on the Public Lands, and a bill was reported to carry out the purpose proposed, but the bill did not receive action in the House in the last Congress.

The bill as above amended will, in the opinion of your committee, accomplish the purpose desired. There are scattered throughout the Southwest quite a large number of very interesting ruins. Many of these ruins are upon the public lands, and the most of them are upon lands of but little present value. The bill proposes to create small reservations reserving only so much land as may be absolutely necessary for the preservation of these interesting relics of prehistoric times.

Practically every civilized government in the world has enacted laws for the preservation of the remains of the historic past, and has provided that excavations and explorations shall be conducted in some systematic and practical way so as not to needlessly destroy buildings and other objects of interest.

The United States should adopt some method of protecting these remains that are still upon the public domain or in Indian reservations. The following-named persons, during the Fifty-eighth Congress, communicated with or appeared before your committee in behalf of this legislation: Prof. Thomas D. Seymour, of Yale University; Charles P. Bowditch, esq., of Boston, Mass.; Prof. Francis W. Kelsey, of the University of Michigan; Prof. Mitchell Carroll, of George Washington University; Dr. A. L. Kroeber, of the University of California; Dr. G. B. Gordon, of the University of Pennsylvania; Prof. M. H. Saville, of Columbia University; Hon. John W. Foster, of Washington, D.C.; Prof. William Henry Holmes, of the Smithsonian Institution; Dr. Henry Mason Baum, president Institute of Historical Research, of Washington, D.C.; Prof. F. W. Putnam, of Harvard University; Prof. Edgar L. Hewett, formerly president of the Normal University of New Mexico; Msgr. Dennis J. O'Connell, rector of the Catholic University of America, and others.

Professor Seymour, of Yale University, president of the Archaeological Institute of of America; Mr. Charles P. Bowditch, of the Boston society; Prof. Franz Boas, of the New York society; Miss Alice Fletcher, of the Baltimore society; Mrs. Sara Y. Stevenson, of the Pennsylvania society; Dr. George A. Dorsey, of the Chicago society; Dr. George William Bates, of the Detroit society; Prof. M. S. Slaughter, of the Wisconsin society; Prof. H. N. Fowler, of the Cleveland society; Dr. George Grant MacCurdy, of the Connecticut society; Dr. W. J. McGee, of the Missouri society; Prof. M. Carroll, of the Washington society; Dr. Duren J. H. Ward, of the Iowa society; Hon. H. K. Porter, M. C., of the Pittsburg society; Mr. Charles F. Lummis, of the Southwest society; Dr. A. L. Kroeber, of the San Francisco society; Mrs. W. S. Peabody, of the Colorado society; Prof. F. W. Putnam, of the Peabody Museum; Mr. W. H. Holmes and Dr. J. W. Fewkes, of the Smithsonian Institution; Hon. J. W. Foster and Dr. Henry Mason Baum, of Washington, D. C., and Hon. L. Bradford Prince, of Santa Fe, N. Mex.

These gentlemen are men of high character who have given the subject much consideration and their opinions are entitled to most serious consideration.

Prof. Edgar L. Hewett prepared and presented your committee with a very interesting memorandum on the ruins in Arizona, New Mexico, Colorado, and Utah, which is here incorporated as a part of this report:

PRESERVATION OF AMERICAN ANTIQUITIES

Mr. PATTERSON. I am directed by the Committee on Public Lands, to whom was referred the bill (S. 4698) for preservation of American antiquities, to report it favorably without amendment, and I submit a report thereon. I ask unanimous consent for the present consideration of the bill.

The Secretary read the bill, and there being no objection, the Senate, as in Committee of the Whole, proceeded to its consideration. It provides that any person who shall appropriate, excavate, injure, or destroy any historic or prehistoric ruin or monument, or any object of antiquity, situated on lands owned or controlled by the Government of the United States without the permission of the Secretary of the Department of the Government having jurisdiction over the lands on which said antiquities are situated, shall, upon conviction, be fined a sum of not more than $500 or be imprisoned for a period of not more than ninety days, or shall suffer both fine and imprisonment, in the discretion of the court.

Section 2 authorizes the President of the United States, in his discretion, to declare by public proclamation historic landmarks, historic and prehistoric structures, and other objects of historic or scientific interest that are situated upon the lands owned or controlled by the Government of the United States to be national monuments, and may reserve as a part thereof parcels of land, the limits of which in all cases shall be confined to the smallest area compatible with the proper care and management of the objects to be protected, but when such objects are situated upon a tract covered by a bona fide unperfected claim or held in private ownership the tract, or so much thereof as may be necessary for the proper care and management of the object, may be relinquished to the Government, and the Secretary of the Interior is hereby authorized to accept the relinquishment of such tracts in behalf of the Government of the United States.

Permits for the examination of ruins, the excavation of archeological sites, and the gathering of objects of antiquity upon the lands under their respective jurisdictons may be granted by the Secretaries of the Interior, Agriculture, and War to institutions which they may deem properly tions which they may deem properly qualiqualified to conduct such examination, excavation, or gathering, subject to such rules and regulations as they may prescribe: *Provided*, That the examinations, excavations, and gatherings are undertaken for the benefit of reputable museums, universities, colleges, or other recognized scientific or educational institutions, with a view to increasing the knowledge of such objects and that the gatherings shall be made for permanent preservation in public museums.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

PRESERVATION OF AMERICAN ANTIQUITIES

House, June 5, 1906.

Mr. LACY. Mr. Speaker, I ask unanimous consent for the present consideration of the bill S. 4698.

The clerk read as follows:

A bill (S. 4698) for the preservation of American antiquities.

Be it enacted, etc., That any person who shall appropriate, excavate, injure, or destroy any historic or prehistoric ruin or monument, or any object of antiquity, situated on lands owned or controlled by the Government of the United States, without the permission of the Secretary of the Department of the Government having jurisdiction over the lands on which said antiquities are situated, shall, upon conviction, be fined in a sum of not more than $500 or be imprisoned for a period of not more than ninety days, or shall suffer both fine and imprisonment, in the discretion of the court.

SEC. 2. That the President of the United States is hereby authorized, in his discretion, to declare by public proclamation historic landmarks, historic and prehistoric structures, and other objects of historic or scientific interest that are situated upon the lands owned or controlled by the Government of the United States to be national monuments, and may reserve as a part thereof parcels of land, the limits of which in all cases shall be confined to the smallest area compatible with the proper care and management of the objects to be protected: *Provided*, That when such objects are situated upon a tract covered by a bona fide unperfected claim or held in private ownership, the tract, or so much thereof as may be necessary for the proper care and management of the object, may be relinquished to the Government, and the Secretary of the Interior is hereby authorized to accept the relinquishment of such tracts in behalf of the Government of the United States.

SEC. 3. That permits for the examination of ruins, the excavation of archaeological sites, and the gathering of objects of antiquity upon the lands under their respective jurisdictions may be granted by the Secretaries of the Interior, Agriculture, and War to institutions which they may deem properly qualified to conduct such examination, excavation, or gathering, subject to such rules and regulations as they may prescribe: *Provided*, That the examinations, excavations, and gatherings are undertaken for the benefit of reputable museums, universities, colleges, or other recognized scientific or educational institutions, with a view to increasing the knowledge of such objects, and that the gatherings shall be made for permanent preservation in public museums.

SEC. 4. That the Secretaries of the Departments aforesaid shall make and publish from time to time uniform rules and regulations for the purpose of carrying out the provisions of this act.

The SPEAKER. Is there objection?

Mr. STEPHENS of Texas. Mr. Speaker, I desire to ask the gentleman whether this applies to all the public lands or only certain reservations made in the bill?

Mr. LACEY. There is no reservation made in the bill of any specific spot.

Mr. STEPHENS of Texas. I think the bill would be preferable if it covered a particular spot and did cover the entire public domain.

Mr. LACEY. There has been an effort made to have national parks in some of these regions, but this will merely make small reservations where the objects are of sufficient interest to preserve them.

Mr. STEPHENS of Texas. Will that take this land off the market, or can they still be settled on as part of the public domain?

Mr. LACEY. It will take that portion of the reservation out of the market. It is meant to cover the cave dwellers and cliff dwellers.

Mr. STEPHENS of Texas. How much land will be taken off the market in the Western States by the passage of the bill?

Mr. LACEY. Not very much. The bill provides that it shall be the smallest area neces-

sary for the care and maintenance of the objects to be preserved.

Mr. STEPHENS of Texas. Would it be anything like the forest-reserve bill, by which seventy or eighty million acres of land in the United States have been tied up?

Mr. LACEY. Certainly not. The object is entirely different. It is to preserve these old objects of special interest and the Indian remains in the pueblos in the Southwest, whilst the other reserves the forests and the water courses.

Mr. STEPHENS of Texas. I will say that that bill was abused. I know of one place where in 5 miles square you could not get a cord of wood, and they call it a forest, and by such means they have locked up a very large area in this country.

Mr. LACEY. The next bill I desire to call up is a bill on which there is a conference report now on the Speaker's table, which permits the opening up of specified tracts of agricultural lands where they can be used, by which the very evil that my friend is protesting against can be remedied. It is House bill 17576, which has passed both bodies, and there is a conference report for concurrence as to one of the details upon the Speaker's table.

Mr. STEPHENS of Texas. I hope the gentleman will succeed in passing that bill, and this bill will not result in locking up other lands. I have no objection to its consideration.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

The bill was ordered to a third reading, read the third time, and passed.

On motion of Mr. LACEY, a motion to reconsider the vote by which the bill was passed was laid on the table.

[Public Law 94-579—Oct. 21, 1976]

FEDERAL LAND POLICY AND MANAGEMENT ACT OF 1976

An act to establish public land policy; to establish guidelines for its administration; to provide for the management, protection, development, and enhancement of the public lands; and for other purposes.

WITHDRAWALS

SEC. 204. (a) On and after the effective date of this Act the Secretary is authorized to make, modify, extend, or revoke withdrawals but only in accordance with the provisions and limitations of this section. The Secretary may delegate this withdrawal authority only to individuals in the Office of the Secretary who have been appointed by the President, by and with the advice and consent of the Senate.

(b)(1) Within thirty days of receipt of an application for withdrawal, and whenever he proposes a withdrawal on his own motion, the Secretary shall publish a notice in the Federal Register stating that the application has been submitted for filing or the proposal has been made and the extent to which the land is to be segregated while the application is being considered by the Secretary. Upon publication of such notice the land shall be segregated from the operation of the public land laws to the extent specified in the notice. The segregative effect of the application shall terminate upon (a) rejection of the application by the Secretary, (b) withdrawal of lands by the Secretary, or (c) the expiration of two years from the date of the notice.

(2) The publication provisions of this subsection are not applicable to withdrawals under subsection (e) hereof.

(c)(1) On and after the dates of approval of this Act a withdrawal aggregating five thousand acres or more may be made (or such a withdrawal or any other withdrawal involving in the aggregate five thousand acres or more which terminates after such date of approval may be extended) only for a period of not more than twenty years by the Secretary on his own motion or upon a request by a department or agency head. The Secretary shall notify both Houses of Congress of such a withdrawal no later than its effective date and the withdrawal shall terminate and become ineffective at the end of ninety days (not counting days on which the Senate or the House of Representatives has adjourned for more than three consecutive days) beginning on the day notice of such withdrawal has been submitted to the Senate and the House of Representatives, if the Congress has adopted a concurrent resolution stating that such House does not approve the withdrawal. If the committee to which a resolution has been referred during the said ninety day period, has not reported it at the end of thirty calendar days after its referral, it shall be in order to either discharge the committee from further consideration of such resolution or to discharge the committee from consideration of any other resolution with respect to the Presidential recommendation. A motion to discharge may be made only by an individual favoring the resolution, shall be highly privileged (except that it may not be made after the committee has reported such a resolution), and debate thereon shall be limited to not more than one hour, to be divided equally between those favoring and those opposing the resolution. An amendment to the motion shall not be in order, and it shall not be in order to move to reconsider the vote by which the motion was agreed to or disagreed to. If the motion to discharge is agreed to or disagreed to, the motion may not be made with respect to any other resolution with respect to the same Presidential recommendation. When the committee has reprinted, or has been discharged from further consideration of a resolution, it shall at any time thereafter be in order (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 shall be highly privileged and shall not be debatable. An amendment to the motion shall not be in order, and it shall not be in order to move to reconsider the vote by which the motion was agreed to or disagreed to.

(2) Within the notices required by subsection (c)(1) of this section and within three months after filing the notice under subsection (e) of this section, the Secretary shall furnish to the committees—

(1) a clear explanation of the proposed use of the land involved which lead to the withdrawal;

(2) an inventory and evaluation of the current natural resource uses and values of the site and adjacent public and nonpublic land and how it appears they will be affected by the proposed use, including particularly aspects of use that might cause degradation of the environment, and also the economic impact of the change in use on individuals, local communities, and the Nation;

(3) an identification of present users of the land involved, and how they will be affected by the proposed use;

(4) an analysis of the manner in which existing and potential resource uses are incompatible with or in conflict with the proposed use, together with a statement of the provisions to be made for continuation or termination of existing uses, including an economic analysis of such continuation or termination;

(5) an analysis of the manner in which such lands will be used in relation to the specific requirements for the proposed use;

(6) a statement as to whether any suitable alternative sites are available (including cost estimates) for the proposed use or for uses such a withdrawal would displace;

(7) a statement of the consultation which has been or will be had with other Federal departments and agencies, with regional, State, and local government bodies, and with other appropriate individuals and groups;

(8) a statement indicating the effect of the proposed uses, if any, on State and local government interests and the regional economy;

(9) a statement of the expected length of time needed for the withdrawal;

(10) the time and place of hearings and of other public involvement concerning such withdrawal;

(11) the place where the records on the withdrawal can be examined by interested parties; and

(12) a report prepared by a qualified mining engineer, engineering geologist, or geologist which shall include but not be limited to information on: general geology, known mineral deposits, past and present mineral production, mining claims, mineral leases, evaluation of future mineral potential, present, and potential market demands.

(d) A withdrawal aggregating less than five thousand acres may be made under this subsection by the Secretary on his own motion or upon request by a department or an agency head—

(1) for such period of time as he deems desirable for a resource use; or

(2) for a period of not more than twenty years for any other use, including but not limited to use for administrative sites, location of facilities, and other proprietary purposes; or

(3) for a period of not more than five years to preserve such tract for a specific use then under consideration by the Congress.

(e) When the Secretary determines, or when the Committee on Interior and Insular Affairs of either the House of Representatives or the Senate notifies the Secretary, that an emergency situation exists and that extraordinary measures must be taken to preserve values that would otherwise be lost, the Secretary notwithstanding the provisions of subsections (c)(1) and (d) of this section, shall immediately make a withdrawal and file notice of such emergency withdrawal with the Committees on Interior and Insular Affairs of the Senate and the House of Representatives. Such emergency withdrawal shall be effective when made but shall last only for a period not to exceed three years and may not be extended except under the provisions of subsection (c)(1) or (d), whichever is applicable, and (b)(1) of this section. The information required in subsection (c)(2) of this subsection shall be furnished the committees within three months after filing such notice.

(f) All withdrawals and extensions thereof, whether made prior to or after approval of this Act, having a specific period shall be reviewed by the Secretary toward the end of the withdrawal period and may be extended or further extended only upon compliance with the provisions of subsection (c)(1) or (d), whichever is applicable, and only if the Secretary determines that the purpose for which the withdrawal was first made requires the extension, and then only for a period no longer than the length of the original withdrawal period. The Secretary shall report on such review and extensions to the Committees on Interior and Insular Affairs of the House of Representatives and the Senate.

(g) All applications for withdrawal pending on the date of approval of this Act shall be processed and adjudicated to conclusion within fifteen years of the date of approval of this Act, in accordance with the provisions of this section. The segregative effect of any application not so processed shall terminate on that date.

(h) All new withdrawals made by the Secretary under this section (except an emergency withdrawal made under subsection (e) of this section) shall be promulgated after an opportunity for a public hearing.

(i) In the case of lands under the administration of any department or agency other

than the Department of the Interior, the Secretary shall make, modify, and revoke withdrawals only with the consent of the head of the department or agency concerned, except when the provisions of subsection (e) of this section apply.

(j) The Secretary shall not make, modify, or revoke any withdrawal created by Act of Congress; make a withdrawal which can be made only by Act of Congress; modify or revoke any withdrawal creating national monuments under the Act of June 8, 1906 (34 Stat. 225; 16 U.S.C. 431–433); or modify, or revoke any withdrawal which added lands to the National Wildlife Refuge System prior to the date of approval of this Act or which thereafter adds lands to that System under the terms of this Act. Nothing in this Act is intended to modify or change any provision of the Act of February 27, 1976 (90 Stat. 199; 16 U.S.C. 668dd(a)).

(k) There is hereby authorized to be appropriated the sum of $10,000,000 for the purpose of processing withdrawal applications pending on the effective date of this Act, to be available until expended.

(l)(1) The Secretary shall, within fifteen years of the date of enactment of this Act, review withdrawals existing on the date of approval of this Act, in the States of Arizona, California, Colorado, Idaho, Montana, Nevada, New Mexico, Oregon, Utah, Washington, and Wyoming of (1) all Federal lands other than withdrawals of the public lands administered by the Bureau of Land Management and of lands which, on the date of approval of this Act, were part of Indian reservations and other Indian holdings, the National Forest System, the National Park System, the National Wildlife Refuge System, other lands administered by the Fish and Wildlife Service or the Secretary through the Fish and Wildlife Service, the National Wild and Scenic Rivers System, and the National System of Trails; and (2) all public lands administered by the Bureau of Land Management and of lands in the National Forest System (except those in wilderness areas, and those areas formally identified as primitive or natural areas or designated as national recreation areas) which closed the lands to appropriation under the Mining Law of 1872 (17 Stat. 91, as amended; 30 U.S.C. 22 et seq.) or to leasing under the Mineral Leasing Act of 1920 (41 Stat. 437, as amended; 30 U.S.C. 181 et seq.).

(2) In the review required by paragraph (1) of this subsection, the Secretary shall determine whether, and for how long, the continuation of the existing withdrawal of the lands would be, in his judgment, consistent with the statutory objectives of the programs for which the lands were dedicated and of the other relevant programs. The Secretary shall report his recommendations to the President, together with statements of concurrence or nonconcurrence submitted by the heads of the departments or agencies which administer the lands. The President shall transmit this report to the President of the Senate and the Speaker of the House of Representatives, together with his recommendations for action by the Secretary, or for legislation. The Secretary may act to terminate withdrawals other than those made by Act of the Congress in accordance with the recommendations of the President unless before the end of ninety days (not counting days on which the Senate and the House of Representatives has adjourned for more than three consecutive days) beginning on the day the report of the President has been submitted to the Senate and the House of Representatives the Congress has adopted a concurrent resolution indicating otherwise. If the committee to which a resolution has been referred during the said ninety day period, has not reported it at the end of thirty calendar days after its referral, it shall be in order to either discharge the committee from further consideration of such resolution or to discharge the committee from consideration of any other resolution with respect to the Presidential recommendation. A motion to discharge may be made only by an individual favoring the resolution, shall be highly privileged (except that it may not be made after the committee has reported such a resolution), and debate thereon shall be limited to not more than one hour, to be divided equally between those favoring and those opposing the resolution. An amendment to the motion shall not be in order, and it shall not be in order to move to reconsider the vote by which the motion was agreed to or disagreed to. If the motion to discharge is agreed to or disagreed to, the motion may not be made with respect to any other resolution with respect to the same Presidential recommendation. When the committee has reprinted, or has been discharged from further consideration of a resolution, it shall at any time thereafter be in order (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 shall be highly privileged and shall not be debatable. An amendment to the motion shall not be in order, and it shall not be in order to move to reconsider the vote by which the motion was agreed to or disagreed to.

(3) There are hereby authorized to be appropriated not more than $10,000,000 for the purpose of paragraph (1) of this subsection to be available until expended to the Secretary and to the heads of other departments and agencies which will be involved.

Mr. GRAVEL. At this point, Mr. President, I yield the floor and yield to my senior colleague.

The PRESIDING OFFICER. The senior Senator from Alaska.

Mr. STEVENS. Mr. President, some time ago Senator GRAVEL mentioned to me a theory: it might be possible to convince Congress to repeal the Antiquities Act, and to do so retroactively so that the withdrawals that were made by the President creating new national monuments in Alaska last December would be revoked.

It is a theory that needs testing. At the time Congress enacted the BLM Organic Act, that we call FLPMA, the Antiquities Act was not repealed, although most of the acts of a similar type were repealed.

At the time I urged that the Antiquities Act be repealed, but there were Members of Congress who did not wish to do so.

Now the West is aware of the fact that the legislative history of this act will not be abided by by this administration but our research some time ago disclosed floor colloquy, the legislative history of the Antiquities Act, and demonstrated there was a commitment to the West that this act would not be used by any President to withdraw millions of acres of public land in any State in the West.

The theory is that the West, having seen what this President did, and apparently any President could, abuse the authority given by Congress to the President to protect the antiquities in the public lands of the West, may be able to garner enough support from Congress to repeal that act.

Obviously, if we can do that we then must obtain the approval of the President of the bill that we enact, which not only repeals his authority but does so retroactively. So I say it is a theory and it is one that needs testing. I will attempt to secure support from our side of the aisle for this bill. I ask unanimous consent that my name be added as a cosponsor, and I can commit myself to my colleague that I will attempt to obtain, as he knows I already have, a number of Republican Members of the Senate who will cosponsor this bill.

It is my hope that we will get a test of it soon because I want to state categorically for the record that, in my judgment, this is not an alternate to the Alaska lands bill that was passed by the House. It is a theory that must be tested, but it is not the Alaska substitute for what the House did.

The Alaska substitute for what the House did must be developed through the deliberations of the Senate Energy Committee, and we must determine whether or not it is possible to obtain a bill that Alaskans can live with through the process of consideration by the Energy Committee and in a possible conference before I would commit myself to support any bill on the subject of the Alaska lands legislation this year.

I opposed the bill that came out of the Senate Energy Committee last year, and unless it is changed so that it will be one that I can support, I will oppose it this year.

But I do believe it would be misleading for anyone to think that because we are offering this the day after the House passed the Udall bill that this is the considered Alaskan consensus that we ought to repeal the Antiquities Act and not pay any attention to the bill that the House will send over here today.

We obviously have to contend with that bill and develop strategy with regard to that bill. If this bill that Senator GRAVEL has presented to the Senate could be enacted by Congress and signed by the President, that would assist in dealing with the problem that we have in dealing with the Alaskan lands legislation.

I have told my colleague I do not have much hope of getting this President to sign this bill. I am getting to be more and more of the opinion that we are going to have to get a President who has the intestinal fortitude to take on this minority of Americans who seek to deprive the country as a whole of the resources and the assets of the public lands, and lock them up for a single use.

That is another subject for another day, but I am happy today to join my colleague in submitting a bill that will test his theory.

Mr. GRAVEL. Mr. President, I thank the distinguished senior Senator from Alaska for his support, his endorsement, his cosponsorship, and his willingness to give this issue a fair test. I could ask for no more.

I am personally very grateful for his support. I know he will bring with him many Republican Senators as cosponsors and people who will fight for this legislation. I thank him personally.

I think this will inure to the benefit not only of our State, but of all Americans who decry the misuse and misappro-

priation of power in the hands of the Executive. I want to underscore that. I share with him the view that this is not the Alaska lands legislation at all. That is a separate piece of legislation which will be dealt with. It will go through the Committee on Energy and Natural Resources. What we are dealing with is a commitment that was made under law that the power to appropriate U.S. lands lies with Congress and not with the Executive, and the bill we are introducing today represents a movement to seek correction of the Executive attitude in that regard.

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. Without objection, it is so ordered.

RECESS FOR 30 MINUTES

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the Senate stand in recess for 30 minutes.

There being no objection, the Senate, at 1:12 p.m., recessed until 1:42 p.m.; whereupon, the Senate reassembled when called to order by the Presiding Officer (Mr. ROBERT C. BYRD).

RECESS FOR 30 MINUTES

The PRESIDING OFFICER. Without objection, the Senate will stand in recess for 30 minutes.

The Senate recessed until 2:12 p.m., whereupon the Senate was called to order by the Presiding Officer (Mr. CULVER).

EXTENSION OF MORNING BUSINESS

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that there be an extension of the period for the transaction of routine morning business not to extend beyond 3 p.m., and that Senators may speak therein up to 10 minutes each.

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

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

The PRESIDING OFFICER. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

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

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

THE CALENDAR

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar Orders Nos. 152, 140, 142, 135, 136, and 137.

Mr. BAKER. Mr. President, reserving the right to object, I reserve only for the purpose of telling the majority leader that these items are cleared for consideration on our side.

Mr. ROBERT C. BYRD. And, Mr. President, Calendar Order No. 202, the last item on the calendar.

Mr. BAKER. Which is also cleared on our calendar.

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

NATIONAL OCEAN POLLUTION RESEARCH AND DEVELOPMENT AND MONITORING PLANNING AUTHORIZATIONS, 1980

The bill (H.R. 2520) to amend the National Ocean Pollution Research and Development and Monitoring Planning Act of 1978 to authorize appropriations to carry out the provisions of such act for fiscal year 1980, was considered, ordered to a third reading, read the third time, and passed.

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

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 to have printed in the RECORD an excerpt from the report (No. 96–132), explaining the purposes of the measure.

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

PURPOSE OF THE BILL

It is the purpose of the bill to amend section 10 of the National Ocean Pollution Research and Development and Monitoring Planning Act of 1978 to authorize funds to carry out the provisions of that act in an amount not to exceed $4,300,000 for fiscal year 1980.

BACKGROUND

In 1978 the Congress recognized that numerous departments, agencies and instrumentalities of the Federal Government, sponsor, support or fund activities relating to ocean pollution research, development, and monitoring. In 1978 these projects numbered over 1,000 activities involving approximately $140 million in Federal funds. However, such activities are frequently uncoordinated resulting in unnecessary duplication. The key to effective Federal action is better planning and more efficient use of available funds, personnel, vessels, and equipment. Therefore it was the purpose of Congress, in passing the 1978 act to:

1. Establish a comprehensive 5-year plan for Federal ocean pollution research, development, and monitoring programs in order to provide planning, coordination, and dissemination of information with respect to such programs within the Federal Government;

2. Develop the necessary base of information to support and provide for rational, efficient, and equitable utilization conservation, and development of ocean and coastal resources; and

3. Require the administration to carry out a comprehensive program of ocean pollution research, development, and monitoring under the 5-year plan.

The act designates the National Oceanic and Atmospheric Administration (NOAA) as lead agency for preparing the 5-year plan. The act also provides for financial assistance in the form of grants and contracts for projects needed to meet the priorities set forth in the plan if they are not being adequately addressed by any Federal department or agency. These grants and contracts are also administered by the National Oceanic and Atmospheric Administration.

NATIONAL OCEAN POLLUTION RESEARCH AND DEVELOPMENT AND MONITORING PLANNING AUTHORIZATIONS, 1980

The Senate proceeded to consider the bill (S. 1122) to amend section 10 of the National Ocean Pollution Research and Development and Monitoring Planning Act of 1978 to authorize appropriations for such act for fiscal year 1980.

Mr. ROBERT C. BYRD. Mr. President, Calendar No. 140, S. 1122, is the Senate companion bill and identical to H.R. 2520. I ask unanimous consent that S. 1122 be indefinitely postponed.

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

COAST GUARD AUTHORIZATIONS, 1980 AND 1981

The Senate proceeded to consider the bill (S. 709) to authorize appropriations for the Coast Guard for fiscal years 1980 and 1981, and for other purposes, which had been reported from the Committee on Commerce, Science, and Transportation with an amendment to strike all after the enacting clause and insert the following:

That funds are hereby authorized to be appropriated for necessary expenses of the Coast Guard for fiscal year 1980, as follows:

(1) for the operation and maintenance of the Coast Guard, including expenses related to the Capehart housing debt reduction: $1,058,357,000;

(2) for the acquisition, construction, rebuilding, and improvement of aids to navigation, shore facilities, vessels, and aircraft, including equipment related thereto: $292,811,000, to remain available until expended;

(3) for the alteration or removal of bridges over navigable waters of the United States, constituting obstructions to navigation: $14,900,000, to remain available until expended; and

(4) for research, development, test, and evaluation: $25,525,000, to remain available until expended.

SEC. 2. For fiscal year 1980, the Coast Guard is authorized an end of year strength for active duty personnel of 39,578: *Provided*, That the ceiling shall not include members of the Ready Reserve called to active duty under the authority of section 764 of title 14, United States Code.

SEC. 3. For fiscal year 1980, average military training student loads for the Coast Guard are authorized as follows:

(1) recruit and special training: 3,940 students;

(2) flight training: 110 students;

(3) professional training in military and civilian institutions: 438 students; and

(4) officer acquisitions: 940 students.

SEC. 4. Subsection 42(a) of title 14, United States Code, is amended to read as follows:

"(a) The total number of commissioned officers, excluding commissioned warrant officers, on active duty in the Coast Guard shall not exceed 6,000.".

SEC. 5. (a) Subsection 432(g) of title 14, United States Code, is amended by striking out "$7,500" in the fourth sentence and inserting "$15,000" in its place so that, in pertinent part, it reads as follows: ". . . In no case shall basic compensation exceed $15,000 per annum, except. . . .".

(b) The Coast Guard may issue retroactive pay to its remaining civilian lighthouse keepers in an amount equal to the difference between what the keeper actually received and what he would have received under the General Schedule salary rates had there not been a statutory limitation of $7,500 on his

annual salary. This amount is to be calculated from the time at which his salary reached the statutory limitation to the date of enactment of this Act.

The amendment was agreed to.

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

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

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 to have printed in the RECORD an excerpt from the report (No. 96–134), explaining the purposes of the measure.

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

PURPOSE OF THE BILL

The purpose of the bill, as amended, is to authorize for the U.S. Coast Guard for fiscal year 1980 the necessary funds for the operation and maintenance of the Coast Guard; for acquisition, construction, and improvement of vessels, aircraft, and facilities; for the alteration or removal of obstructive bridges; and for research, development, test, and evaluation. It authorizes military personnel ceilings and necessary average student training loads and increases the ceiling on the number of commissioned officers in the Coast Guard from 5,000 to 6,000. It also provides for back pay and the raising of the statutory pay ceiling for the Coast Guard's only remaining full-time, civilian lighthouse keeper.

BACKGROUND

The Coast Guard operates as a part of the Department of Transportation, with primary responsibility for, or assisting in the enforcing of, all applicable Federal laws on and under the high seas and waters subject to the jurisdiction of the United States, the promotion of safety of life and property in those areas, the maintenance of aids to maritime navigation, icebreaking, and engaging in oceanographic research.

Within the boundaries of its assigned duties, the Coast Guard has been charged in various statutes with specific responsibilities relating to the enforcement of the 200-mile exclusive fishery zone, the monitoring of foreign fishing fleet activities, the maintenance of necessary equipment designed to rescue persons and save property placed in jeopardy in maritime regions and otherwise where its forces are reasonably available, the maintenance of manned and unmanned aids to navigation along the coast and inland waterways, the review and approval of construction and alteration plans of commercial vessels, the establishment and oversight of standards for recreational boats, the conduct of polar and domestic icebreaking and oceanographic research, and the exercise of various marine environmental protection duties designed to minimize and abate pollution threats to the marine environment. The Coast Guard has also been charged with the safety of our ports and waterways through the operation of vessel traffic services and port safety controls while also regulating foreign and domestic vessels carrying oil or hazardous polluting substances. Finally, the U.S. Coast Guard, pursuant to title 14, United States Code, is an armed force, maintaining a readiness to operate as a service in the Navy, upon declaration of war or when the President otherwise directs. In addition, individual units operate with the Navy in time of national emergency.

To accomplish these objectives, the President requested an average strength for fiscal year 1980 of approximately 39,000 active duty officers and enlisted personnel and 6,600 civilians. The Coast Guard also maintains and operates various multimission vessels, aircraft, and shore facilities necessary to carry out assigned missions effectively. Although the capital assets of the service vary from time to time, it is expected that, during fiscal year 1980, the Coast Guard will have approximately 250 vessels and 2,000 small boats; 50 fixed-wing aircraft; 100 helicopters; 32 headquarters shore units; 600 district shore units; and over 350 miscellaneous minor shore units, not including Coast Guard Reserve or Coast Guard Auxiliary units.

AMBASSADOR TO AFGHANISTAN

The Senate proceeded to consider the resolution (S. Res. 106) relating to consideration of a nomination to the post of Ambassador to Afghanistan, which had been reported from the Committee on Foreign Relations with amendments as follows:

On page 2, line 4, strike "assumes responsibility for" and insert "given satisfaction to the United States concerning";

On page 2, line 7, after "provided" insert "satisfactory";

On page 2, line 8, strike "that it will be guided by the advice of the United States Government in responding to threats to the lives" and insert "respecting the security";

On page 2, beginning with line 12, strike through and including line 14;

So as to make the resolution read:

Resolved, That the United States Senate shall not grant its advice and consent, as required under article II, section II of the United States Constitution, on the appointment of an Ambassador to Afghanistan, until the President certifies to the Congress that:

(1) The Government of Afghanistan has apologized officially and given satisfaction to the United States concerning the death of Ambassador Adolph Dubs.

(2) The Government of Afghanistan has provided satisfactory assurances respecting the security of United States Government personnel in Afghanistan.

The amendments were agreed to.

The resolution, as amended, was agreed to.

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

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 to have printed in the RECORD an excerpt from the report (No. 96–127), explaining the purposes of the measure.

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

PURPOSE OF THE RESOLUTION

The principal purpose of the Senate Resolution 106, sponsored by Senator Pell and cosponsored by Senators Lugar, Church, McGovern, Sarbanes, Zorinsky, Javits and Hayakawa, is to lead the Government of Afghanistan to provide adequate protection to U.S. Government personnel serving there. The resolution is also designed to stimulate governments in other areas where the lives of U.S. officials are endangered to give greater attention to protecting such officials.

BACKGROUND

On February 14, 1979, Ambassador Adolph Dubs was abducted by terrorists in Kabul and taken to the Kabul Hotel. Despite U.S. Government efforts to persuade the Government of Afghanistan to negotiate with the terrorists concerning Ambassador Dubs' release rather than resort to force, Afghan police stormed the hotel room, and he was killed in the shooting that took place. The Government of Afghanistan has refused to acknowledge any responsibility for Ambassador Dubs' death, stating that its actions were in fact designed to save his life.

Ambassador Dubs was the fifth U.S. Ambassador to be killed in recent years while serving abroad. U.S. Ambassadors in Cyprus, Lebanon, Guatemala, and the Sudan have also been murdered. Other U.S. officials have been deliberately killed by terrorists hostile to their own governments or to the United States. Diplomats of other nations, many of them allies of the United States, have also been killed by terrorists.

The practice of diplomacy and the fostering of commercial and other relations between nations are severely hampered by such events. The success of one terrorist group provides encouragement to others, thus further increasing the danger to U.S. officials. Such an atmosphere forces U.S. officials serving in many countries to devote much of their time and energy to their physical security and to the safety of their families, and prevents them from carrying out their functions in a normal manner. The fact that U.S. officials continue to serve their country under such conditions is a tribute to their sense of duty.

The present Government of Afghanistan, which is controlled by pro-Soviet Marxists, seized the control of the country in April, 1978. It apparently has steadily lost whatever popularity it initially possessed with the Afghan people. Its increasingly isolated leaders have conducted repeated purges of Government officials, both civil and military, in order to insure their continuance in office. Widespread but apparently disorganized rebellions against the Government are taking place in many parts of the country.

NASA SUPPLEMENTAL AUTHORIZATIONS, 1979

The Senate proceeded to consider the bill (H.R. 1787) to authorize a supplemental appropriation to the National Aeronautics and Space Administration for research and development.

● Mr. STEVENSON. Mr. President, the bill H.R. 1787 authorizes a supplemental appropriation of $185 million for the National Aeronautics and Space Administration (NASA) for fiscal year 1979 for the Space Shuttle program. This additional amount will increase the authorization for that program from $1,443,300,000 to $1,628,300,000. Of this amount, $1,170,300,000 is allocated to design, development, test, and evaluation activities and the remaining $458,000,000 is scheduled to support the production of an operational fleet of orbiters.

The Space Shuttle is the principal element of a reusable space transportation system designed to support U.S. Government civil and military space operations requirements and those of commercial/industrial and international users. It will replace the more expensive and less capable expendable launch vehicles currently in use and in so doing will eliminate the multiple families of these launch vehicles that have been maintained throughout the development of

our national space capabilities. The Space Shuttle is a complex, high technology development initiated in 1972 with the first orbital test flight initially targeted for mid-1979. The technology advancements necessary to support this development were identified. Two items, the very high performance liquid rocket engines and the reusable surface insulation for the orbiter vehicle, were recognized as requiring particular effort. In retrospect, it appears that this projection was correct since the engines and the insulation have been areas of major concern.

In addition to the items of technology advancement are those problems normally expected in a development program. In many cases problems encountered in the shuttle development have not responded to timely solutions; this has required more effort in order to maintain a proper balance in the overall program. Over the period of more than 7 years of shuttle development activity, the program has also experienced funding constraints to meet budgetary objectives, the effects of inflation, and the impact of cost and delivery penalties resulting from the one-of-a-kind or two-of-a-kind procurements associated with this type of development activity. The net result is that the funding reserves set aside for the program in 1972 have been exhausted. Additional funds are now required to support the earliest possible, and successful, orbital test flight. This flight is expected to occur very late this year, or in the first quarter of 1980. Consequently, development activity is now intense. Any stretchout or rescheduling to a lower level of activity would add significantly to total program cost. For this reason the committee supports additional funds for Shuttle development in fiscal year 1979.

Funding alternatives have been examined. Termination or rescheduling of other NASA projects under way would result in waste or added costs for those initiatives. A transfer of funds from the Shuttle production program, the other funding activity in the Space Shuttle program, is possible but that necessitates a major rescheduling of production activities with its attendant cost penalties. Also, rescheduling of production would delay the availability of the Shuttle system to support critical national needs—both civilian and military—and involves the additional expense associated with continuing the use of the expendable launch vehicles. The committee does not consider these possibilities as viable choices and therefore recommends the approval of this supplemental authorization request.

Mr. President, the Shuttle development estimate was established in January 1972 when the fiscal year 1973 budget was presented to the Congress. Therefore, the cost performance on this long-term development program has been measured against a target of $5.15 billion in 1971 dollars. With the addition of the $185 million provided by H.R. 1787, the estimate will be $5.654 billion, an increase of $504 million, or roughly 10 percent.

Mr. President, as I have already noted, schedule and cost performance on this program is keyed to objectives established in 1972. Currently, many elements of the program—the orbiter, the engines, the external fuel tank, the solid rocket boosters, the avionics, the launch system—are now coming together preparatory for the first test flight. This is "proof of the pudding" time when you determine that each element will fit and perform its function properly in the total system. It is also the time when lagging problems must be solved expeditiously to bring the program into balance, and the time when late developing problems appear and require expeditious solution. These events, the committee has been advised most recently, are of a greater magnitude than previously estimated.

Therefore, in addition to the fiscal year 1979 requirements, the fiscal year 1980 budget request for the shuttle program as submitted to the Congress, has been adversely affected to a degree not anticipated. The administration has recently submitted an amendment to the NASA fiscal year 1980 budget. The Commerce Committee is planning additional hearings on the fiscal year 1980 request and on the budget amendment submitted for the shuttle program. In addition to reviewing the justification for additional funds in fiscal year 1980, the committee has requested NASA to reexamine its management system to determine why such an amended budget request was necessary. The committee will report the fiscal year 1980 NASA authorization bill when it has completed its review of the amended budget request.

Mr. President, I do not wish to minimize the effect of a supplemental appropriation. We must be concerned about the level of the budget. I regret that we find that additional funds are necessary. The alternative of rescheduling, however, is more costly. This program, in my view, represents a productive activity, an investment in the future in space as well as in advancing our national technology base. Nothing is more important to the competitive posture of this country today. This program, as I noted, will support critical civilian and defense needs in a more economical manner.

Mr. President, it is important that we support this program. While more funding is necessary at this critical juncture, there is confidence among the responsible technical people that this will culminate in a successful development program. I urge my colleagues to support H.R. 1787.●

The bill was considered, ordered to a third reading, read the third time, and passed.

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

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 to have printed in the RECORD an excerpt from the report (No. 96–128), explaining the purposes of the measure.

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

PURPOSE OF THE BILL

The basic purpose of this bill is to authorize a supplemental appropriation of $185,000,000 to the National Aeronautics an Space Administration for fiscal year 1979 as follows:

Supplemental fiscal year 1979—Research and development: space shuttle

Budget request	$185,000,000
House action	185,000,000
Senate committee action	185,000,000

LEGISLATIVE HISTORY

The request for authorization of a supplemental appropriation for the National Aeronautics and Space Administration for fiscal year 1979 was introduced in the House under H.R. 1787 and in the Senate as S. 354. After holding hearings, the House Committee on Science and Technology reported out H.R. 1787 without amendment. The bill was passed by the House and subsequently referred to this Committee.

The Committee held hearings on S. 354 on February 21–22, 1979, in conjunction with its hearings on the NASA fiscal year 1980 budget request. A related hearing was also held on May 1, 1979.

The Committee, on May 8, 1979, ordered the House bill, H.R. 1787, reported without amendment.

INTERNATIONAL INVESTMENT SURVEY AUTHORIZATIONS, 1980 AND 1981

The bill (S. 758) to authorize appropriations for the fiscal years 1980 and 1981 under the International Investment Survey Act of 1976, and for other purposes, was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 9 of the International Investment Survey Act of 1976 (90 Stat. 2059) is amended to read as follows:

"SEC. 9. To carry out this Act, there is authorized to be appropriated $4,400,000 for the fiscal year ending September 30, 1980, and $4,500,000 for the fiscal year ending September 30, 1981.".

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

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 to have printed in the RECORD an excerpt from the report (No. 96–129), explaining the purposes of the measure.

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

PURPOSE OF THE BILL

The purpose of the bill is to amend section 9 of the International Investment Survey Act of 1976 in order to authorize $4.4 million for data collection activities authorized under the act of fiscal year 1980 and $4.5 million for fiscal year 1981.

BACKGROUND AND NEEDS

Foreign investment in the United States is a major factor in American business and economic life, but the phenomenon is not well understood and relatively little research has

been done on the topic. While several foreign firms have been established in the United States for many years and foreign long-term portfolio investments have been common, foreign investment has accelerated within recent years.

In 1973, foreign direct investment in the United States (defined as more than 10 percent of the equity or beneficial interest) was $20.6 billion and by yearend 1978 had almost doubled to $40 billion. Foreign portfolio investment (defined as long-term debt and less than 10 percent equity) rose from $67.1 billion at yearend 1974 to $133.1 billion by 1977, the last year for which official statistics are available. The rate of growth for foreign investments in the United States as a whole exceeds that of American investment overseas and, if the trend continues, the United States may be in a net deficit investment position within a few years.

FOREIGN DIRECT INVESTMENT IN THE UNITED STATES

[In millions]

	1973	1974	1975	1976	1977	1978 (estimate)
Amount	$20,556	$25,144	$27,662	$30,770	$34,071	$40,000
Change from previous year		+4,588	+2,518	+3,108	+3,301	+5,929

The magnitude of these capital flows, their transnational character, and their impact on the economies of host and home countries require careful monitoring and assessment.

The International Investment Survey Act of 1976 provides the basic authority for the collection of data on foreign investment in the United States and American investment overseas and supersedes the authority contained in the Bretton Woods Agreement Act. The act requires the President to conduct a benchmark survey of foreign direct and portfolio investment in the United States and American direct outward investment at least once every 5 years and a one-time survey of American portfolio investment overseas. Such surveys and special studies are to be done in a timely fashion at regular, periodic intervals. It also authorizes the President and the Federal agencies to which he delegates this authority to conduct research into this area.

Pursuant to this act, the Department of Commerce has undertaken a survey of American direct investment overseas using 1977 as a base year. The survey is expected to be completed by no later than mid-1981. The Department's Office of Foreign Investment in the United States monitors foreign direct investment, compiles and publishes public reports, and staffs the interagency Committee on Foreign Investment.

The Department of the Treasury now has underway a benchmark survey of foreign portfolio investment in the United States with 1978 as the base year. A final report is anticipated in late 1980. It will also conduct a feasibility study for a survey of American portfolio investment overseas which will be funded from its fiscal year 1979 budget.

The Bureau of Economic Analysis requested two changes in the 1976 act: First, to make the funding authorization permanent and second, to relax the 5-year benchmark requirement. It is the view of the Committee that open-ended authorizations do not provide adequate occasions for oversight and review and should be avoided although it recognizes the need for long-range planning and stability in programs such as this, which are intended to be permanent. A longer authorization request will be considered in future legislation.

The Committee also believes that no justification for the relaxation of the 5-year requirement has been shown. Data collection programs are most useful for public policy-making if they are conducted on a regular basis with the most recent statistics possible. The 5-year requirement was intended by the Congress to ensure regularity and speed, and accordingly, without essential reason for change, it should remain intact.

In 1979, Congress authorized $4 million for these programs.

S. 758 authorizes $4.4 million for fiscal year 1980 and $4.5 million for fiscal year 1981. The funds would be divided as follows:

[In millions]

	1980	1981
Bureau of Economic Analysis, Department of Commerce	$1.8	$1.749
Office of Foreign Investment, Department of Commerce	.988	1.057
Department of the Treasury	1.574	1.684

The 1980 authorization matches the President's budget request. The 1981 figure was determined by adding a 7 percent inflationary factor to the 1980 request less special items in the 1980 authorization for the Bureau of Economic Analysis necessary to process its outward investment survey.

ALFRED L. ATHERTON, JR.

The resolution (S. Res. 162) commending Alfred L. Atherton, Jr., was considered and agreed to.

The preamble was agreed to.

The resolution, with its preamble, is as follows:

Whereas, Alfred L. Atherton, Jr. has served his nation with great distinction respecting Middle East diplomacy for more than a decade;

Whereas, Mr. Atherton, in his capacity as Assistant Secretary of State and as Ambassador-at-Large, contributed significantly to the achievement of the Camp David Accords and The Egypt-Israel Treaty of Peace; and

Whereas, Mr. Atherton has now been appointed to serve as Ambassador of the United States to the Arab Republic of Egypt.

Now therefore be it resolved that it is the sense of the Senate that Ambassador Atherton is to be commended for his outstanding service to the Nation.

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

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

The motion to lay on the table was agreed to.

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 nominations placed on the Secretary's desk.

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

NOMINATIONS ON THE SECRETARY'S DESK

The second assistant legislative clerk proceeded to read sundry nominations in the Diplomatic and Foreign Service placed on the Secretary's desk.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the nominations be considered en bloc.

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

Mr. ROBERT C. BYRD. I move to reconsider, en bloc, the vote by which the nominations were 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. I ask unanimous consent that the President be immediately notified of the confirmation of these nominations.

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

LEGISLATIVE SESSION

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

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

PROCEDURAL ANNOUNCEMENT

Mr. ROBERT C. BYRD. Mr. President, there will be no more rollcall votes today.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

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

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

ORDER FOR CONSIDERATION OF S. 241 ON MONDAY

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that on Monday after the two leaders have been recognized under the standing order and any orders for the recognition of Senators have been completed, the Senate

proceed to the consideration of Calendar Orders Nos. 150, S. 241, a bill to restructure the Federal Law Enforcement Assistance Administration, to assist State and local governments in improving the quality of their justice systems, and for other purposes.

Mr. BAKER. Mr. President, reserving the right to object, and I will not object, my reservation is to state that this item has been cleared on our side and we have no objection to the request. However, I would hope the majority leader might leave us a little flexibility in deciding the time to proceed with the consideration of this matter so that we can have the manager on our side present and available.

Mr. ROBERT C. BYRD. I believe that is a pertinent request and observation.

ORDER FOR RECESS UNTIL 11 A.M. MONDAY, MAY 21, 1979

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that when the Senate completes its business today it stand in recess until the hour of 11 a.m. on Monday next.

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

Mr. ROBERT C. BYRD. That being the case, the Senate could be ready to proceed by 11:30 a.m. on Monday with regard to the legislation concerning the Federal Law Enforcement Assistance Administration, S. 241.

Mr. BAKER. Mr. President, I am sure that is satisfactory, and I have no objection to the request.

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

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

The PRESIDING OFFICER. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

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

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

KENTUCKY ENERGY DEPARTMENT'S STATEMENT ON INCREASING COAL USE

Mr. FORD. Mr. President, the secretary of the Kentucky Department of Energy, David Drake, recently testified before the U.S. Department of Energy regarding the President's 60-day policy study on increasing coal use.

In his statement, Secretary Drake outlined the problems confronting coal today as part of a national energy strategy and made positive and timely recommendations as to how this country could make a more effective use of coal in meeting current and future energy needs.

Secretary Drake's presentation contains many sound and timely recommendations which deserve to be given the most careful attention by the Department of Energy. I call Secretary Drake's statement to the attention of my colleagues and ask unanimous consent that it be printed at this point in the RECORD.

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

THE PRESIDENT'S 60-DAY COAL POLICY STUDY ON INCREASING COAL USE

(By David Drake)

INTRODUCTION

A major commitment to a sensible, achievable strategy for the earliest possible utilization of coal is needed in this country if we are to relieve our critical dependence on foreign oil. Some might contend that the nation is already committed to such a program by pointing out that virtually every official at the policy level for the past five years has proclaimed coal as "the answer". Some might also point to the increased federal budgets for coal research and development as proof that we are, indeed, committed to a greater reliance on coal.

With the apparent unanimity of opinion supported by significantly increased expenditures for R & D, why, then, are there no signs of relief, no solid predictions of when the relief might come, and even a significant shortfall in the predicted production and utilization of coal? It is imperative to deal with these apparent contradictions and to offer a clear direction away from dead center if we are to increase the production, development and use of coal and to decrease our overwhelming addiction to imported oil.

BARRIERS TO INCREASED COAL PRODUCTION, DEVELOPMENT AND USE

It has long been stated that this country's coal industry is producing well below its capacity. Coal production could, then, be expanded greatly to meet increased energy demands. However, several constraints were identified in the Project Independence report five years ago which inhibit coal production and utilization. None of the constraints identified in this early study, however, have been reduced by any significant degree, and most of the major barriers have been increased. Two important areas where the constraints may, in fact, be increased significantly are the New Source Performance Standards of the amended Clean Air Act and the permanent implementing regulations of the Federal Surface Mine Control and Reclamation Act. The final form of these two important actions is not yet known, however, and it could be several years before their full impact on coal production and utilization is known.

The National Coal Policy continues to call for greatly increased utilization of coal to reduce national dependence on imported oil. However, the various programs to establish and enforce restrictions on the emissions from coal-fired power plants on how and where coal can be mined, on how the land will be reclaimed, and on the kinds of fuels used in power plants, reflect different (if not conflicting) aspects of national policy on coal production and utilization.

The absence of a clearly defined and unified coal policy tends to inhibit efforts to facilitate greater coal utilization. The coal industry has demonstrated its ability to respond to sudden and severe demands; yet because of conflicting signals from the Federal Government, the industry finds itself faced with a virtually static market. Therefore, the prospects for future production may be market-determined.

Another traditional problem facing the coal industry everywhere has been the provision of adequate transportation networks to bring the product to existing markets. Coal is now basically a regional fuel despite a national reserve base. If coal is to fulfill the role seen for it, it must become a national fuel, and coal transportation must expand accordingly.

Although the President's National Energy Plan recognizes and deals with some of the constraints to increased coal production, it has omitted actions to deal with transportation constraints that have been identified as potentially hindering the achievement of increased coal production and utilization. The transportation system plays a key role in tying together the various components of the mining industry and presents several issues which have to be dealt with if national coal production and utilization goals are to be realized. Specifically, these issues revolve around the problems of railroads, coal-haul roads and slurry pipelines.

COAL CONVERSION TECHNOLOGIES

Some feel the problems facing increased utilization of coal may be the lack of environmentally acceptable and economically feasible coal utilization techniques. This however, is not the case. Technologies exist which can help this country make more effective use of its most abundant natural resource in meeting the energy needs of the future.

Although many tend to think of coal-derived synthetic fuels technology as an innovation resulting from recent energy problems, the history of the development of coal gasification and liquefaction is rather lengthy. Oil and gas have been produced from coal for decades. Nazi Germany was able to fight a major war with synthetic fuels from coal. Twelve liquefaction plants were built, whose annual production provided 47 percent of the hydrocarbons consumed in Germany during the last years of World War II, including 98 percent of the aviation gasoline used. Some of these plants are still in operation. In addition, South Africa has a large plant producing gas and liquid fuels from coal and is planning an additional installation which will more than double current production.

At one time, almost every large town in the U.S. depended upon its "gas works" which produced low-Btu gas from coal. In 1949, two experimental liquefaction plants were constructed in Louisiana and Missouri. These plants produced over seven million gallons of gasoline. Some of these technologies, however, gradually disappeared after World War II as natural gas began to be distributed nationally by pipelines and oil production increased steadily. The important point, though, is that it is possible to derive both clean liquid and gaseous fuels from coal in order to help meet this country's energy demands. Further, techniques have been developed which allow direct combustion of coal in an environmentally clean manner. The technology exists today, yet, coal utilization and development of a coal-derived synthetic fuels industry lags behind potential.

It is unfortunate that progress to date in moving into coal conversion options has been discouraging. Existence of barriers to commercialization or widespread use of these processes is the reason behind this lack of progress.

The major problem facing further development of a synfuels program is the market place itself. Due to the large amount of venture capital required for construction and operation of a conversion facility, companies are hesitant to invest large quantities of stockholder money in a plant to produce a product which still faces some risks.

Secondly, synfuels programs face the problem of lack of a total and unified commitment on the part of the federal government. Although the National Energy Policy stresses increased utilization of coal, little

financial support, particularly in the form of loan guarantees and innovative financing methods for private industry, has been provided to indicate a total commitment. As coal-derived energy alternatives tend to be a future-oriented approach to domestic energy problems, it has been tempting for the federal government to skimp on these longer term projects in order to deal with more immediate pressures. However, it becomes clearer every day that there are now no pressures more immediate than the ever-worsening energy situation.

Another problem facing synfuels development is the public's inadequate perception of the demand for energy. The public wants convenience and availability at low cost. After many years of abundant and relatively inexpensive energy it is difficult to accept the fact that the era of plentiful and cheap energy is past. Synfuels, though, can provide convenient and abundant sources of clean energy.

A variety of small technological problems still exist for synfuels commercialization which must be solved. With sufficient funding, however, such problems can be dealt with expeditiously.

The real needs of a developing synfuels industry, then, are a unified federal policy commitment and innovative financial arrangements and incentives. These problems must be dealt with in a manner which will facilitate the development of this industry if the country is to be able to face its future with confidence.

MEASURES TO INCREASE COAL PRODUCTION, DEVELOPMENT AND USE

For a secure program aimed at brightening our energy future, it is important to emphasize a strong solution to the problem of excessive fuel imports. It is clear, then, that coal has a major role in the country's attempts to deal with these problems. Coal constitutes 90 percent of U.S. conventional energy reserves but currently supplies only 18 percent of energy consumption. To meet our energy goals, then, we must use coal and coal-derived synthetic fuels. Widespread use of synfuels technologies is a necessary component to any attempt to deal with the nation's energy predicament.

A coal synfuels program must seek to develop economically feasible and socially and environmentally acceptable technologies to convert coal into a wide spectrum of liquid and gaseous fuels and chemical feedstocks. Moreover, technologies must be developed to facilitate the direct combustion of coal for power generation and to make the direct use of coal feasible for the commercial and industrial sectors. This means developing technologies that inhibit the generation of those atmospheric and other pollutants which are the concern of current environmental policies, and which represent a major constraint to the widespread use of coal.

The development of technologies to produce premium synthetic fuels from coal should be guided by an aggressive strategy which focuses on those technologies or fuel forms with the potential for the broadest impact across consuming sectors. As the matrix below suggests, the conversion of coal to liquids has the greatest impact, with high-Btu gas having the next greatest impact. Low or medium-Btu gas and solvent refined coal (SRC I) have an impact on the industrial sector and, perhaps more importantly, are most appropriate for power generation purposes.

Fuel/Technology	Consuming sectors impacted				
	Residential	Commercial	Industrial	Transportation	Power generation
Liquids	Yes	Yes	Yes	Yes	Yes.
High-Btu gas	do	do	do	No	Do.
Low/medium-Btu gas	No	Possible	do	do	Do.
SRC I	do	No	do	do	Do.

But time is a crucial consideration in this enterprise, for the first large-scale commercial synthetic fuels facilities are not expected to appear until the middle to late 1980's. In other words, the strategy to develop coal liquefaction and gasification technologies, for the most part, is focused on the mid- to long-term future.

Until the time when environmentally acceptable synthetic fuels are produced commercially, coal will continue to be burdened by the environmental effects associated with its direct use. Such effects weigh heavily upon the high sulfur coals of the Eastern and Mid-Western producing regions of the nation. Indeed, the market for high sulfur coal is already showing signs of decline as users seek to use the lower-sulfur coals of the Western U.S. The conversion of high-sulfur coal into liquid and gaseous fuels and feedstocks may restore the market for such coals in the long-term future. In the meantime, there is a need to address the environmental problems of coal use in the near-term. Consequently, the near-term strategy should be to preserve existing markets for coal by developing those technologies with the potential for the greatest impact in the shortest period of time. And since direct combustion is currently the predominant mode of coal use, technologies should be developed which remove environmentally damaging elements prior to, during, or after combustion (e.g., beneficiation processes, flue gas desulfurization technology, fluidized bed combustion).

In addition to this coal synfuels strategy, the problems of coal transportation and excessive regulations which hinder coal production and utilization must be dealt with in a comprehensive manner by the states and the federal government as part of a unified program directed toward the ultimate goal of reducing this country's dependence on vulnerable foreign energy supplies. The benefits of such a program are obvious . . . a more secure energy future. The benefits to be gained from a synfuels program alone are numerous and include:

Providing a clean fuel for energy;

Maximizing utility of abundant domestic resources;

Providing raw materials for growing chemical markets;

Relieving the demand for other natural resources which face supply uncertainties;

Enhancing the domestic economy and employment picture;

Providing a secure source of domestic energy supplies; and

Providing options in the event of future energy shortages.

By improving existing coal transportation networks and removing many of coal's regulatory barricades, in addition to implementing a coal synfuels strategy, the overall impact of coal on our future could be astounding.

CONCLUSION

Are we headed in the right direction? For the time being, and at long last, we seem to be moving to the correct heading. But it is still too early to tell if the resolve of the federal government is sincere, or if coal will once again be overshadowed by the tantalizing promise of shorter-term sources of oil and gas, or longer-term breeder reactors for electrical power. We have outlined what we think the course should be for the foreseeable future. Now it is up to all of us to see to it that we stay on the road to a more secure energy future.

SENATE COMMITTEE APPROVAL OF SRC I AND SRC II

Mr. FORD. Mr. President, yesterday, the Committee on Energy and Natural Resources took another step in developing a realistic national energy policy. The committee approved continued funding for both SRC I and SRC II commercial plants.

I call on all my colleagues to support this effort to utilize our most abundant near-term and mid-term source of energy—coal. These projects are designed to meet the real world requirements of our economy and, at the same time, meet environmental standards.

Authorizing these funds for each project enables the continued and important development of the solvent refined coal process generally accepted as one of the most advanced technologies for commercial production of synthetic solids and liquids from coal. SRC I and SRC II will satisfy the fuel requirements of utility and industrial users. Each group strongly supports funding for both the solid and liquid processes.

Converting high-sulfur content coal into these more environmentally acceptable forms by reducing their sulfur and ash content increases the potential for use of the major part of the reserves located in the Midwest and eastern regions of the United States. External methods for cleaning coal after combustion by such methods as stack cleaning are expensive. The SRC alternatives approach the emissions problems by processing the coal chemically prior to combustion.

Development of a synthetic fuels industry makes greater domestic energy resources available and decreases reliance on imported fuels. Additionally, it would create jobs in mining, construction, and plant operations, as well as supporting a number of large and small manufacturers and suppliers.

Solid solvent refined coal (SRC I) is a fuel with higher heat content and lower ash and sulfur content than the raw coal from which it is derived. Accordingly, SRC I is an efficient, environmentally satisfactory boiler fuel for electrical and industrial applications.

A demonstration of SRC I technology was conducted during June 1977, in the boiler of Georgia Power Co.'s Mitchell plant (22.5 megawatt): 3,000 tons of SRC I fuel were fed continuously for 18 days at this plant, resulting in good over-

all boiler performance with remarkably lower slag and solid buildups. Compliance with emission limits on sulfur dioxide (SO_2) and oxides of nitrogen (NOx) without flue gas scrubbing or other radical changes in powerplant design/operation was found achievable, as well as compliance with particulate limits with only a single additional control stage.

The benefits of SRC I can be obtained both by current users of raw coal as well as new utility and industrial facilities. In addition to environmental conformance, local fuel availability, and improved operating efficiency, other attractive features when compared to raw coal include higher heating value per pound, lower storage and transportation cost for a given "heat supply."

Moreover, SRC I has strategic significance in the production of formcoke for the steel industry and carbon anodes for the aluminum industry, as feed to coal-fired boilers for utilities and industries, as well as feed to combined cycle units.

Benefits of SRC I include the following:

The national energy goal of using domestic coal resources to reduce imported oil can be achieved while meeting environmental requirements.

For utility and industrial boilers, SRC I has the greatest market potential and the lowest cost of all coal-derived synthetic fuels.

SRC I can be processed from a wide variety of raw coals.

SRC I provides about 30 percent more heating value (16,000 Btu's per pound) than an equal amount of raw coal.

With only minor modifications, existing coal-fired powerplants can burn SRC I and meet existing and proposed environmental standards.

For new boilers, its uniform consistency makes possible smaller and standard-designed boilers.

For all boilers, maintenance is reduced because tube cutting and abrasion are minimized.

Powerplant availability is increased because the fuel burns cleanly without buildup of slag.

Because of greater availability of powerplants using SRC I, the number of new generating plants which must be constructed can be reduced.

Liquid solvent refined coal (SCR II) is a process similar to petroleum refining that efficiently converts high-sulfur coal into a range of liquid products. Products made from SRC II use our abundant high-sulfur coal efficiently and environmentally and replace imported petroleum. Using SRC II at commercial scale, many petroleum-like products can be made—pipeline gas, chemicals, high-quality gasoline, some turbine and diesel fuels, and large amounts of clean fuel oils. Pollutants are removed in the SRC II process. The products, while not always chemically the same as their petroleum counterparts, produce good results when used to replace many petroleum products. For example, several thousand barrels of the SRC II fuel oil tested in a New York City powerplant burned as efficiently as petroleum and surpassed the applicable emission requirements with no special modifications and no stack-gas treatment.

Demonstration of the basic SRC II process in the DOE proposed 6,000 ton per day plant at Morgantown, W. Va., provides the basis for building commercial SRC II plants in the later 1980's. Using the publicly owned SCR II technology, coal refineries can provide domestic sources of petroleum substitutes which could be economically attractive in a very few years. This judgment is underscored by the announced intentions of American electric utilities, German and Japanese Governments, and the Gulf Oil Corp. to contribute up to 70 percent of the cost of demonstration.

Benefits of SRC II include the following:

By its use in oil-burning utility and industrial boilers, SRC II fuel oil has major market potential and can be an economic means to reduce imported oil needs.

Existing oil-fired utility and industrial powerplants can burn SRC II fuel oil and meet existing and proposed environmental standards.

Substantial amounts of SRC II products can be processed into high-quality unleaded gasoline to serve our transportation fuel needs.

SRC II is consistent with the national goal of using domestic coal resources to reduce the amount of imported oil.

SRC II can be applied to a variety of high-sulfur coal, much of which is located in the oil-deficient eastern U.S.A.

Existing petroleum product transportation and storage systems can handle SRC II fuel oils.

SRC II fuels should be useful in stationary combustion turbines and heavy diesel applications.

Mr. President, time is running out on us as a nation in a real crisis. The time for decisive action is now. The time is long past for us to stop nickle-and-diming ourselves to death on projects and studies that are never finished.

I am confident that Congress will take decisive steps and the approval of SRC I and SRC II will be such a step.

Mr. President, I thank the Senator from Virginia. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

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

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

ORDER FOR EXTENSION OF PERIOD FOR TRANSACTION OF ROUTINE MORNING BUSINESS

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that there be an extension of the period for transaction of routine morning business for an additional 20 minutes.

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

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Chirdon, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session, the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations, which were referred to the Committee on the Judiciary.

(The nominations received today are printed at the end of the Senate proceedings.)

MESSAGES FROM THE HOUSE

At 2:41 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. 934. An act for the relief of Brian Hall and Vera W. Hall.

ENROLLED JOINT RESOLUTION

The message also announced that the Speaker has signed the following enrolled joint resolution:

H.J. Res. 262. A joint resolution to declare May 18, 1979 to be "National Museum Day."

The enrolled joint resolution was subsequently signed by the President pro tempore (Mr. MAGNUSON).

HOUSE BILL REFERRED

The following bill was read twice by its title and referred as indicated:

H.R. 934. An act for the relief of Brian Hall and Vera W. Hall; to the Committee on Finance.

COMMUNICATION

The PRESIDING OFFICER laid before the Senate the following communication, together with an accompanying report, which was ordered to lie on the table and be printed as a Senate document:

EC-1444. A communication from the Secretary of the Senate, transmitting, pursuant to law, a report of receipts and expenditures of the Senate for the period October 1, 1978 through March 31, 1979.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. CHURCH, from the Committee on Foreign Relations, without amendment:

S. Res. 163. An original resolution relating to an International Wheat Exporters Conference.

S. Res. 99. A resolution to express the sense of the Senate that the Federal Republic of Germany abolish or extend its statute of limitations applicable to war crimes.

By Mr. JAVITS, from the Committee on Foreign Relations, without amendment:

S. Res. 164. A resolution relating to human rights in Iran.

Br. Mr. RIBICOFF, from the Committee on Governmental Affairs, without amendment (unfavorably):

S. Res. 126. A resolution to disapprove Reorganization Plan Numbered 1 (Rept. No. 96-191).

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of committees were submitted:

By Mr. PROXMIRE, from the Committee on Banking, Housing, and Urban Affairs:

George C. Eads, of California, to be a Member of the Council of Economic Advisers.

(The above nomination from the Committee on Banking, Housing, and Urban Affairs was reported with the recommendation that it be confirmed, subject to the nominee's commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.)

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. MAGNUSON (by request):

S. 1171. A bill for the relief of Stephen Galloway Dean, Janet McNillen Dean, Graeme Gordon Dean, Craig Gallaway Dean; to the Committee on the Judiciary.

By Mr. GRAVEL:

S. 1172. A bill for the relief of Doyon, Ltd.; to the Committee on the Judiciary.

By Mr. EAGLETON (for himself, Mr. STEVENS, Mr. MAGNUSON, Mr. ROTH, Mr. HAYAKAWA, Mr. SASSER, and Mr. JAVITS):

S. 1173. A bill to amend chapter 6 of title 39, United States Code, to provide for time-sensitive business communications; to the Committee on Governmental Affairs.

By Mr. STONE (for himself, Mr. McGOVERN, Mr. DOLE, Mr. ZORINSKY, Mr. CHURCH, Mr. HELMS, Mr. LUGAR, Mr. MELCHER, and Mr. COCHRAN):

S. 1174. A bill to amend the Agricultural Trade Development and Assistance Act of 1954 to increase the uses and effect of U.S. food aid; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. LEVIN:

S. 1175. A bill to amend the Emergency Petroleum Allocation Act of 1973; to the Committee on Energy and Natural Resources.

By Mr. GRAVEL (for himself and Mr. STEVENS):

S. 1176. A bill to amend the act entitled "An Act for the Preservation of American Antiquities," approved June 8, 1906 (34 Stat. 225), to provide congressional review of Presidential monument proclamations, and to amend the act entitled "Federal Land Policy and Management Act of 1976," approved October 21, 1976 (90 Stat. 2743), to alter the congressional review procedures of land withdrawals, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. KENNEDY (for himself, Mr. WILLIAMS, and Mr. PELL):

S. 1177. A bill to improve the provision of mental health services and otherwise promote mental health throughout the United States, and for other purposes; to the Committee on Labor and Human Resources.

By Mr. KENNEDY (for himself, Mr. CRANSTON, and Mr. HATFIELD):

S. 1178. A bill to terminate the granting of construction permits for new nuclear fission powerplants in the United States pending a public reappraisal of the nuclear fuel cycle, and for other purposes; to the Committee on Environment and Public Works.

By Mr. BAYH (for himself, Mr. MORGAN, Mr. STEWART, and Mr. THURMOND):

S. 1179. A bill to incorporate the Gold Star Wives of America; to the Committee on the Judiciary.

By Mr. HARRY F. BYRD, JR.:

S.J. Res. 79. A joint resolution to amend the Constitution of the United States to provide for balanced budgets and a limitation upon the outlays of the Government; to the Committee on the Judiciary.

By Mr. KENNEDY (for himself, Mr. THURMOND, Mr. BAYH, Mr. BAUCUS, Mr. MATHIAS, and Mr. BIDEN):

S.J. Res. 80. A joint resolution to confer certain powers on the Presidential commission appointed to investigate the Three Mile Island nuclear powerplant accident. Considered and passed.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. GRAVEL:

S. 1172. A bill for the relief of Doyon, Ltd.; to the Committee on the Judiciary.

DOYON LTD.

● Mr. GRAVEL. Mr. President, the legislation which I am offering today authorizes and directs the Secretary of the Treasury to pay to Doyon, Ltd., a regional corporation established pursuant to section 7 of the Alaska Native Claims Settlement Act, the sum of $215,868.18 as compensation for damages suffered by Doyon as a result of the failure of the Bureau of Indian Affairs to honor its agreement to lease space in Doyon's Fairbanks, Alaska, building.

In the spring of 1973, Doyon negotiated with various Bureau of Indian Affairs offcials, who were all authorized contracting officers, concerning the lease of office space to the BIA in a proposed new building to be constructed by Doyon in Fairbanks.

Throughout these negotiations, Doyon's architect worked closely with BIA officials to design the building itself and the floor plan expressly to meet the requirements of the BIA's Fairbanks office.

Doyon refused to commence construction of the building without a firm written commitment that the BIA would, indeed, lease the space contemplated. By letter of July 23, 1973, BIA's acting area property and supply officer wrote to Doyon saying that it was giving a "firm written commitment" to lease the specified space.

Relying upon this commitment, Doyon's Board of Directors passed corporate resolutions justifying and authorizing Doyon to begin construction of the building. Because the Secretary of the Interior, under provisions of the Alaska Native Claims Settlement Act and the bylaws of Doyon, Ltd., had control over certain expenditures of Doyon funds, the resolutions were forwarded to the Secretary for his approval. By letter of September 19, 1973, the Assistant Secretary of the Interior expressly approved the expenditure of funds for the project.

Following these commitments by both the BIA and the Department of the Interior, Doyon began construction of the building.

Throughout the entire period of negotiation, BIA officials failed to inform Doyon that they did not have full and complete authority to enter an agreement on behalf of the BIA to lease space in Doyon's building. The corporation learned only after construction that the sole responsibility for all Government leases rests with the General Services Administration. In this case, the GSA also failed to inform Doyon that its approval was necessary before the BIA commitment could be honored.

On March 31, 1975, the day before BIA's scheduled occupancy, the BIA informed Doyon that it would not occupy the space designed especially for it in the building, because the GSA had refused to authorize the lease and the BIA had no authority to contract for the lease itself. This was more than 20 months after the BIA had committed itself to lease and occupy the space and more than 20 months after the GSA had been informed of the BIA's commitment to Doyon.

Doyon has exhausted its administrative remedies by appealing to the Commissioner, Bureau of Indian Affairs and subsequently to the Board of Indian Appeals of the Department of the Interior. In both these appeals Doyon was unsuccessful, because it was held that neither the BIA nor the Department of the Interior had the authority to commit the BIA to this lease.

Mr. President, I sincerely hope that the Senate acts expeditiously to rectify this injustice. In my opinion there is no greater travesty than that committed by Government which causes the citzens of this country to incur financial burdens not their own.●

By Mr. EAGLETON (for himself, Mr. STEVENS, Mr. MAGNUSON, Mr. ROTH, Mr. HAYAKAWA, Mr. SASSER, and Mr. JAVITS):

S. 1173. A bill to amend chapter 6 of title 39, United States Code, to provide for time-sensitive business communications; to the Committee on Governmental Affairs.

TIME SENSITIVE BUSINESS COMMUNICATIONS ACT OF 1979

● Mr. EAGLETON. Mr. President, for myself and Senators SASSER, MAGNUSON, STEVENS, SCHMITT. HAYAKAWA, and ROTH, I send to the desk a bill to exempt certain time-critical business mail from the private express statutes.

Although the speed of commerce has increased immeasurably over the past 100 years, as has the need of commerce for communications to match its pace, the law, in effect, still is tailored to protect the pony express.

As was the case a century ago, the transmission of messages from one businessman to another, however urgent the information, remains solely the right of the U.S. Postal Service. Unless a letter is carried by the sender or his employee, postage must be affixed, whether the Federal agency actually handles the item or not.

This same requirement is imposed when the Postal Service clearly cannot provide the necessary service. USPS is geared to meet certain delivery standards nationwide; generally speaking, delivery of an item to its destination within 12

hours or by the start of the next business day is not presently in its repertoire. As a result, those who must have such service, whose mail's value depends on its currency, have no alternative but private couriers. Such firms, nonetheless, are required to pay what amounts to a modern stamp tax for the privilege of transacting business, even though no service is rendered in return.

The Postal Service concedes its inability to meet the needs of these mailers. Two expert studies—one by the agency's own Board of Governors, another by a blue-ribbon commission—have recommended that USPS exempt time-critical communications from its monopoly of first-class mail. The Postal Service so far has refused, citing the potential erosion of mail volume and consequent loss of revenues.

GAO, in response to my request for solid estimates of the effects of an exemption, cannot verify the Postal Service's projections. The GAO report says that such diversion as may take place under the proposed exemption would in all likelihood be limited to express mail. And, the Postal Service does not now claim express mail as part of its personal monopoly.

There is little, if any, reason to believe an exemption from the monopoly for time-sensitive mail would pose any serious threat to the postal monopoly. Under this bill, which is based on an amendment approved by the Committee on Governmental Affairs during the last session, an exemption would be permitted only where the Postal Service cannot offer comparable, rapid, and reliable service. It would apply only to genuinely time-critical communications, and provide more stringent penalties for violations than are now imposed. As an added safeguard, the bill states specifically that no modification of the monopoly is intended by its provisions. The Postal Service's monopoly of first-class is our strongest guarantee of a broadly available mail system, accessible to everyone. I believe strongly in private express statutes, which protect that system and the public services it offers. I certainly mean the monopoly no harm, and am convinced this bill will do it none.

A further measure of protection, in the form of a minimum charge to protect USPS, fledgling courier service from unfair competition, has been suggested. I would be pleased to consider the merits of the proposal, or any others meant to safeguard the Postal Service's right to dominate first-class carriage, while insuring it will no longer exact tribute in the form of postage for services it cannot, or will not, render.

I ask unanimous consent that the text of the bill be printed in the RECORD.

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

S. 1173

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 "Time Sensitive Business Communications Act of 1979".

SEC. 2. That chapter 6 of title 39, United States Code, is amended by adding at the end thereof the following new section:

SEC. 607. TIME-SENSITIVE LETTERS

(a) Letters that are time-sensitive (within the meaning of subsection (b) of this section) may be carried out of the mails without regard to the provisions of section 601 (a) of this title.

(b) For purposes of this section, a letter is "time-sensitive" if—

(1) it is of a kind that is sent to a business recipient in the ordinary course of the trade or business of the sender other than on an infrequent, irregular basis;

(2) as a result of the nature of such letter or such trade or business, it must be delivered before noon of the next business day of the addressee of such letter or within 12 hours, whichever is later (exclusive of transmission time outside the continental United States); and

(3) the needs of the sender for prompt transmission and delivery of the letter cannot be satisfied by a comparable service of the Postal Service which is included in the mail classification schedule established pursuant to chapter 36 of this title.

For purposes of the preceding sentence, "comparable service" means a service that is generally at least as timely, dependable, and broadly available to the sender as is service provided by private carriers and at a rate or fee that is no more costly to the sender than that for private carriage.

(c) Except as provided in this section, nothing in this section shall be construed as modifying the restrictions on the private carriage of letters under sections 601 through 606 of this title and sections 1693 through 1699 and 1724 of title 18.

(d) Time-sensitive letters are defined in subsection (b) of this section shall be clearly marked by the sender so as to be easily identifiable upon inspection.

(e) Any person who knowingly and willfully sends letters out of the mails under this section which are not time-sensitive as defined in subsection (b) of this section, shall be subject to a fine in accordance with 18 U.S.C. Sec. 1696(b), except that the amount of such fine shall not exceed $500.●

By Mr. STONE (for himself, Mr. MCGOVERN, Mr. DOLE, Mr. ZORINSKY, Mr. CHURCH, Mr. HELMS, Mr. LUGAR, Mr. MELCHER, and Mr. COCHRAN):

S. 1174. A bill to amend the Agricultural Trade Development and Assistance Act of 1954 to increase the uses and effect of U.S. food aid; to the Committee on Agriculture, Nutrition, and Forestry.

FOOD ASSISTANCE REFORM ACT OF 1979

● Mr. STONE. Mr. Speaker, I am pleased to introduce today on behalf of myself and seven other Senators a compromise Public Law 480 or food for peace bill embodying the best features of S. 962, S. 1053, and S. 1. These bills all amend the Agricultural Trade Development and Assistance Act of 1954.

S. 962 had been introduced earlier by Senator MCGOVERN for himself and Senators DOLE and MELCHER. I had introduced S. 1053 on behalf of myself and Senator LUGAR. S. 1, which had been introduced by Senators DOLE and MCGOVERN, contains minimum tonnage language for the program.

The changes embodied in the new bill continue the movement of the program in recent years toward a greater emphasis on using our food assistance for humanitarian and economic development purposes.

At the same time, this bill recognizes the importance of market development and helping the recipient countries gradually move toward a commercial relationship as their economies grow and develop. And our markets in these countries can only become meaningful as they develop economically and are able to become a part of the world economy.

This legislation can also be viewed as a congressional statement of policy in urging that our food assistance be more sensitive to the needs and economic development programs of the recipient countries.

There are a number of important substantive changes under this bill. One would allow the direct use of commodities under the title III program. At present, only the local currencies generated from the sale of our food commodities can be used in title III development programs. This would mean that commodities could be used directly under title III for food, for work, and other development projects.

Another change would be to authorize the use of the private agricultural sector in developing and carrying out title III food for development programs. American agriculture is respected throughout the world for its creativity and productivity, and with many of our aid missions overseas lacking in expertise on agricultural production and marketing, this could be a helpful step in harnessing the vast capability of our agricultural sector.

The bill also provides language to encourage continuity of supply in our food aid. This has been a difficult issue, and various solutions which involved setting a minimum tonnage for the program had been considered. The objective is to provide some supply predictability so that the recipient country can make its development plans based on a reasonable assurance that our assistance can be counted on.

There are a number of other important changes in the bill including requiring a determination of need before food aid is provided. Another reform is to attempt to assure that food aid not discourage local production. Also the commodities and any proceeds are, to the maximum extent possible, to be used to improve the economic and nutritional status of the poor.

Section 401(a) of Public Law 480 would be amended to allow food aid to be provided for developmental, as well as humanitarian needs during a commodity short supply situation. However, humanitarian needs would be given first consideration under such circumstances.

Mr. President, these are important improvements and refinements to our food aid program which has been a vital feature of our agricultural and foreign policy for a quarter century. The program has evolved over the years, and it can continue to play an important role in the years ahead.

We can cite numerous examples of countries that have used our commodities to further their economic development. Our agricultural exports to Europe, Japan, Taiwan, Korea, and India are at least in part the result of our Public Law 480 assistance.

We need to further this trend, where appropriate, rather than encouraging countries to look upon us as being able

and willing to indefinitely furnish commodities.

Mr. President, I ask unanimous consent that these amendments to the Agricultural Trade Development and Assistance Act of 1954 and a section-by-section analysis of the provisions 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. 1174

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 "Food Assistance Reform Act of 1979".

INCREASING DEMAND FOR FOOD AND ENCOURAGING LOCAL FOOD PRODUCTION

SEC. 2. Section 103(f) of the Agricultural Trade Development and Assistance Act of 1954 is amended to read as follows:

"(f) give consideration to the development and expansion of markets for United States agricultural commodities and local foodstuffs, by increasing the effective demand for agricultural commodities and by supporting measures to stimulate equitable economic growth in recipient countries, with appropriate emphasis on developing more adequate storage, handling, and food distribution facilities;"

SEC. 3. Section 103(n) of the Agricultural Trade Development and Assistance Act of 1954 is amended by inserting "or interfere with local food production and marketing in the purchasing country, or" immediately after "displace".

SEC. 4. Section 107(b) of the Agricultural Trade Development and Assistance Act of 1954 is amended by inserting "the agricultural commodities of the recipient country and" immediately after "usual marketing of".

SEC. 5. Section 202(a) of the Agricultural Trade Development and Assistance Act of 1954 is amended by amending the last sentence to read as follows: "The President shall take reasonable precaution to assure that the distribution of commodities furnished under this title, both in normal times and in emergency situations, will not displace or interfere with local food production and marketing in the recipient country.".

ROLE OF INDIGENOUS INSTITUTIONS AND WORKERS

SEC. 6. Section 202(b)(2) of the Agricultural Trade Development and Assistance Act of 1954 is amended to read as follows:

"(2) In order to assure that food commodities made available under this title are used effectively and in the areas of greatest need, entities through which such commodities are distributed shall be encouraged to work with indigenous institutions and employ indigenous workers, to the extent feasible, to (A) assess nutritional and other needs of beneficiary groups, (B) help these groups design and carry out mutually acceptable projects, (C) recommend ways of making food assistance available that are most appropriate for each local setting, (D) supervise food distribution, and (E) regularly evaluate the effectiveness of each project.".

ALLEVIATING THE CAUSES OF THE NEED FOR TITLE II ASSISTANCE

SEC. 7. Section 206 of the Agricultural Trade Development and Assistance Act of 1954 is amended by amending clause (3) to read as follows: "(3) such agreement provides that the currencies will be used for (A) alleviating the causes of the need for the assistance in accordance with the purposes and policies specified in section 103 of the Foreign Assistance Act of 1961 and (B) programs and projects to increase the effectiveness of food distribution and increase the availability of food commodities provided under this title to the neediest individual in recipient countries.".

INCENTIVES FOR ENTERING INTO FOOD FOR DEVELOPMENT PROGRAMS

SEC. 8. Section 301(a) of the Agricultural Trade Development and Assistance Act of 1954 is amended by—

(1) inserting in the first sentence ", or the dollar sales value of the commodities themselves," immediately after "the local sales of such commodities"; and

(2) inserting in the second sentence ", or the use of the commodities themselves," immediately after "participating country".

PARTICIPATION OF AMERICAN AGRICULTURE IN FOOD FOR DEVELOPMENT PROGRAMS

SEC. 9. Section 302(c) of the Agricultural Trade Development and Assistance Act of 1954 is amended by adding at the end thereof a new paragraph (4) as follows:

"(4) In developing and carrying out Food for Development projects under this title, consideration shall be given to using the capability and expertise of American agriculture, in partnership with indigenous individuals and organizations, in furthering economic development and increased food production.".

REPORTS AND RECORDS UNDER TITLE III

SEC. 10. Section 303(a) of the Agricultural Trade Development and Assistance Act of 1954 is amended by striking out in the second sentence "for each year such funds are to be disbursed".

SEC. 11. Section 305 of the Agricultural Trade Development and Assistance Act of 1954 is amended by—

(1) adding at the end of subsection (a) a new sentence as follows: "Disbursements of funds from the special account in an amount equivalent to the dollar value of the credit furnished by the Commodity Credit Corporation under section 304(a) of this Act shall be deemed to be payment of all installments of principal and interest payable thereon for the commodities purchased by the participating country for purposes of this title."; and

(2) adding at the end thereof a new subsection (c) as follows:

"(c) When agricultural commodities made available under this title are used by the participating country in development projects in accordance with the applicable Food for Development Program, the dollar sales value of such commodities shall be applied, in accordance with subsections (a) and (b) of this section, against the repayment obligations of that country under this Act, with the value of the commodities so used being deemed to be disbursements made at the time of such use.".

SEC. 12. Section 306 of the Agricultural Trade Development and Assistance Act of 1954 is amended by inserting in the first sentence "a detailed description of how the commodities were used," immediately after "projected targets,".

SEC. 13. Section 307 of the Agricultural Trade Development and Assistance Act of 1954 is amended by amending subsection (a) to read as follows:

"(a) Each year the President shall review the disposition of all agreements providing for the use of (A) the proceeds from the sale of agricultural commodities or (B) the value of agricultural commodities under this title for which such funds or commodities were not fully disbursed during the preceding year. The results of such review shall be included in the annual report to Congress required under section 408(a) of this Act.".

AVAILABILITY OF COMMODITIES FOR DEVELOPMENT PURPOSES

SEC. 14. Section 401(a) of the Agricultural Trade Development and Assistance Act of 1954 is amended by inserting immediately after "humanitarian purposes" in the second sentence the following:

"or developmental purposes of this Act. In periods of short supply, as determined by the Secretary, urgent humanitarian concerns will be given priority over developmental purposes.".

DETERMINATION OF COMMODITY NEEDS AND PROGRAM BENEFICIARIES IN EACH COUNTRY

SEC. 15. Section 404 of the Agricultural Trade Development and Assistance Act of 1954 is amended to read as follows:

"SEC. 404. (a) The programs of assistance conducted under this Act, and the types and quantities of agricultural commodities to be made available, shall be directed toward the attainment of humanitarian and developmental objectives as well as the development and expansion of United States and recipient country agricultural commodity markets. To the maximum extent possible, either the commodities themselves will be used to improve the economic and nutritional status of the poor through effective and sustainable programs, or any proceeds generated from the sales of agricultural commodities will be used to promote policies and programs that benefit the poor.

"(b) Country assessments shall be carried out whenever necessary in order to determine the types and quantities of agricultural commodities needed; the conditions under which commodities should be provided and distributed; the relationship between United States food assistance and other development resources; the development plans of that country the most suitable timing for commodity deliveries; the rate at which food assistance levels can be effectively used to meet nutritional and developmental needs; and the country's potential as a new or expanded market for both United States agricultural commodities and recipient country foodstuffs.".

CONTINUITY OF SUPPLY

SEC. 16. Title IV of the Agricultural Trade Development and Assistance Act of 1954 is amended by adding at the end thereof a new section 413 as follows:

"SEC. 413. In order to best meet the humanitarian and developmental purposes of this Act, to the maximum extent possible there shall be a relatively constant supply of commodities provided over the life of programs conducted under this Act.".

USING FOOD AID AND RELATED RESOURCES TO ENCOURAGE FOOD SECURITY

SEC. 17. Section 103 of the Foreign Assistance Act of 1961, as amended, is amended by adding at the end thereof the following new subsection:

"(f) The Congress finds that the efforts of developing countries to enhance their national food security deserves encouragement as a matter of United States development assistance policy. Measures complementary to assistance for expanding food production in developing countries are needed to help assure that food becomes increasingly available on a regular basis to the poor majority in such countries. Therefore, United States bilateral assistance under this Act and the Agricultural Trade Development and Assistance Act of 1954, and United States participation in multilateral institutions, shall emphasize policies and programs which assist developing countries to increase their national food security by improving their food policies and management and by strengthening national food reserves, with particular concern for the needs of the poor, through measures encouraging domestic production, building national food reserves, expanding available storage facilities, reducing postharvest food losses, and improving food distribution.".

SECTION-BY-SECTION ANALYSIS

Section 1—Short Title.

Section 1 provides that this bill may be cited as the "Food Assistance Reform Act of 1979."

Sections 2 through 5—Increasing Demand for Food and Encouraging Local Food Production.

Section 2 amends section 103(f) of the Agricultural Trade Development and Assistance Act of 1954 ("the Act") to require the Secretary, in exercising his authorities under the Act, to give consideration to the development and expansion of markets for United States agricultural commodities and local foodstuffs, by increasing the effective demand for agricultural commodities and supporting measures to stimulate equitable economic growth in recipient countries, with appropriate emphasis on developing more adequate storage, handling, and food distribution facilities.

Section 3 amends section 103(n) of the Act to require the Secretary, in exercising his authorities under the Act, to take maximum precautions to assure that sales for dollars or credit terms shall not displace or interfere with local food production and marketing in the purchasing country.

Section 4 amends section 107(b) of the Act to require the Secretary to take reasonable precautions to protect the normal commodity marketing process of the recipient country.

Section 5 amends section 202(a) of the Act to require the President to take reasonable precaution to assure that commodities distributed under title II, in both normal times and in emergency situations, will not displace or interfere with local food production and marketing in the recipient country.

Section 6—Role of Indigenous Institutions and Workers.

Section 6 amends section 202(b)(2) of the Act to provide that in order to assure both the effective use of title II commodities and their application to the areas of greatest need within the recipient country, the agencies that distribute title II commodities will be encouraged to work with indigenous institutions and employ indigenous workers, to the extent feasible to (A) assess nutritional and other needs of beneficiary groups, (B) help these groups design and carry out mutually acceptable projects, (C) recommend ways of making food assistance available that are most appropriate for each local setting, (D) supervise food distribution, and (E) regularly evaluate the effectiveness of each project.

Section 7—Alleviating the Causes of the Need for Title II Assistance.

Section 7 amends section 206 of the Act to provide that no title II assistance will be provided under an agreement permitting generation of foreign currency proceeds unless, among other requirements, the agreement provides that the currencies will be used (1) to alleviate the causes of the need for the assistance in accordance with the purpose and policies of section 103 of the Foreign Assistance Act, and (2) for programs and projects to increase the effectiveness of food distribution and increase the availability of title II food commodities to the neediest individuals in recipient countries.

Section 8—Incentives for Entering into Food for Development Programs.

Section 8 (1) and (2) amend section 301 (a) of the Act to authorize the Secretary to apply the dollar value of commodities provided under title III, as well as the funds accruing from the local sales of such commodities, against the repayment obligation of governments receiving concessional financing under the Act.

Section 9—Participation of American Agriculture in Food for Development Programs.

Section 9 adds a new paragraph (4) to section 302(c) of the Act to require that, in developing and carrying out Food for Development projects, consideration be given to using the capability and expertise of American agriculture, in partnership with indigenous individuals and organizations, in furthering economic development and increased food production.

Section 10 through 13—Reports and Records under Title III.

Section 10 amends section 303(a) of the Act to make a technical change in the language of the composition of a Food for Development program.

Section 11(1) amends section 305(a) of the Act to provide that disbursements equivalent to the value of the credit furnished by the Commodity Credit Corporation shall be deemed to be payment of all installments of interest and principal payable for commodities purchased under this title.

Section 11(2) adds a new subsection (c) to section 305 of the Act to provide that when agricultural commodities made available under title III are used by the participating country in development projects in accordance with the applicable Food for Development program, the dollar sales value of such commodities shall be applied, in accordance with subsections (a) and (b) of section 305, against the repayment obligations of that country under this Act, with the value of the commodities so used being deemed to be disbursements made at the time of such use.

Section 12 amends section 306 of the Act by requiring participating countries to include in the report required under that section a detailed description of how the commodities under title III were used.

Section 13 amends section 307 of the Act to require inclusion in the annual report required under that section information on commodities not fully disbursed during the preceding year.

Section 14—Availability of Commodities for Developmental Purposes.

Section 14 amends section 401(a) of the Act to allow the Secretary to continue commodity shipments during periods of short supply for developmental as well as humanitarian purposes. Urgent humanitarian concerns would continue to be afforded first priority.

Section 15—Determination of Commodity Needs and Program Beneficiaries in Each Country.

Section 15(a) amends section 404 of the Act by expanding slightly the thrust of assistance programs to include developmental programs directed to low-income people as well as humanitarian objectives and the national interest of the United States.

Section 15(b) amends section 404 of the Act by directing that assessments be made of recipient countries' actual commodity needs in order to determine the best timing for their shipment and usefulness in economic development plans.

Section 16—Continuity of Supply.

Section 16 adds a new section 413 to the Act.

New section 413 directs the Secretary to maintain a relatively constant supply of commodities to recipient countries, to maximize predictability for both American producers and recipient countries.

Section 17—Using Food Aid and Related Resources to Encourage Food Security.

Section 17 amends section 103 of the Foreign Assistance Act to encourage the use of United States food aid and development assistance to promote national food security measures in poorer countries. Current law permits such use; this provision highlights the importance of food security.●

● Mr. HELMS. Mr. President, Public Law 480 explicitly sets forth the objectives of the food-for-peace program: To develop and expand export markets for U.S. agricultural commodities; to use U.S. agricultural productivity to combat hunger and malnutrition; to encourage economic development in developing countries, and to otherwise promote the foreign policy of the United States.

All too often, those who administer the food-for-peace programs forget that the multiple objectives of Public Law 480 are complementary, that they serve one another, and together constitute the foundation of a rational and potentially effective food aid plan.

In the 1960's the Public Law 480 programs were looked to to dispose of surplus agricultural commodities that were burdening both the American taxpayer and the American farmer. Little thought was given to the adverse effects of dumping surplus commodities on nations ill-equipped to put them to good use. The immediate need to get rid of surplus dominated the implementation of the Public Law 480 programs while humanitarian and developmental purposes occupied a position of less significance.

Since the early 1970's, the food-for-peace program has been cast in a different light. Periods of scarcity and famine and increased concern for human rights have thrust the humanitarian and developmental objectives of Public Law 480 to center stage. Indeed, it has seemed almost crass to think in the rather selfish terms of market development for U.S. argicultural commodities when so much suffering has been endured by those less fortunate than ourselves.

But it would be a tactical mistake on the part of "do-gooders" as well as a blow to the agricultural sector to downplay market development for the sake of humanitarian and developmental goals. Market development is an important source of the political support for food aid. It is one of the reasons that domestic support for food assistance has been maintained in the face of general public disdain for other forms of foreign aid.

The food-for-peace programs have produced some of our best cash-paying agricultural customers. In the early years of Public Law 480, recipient countries included 17 European nations and Japan. By 1969, all of these countries were importing U.S. farm products on commercial terms. Today Japan is the top single-country customer for U.S. farm products. By 1976, Taiwan had shifted from 90 percent Public Law 480 financing to 100 percent commercial terms. South Korea and India, heavy users of Public Law 480's concessional terms in the past, now purchase most of their food requirements on commercial terms. It is clear that our attentiveness to market development objectives has paid off in the long run not only for the recipients of our food aid but also for us. There is nothing wrong with helping ourselves while we help others to help themselves.

It makes sense for Congress to insist that policymakers take advantage of the opportunity that food aid offers to develop and expand markets for U.S. agricultural commodities while encouraging development of the third-world countries. To do so does not require radical

shifts in food-aid policy. Nor does it necessitate wholesale reorganization of government. It simply calls for a sensitivity to and an application for the way in which Public Law 480 food-aid programs may be directed toward the realization of both our self-interest and the world's interest.

While this bill proposes only modest changes in the current law, it represents an attempt on the part of individuals from one end of the political spectrum to the other to assert the mutuality of the objective of Public Law 480.

The bill contains technical amendments which first, enable recipient countries to make direct use of commodities in title III self-help programs; second, allow for forgiveness of all installments of principal and any interest payable thereon for commodities purchased by participating countries for title III purposes; and third, permit the dollar sales value of title III commodities to be applied against repayment obligations of the participating country.

Among other things, the bill proposes that consideration be given to tapping the expertise and capability of American agriculture in furthering the development of developing countries; that the role of indigenous institutions and workers in the development and implementation of title II programs be expanded; and that a steady flow of food aid under Public Law 480 be maintained.

This bill does not change any material aspect of current law. Rather it seeks to clarify and fine tune the objectives and provisions of Public Law 480 in such a way as to preserve a balance among the humanitarian, developmental, and market expansion purposes of the food-for-peace programs.

Mr. President, I urge my colleagues to support this legislation.●

● Mr. DOLE. Mr. President, today I am introducing with Senator STONE, Senator MCGOVERN and others the Food Assistance Reform Act of 1979.

This bill is the result of a measure introduced previously by Senator MCGOVERN and myself, S. 962, the Self-Reliant Development and International Food Assistance Reform Act of 1979, and a bill introduced by Senator STONE and Senator LUGAR, S. 1053, the Food Assistance Reform Act of 1979.

I believe this new bill will improve the Agricultural Trade Development and Assistance Act of 1954 to encourage self-reliance in development countries.

Since Public Law 480 food-for-peace legislation was enacted in 1954, over $27 billion worth of farm commodities have been exported under its provisions.

A broad consensus has emerged in recent years that in the long run, the food needs of the world's poor must be met primarily by their own agricultural efforts.

SELF-RELIANCE

Public Law 480 legislation includes a number of references to the need for encouraging greater self-reliance in countries that receive food aid, but further reforms are needed to make these provisions more effective.

I believe this bill provides the needed reforms.

CHRISTIAN SCIENCE MONITOR

On Tuesday, May 8, 1979, the Christian Science Monitor carried an editorial entitled "Food for Peace" Milestone. This editorial supported the concept contained in the bill introduced by Senator MCGOVERN and myself, S. 962.

The editorial stated:

A good 25th anniversary present for American's "food for peace" program would be enactment of a bill to improve the law under which it operates * * * the trust is clear—to help food for peace better serve the countries and people for whom it is intended * * * in a session when Congress reportedly has less than usual to do—and thinks the public likes it that way—may we suggest that time for food for peace would be time well spent.

Mr. President, I ask that the editorial be printed in the RECORD.

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

"FOOD FOR PEACE" MILESTONE

A good 25th anniversary present for America's "Food for Peace" program would be enactment of a bill to improve the law under which it operates. The result would be to address head-on a perennial objection to food aid; that it hurts countries in various ways while trying to help them. The key concern is to ensure that aid goes where it will be effectively used—and does not work against local farmers and self-help.

When Food for Peace (Public Law 480) began in July, 1954, the aims were primarily to support American agriculture, trade, and foreign policy. There were large farm surpluses at the time. A dozen years later few surpluses remained. President Johnson began calling the program "Food for Freedom." It took on the goals of combatting hunger and promoting development abroad.

About a billion dollars' worth of food has been shipped each year, most of it for purchase under easy terms. There have been nagging questions: Does the food get to those who need it most? Does it compete with local producers or permit local production to languish?

The proposed legislation, placed before House and Senate committees this spring, gives Congress an opportunity to explore the matter thoroughly once more and make Food for Peace a better program in its next quarter century. Entitled the Self-Reliant Development and International Food Assistance Reform Act of 1979, the measure would amend the existing law in ways such as this.

Commodities would be made available to a country only if the President determines that the country has a legitimate need for these commodities and that they or the proceeds from them will be used to benefit the poor.

Advantages would be given to countries agreeing to use food aid for expanding local food production or other developmental purposes.

Food used for the good of the very poor would be eligible for debt-forgiveness provisions.

The President would take "reasonable precaution" to assure that the food aid "will not displace or interfere with local food production and marketing in the recipient country, or sales which might otherwise be made."

Distributing agencies for food grants would be encouraged to "work with indigenous institutions and employ indigenous workers, to the extent feasible."

The thrust is clear—to help Food for Peace better serve the countries and people for whom it is intended. They would get aid for immediate needs without undercutting the local development essential for sound long-term progress. In a session when Congress reportedly has less than usual to do—and thinks the public likes it that way—may we suggest that time for Food for Peace would be time well spent.

CONCLUSION

In conclusion, I am pleased to introduce, with Senators STONE, MCGOVERN, ZORINSKY, CHURCH, HELMS, LUGAR, and COCHRAN, the Food Assistance Reform Act of 1979. I hope the Committee on Agriculture, Nutrition, and Forestry and the entire Senate will give this much needed legislation prompt and favorable consideration.●

By Mr. LEVIN:

S. 1175. A bill to amend the Emergency Petroleum Allocation Act of 1973; to the Committee on Energy and Natural Resources.

EMERGENCY PETROLEUM ALLOCATION ACT AMENDMENTS OF 1979

Mr. LEVIN. Mr. President, President Carter has announced his intention to use his discretionary authority over crude oil pricing, which becomes effective June 1, to implement a program of phased decontrol of domestic oil prices, which would raise them from the current regulated price to the world price over a 28-month period. The President has acknowledged that the revenues the oil industry would receive from decontrol are "unearned and excessive," and he has proposed to the Congress a windfall tax to recoup some portion of those revenues. Nevertheless, he intends to proceed with decontrol in the absence of any knowledge of what kind of a tax will be adopted by the Congress and approved by the President, or even whether we will approve any tax at all. I believe that it would be irresponsible for Congress to permit decontrol under those circumstances, Mr. President, and for that reason I am today introducing legislation to make decontrol contingent upon passage of a strong windfall profits tax.

In so doing, I want to make clear that I recognize that decontrol may yield us some benefits, albeit marginal ones, in several areas. First, it will lead to some increase in domestic oil production, estimated at about 200,000 barrels per day by 1982. It will lead to some increased conservation, 300,000 barrels per day according to CBO's estimate, for an overall decrease in the supply-demand gap of half a million barrels per day, or 5 percent of projected imports in 1985. This represents a modest shrinkage of that gap, and hence a modest decrease in our reliance upon imported oil. It is not negligible, but neither does it, on its own merits, justify what the administration estimates could be a $31 billion income transfer from energy consumers to oil companies between now and 1982.

However, Mr. President, decontrol accompanied by a strong windfall profits tax would reduce that enormous windfall transfer to the oil industry, which is unjustified both in terms of the industry's current capital situation and in terms of the supply response which it would produce. Moreover, the revenues collected from the tax could be used for two purposes which I consider integral to any rational oil pricing program. First, it would cushion the impact of

higher energy costs on low- and middle-income Americans. Decontrol alone will work a disproportionate hardship on those in those income brackets which already pay a disproportionately large percentage of their income on energy. It is an inescapable fact that decontrol will impose some additional costs on all of us. We must make absolutely sure that the largest burden of the increased cost does not fall on the shoulders of those who are least able to afford the greater expense.

The greatest fallacy of decontrol unaccompanied by a good windfall profits tax is the belief that pouring billions of dollars into oil company coffers (even assuming that all those revenues are used for increased exploration and production from domestic reserves, which no company has ever promised us) would be any kind of a long-term solution to our energy problems or to our dependence upon oil imports. The fact is that the United States is the most drilled-over country in the world, and that the prospects for enormous new oil finds in the continental United States are just not that great. Proven reserves in the continental United States, according to the American Petroleum Institute's figures, have been dropping steadily since 1967. They have fallen from over 31 billion barrels in that year to just over 23 billion barrels in 1976.

If we are to think in terms of long-term energy independence, then it is clear that we must use the revenues from decontrol, not just for more and more drilling as some proponents of straight decontrol would have us do, but into research, development, demonstration, and commercialization of alternatives to our reliance upon crude oil as a predominant energy source. This is particularly important for the transportation section of our economy where alternatives to oil are exteremely difficult to come by. Our sources of crude oil are going to begin running dry at some point in the not-too-distant future, and the price of oil is going to escalate in geometric fashion as that point approaches. We must begin to prepare ourselves now if we are to ease and hasten the transition from oil to alternative fuels.

Mr. President, while the administration proposes to use the revenues from its proposed windfall tax for the purposes I have described, the President cannot guarantee, nor can anyone in this Chamber, that there will in fact be any such tax. That is why I believe the legislation I am here introducing is so vitally necessary.

I also believe that the windfall profits tax proposed by the President would not provide for an equitable distribution of the revenues accruing from decontrol of domestic crude oil prices. Although the President has talked about a 50-percent windfall tax, the specific tax he has submitted to the Congress, by itself, falls far short of that. According to the administration's own figures, there will be a net increase in oil receipts, over the period 1979–82, of $26.3 billion. The additional tax receipts to the Government attributable to the windfall tax itself total $3.8 billion over that period, or 14 percent of net receipts. If OPEC prices are projected to rise at 3 percent per year in real terms, then the President's tax looks a little better: It would recapture $5.6 billion out of total revenues of $30.7 billion, or 18 percent. That is still a far cry from the 50-percent tax which the public has been led to expect.

Having stated my objections to the action taken by the President, let me now explain what my proposal would do.

The legislation I am introducing would require the President to submit to the Congress a plan for the phased decontrol of crude oil prices. In the formulation of that plan, the President would be required to consider its impact upon domestic crude oil production and consumption, upon the domestic economy and the rate of inflation, upon different regions of the country, and upon the aggregate level of crude oil imports.

The Congressional Budget Office would be required to make a study of the amount of revenue which would accrue to the oil industry under the submitted decontrol plan, over a 4-year period, and to make quarterly updates of that study. CBO would also be charged with examining any windfall tax measure passing the Congress and enacted into law. If CBO certifies that the tax meets certain minimum specifications, that would serve to trigger the decontrol plan. Mandatory price controls on crude oil would be extended for 29 months from June 1, 1979, or until a tax satisfying minimum standard I will now describe is adopted, whichever comes first.

The bill sets only two requirements which the windfall tax would have to meet in order to trigger decontrol. First, it would have to recoup to the Federal Treasury at least 50 percent of the revenues accruing from decontrol, over and above any payments the industry would be expected to make resulting from decontrol under existing taxes and royalties. That is, it must recapture at least 50 percent of the revenue that would flow to the industry if decontrol were to take place with no windfall tax in place. That would be a true 50-percent windfall tax, and would satisfy legitimate public expectations of an appropriate distribution of revenues to the Government and the industry. Second, the windfall measure would have to impose a 100-percent rate of tax on old or lower tier oil, with adjustments in the amount of oil in that category permitted in accordance with existing regulations or under the decontrol plan. There is no additional exploration or production cost associated with oil being produced at current levels from existing wells and, therefore, there is no reason for the oil companies to receive any more revenue from such production. The tax on other categories of oil could be adjsuted freely so long as the overall 50-percent criterion were met, thus allowing a tax that would provide a substantial incentive for drilling new wells or for using enhanced recovery techniques to increase production from existing wells.

The intent of this legislation is not to prescribe a particular kind of tax; that is a complicated judgment which will require serious congressional consideration. This bill only sets minimum standards for the tax which must be adopted in order for decontrol to take place. If we permit decontrol to begin on June 1, without an adequate windfall profits tax in place, then I believe we will have abdicated our responsibility to come up with a rational oil pricing policy.

Mr. President, I ask unanimous consent that the bill be printed in the RECORD at this point, along with a letter to me from Howard Paster, legislative director of the United Auto Workers.

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

S. 1175

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 "Emergency Petroleum Allocation Act Amendments of 1979".

SEC. 2. Section 8 (a) of the Emergency Petroleum Allocation Act of 1973 (15 U.S.C. 757 (a)) is amended by striking "39 months" and substituting "68 months".

SEC. 3. Section 18 of the Emergency Petroleum Allocation Act of 1973 (15 U.S.C. 760 (g)) is amended by—

(a) striking "40th" month and substituting "69th month";

(b) striking all after "in effect," in the first sentence, and substituting: "the President shall have the authority to:

"(1) maintain in effect any regulations which have been promulgated, made effective, or amended pursuant to section 4 (a) of this Act; or

"(2) implement the contingent plan for phased removal of ceiling prices on crude oil, proposed pursuant to section 8 of this Act."; and

(c) striking "September 30, 1981" and substituting "December 31, 1982".

SEC. 4. Notwithstanding the amendments made by sections 2 and 3, a contingent plan for the phased removal of ceiling prices on crude oil produced in the United States, as submitted by the President to the Congress pursuant to section 5, shall take effect on the first day of the second full calendar month after the Director of the Congressional Budget Office makes the certification to the Congress as specified by section 7.

SEC. 5. (a) Not later than 30 days after the date of enactment of this Act, the President shall propose to the Congress a contingent plan for the phased removal of ceiling prices on crude oil produced in the United States. In the formulation of such plan, the President shall consider the effect such plan would have upon—

(1) domestic crude oil production;

(2) domestic crude oil consumption, and the consumption of products derived therefrom;

(3) the domestic economy, and in particular the rate of inflation;

(4) different regions of the country; and

(5) the aggregate level of United States crude oil imports.

(b)(1) The contingent plan submitted by the President may be amended at his discretion upon 15 calendar days notice to the Congress, except that no such notice may be given, nor amendment be made after legislation has been enacted which would substantially affect the amount of revenue which can be expected to accrue to all producers of crude oil from the production and sale of such crude oil.

(2) The requirement for 15 calendar days notice pursuant to paragraph (1) shall not apply in a case where the Director of the Congressional Budget Office has declined to

make the certification provided for in section 7 of this Act, with regard to any legislation described in paragraph (1).

SEC. 6. On the first day of the second full calendar month after the contingent plan is submitted by the President as provided by section 5 of this Act, and every third month thereafter until certification under section 7 is made, the Director of the Congressional Budget Office shall submit to the Congress a report which states the windwall profit which would accrue to all producers of crude oil if such plan were to become effective upon the date of such report. Such report shall cover a period of four calendar years from the date it is submitted.

SEC. 7. (a) The Director of the Congressional Budget Office shall examine any law which would substantially affect the amount of revenue which would accrue to all producers of crude oil from the production and sale of such crude oil. If the Director determines that enactment of such measure would—

(1) generate receipts to the Treasury equivalent to at least 50 percent of the windfall profit as determined under section 6, over the period covered by the report submitted pursuant to that section, and

(2) would impose a 100 percent rate of tax on the windfall profits with respect to any barrel of lower tier taxable crude oil,

the Director shall so certify to the Congress.

(b) If the Director of the Congressional Budget Office declines to make such certification, the Director shall transmit the reasons for such decisions by letter to the Speaker of the House of Representatives and the President of the Senate.

DEFINITIONS

SEC. 8. For the purposes of this Act the term—

(1) "crude oil" shall include any substance treated as crude oil under the March 1979 energy regulations;

(2) "domestic", when used with respect to crude oil, means crude oil produced from an oil well located in the United States or in a possesssion of the United States;

(3) "United States" has the meaning given to such term by paragraph (1) of section 638 (relating to Continental Shelf areas) of the Internal Revenue Code of 1954;

(4) "producer of crude oil" means the holder of an economic interest with respect to such crude oil;

(5) "March 1979 energy regulations" means regulations prescribed under section 4(a) of the Emergency Petroleum Allocation Act of 1973, and in effect as of March 1, 1979;

(6) "barrel" means 42 United States gallons;

(7) "lower tier taxable crude oil" shall mean domestic crude oil which is or would be subject to the lower tier ceiling price rule for such oil under the March 1979 energy regulations, subject to such reductions in the base production control level for such oil as would be made pursuant to such regulations or pursuant to the contingent plan submitted under section 5;

(8) windfall profit" means the excess of—

(A) the decontrol margin, over

* * * * *

INTERNATIONAL UNION, UNITED AUTOMOBILE, AEROSPACE & AGRICULTURAL IMPLEMENT WORKERS OF AMERICA—UAW,
Washington, D.C. May 16, 1979.

Hon. CARL LEVIN,
U.S. Senate,
Washington, D.C.

DEAR SENATOR LEVIN: I am writing to express the support of the International Union, UAW for your proposal that controls on crude oil prices be extended until the enactment of an adequate windfall profits tax.

While we favor legislation to extend price controls on crude oil, we are not blind to the need to rethink the manner in which energy is priced in this country. We also believe that the tax system holds the potential for redressing the inequitities which arise from higher energy prices. Indeed, our support of the Crude Oil Equalization Tax in the 95th Congress reflected our honest efforts to try to come to grips with these difficult questions.

Prior to the time the Administration announced their proposal to decontrol crude oil prices, we met with White House staff members and urged that any action to increase prices be made contingent upon the enactment of a satisfactory tax to recapture unjustified windfall profits. Regrettably, the Administration did not follow this course, and is moving to implement decontrol without any assurance that its tax proposal will be enacted. Moreover, we regard the Administration's tax proposal as woefully inadequate and, in no case, sufficient to justify decontrol.

Your proposal corrects both of the Administration errors. On one hand you specifically make decontrol contingent upon enactment of a satisfactory tax. Second, you have a far more comprehensive tax proposal than that of the Administration.

There remains room for debate about the exact method of taxing windfall profits and the disposition of the revenue raised by such a tax. But the underlying premise of your proposal, that decontrol can only come after the enactment of a true windfall profits tax, is consistent with the postion of the UAW. Thus it is that we extend our support to you, and look forward to working with you toward our mutual goals.

Thank you again.

Sincerely,

HOWARD G. PASTER,
Legislative Director.

By Mr. GRAVEL (for himself and Mr. STEVENS):

S. 1176. A bill to amend the act entitled "An Act for the Preservation of American Antiquities," approved June 8, 1906 (34 Stat. 225), to provide congressional review of Presidential monument proclamations, and to amend the act entitled "Federal Land Policy and Management Act of 1976," approved October 21, 1976 (90 Stat. 2743), to alter the congressional review procedures of land withdrawals, and for other purposes; to the Committee on Energy and Natural Resources.

(The remarks of Mr. GRAVEL when he introduced the bill appear elsewhere in today's proceedings.)

By Mr. KENNEDY (for himself, Mr. WILLIAMS, and Mr. PELL):

S. 1177. A bill to improve the provision of mental health services and otherwise promote mental health throughout the United States, and for other purposes; to the Committee on Labor and Human Resources.

MENTAL HEALTH SYSTEMS ACT

Mr. KENNEDY. Mr. President, today I am pleased to introduce the Mental Health Systems Act. I believe that this is an extremely important bill, and an important first step in the legislative process. This proposal, which builds on existing legislation, will assist in meeting the goal of making comprehensive coordinated mental health services available to all Americans.

Mr. President, as chairman of the Senate Subcommittee on Health and Scientific Research, I will begin a series of hearings on this and related legislation on Thursday, May 24, 1979. I am hopeful that consumers, providers of all types, business and labor will share their views with the subcommittee. While this bill goes a long way toward refining the Community Mental Health Center Acts of 1963 and 1975, I believe that there remain many areas in which the Federal Government must assume broader responsibilities. I anticipate, therefore, that we will be amending this bill in several significant ways without compromising its general thrust.

Early in 1977, the President's Commission on Mental Health was organized under the energetic and perceptive leadership of the President's wife, Mrs. Rosalynn Carter. This Commission undertook a review of mental health policy in the United States. After many months of intensive effort, a report was issued documenting the mental health status of this country together with recommended improvements. On February 7, 1979, Mrs. Carter appeared before the subcomittee, formally presented the Commission's report, and responded in a forthright manner to committee questions. Mrs. Carter is to be highly commended for her commitment to improve the quality of life for the mentally ill and the outstanding report which has been so useful in developing this legislation.

Mr. President, mental health services have long been of concern to me and my family. The original Mental Retardation Facilities and Community Mental Health Construction Act of 1963—Public Law 88–164—evolved from legislation proposed by Senator John F. Kennedy in 1957. This legislation acknowledged that we had been warehousing our mentally ill in State institutions remote from urban areas. It would not have been an exaggeration to say that many of these patients were receiving custodial care.

Public Law 88–164 advanced the notion that these patients could be more effectively treated in community-based facilities, closer to their places of residence with a goal of closing or significantly reducing State hospital populations. Unfortunately, as State hospital populations have been reduced during the past 15 years, there has been a corresponding increase in the rate of readmissions, suggesting strongly that we are not doing enough to maintain patients in the community after discharge.

The plight of the deinstitutionalized patient is a national disgrace. Almost daily we hear about patient abuses from California to New York, and yes, we read about it here in our Nation's Capital. In some cases these patients have been discharged to fend for themselves or placed in nursing homes or boarding homes more inadequate than the discharging institution.

Painfully we have come to understand that many of these community residences are more concerned about their reimbursement than the patients' need for quality care in a stimulating environment. In addition to having the stigma of mental illness, their employment, housing, and other social service needs have been poorly met.

In many cases their problem is com-

pounded by a social security income system that is not synchronized with their discharge plan. This results in many patients being discharged with no SSI benefits and this often leads to rehospitalization or exposes the patient to those in the community who would exploit their presence. In general, previous legislation has not effectively served this population.

The community support program, as outlined in the bill, begins to focus services and responsibilities. However, without accompanying improvements in titles XVIII, XIX, and XX the program is doomed to failure. During the hearings I hope witnesses will address the issues of changes in these programs.

The reduction in institutional based services has led, in many instances, to a reduction in the need for institutional based employees. We must recognize the employment and general economic impact that deinstitutionalization can have on a local community. To date, State mental health authorities, with few exceptions, have not adequately addressed the needs of these employees by instituting retraining programs or developing alternative employment opportunities.

Mr. President, we would all agree, I am certain, that the ideal mental health program would include efforts that prevented people from becoming ill and requiring treatment. These programs, often called primary prevention, have not received the resources or special attention they require if they are to become truly useful. This legislation acknowledges the importance of preventive programs and proposes to allocate funds to develop model programs.

Previous preventive efforts have been fragmented and vaguely attached to other programs. This act gives this potential cost effective program the required sense of independence and focus.

Critical to the successful development of a coordinated system of mental health services is the State mental health authority. Historically, the responsibility for providing mental health services to those not covered by the private sector or specialized Federal programs has fallen to State government. Several billion dollars in State revenue is spent annually for this purpose. This legislative proposal continues to require that States play the leading and coordinating role in developing mental health plans. These must, of course, be approved by local health planning agencies and the Governors. In the past, these plans were little more than academic rhetoric.

This bill sets out in much more detail the responsibilities of State mental health authorities and assures that the plans will reflect real needs with unambiguous steps toward creative solutions.

The capacity of State government to coordinate all mental health services including those supported by Federal funding varies from one State to the next. While there are strong arguments that would support placing the State government in an even more authoritative role, it may not be feasible in all instances at this time. During the hearings I hope witnesses will address the demonstration program in title V which allows the Secretary to give grants to carefully selected States to develop pilot programs of State administration of Federal mental health funds.

A major deficiency in current mental health programs arises out of the complexities inherent in the current system. The knowledge level required to effectively manage a CMHC, for example, is continuously expressed by local, State, and Federal officials, and it is clear that we have not invested sufficiently in training our managers and other nonclinical personnel. We must seek ways of building on the efforts of the NIMH staff college to make the kind of skill training offered at the college available to appropriate personnel at all levels of the system.

Title IV of the act provides funding for services to certain underserved populations (children, aged, chronically ill, minorities, rural, and/or poor). In addition, funds under this title can also be used for purposes of planning, growth or expansion, linkage programs with ambulatory health care centers, and for non-revenue-producing activities. The grants can go directly to community-based private nonprofit agencies.

While I appreciate the purpose of this title, we must insure that we do not fragment programs at the local level and must insure that meaningful and supportive relationships exist between the various service providers at the local level. I expect that we will be discussing this title at our hearing and modify it to prevent any fragmentation.

Mr. President, there is substantial evidence that we presently do not adequately integrate our mental health and general health care programs. In some communities, neighborhood health centers and community mental health centers exist almost side by side, neither knowing what the other is doing. This, of course, leads to much duplication, overlapping, and uncoordinated care. Two years ago we began a small grant program so that consultative mental health services could be delivered by primary health care centers.

The recommendations of the PCMH in this area were thoughtful and useful, and this legislation begins to implement some of those ideas. I believe there is also the need to expand linkages which bring primary health care professionals into closer and regular contact with mental health providers. If we are genuinely interested in linkages then we must recognize that the need goes both ways. Unfortunately, the training of physicians in psychosomatic medicine is inadequate, and this, too, must be addressed.

The unmet needs of the minorities are also emphasized in the PCMH report. It is generally agreed that if we are to develop appropriate services to minority communities we must intensify our efforts both in training more minority professionals and expanding our knowledge base on the special issues confronting those communities. Like everyone else, minorities feel more comfortable and secure when care is provided by practitioners who come from similar backgrounds.

Yet there are only a handful of trained minority psychiatrists, psychologists, and social workers. I have been working with Senator INOUYE on expanding the role and scope of influence of the Minority Center currently located at NIMH and expect to hear testimony on this issue at the hearings.

It is a sad but accurate fact that there has been a dramatic increase in the incidence of rape in this country. Rape victims, another underserved population, receive very eratic services, often fragmented and insensitive.

Currently, NIMH supports, in a very limited way, some research and demonstration grants but no comprehensive service program support funding is available at the Institute. Senator MATHIAS has been a strong advocate for such a program, and I will continue to work with him to develop creative legislation in this area.

Title IV of this act facilitates, among other things, the development and improvement of services to children as an underserved population. Our services to young people might be improved if we funded several special demonstration projects focused on comprehensive services to seriously disturbed adolescents having a history of violent behavior. These youngsters are appearing regularly in our juvenile courts and often neither the State juvenile justice systems nor mental health systems are able to understand and effectively treat these youngsters.

Mr. President, the report of the Commission strongly emphasized the need to develop informed and aggressive systems of advocacy for the mentally ill. This group, which is particularly vulnerable to abuse and the deprivation of rights, has overwhelming difficulty in advocating for themselves. Our courts have repeatedly stated that patients do have the right to receive quality treatment in the least restrictive setting appropriate to their need. We have, in many cases, not delivered such care without the active intervention of the judicial system, and the rights of thousands of patients are routinely ignored.

Congress has recently passed legislation aimed at protecting the rights of the retarded and the aged. I believe we can do no less for the mentally disabled, and I anticipate adding a bill of rights and patient advocacy program to the bill. The report of the PCMH clearly and strongly supported placing such a program in the legislation.

Stress can often be related to an individual's work, and individuals having emotional problems often come to the attention of employers. The work setting may well be an excellent place to develop collaborative mental health programs between industry and CMHC's or with other psychiatric treatment facilities. We have not studied this issue in sufficient depth, but the possibility of some truly creative approaches beneficial to both the public and private sectors is a real possibility. Of course the

confidentiality of employees must be protected, and the program could not be coercive.

During the hearings both medicaid and medicare must be reexamined in relation to their support of mental health services to the poor and elderly. In several aspects title XVIII and title XIX programs discriminate against the mentally ill, especially with unrealistic limits on coverage for outpatient services.

Community mental health centers continue to have difficulty receiving these funds despite clear congressional intent expressed in previous service legislation that assumes that the CMHCs will become self-supporting with third-party reimbursements after several years. Because this has not happened, several CMHC's have had to make serious cuts in their service programs. In reauthorizing these programs, we must also address the financing of certain programs such as consultation and education and prevention that have not been traditionally reimbursed as a medical service.

There can be no question that Community Mental Health Centers have effectively demonstrated their utility in responding to America's mental health service needs. Literally millions of people have been ably assisted through the almost 700 existing centers and they have become an extremely valuable part of our health care system. Not only have they established and maintained relevant services, but they have been on the cutting edge of community education in mental health, and we are all familiar with the relationship between education and prevention.

A major mental health service barrier is stigma, and the Community Mental Health Centers have offered the structure for changing the public's misunderstanding about the mentally ill.

The mental health centers have actively involved many of our citizens in the decisionmaking process through membership on local boards of governance and a sense of shared participation and responsibility. While we must continue to seek out and implement progressive changes, we can never retract from our commitment of providing quality care through community-based services and facilities.

In summary, Mr. President, I believe we have begun to develop a useful and responsive mental health care system in this country. The 16 years since the first act was proposed have been frought with trial and error, starts and stops, successes and failure. We have gained considerable experience in the meantime, and millions of patients and families have been helped in this process. This bill substantially moves us forward and with appropriate amendments I feel we can make important improvements in our mental health care system. I trust my colleagues will give this bill their serious consideration.

Mr. President, I ask unanimous consent that the bill and a section-by-section analysis of the bill be printed in the RECORD.

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

S. 1177

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That so much of his Act as precedes title VII along with the following table of contents, may be cited as the Mental Health Systems Act".

TABLE OF CONTENTS

FINDINGS AND PURPOSE

SEC. 2. (a) The Congress hereby finds—

(1) Despite significant progress in the availability of community mental health services and improving residential mental health facilities, certain groups in the population, such as children and youth, the aged, the chronically mentally ill, racial or ethnic minorities, poor persons, and persons in rural areas, often lack access to adequate mental health services and other health or social or other support services.

(2) Even where mental health services are available, the lack of coordination, among governmental and private agencies and entities, of the mental health services, other health services, and social or other support services provided often leads to neglect or unnecessary institutionalization of persons with chronic mental disabilities.

(3) Millions of persons with some level of mental disorder have contact with the primary health care system where opportunities for effective mental health care and treatment are often lost because of inadequate mental health training of general health care personnel and the lack of mental health personnel in primary health care settings.

(4) Present efforts to prevent mental disability through discovery and elimination of the causes of mental illness and through early detection and treatment programs are far too limited.

(b) It is, therefore, the purpose of this Act to provide more flexibility in the funding of mental health services and to encourage development of a partnership, in the delivery of mental health services, other health services, and social or other support services, among Federal, State, local government, or private providers of such services, in order to improve mental health, prevent mental illness, and provide effective treatment and rehabilitative services in the least restrictive setting for persons of all ages and cultural backgrounds who are suffering from mental illness or disability or are potential sufferers therefrom. To help carry out that purpose, the objectives of this Act are—

(1) to foster the most effective use of available Federal, State, local government, or private resources, by encouraging States to improve the administration of their mental health services programs and to coordinate services under those programs with other health services and social or other support services;

(2) to develop community-based services for unserved, underserved, or inappropriately served populations, especially children and youth, the aged, the chronically mentally ill, racial or ethnic minorities, poor persons, and persons in rural areas;

(3) to minimize unnecessary or inappropriate institutionalization and ensure that persons requiring long-term residential care due to mental health illness or disability receive such care in the least restrictive settings possible;

(4) to increase the integration of general health services and mental health services through in-service mental health training of primary care providers and through placement of mental health professionals in primary care programs;

(5) to encourage States to develop prevention programs;

(6) to encourage mental health professionals to locate in unserved and underserved areas; and

(7) to facilitate accomplishment of that purpose and these objectives through more effective planning that is consistent with the mental health aspects of overall State health planning.

DEFINITIONS

SEC. 3. For the purposes of this Act, unless the context otherwise requires—

(1) The term "State" includes (in addition to the fifty States) the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, American Samoa, the Trust Territory of the Pacific Islands, and the Northern Mariana Islands.

(2) The term "Governor" means, in the case of a State which does not have a governor, the chief executive officer of the State.

(3) The term "Secretary" means the Secretary of Health, Education, and Welfare.

(4) The term "nonprofit", as applied to any entity, means an entity which is owned and operated by one or more corporations or associations no part of the net earnings of which inures or may lawfully inure to the benefit of any private shareholder or individual.

(5) The term "State Agency" means the agency or authority of a State established or designated under the State plan (approved under this Act) of that State to assume responsibility for administration of the plan and the other aspects of its mental health services program.

(6) The term "Area Mental Health Authority" means the public or nonprofit private entity (and there may be only one) in a mental health services area designated by the State Agency to be responsible for planning the mental health services program of the area and (at the option of the State) any one or more other mental health services areas, and for the coordination and development of mental health services in that area or areas.

(7) The term "Core Service Agency" means a public or nonprofit private entity designated by the State Agency to assume responsibility in any mental health services area for planning, coordinating, developing, and providing the mental health services and support services that are necessary for the care of those members of any one or more priority population groups in the area who need both mental health services and support services.

(8) The term "support services" means health services (other than mental health services), and the social services and other support services specified by the Secretary.

(9) The term "priority population group" means any of the following groups which are unserved by any mental health services programs or are underserved by such a program or programs; children and youth, the aged, the chronically mentally ill, any racial or Health Care Improvement Act), the poor, (as those terms are defined in the Indian ethic minority, Indians and Urban Indians rural residents, or any other group determined by the Secretary to have a special need for services under such a program.

(10) the term "mental health services area" means a geographic area established for purposes of planning and provision of mental health services.

(11) The term "comprehensive mental health services" means the services described in section 201(b) of the Community Mental Health Centers Act.

TITLE I—MEETING THE NEEDS OF THE CHRONICALLY MENTALLY ILL

PURPOSE

SEC. 100. (a) It is the purpose of this title—

(1) to provide assistance to States and communities to develop or improve mental health services and other services for chronically mentally ill adults and children;

(2) to do this under a program—

(A) clearly defining the respective Federal, State, and local public or private roles and responsibilities in achieving, and

(B) under which, if the States meet, provide for meeting, or furnish satisfactory assurances of meeting specified conditions and prescribed performance standards (adapted where appropriate to the peculiar circumstances of each State or community), they will receive Federal support in achieving, the National goal of developing responsive, coordinated, community-based service systems to meet the needs of those adults and children with chronic mental illness who are capable of living in the community if provided with adequate mental health, rehabilitation and training, housing, or other support services.

(b) It is the further purpose of this title, in providing that assistance under such a program, to facilitate State efforts to carry out the State responsibility for—

(1) providing appropriate care for those adults and children whose mental illnesses are so severe that they require inpatient care on a short or long-term basis; and

(2) making the transition from institution, based to coordinated community-based service systems through closing or converting to other appropriate use public mental hospitals and other long-term care facilities and through providing retraining and job placement for personnel displaced by the closure or reduction in use.

SERVICES FOR THE CHRONICALLY MENTALLY ILL

SEC. 101. The Secretary may make grants to any State Agency for any project for payments by it to Core Service Agency in any mental health services area for any one or more of the following—

(1) planning for the development of a system of mental health services and support services, for the chronically mentally ill in the area who need both mental health services and support services, and for members of their households, that may assist the chronically mentally ill to live outside of institutional settings;

(2) coordination of the operations of any agencies or entities having responsibility for any mental health services or support services for the chronically mentally ill in the area;

(3) identifying barriers to the ready availability of any of such services to the chronically mentally ill in the area and devising measures to help overcome those barriers;

(4) improving the competency of personnel of entities providing any of such services for the chronically mentally ill through in-service or other training or retraining;

(5) assuring the availability, for each chronically mentally ill patient who needs both mental health services and support services, of an individual to assume responsibility for seeing to it that the patient receives any of such services that he needs;

(6) providing or arranging for the provision of any such services needed by any such patient and not otherwise available;

(7) providing educational or informational services to educate the population of the area on the problems of the chronically mentally ill and the need for community involvement in the programs to resolve those problems outside of institutional settings, and on what is available or needed to help those programs succeed;

(8) preparing and providing such reports to the State Agency, containing such information, as the State Agency may find necessary to evaluate the Core Service Agency's activities with respect to the chronically mentally ill.

ASSISTANCE TO STATE AGENCIES

SEC. 102. The Secretary may make grants to any State agency for any project for any one or more of the following—

(1) planning for the development of a system of mental health services and support services, for the chronically mentally ill in the State who need both mental health services and support services, and for members of their household, that may enable the chronically mentally ill to live outside of institution settings;

(2) coordination of the operations of State or intrastate regional agencies having responsibility for any mental health services or support services for the chronically mentally ill;

(3) identifying State-level barriers to the ready availability of any of such services to the chronically mentally ill and devising measures to help overcome those barriers;

(4) (A) improving the competency of personnel of entities providing any of such services for the chronically mentally ill through in-service or other training or retraining, and (B) job placement for and retraining (for work in community-based mental health programs) of former employees of mental (inpatient care) institutions adversely affected by reduced use of such institutions; or

(5) assisting mental health services areas in the continuing process of identifying the chronically mentally ill who need both mental health services and support services and in planning for and carrying out plans for providing such services for such chronically mentally ill.

TITLE II—PREVENTION OF MENTAL ILLNESS

PURPOSE

SEC. 200. It is the purpose of this title to complement Federal research and training efforts at prevention under existing legislation by providing assistance to States in promoting mental health and preventing mental illness, particularly among groups of the population that run a higher risk of mental illness than others; to do this by supporting State efforts to educate the general public about mental health problems, to improve the ability of health, social service, or other support services personnel to recognize and deal with mental illness, and to facilitate timely access to mental health services for those who need help in dealing with potential causes of mental illness.

PROJECT GRANTS FOR PREVENTION OF MENTAL ILLNESS

SEC. 201. The Secretary may make grants to any State Agency for any project for any one or more of the following—

(1) providing assistance, through collection and dissemination of information, workshops, and other appropriate means, to mental health or other health personnel, entities, and groups, and to volunteer or other citizen organizations and groups, in the development of programs aimed at preventing mental illness;

(2) in-service training and other training of mental health, other health or other appropriate personnel in early identification of the potential causes of mental illness and early application of measures designed to prevent occurrence or aggravation of mental illness;

(3) providing information to the general public on the importance of preventing mental illness and of the services available to help in early identification of potential causes of mental illness and early handling of those causes;

(4) planning, and other activities at the State or intrastate regional level to develop and coordinate, services to help prevent mental illness; or

(5) demonstrating, in one or more mental health services areas of the State, the various means of preventing mental illness and otherwise promoting mental health.

TITLE III—STATE MENTAL HEALTH SYSTEMS IMPROVEMENT

PURPOSE

SEC. 300. It is the purpose of this title, in recognition of the financial and administrative roles of the States in the mental health sector, to assist them to improve their capacity to carry out their responsibilities for administering their mental health services and related programs.

IMPROVING STATE ADMINISTRATION

SEC. 301. For the purpose of assisting States to improve administration of State mental health programs, the Secretary may make grants to any State Agency for any project for any one or more of the following—

(1) improving State Agency capacity to collect and analyze statistics and other data and to otherwise meet the monitoring or reporting requirements under this Act;

(2) improving the planning and other administrative functions of the State Agency; or

(3) improving the ability of the State Agency (A) to set performance standards for mental health services projects and programs, (B) to enforce those standards, and (C) to evaluate performance under any other aspects of such projects and programs through data analysis, studies, and other means.

OTHER STATE ACTIVITIES

SEC. 302. The Secretary may make grants to any State Agency for any project for any other activities, included in the State plan approved under this Act, which are designed to improve the provision of mental health services in the State or the administration of State or local mental health programs and which the Secretary determines to be of particular significance in the light of the purposes of this Act.

TITLE IV—COMMUNITY MENTAL HEALTH SERVICES

PURPOSE

SEC. 400. The purpose of this title is to assure the initiation and improvement of mental health services for children and youth, the aged, the chronically mentally ill, any racial or ethnic minority, Indians, the poor, rural residents, or any other group with special needs, and the development of comprehensive mental health services for them and others in their communities through creating necessary services where none exists; recognizing the close relationship between mental health services and other health or support services; supporting the maintenance of existing non-revenue producing functions after basic support has terminated, and continuation of comprehensive mental health services programs already begun; supplementing or improving existing services where they are inadequate; and increasing the flexibility of communities in planning a comprehensive network of services which assures continuity of care.

PREPARATION FOR PROVISION OF SERVICES

SEC. 401. (a) For the purpose of assisting public or nonprofit private entities to prepare for providing mental health services in a mental health services area, the Secretary may make a grant to any such entity for a project to—

(1) assess the needs of the area for mental health services;

(2) design a mental health services program for the area based on such assessment;

(3) obtain within the area financial and professional assistance and support for the program; and

(4) initiate and encourage continuing community involvement in the development and operation of the program.

The amount of any grant under this section may not exceed $75,000.

(b) Only one grant may be made under this section with respect to a mental health services area.

(c) No grant may be made under this section with respect to any mental health services area if a grant has previously been made under this title or under the Community Mental Health Centers Act with respect to the same area, or with respect to a catchment area (within the meaning of that term in the Community Mental Health Centers Act) any substantial (as determined by the Secretary) part of which is included in that mental health services area. The prohibition in the preceding sentence does not apply if the earlier grant (referred to therein) under this Act was made under section 402 for one or more, but less than all, of the comprehensive mental health services are not being provided in the area, or if the earlier grant (so referred to) under the Community Mental Health Centers Act was made under section 224(b) of that Act as in effect before July 29, 1975. As used in the preceding sentence, the term "comprehensive mental health services" does not include any such service for an area if there is not sufficient need for it in the area, as determined by the Secretary, or if the Secretary determines the need for it is being met.

INITIATION OF SERVICES FOR THE UNDERSERVED

SEC. 402. (a) The Secretary may make grants to any public or nonprofit private entity for any project for the provision of mental health services to one or more priority population groups. In making such grants under this section, the Secretary shall give preference to any entity serving a mental health services area which has no community mental health center (as defined in the Community Mental Health Centers Act) servicing it and with respect to which no grant has been or is being made under section 403.

(b) A grant may be made under this section for any project only if—

(1) the project will provide at least one of the services, included in comprehensive mental health services, to meet the needs of at least one priority population group, as determined under the State plan;

(2) the entity demonstrates that the project will lead to increased or more appropriate mental health services for an underserved priority population group or groups or to development of mental health services for an unserved priority population group or groups;

(3) the entity provides satisfactory evidence that members of the priority population group or groups to be served by the project have had a reasonable opportunity to comment on the proposed project during its preparation and satisfactory assurances that members of the group or groups will be afforded reasonable opportunity to comment on performance under the project; and

(4) in the case of an entity which does not provide comprehensive mental health services in the mental health services area, there is in effect, or the entity provides satisfactory assurances that there will before the end of the period of the initial grant under this section for the project be in effect, an agreement of affiliation with an entity (if there is one) providing additional mental health services in the area which can be made available to members of the priority population group or groups for which the project is designed.

The requirement of paragraph (4) does not apply if the applicant for the grant provides satisfactory evidence that the failure to have such an agreement within the period specified is due to an unreasonable refusal by the other entity or entities to enter into the agreement.

(c) Only five grants may be made under this section to the same entity for mental health services for the same priority population group or groups; and the fourth and fifth such grants may not exceed sixty percent and thirty percent, respectively, of the costs of the project for which the grants are made.

(d) For a further limitation on the number of grants under this section, see section 403(d).

DEVELOPMENT OF COMPREHENSIVE MENTAL HEALTH SERVICES

SEC. 403. (a) The Secretary may make grants to any public or nonprofit private entity for any project to develop mental health services or to expand the mental health services provided by it.

(b) Any such grant may be made for a project for services in a mental health services area only if such entity—

(1) has not received, under section 203(a) of the Community Mental Health Centers Act, or under section 220 of that Act as in effect before July 29, 1975, or as continued in effect after that date by section 203(e) of that Act, or under section 406 of this Act, all of the grants available to it under those sections;

(2) provides satisfactory assurance that it will, in accordance with a plan and time schedule for the provision and addition of mental health services approved by the Secretary, provide for the area at least those services (other than a service for which there is not sufficient need in the area, as determined by the Secretary, or the need for which in the area the Secretary determines is being met) which are included in comprehensive mental health services or are prescribed by the Secretary;

(3) provides satisfactory assurances that priority will be accorded, in progressing toward provision of such mental health services for all of the population of the area, to services needed by priority population groups, in accordance with the State plan approved under this Act; and

(4) provides satisfactory assurances that it will have an agreement of affiliation with any entity in the area that receives or has received a grant under section 402, if requested to do so by such entity, unless relieved of this requirement by the Secretary because the agreement so requested is unreasonable.

(c)(1) Only eight grants may be made under this section to the same entity for services in the same mental health services area; and no such grant (after the first one) may exceed the following percentage of the cost of the project with respect to which it is made;

(A) ninety percent in the case of the second such grant;

(B) eighty percent in the case of the third such grant;

(C) seventy percent in the case of the fourth such grant;

(D) sixty percent in the case of the fifth such grant;

(E) fifty percent in the case of the sixth and seventh such grant; and

(F) forty-five percent in the case of the eighth such grant.

(2) For purposes of this subsection, a grant under any of the following is considered a grant under this section:

(A) section 406;

(B) section 203(a) of the Community Mental Health Centers Act; or

(C) section 220 of the Community Mental Health Centers Act as in effect before July 29, 1975, or as continued in effect after that date by section 203(e) of that Act.

(d) No grant may be made under this section or section 402 to any entity for services in any mental health services area after the total of the following grants for services in that area reaches ten—

(1) grants under this section, section 402, or section 406;

(2) grants under section 203(a) of the Community Mental Health Centers Act; or

(3) grants under section 220 of the Community Mental Health Centers Act as in effect before July 29, 1975, or as continued in effect after that date by section 203(e) of that Act.

MENTAL HEALTH SERVICES IN AMBULATORY HEALTH CARE CENTERS

SEC. 404. (a) For the purpose of assisting ambulatory health care centers to participate appropriately in the provision of mental health services to their patients, the Secretary may make a grant to any public or nonprofit private entity which—

(1) provides mental health services that include at least 24 hour emergency services, outpatient services, and consultation and

education services (as described in section 201(b) of the Community Mental Health Centers Act) and has in effect an agreement of affiliation with an entity which is, as determined by the Secretary, an ambulatory health care center; or

(2) is, as so determined, an ambulatory health care center and has in effect an agreement of affiliation with an entity providing at least the mental health services referred to in paragraph (1).

Such an agreement of affiliation must—

(A) describe the geographical area in which each party to the agreement provides and proposes to provide its services;

(B) provide for employment by the center of at least one mental health professional to serve as liaison between it and the other entity, and include a description of the required qualifications of that person and of any other professional mental health personnel to be employed by the center under the agreement;

(C) provide satisfactory assurances that the entity providing the mental health services will make such services available to patients of the center referred to it by the liaison or other mental health professional; and

(D) include the transportation arrangements and other arrangements for effecting referral to the entity from the center of patients needing the services of such entity.

(c) Any grant under this section may be made for a project for any one or more of the following—

(1) the costs of liaison or other mental health professionals providing services in the ambulatory health care center in accordance with the agreement of affiliation;

(2) mental health services provided by the other personnel of the center which the other entity determines such personnel can appropriately provide;

(3) consultation and in-service training on mental health provided to personnel of the center by the other entity; and

(4) establishing liaison between the center and other providers of mental health services or support services.

(d) Only three such grants may be made under this section for projects involving the same ambulatory health care center and the same entity providing mental health services; and the third such grant may not exceed 75 percent of the cost of the project for which it is made.

NON-REVENUE-PRODUCING ACTIVITIES

SEC. 405. (a) For the purpose of assisting public or nonprofit private entities to provide, in their mental health services areas, mental health services which generally do not generate revenues, the Secretary may make grants to any public or nonprofit private entity which—

(1) has received a grant under section 203(a) of the Community Mental Health Centers Act, or under section 220 of such Act as in effect before July 29, 1975, or as continued in effect after that day by section 211 of that Act, or under section 403 or 406 of this Act; and

(2) because of the limitations on the period for which an entity may receive such grants or on the number of such grants the entity may receive, is no longer eligible to receive such grants.

(b) A grant under this section may be made for a project for any one or more of the following—

(1) consultation and education services described in section 201(b) of the Community Mental Health Centers Act;

(2) activities directed at prevention of mental illness, including education of the general public on matters related thereto;

(3) the additional cost of case finding with respect to members of a priority population group and of assuring that each member of the group receives the mental health services and support services he needs;

(4) coordination of the entity's services with other mental health services and with support services; or

(5) evaluation of the entity's mental health services program.

(c) A grant may be made under this section to an entity for any project only if the entity provides—

(1) satisfactory assurances that it will sign an agreement of affiliation with any other entity providing mental health services in the same mental health services area and which has received a grant under section 402, if it is requested to do so by such other entity, unless relieved of this requirement by the Secretary because the agreement so requested is unreasonable;

(2) a satisfactory plan describing the steps it proposes to take in order to obtain financing from other sources for the activities included under the project when financing therefor is no longer available under this section; and

(3) satisfactory assurances that it will give priority under its mental health services program to meeting the needs of priority population groups.

(d) Only five grants may be made under this section to any entity; and no such grant may exceed an amount equal to 1.00 multiplied by the population (as indicated in the State's plan approved under this Act) of the mental health services area of the recipient.

CONTINUED SUPPORT FOR COMMUNITY MENTAL HEALTH CENTERS

SEC. 406. (a) For the purpose of assisting public or nonprofit private entities to continue to provide mental health services, the Secretary may make project grants to any such entity which received a grant under section 203 (a) or (e) or 211 of the Community Mental Health Centers Act and which would be eligible for another grant thereunder from appropriations for any fiscal year ending after September 30, 1979, if such appropriations were made. The number of such grants which may be made to any entity, and the amounts thereof, are respectively, the number and the amounts prescribed under that section; and such grants shall be made in accordance with the other terms and conditions applicable to grants under that section, except as provided in subsections (b) and (c) of this section.

(b) No grant may be made under this section to any entity unless it provides satisfactory assurances that it will sign an agreement of affiliation with any recipient of a grant under section 402 providing mental health services in the same mental health services area, if requested to do so by that recipient, unless relieved of this requirement by the Secretary because the agreement so requested is unreasonable.

(c) In the case of any entity which received a grant under section 203(a) of the Community Mental Health Centers Act, and to which the initial grant under such section was made from appropriations for the fiscal year ending September 30, 1979, a grant may not be made under subsection (a) to such entity from appropriations under this Act for any year unless the Secretary determines, at the request of the entity, that there is good reason to make such grant to it for that year and no grant has previously been made to it under section 403.

TITLE V—PILOT PROJECTS FOR STATE ADMINISTRATION OF GRANTS

AGREEMENTS AUTHORIZED

SEC. 501. The Secretary may enter into an agreement with the State Agency of any State, which is able and willing to do so, for a demonstration project under which such Agency will, on behalf of the Secretary—

(1) pay Federal funds due to entities in the State for such of the projects under section 101 or title IV as may be designated in the agreement,

(2) review performance under such projects and report to the Secretary the extent to which such performance complies with applicable requirements; and

(3) perform such other functions of the Secretary with respect to that State as the State Agency and the Secretary may agree upon.

COST OF AGREEMENTS

SEC. 502. Of the sums appropriated under section 641 for any fiscal year, the percentage determined by the Secretary is available for paying all, or such portion as the Secretary determines to be appropriate, of the cost to any State Agency of carrying out its agreement under section 501.

TITLE VI—REQUIREMENTS FOR PARTICIPATION; AUTHORIZATIONS

PART A—STATE PLANS

REQUIREMENT OF STATE MENTAL HEALTH SERVICES PLANS

SEC. 601. (a) In order for the State Agency of or any entity in a State to be eligible to receive a grant under this Act for any year, such State must have in effect a State mental health services plan which has been prepared by an agency of the State designated by the Governor and been submitted to the Secretary through the Governor, which is consistent with the provisions, relating to mental health services, of the State health plan prepared in accordance with section 1524(c)(2) of the Public Health Service Act, and which has been approved by the Secretary as meeting the requirements of this Act.

(b) the Secretary may not finally disapprove a State plan (or any modification thereof) except after reasonable notice and opportunity for a hearing to the State.

(c) Whenever the Secretary, after reasonable notice and opportunity for a hearing to the State Agency of a State, finds that the State plan approved under this Act has been so changed that it no longer complies with this Act, or that in the administration of the plan there is a failure to comply substantially with any provision of this Act, the Secretary shall notify the Agency that further payments will not be made to the Agency or to any other entity in the State under this Act (or, in his discretion, that further payments will not be made to any such Agency or entity with respect to any project or activities affected by such failure, until he is satisfied that there will no longer be any such failure. Until he is so satisfied, the Secretary shall make no further payments to any such Agency or entity or shall limit payments to projects or activities not affected by such failure.

CONTENTS OF STATE PLANS

SEC. 602. To be approved under this Act a State mental health services plan must be submitted in such form and manner as the Secretary prescribes and must—

(1) identify the mental health services areas within the State, which areas must cover the entire State and each of which must, except to the extent and in the cases permitted by the Secretary (including exceptions made for interstate areas), have boundaries which conform to or are within the boundaries of a health service area established under title XV of the Public Health Service Act and, to the extent practicable, conform to boundaries of one or more school districts or political or other subdivisions in the State;

(2) set forth (A) the need of each mental health services area in the State for mental health services, as determined after consid-

eration of all relevant matters, including the demographic, economic, or social characteristics of the population of the area, with special attention to the need of priority population groups for services as well as to the need for services and activities designed to prevent mental illness from occurring, (B) the public or private facilities, mental health personnel, and services available, and the additional facilities, personnel, and services required, to meet those needs, (C) the methods used to determine those needs and evaluate the facilities, personnel, and services, (D) the way in which and the order in which those needs will be met through use of existing Federal, State, or local resources and otherwise, and (E) similar information for the State not included under clause (A), (B), (C), or (D) which is of significance for more than a single mental health services area;

(3) provide for establishment or designation of a single agency of the State (in this Act referred to as the "State Agency") to assume responsibility for administration of the plan and the other aspect of the State's mental health services program and include, in the methods of administration of the plan, methods relating to establishment and maintenance of personnel standards on a merit basis which are in accord with standards prescribed by the Office of Personnel Management;

(4) identify each Area Mental Health Authority which has been designated by the State Agency and the mental health services area or areas it serves;

(5) include or be accompanied by (A) documentation and other evidence showing that, in the process of its development and before the plan was submitted to the Secretary, a reasonable opportunity was afforded to interested agencies, organizations, and individuals to present their views and to comment on the proposed plan; and (B) satisfactory assurances that, after submission of the proposed plan to the Secretary and its approval by him, a reasonable opportunity will be afforded to interested agencies, organizations, and individuals to comment on administration of the plan and on any proposed modifications of the plan;

(6) describe the steps that are proposed to be taken at the State level and the local level in an effort, which the Secretary determines to be reasonable (A) to coordinate the provision of mental health services, and (B) to coordinate, in the case of the chronically mentally ill and any other priority population group designated by the Secretary, the various kinds of services for members of such groups who need both mental health services and support services;

(7) describe the legal rights of persons in the State who are mentally ill or otherwise mentally handicapped and what is being done in the State to protect those rights;

(8) provide for emphasizing outpatient mental health services for patients instead of institutional inpatient treatment wherever appropriate and include fair and equitable arrangements (as determined by the Secretary after consultation with the Secretary of Labor) to protect the interests of employees affected adversely by actions taken to emphasize such outpatient treatment, including arrangements designed to preserve employee rights and benefits and to provide training and retraining of such employees, where necessary, for work in mental health or other fields and including arrangements under which maximum effort will be made to place such employees in employment;

(9) provide that any statistics or other data included in the State plan or on which the State plan is based will conform to such criteria, standards, and other requirements relating to their form, method of collection, content, or other aspects as the Secretary prescribes in order to provide Nationwide comparability of the data;

(10) provide that the State Agency will make such reports, in such form and containing such information, and keep such records as the Secretary may require, and afford such access to those records as the Secretary may find necessary to assure the correctness of and to verify such reports;

(11)(A) provide that an agency of the State designated by the Governor will from time to time, and in any event not less often than triennially, review the information and other material in or accompanying the State plan, as well as the proposed objectives of or activities under the plan, and submit to the Secretary through the Governor any necessary modifications thereof, except to the extent excused by the Secretary because the modifications are of minor significance; and (B) provide that an agency of the State designated by the Governor will submit to the Secretary through the Governor any other modifications in the plan or in such information, material, objectives, or activities that are necessary for any other reason, except to the extent so excused by the Secretary; and

(12) contain or be accompanied by such additional information or assurances and meet such other requirements as the Secretary prescribes in order to achieve the purposes of this Act.

PART B—OTHER GENERAL REQUIREMENTS AND PROVISIONS APPLICATIONS

SEC. 621. (a) No grant may be made under this Act to the State Agency of or any entity in any State unless an application (meeting the requirements of this Act and of the State plan of that State approved under this Act) for the grant has been approved by the Secretary.

(b) To be approved under this Act, an application for a grant for any project must contain or be accompanied by——

(1) a budget covering the year for which the grant is sought (and such additional period as the Secretary may require) showing the sources of funding for the project and allocating the funds available for the project among the various types of services to be provided or assisted or the various types of activities to be conducted or assisted and among the various population groups to which the projected is directed;

(2) a statement of the objectives of the project, which objectives must be in accord with criteria established by the Secretary and must include at least those objectives which the Secretary may specify;

(3) any statistics or other information which the Secretary and, where applicable, the State Agency may request in order to determine compliance of the project with the requirements of this Act;

(4) in the case of any project under which services are to be provided, the schedule of fees to be charged therefor and the discounts to be allowed (to those unable to pay in full) on the basis of relative inability to pay for the services, along with satisfactory assurances that the applicant will make every reasonable effort to collect for the services from all available sources;

(5) information on the organization and operation of the applicant and the measures taken to provide reasonable opportunities for interested agencies, organizations, and members of the public to comment thereon and on the proposed project;

(6) satisfactory assurances that the applicant will submit such reports, at such times and containing such information, as the Secretary may request and maintain such records as the Secretary may find necessary for purposes of this Act, and afford the Secretary and the Comptroller General of the United States such access to such records and other documents as may be necessary for an effective audit of the project or activity;

(7) satisfactory assurances that funds made available under this Act will be used to supplement and, to the extent practical, increase the level of non-Federal funds that would, in the absence of those Federal funds, be made available for the purpose, and will in no event supplant such non-Federal funds;

(8) in the case of a grant under title IV (except section 402) to any entity in a State, certification that the State Agency of that State has approved the application as being in accord with the State plan approved under this Act;

(9) in the case of any project for provision of any services (A) a description of the steps the applicant has taken and will take in an effort (which the Secretary determines to be reasonable) to coordinate the services it provides with other mental health services and support services in the same area or areas, and (B) satisfactory assurances that the applicant will, in the provision of such services under the project, as a minimum meet the standards of quality of care prescribed by the Secretary; and

(10) such other information and material and such other assurances as the Secretary may prescribe in order to carry out the purposes of this Act.

The requirements under this section for assurances, statements, descriptions, and other information and materials with respect to an application for a grant for a project apply also to the activities of any Core Service Agency with respect to which payments are to be made from such grant.

DURATION OF GRANTS

SEC. 622. Any grant under this Act is for such period of time, not exceeding one year, as the Secretary may determine.

PERFORMANCE STANDARDS

SEC. 623. (a) In determining whether or not to approve an application for a grant under this Act, the Secretary shall consider the extent to which performance by the applicant under any prior grant under this Act or the Community Mental Health Centers Act complied with applicable requirements, standards, and criteria.

(b) The Secretary shall prescribe standard measures of performance designed to test the quality and extent of performance by applicants under any such prior grants and the extent to which such performance has helped to achieve the National or other objectives for which the prior grants were made.

EVALUATION AND MONITORING

SEC. 624. (a) With the approval of the Secretary, any recipient of a grant under this Act may use a portion of that grant for evaluation of the project or activity involved and of the recipient's program of which the project or activity is a part.

(b) Appropriations for grants under title I, II, III, or IV may also be used by the Secretary for reviewing performance by recipients of grants thereunder to determine the extent to which they have complied with the requirements applicable to such grants, and the extent to which they have advanced the National or other objectives for which the grants were made.

INDIRECT PROVISION OF SERVICES

SEC. 625. Any mental health services for the provision of which an entity is responsible for purposes of a grant under this Act may be provided by it directly at its primary or satellite facilities or through arrangements with other entities or health professionals and others in, or serving residents of, the same mental health services area.

STANDARDS OF CARE

SEC. 626. The Secretary shall prescribe standards relating to the quality of care in the provision of mental health services by any recipient of a grant under this Act.

TECHNICAL ASSISTANCE

SEC. 627. Such portion as the Secretary may determine, but not more than two percent, of any appropriation for grants under titles I, II, III, or IV for any fiscal year is available for technical assistance, including short-term training, by the Secretary to any State Agency or other entity which is or has been a recipient of a grant under any of such titles, to assist it in developing, or in better administering, the mental health services program or programs for which it is responsible.

PAYMENT PROCEDURES

SEC. 628. (a) Except as provided in subsection (b), the amount of payments under any grant for any year under this Act, other than section 401, may be reduced to the extent—

(1) (A) the sums paid to the grantee under any prior grant under the same section of this Act, or (B) in case such amount is to be paid under section 403 or 406, the sums paid to it under section 406 or under section 203 (a) or (e) or 211 of the Community Mental Health Centers Act, plus

(2) the funds available for the project or activity, for which the prior grant was made, from State, local, or other sources (including collections),

exceed the total cost of the project or activity for which the prior grant was made, instead of such excess being repaid to the United States.

(b) In the case of any such excess—

(1) a reduction under subsection (a) shall not be made to the extent adjustments were previously made, or excused under clause (2) of this subsection, on account of such excess, and

(2) such portion of that excess for any year for any project under title IV of this Act or for any project or activity under the Community Mental Health Centers Act as the Secretary may determine, but not exceeding five percent of the cost of operation of the recipient's mental health program, may be retained by the recipient for deposit in a reserve fund maintained for purposes approved by the Secretary, and shall not be counted as available funds for purposes of any subsequent grant under this Act.

CONFORMING AMENDMENTS

SEC. 629. (a) Section 507 of the Public Health Service Act (relating to grants to Federal institutions) is amended by inserting ", and appropriations under title IV of the Mental Health Systems Act," before "shall also be available".

(b) Section 513 of such Act (relating to evaluation of programs by the Secretary) is amended by inserting "Mental Health Systems Act," after "Community Mental Health Centers Act,".

(c) Section 1513(e) (1) (A) (i) of such Act (relating to functions of health systems agencies) is amended by inserting "Mental Health Systems Act," after "Community Mental Health Centers Act,".

GRANTS FOR MEMBERS OF INDIAN TRIBES

SEC. 630. (a) At the request of any Indian Tribe or Tribes (as defined in the Indian Health Care Improvement Act) or any Urban Indian Organization (as so defined), a grant may be made uder title IV of this Act to the Indian Health Service or any institution, clinic, or other unit thereof, on the same terms and conditions as apply to non-Federal entities, for any project (for which such a grant is available) to serve members of, respectively, such Tribe, Tribes, and Organization.

(b) Any grant under subsection (a) may be made for a project serving members of an Indian Tribe or Tribes (as so defined) or an Urban Indian Organization (as so defined) even though the area in which those members reside is included in two or more mental health services areas of a State.

GOVERNING BODIES OF LOCAL AGENCIES

SEC. 631. No entity is eligible for a grant under title IV, other than section 401, unless it meets the requirements applicable to a community mental health center under subparagraph (A) or (B) of section 201(c) (1) of the Community Mental Health Centers Act, whichever is applicable, and, in case such subparagraph (A) is applicable, it provides satisfactory assurances that it will meet the requirements applicable to such a center under clause (ii) of such subparagraph (A).

COOPERATIVE AGREEMENTS AUTHORIZED

SEC. 632. In any case in which a grant is authorized to be made under this Act by the Secretary to the State Agency of or any entity in a State for any project or activity, the Secretary may, if he deems it appropriate, instead enter into a cooperative agreement with such Agency or entity under which the Secretary will make the same payments, on the same terms, for such project or activity as he would under a grant therefor, but only on condition that such Agency or entity complies with the requirements of this Act, including those relating to an application, to the same extent as would be required of an applicant for or recipient of a grant for the same purpose.

OBLIGATED SERVICE FOR MENTAL HEALTH TRAINEESHIPS

SEC. 633. (a) Section 303 of the Public Health Service Act is amended by adding at the end thereof the following new subsection:

"(d) (1) Any individual who has received a clinical traineeship, in psychology, psychiatry, nursing, or social work, under subsection (a) (1) that was not of a limited duration or experimental nature (as determined by the Secretary) is obligated to serve in service determined by the Secretary to be appropriate in the light of his training and experience, at the rate of one year for each year (or academic year, whichever the Secretary determines to be appropriate) of the traineeship.

"(2) The service required under paragraph (1) shall be in a State mental (inpatient care) institution, or for any entity eligible for a grant under title IV of the Mental Health Systems Act, or in a health manpower shortage area (as determined under subpart II of part D of this title), or in any other area or for any other entity designated by the Secretary, and shall begin within such period after the termination of the traineeship as the Secretary may determine. In developing criteria for determining for which institutions or entities or in which areas, referred to in the preceding sentence, individuals must perform service under this paragraph, the Secretary shall give preference to institutions, entities, or areas which in his judgment have the greatest need for personnel to perform that service unless, for good cause shown to the Secretary, the individual requests performance of other service under this paragraph.

"(3) Any individual who fails to perform the service required of him under this subsection within the period prescribed by the Secretary is obligated to repay to the United States an amount equal to three times the cost of the traineeship (including stipends and allowances) plus interest at the maximum legal rate at the time of payment of the traineeship, multiplied, in any case in which the service so required has been performed in part, by the percentage which the length of the service so performed is of the length of the service so required to be performed.

"(4) (A) In the case of any individual any part of whose obligation to perform service under this subsection exists at the same time as any part of his obligation to perform service under section 752 or 753 (because of receipt of a scholarship under subpart IV of part C of title VII) or his obligation to perform service under section 472 (because of receipt of a National Research Service Award thereunder), or both, the same service may not be used to any extent to meet more than one of those obligations.

"(B) In any case to which subparagraph (A) is applicable and in which one of the obligations is to perform service under section 752 or 753, the obligation to perform service under that section must be met (by performance of the required service or payment of damages) before the obligation to perform service under this subsection or under section 472.

"(C) In any case to which subparagraph (A) is applicable, if any part of the obligation to perform service under section 472 exists at the same time as any part of the obligation to perform service under this subsection, the manner and time of meeting each obligation shall be prescribed by the Secretary."

(b) The amendment made by subsection (a) applies in the case of any academic year (of any traineeship awarded under section 303(a) (1) of the Public Health Service Act) beginning after the enactment of this Act if the award for such academic year is made after such enactment.

PART C—AUTHORIZATIONS

AUTHORIZATION OF APPROPRIATIONS

SEC. 641. (a) There are authorized to be appropriated, for grants under title I, for grants under title II, and for grants under title III, $45,600,000 for the fiscal year ending September 30, 1980, and such sums as the Congress may determine for each of the next three fiscal years.

(b) (1) There are authorized to be appropriated, for grants under title IV, $302,155,000 for the fiscal year ending September 30, 1980, and such sums as the Congress may determine for each of the next three fiscal years.

(2) For each fiscal year which is subsequent to the fiscal year ending September 30, 1983, and which is specified below, there are authorized to be appropriated such sums as may be necessary to make continuation grants for projects for which an initial grant was made under title IV (other than section 401) in or before the fiscal year ending September 30, 1983, and which are eligible for such a continuation grant in that subsequent fiscal year—

(A) In the case of projects under section 402 or 405, the subsequent years are the fiscal years ending September 30, 1984, and the next three fiscal years;

(B) In the case of projects under section 403, the subsequent years are the fiscal years ending September 30, 1984, and the next six fiscal years;

(C) In the case of projects under section 404, the subsequent years are the fiscal years ending September 30, 1984 and the next fiscal year;

(D) In the case of projects under section 406, the subsequent years are the years for which such projects continue to be eligible for grants under that section.

TITLE VII—MISCELLANEOUS

COMMUNITY MENTAL HEALTH CENTERS ACT APPROPRIATIONS

SEC. 701. No funds may be appropriated under the Community Mental Health Centers Act, other than section 231 thereof, for any year period after September 30, 1979.

DETAILED SUMMARY OF MENTAL HEALTH SYSTEMS ACT

The short title of the bill is, under the first section of the bill, the "Mental Health Systems Act".

This section of the bill is followed by a Table of Contents.

SECTION 2—FINDINGS AND PURPOSE

Findings: Many groups are still unserved or underserved;

Coordination, among governmental and private agencies and entities, of mental health services with other needed services is often lacking;

More emphasis is needed on deinstitutionalization and on prevention, and on improving the primary health care system's ability to recognize potential mental health problems since first contact with these problems is often through the primary care system.

Purpose:

To provide more flexibility in the funding of mental health programs, to improve administration of State or local mental health programs, and the coordination of the various services needed by the mentally ill, to emphasize deinstitutionalization in the treatment of the mentally ill, to encourage prevention of mental illness and otherwise promote mental health, to emphasize programs for chronically mentally ill adults and children, the aged, minorities, poor persons, and rural residents who need both mental health services and support services—and to help achieve all this by supporting and encouraging improved planning of mental health services programs that is consistent with overall health planning.

SECTION 3—DEFINITIONS

Definitions of various terms used in the bill are contained in section 3 of the bill. The terms defined and their meanings, unless the context otherwise requires, are:

(1) State—includes, in addition to the 50 States, the District of Columbia, Puerto Rico, the Virgin Islands, Guam, American Samoa, the Trust Territories of the Pacific Islands, and the Northern Mariana Islands.

(2) Governor—also means the chief executive officer in a State without a governor.

(3) Secretary—the Secretary of Health, Education, and Welfare.

(4) Nonprofit (entity)—an entity owned and operated by one or more corporations or associations no part of the net earnings of which inures or may lawfully inure to the benefit of any private shareholder or individual.

(5) State Agency—the State agency or authority designated or established under the State's plan to assume responsibility for administration of that plan and the rest of State's mental health services program.

(6) Area Mental Health Authority—the single public or nonprofit entity responsible for planning, development, and coordination of mental health services in an area or areas.

(7) Core Service Agency—a public or nonprofit entity responsible for planning, coordinating, developing, and providing services needed for the care of those members of priority population groups needing both mental health services and support services in an area.

(8) Support services—health (other than mental health) services, and social services and other support services specified by the Secretary.

(9) Priority population group—any of the following who are unserved or underserved by any mental health services program: children and youth, the aged, the chronically ill, any racial or ethnic minority, Urban and other Indians, the poor, rural residents, or any other group determined by the Secretary to have a special need for services under such a program.

(10) Mental health services area—a geographic area established for purposes of planning and provision of mental health services.

(11) Comprehensive mental health services—the services described in section 201(b) of the Community Mental Health Centers Act.

TITLE I—MEETING THE NEEDS OF THE CHRONICALLY MENTALLY ILL

SECTION 100—PURPOSE

This section declares it to be the purpose of this title—

(1) to aid States and communities in developing or improving mental health services and other services for chronically mentally ill adults and children;

(2) to do this under a program—

(A) clearly defining the roles and responsibilities of the various governmental and private agencies and entities

(B) under which, if the States meet specified conditions and prescribed performance standards (adapted where appropriate to each State or community), they will receive Federal support

in achieving the National goal of developing responsive, coordinated, community-based service systems to meet the needs of those adults and children with chronic mental illness who are capable of living in the community if provided with adequate mental health, rehabilitation and training, housing, and other support services.

It is also to be the purpose of this title, in providing that assistance under such a program, to facilitate State efforts to carry out the State responsibility for—

(1) providing appropriate care for those adults and children whose mental illnesses are so severe that they require inpatient care on a short or long-term basis; and

(2) making the transition from institution-based to coordinated community-based service systems through closing or converting to other appropriate use public mental hospitals and other long-term care facilities and through providing retraining and job placement for personnel displaced by the closure or reduction in use.

SECTION 101—SERVICES FOR THE CHRONICALLY MENTALLY ILL

This section authorizes grants by the Secretary to any State Agency for any project for payments by it to a Core Service Agency in any area for any one or more of the following stated purposes—

(1) planning for the development of a system of mental health services and support services—for those chronically mentally ill persons (both adults and children) who need both such mental health services and such support services—which may assist them to live outside institutional settings; the system would include services for members of such persons' households to the extent this would help the chronically mentally ill (to live outside such settings);

(2) coordination of the various agencies and entities responsible for any of those services;

(3) identifying, and devising measures to overcome, area-level barriers to the ready availability of those services to the chronically mentally ill;

(4) improving the competency of personnel providing those services to the chronically mentally ill through training and retraining;

(5)–(8) providing case managers for the chronically mentally ill to assure that they obtain needed services; providing the missing mental health or support services in their areas; educating the general population on, and getting them involved in, programs to help resolve the problems of the chronically mentally ill; and making necessary reports to the State Agency.

SECTION 102—ASSISTANCE TO STATE AGENCIES

This section authorizes project grants to State Agencies for the same kind of activities at the State level as are authorized under payments to Core Service Agencies in paragraphs (1)–(4) of section 101 and, in addition, for any of the following—

(i) job placement and retraining, for work in community-based mental health programs, for employees losing their jobs in inpatient care mental institutions because of reduced use of such institutions;

(ii) assisting local areas in the continuing process of identifying the chronically mentally ill who need both mental health services and support services and in planning for and providing those services.

TITLE II—PREVENTION OF MENTAL ILLNESS

SECTION 200—PURPOSE

This section states the purpose of this title to be to complement Federal research and training efforts at prevention under existing legislation by providing assistance to States in promoting mental health and preventing mental illness, particularly among groups of the population that run a higher risk of mental illness than others; to do this by supporting State efforts to educate the general public about mental health programs, improve the ability of health, social service, or other support services personnel to recognize and prevent mental illness, as well as supporting State efforts to provide mental health services for those needing help in dealing with potential causes of mental illness.

SECTION 201—PROJECT GRANTS FOR PREVENTION OF MENTAL ILLNESS

This section authorizes project grants to any State Agency for any one or more of the following—

(1) assistance, through collection and dissemination of information, workshops, and other appropriate means, to mental health, other health, or other personnel and groups and to citizen groups to help them develop programs for preventing mental illness;

(2) training of mental health or other personnel in recognizing the early signs of mental illness and early application of preventive measures;

(3) providing information to the general public on the importance of early identification and treatment, and on the services available to help do this;

(4) State and intrastate regional planning, and development and coordination, of preventive services; or

(5) demonstrations in early identification and handling of the causes of mental illness and in the means of otherwise promoting mental health.

TITLE III—STATE MENTAL HEALTH SYSTEMS IMPROVEMENT

SECTION 300—PURPOSE

This section declares that, in recognition of the financial and administrative roles of the States in the mental health sector, it is the purpose of this title to assist the States to improve their capacity to carry out their responsibilities for administering their mental health services and related programs.

SECTION 301—IMPROVING STATE ADMINISTRATION

Project grants to any State Agency by the Secretary would be authorized by this section to help improve administration of State mental health programs through—

(1) improving State Agency capacity with respect to statistics and data collection and analysis and in meeting the monitoring and reporting requirements of the bill;

(2) carrying out planning and administrative activities;

(3) improving the State Agency's ability to set and enforce performance standards for mental health services projects and programs, and to evaluate project or program performance through data analysis, studies, and otherwise.

SECTION 302—OTHER STATE ACTIVITIES

This section would authorize project grants to any State Agency for any other significant

activities to improve provision of mental health services or State or local administration of mental health programs.

TITLE IV—COMMUNITY MENTAL HEALTH SERVICES

SECTION 400—PURPOSE

This section states that it is the purpose of this title to assure the initiation and improvement of mental health services for children and youth, the aged, the chronically mentally ill, any racial or ethnic minority, Indians, the poor, rural residents, or any other group with special needs, and the development of comprehensive mental health services, for the people in their communities, through (1) creating necessary services where none exists, (2) recognizing the close relationship between mental health services and other health or support services, (3) supporting the maintenance of existing non-revenue producing functions after basic support has terminated, and continuation of comprehensive mental health services programs already begun, (4) supplementing or improving existing services where they are inadequate, and (5) increasing the flexibility of communities in planning a comprehensive network of services which assures continuity of care.

SECTION 401—PREPARATION FOR PROVISION OF SERVICES

This section would authorize a one-time, up to $75,000, project grant to any public or nonprofit entity to prepare for providing mental health services in a local area by assessing the needs of and designing a mental health services program for the area, obtaining financial and professional assistance and support for the program, and initiating and encouraging continuing community involvement in the program. No area with respect to which a grant under this title of the bill (other than a grant under section 402 for an area with less than all of the comprehensive mental health services) or under the Community Mental Health Centers Act (other than under section 224(b) of the pre-1975 Act—i.e., a grant for a project similar to that authorized by this section of the bill) had been made could receive a grant under this section.

SECTION 402—INITIATION OF SERVICES FOR THE UNDERSERVED

This section would authorize project grants to public or nonprofit entities for mental health services for priority population groups, with preference for entities serving areas without the services of a community mental health center and not receiving a development grant under section 403 of the bill.

The projects must—

(1) provide at least one of the comprehensive mental health services for at least one of the priority population groups;

(2) lead to increased or more appropriate mental health services for an underserved, or to development of such services for an unserved, priority population group;

(3) be supported by satisfactory evidence that members of any priority population group to be served by it had an opportunity to comment on the project during its preparation and satisfactory assurances that they will have an opportunity to comment on performance under it;

(4) be sponsored by an applicant which, if it does not provide comprehensive mental health services in the area, has an affiliation agreement with an entity (if there is one) providing additional mental health services in the area or provides satisfactory assurances such an agreement will be made before the end of the initial grant period—unless excused from this requirement by the Secretary because of unreasonable refusal of the entity to enter into such an agreement.

No more than five grants could be made under this section to the same entity for the same priority population group; and in the case of the fourth and fifth such grants, the Federal share of the project costs could not exceed sixty percent and thirty percent, respectively.

In addition, there would be a limit of 10 on the number of grants to the same entity for the same area under this section or section 403.

SECTION 403—DEVELOPMENT OF COMPREHENSIVE MENTAL HEALTH SERVICES

This section would authorize project grants to any public or nonprofit entity for expanding its mental health services. Any such grant could be made only if the applicant—

(1) has not received, under section 203(a) (for operations) of the Community Mental Health Centers Act, or under section 220 (staffing) of the pre-1975 Act or section 220 as continued in effect by section 211 of the current Act, all of the grants available to it under those sections;

(2) provides satisfactory assurances that it will, in accordance with a plan and time schedule approved by the Secretary, provide for the area at least those services (not waived by the Secretary because the need is being met or is insufficient) included in prescribed by the Secretary.

(3)–(4) provides satisfactory assurances that (A) priority, in extending mental health services, will be accorded to providing them for priority population groups, and (B) it will on request have an affiliation agreement with any recipient in the area with a section 402 grant—unless relieved of this requirement by the Secretary because the requested agreement is unreasonable.

Development grants under this section (plus any earlier grants under the Community Mental Health Centers Act) would be limited to a total of 8 (10 in combination with section 402 and Community Mental Health Centers Act grants) for any entity in any area, with the maximum on the Federal share of the cost of the projects under this section decreasing from 90% for the second grant to 45% for the eighth.

SECTION 404—MENTAL HEALTH SERVICES IN AMBULATORY HEALTH CARE CENTERS

This section would authorize project grants to help ambulatory health care centers to participate appropriately in the provision of mental health services to their patients. A grant could be made (i) to any public or nonprofit entity providing mental health services consisting of at least 24 hour emergency services, outpatient services, and consultation and education services, if that entity has an affiliation agreement with an ambulatory health care center, or (ii) to an ambulatory health care center which has an affiliation agreement with an entity providing the services described in (i).

The affiliation agreement must—

(1) describe the area of operation;

(2) provide for employment by the center of at least one mental health professional to serve as liaison with the other entity and describe the qualifications of any mental health professionals the center employs;

(3) provide satisfactory assurances that the mental health services entity will provide the needed mental health services for the center's patients referred to the entity for this purpose;

(4) include the necessary transportation arrangements and other arrangements for effecting these referrals.

The projects under this section could be for any one or more of the following:

(i) the costs of mental health professionals providing the services in the center under the affiliation agreement;

(ii) appropriate mental health services provided by the center's personnel (other than the mental health professionals);

(iii) consultation and in-service training provided to the center's personnel by the mental health services entity;

(iv) establishing liaison between the center and other providers of mental health or support services.

Only three grants could be made for a project under this section and the third grant could not exceed 75% of the project's costs.

SECTION 405—NON-REVENUE-PRODUCING ACTIVITIES

This section would authorize project grants to public or nonprofit entities to help them provide mental health services which generally do not generate revenues. The entities eligible would be those which had received grants under section 203(a) of the Community Mental Health Centers Act or under section 220 of the pre-1975 Act (or section 220 as continued by section 211 of the current Act) or under section 403 or 406 of the bill, and which could no longer receive those grants because the maximum on the time period for the grants, or on the number of the grants, had been reached.

Grants under this section could be made for projects for one or more of the following—

(1) consultation and education services;

(2) activities directed at prevention of mental illness;

(3) the additional cost of case finding and case management for priority population groups;

(4) coordination of the recipient's services with other mental health or support services;

(5) evaluation of the recipient's program.

To receive a grant under this section, the applicant must provide—

(1) satisfactory assurances that it will, on request, sign an affiliation agreement with any recipient of a section 402 grant in the area—unless relieved of this requirement by the Secretary because the requested agreement is unreasonable;

(2) a satisfactory plan describing the steps it proposes to take in order to secure financing for the activities covered by the project when financing under this section is no longer available;

(3) satisfactory assurances that it will give priority under its program to meeting the needs of priority population groups.

Only five grants could be made under this section to any entity, and no such grant could exceed $1.00 per capita (of the area's population).

SECTION 406—CONTINUED SUPPORT FOR COMMUNITY MENTAL HEALTH CENTERS

Project grants would be authorized under this section to entities which received a grant under section 203(a) or (e) or 211 of the Community Mental Health Centers Act and which would be eligible for further grants thereunder if appropriations for the purpose were made. The grants would be made in the amounts, would be the same in number, and would be made under the terms and conditions applicable under the prior section involved; except that the applicant would have to provide satisfactory assurances that it would, on request, sign an affiliation agreement with a recipient of a section 402 grant in the same area—unless relieved of this requirement by the Secretary because the requested agreement was unreasonable.

If the initial grant under such section 203(a) to any entity has been made from appropriations for fiscal year 1979, no grant could be made to that entity from appropriations for grants under this section for any year unless the Secretary determines, at the entity's request, that there is good cause for making such a grant under this section from the appropriations for that year and a grant has not been made to the entity under section 403.

TITLE V—PILOT PROJECTS FOR STATE ADMINISTRATION OF GRANTS

SECTION 501—AGREEMENTS AUTHORIZED

This section would authorize the Secretary to make an agreement with any State Agency for a demonstration project under which that Agency will, on behalf of the Secretary—

(1) pay the Federal funds due applicants under projects under section 101 or title IV;

(2) review performance under the projects and report to the Secretary the extent of compliance with statutory or other requirements;

(3) perform other agreed upon functions of the Secretary.

SECTION 502—COST OF AGREEMENTS

Under this section, of the sums appropriated under section 641 for any fiscal year, a percentage determined by the Secretary is available for paying part or all of the costs of carrying out section 501 agreements.

TITLE VI—REQUIREMENTS FOR PARTICIPATION; AUTHORIZATION

PART A—STATE PLANS

SECTION 601—REQUIREMENT OF STATE MENTAL HEALTH SERVICES PLANS

For any State Agency or entity in a State to participate under the bill, there must be a State plan in effect which was submitted through the Governor, was prepared by a State agency designated by the Governor, is consistent with the State plan prepared in accordance with the State health planning program under title XV of the Public Health Service Act, and has been approved by the Secretary as meeting the requirements of the bill. Reasonable notice and opportunity for hearing must be given a State before the Secretary (1) disapproves a State plan or (2) holds that it no longer complies with the requirements for approval because of a change in the plan or because of substantial noncompliance in the operation of the plan with those requirements. In case of a nonconformity after initial approval, the penalty may be, as appropriate, withholding of all funds in the State or of funds for projects or activities affected by the noncompliance.

SECTION 602—CONTENTS OF STATE PLANS

To be approved a State plan must be submitted in the form and manner prescribed by the Secretary and must—

(1) divide the State into mental health services areas each of which, except to the extent permitted by the Secretary, conforms to or is within a health service area established under the general health services plan prepared under title XV of the Public Health Service Act and, to the extent practicable, conforms to other State subdivisions;

(2) set forth (A) the need of each area for mental health services, with special attention to priority population groups; (B) the facilities, personnel, and services available and required to meet the needs; (C) the methods used to determine the needs and evaluate the facilities, personnel, and services; (D) the way and order in which those needs will be met; and (E) similar information (not already included) of interarea significance;

(3) provide for establishment or designation of the State Agency as the single State agency to assume responsibility for administration of the State's mental health services plan and program and include personnel standards on a merit basis which accord with standards of the Office of Personnel Management;

(4) identify each Area Mental Health Authority which has been designated by the State Agency and the area or areas it services;

(5) include or be accompanied by evidence that interested agencies, organizations, and individuals had an opportunity to comment on the plan before submission for approval and assurances that they will have an opportunity to comment on its administration or modification after its approval;

(6) describe the steps proposed to be taken at the State and local levels in an effort, which the Secretary determines to be reasonable, to coordinate provision of mental health services, and to coordinate, in the case of priority population groups, the various kinds of services for the groups' members needing both mental health services and support services;

(7) describe the legal rights of the mentally handicapped in the State and how these rights are protected;

(8) provide for emphasizing outpatient instead of institutional inpatient care, and include fair and equitable arrangements (after consultation with the Secretary of Labor) for protecting the interests of employees adversely affected by the emphasis;

(9) provide that any data in the plan or on which it is based will conform to criteria, standards, and other requirements prescribed by the Secretary to achieve Nationwide comparability of data;

(10) provide for necessary records and reports and for verification of them;

(11) provide for at least triennial review of the plan and of information and material therein or accompanying the plan, and for submission of necessary plan modifications as the result of the review or for any other reason, except to the extent excused by the Secretary because the modifications are of minor significance—with the review and submission of any modifications being the responsibility of an agency or agencies of the State designated by the Governor; and

(12) contain such other information and assurances, and meet such other requirements, as may be prescribed by the Secretary for purposes of the bill.

PART B—OTHER GENERAL REQUIREMENTS AND PROVISISONS

SECTION 621—APPLICATIONS

Grants could not be made under the bill except upon application approved by the Secretary. To be approved, an application would have to contain or be accompanied by—

(1) a budget for the year for which the grant is sought (and any additional period required by the Secretary) showing the sources of and allocations of funds for the project;

(2) a statement of the project's objectives—which must be in accord with the Secretary's criteria and must include at least those objectives specified by him;

(3) statistics and other information requested by the Secretary or the State Agency to determine compliance with applicable requirements;

(4) the fee schedule for services provided (including the discounts for those unable to pay in full) and assurances of reasonable collection efforts;

(5) information on the organization and operation of the applicant and on the measures to provide reasonable opportunities to interested people to comment thereon and on the proposed project;

(6) satisfactory assurances of submisison of requested reports and of the keeping of necessary records, with the Secretary and the Comptroller General to have access to the records and other documents for purposes of an effective audit;

(7) satisfactory assurances that the Federal funds will not supplant but will supplement and, to the extent practicable, increase the funds available for the purpose from other sources;

(8) certification of State Agency approval under its plan of any title IV (other than section 402) application;

(9) a description of the steps taken in an effort (determined by the Secretary to be reasonable) to coordinate any services provided with other mental health services and support services;

(10) such other information, material, and assurances as the Secretary may prescribe in order to carry out the purposes of the bill.

SECTION 622—DURATION OF GRANTS

This section would limit grants to the period set by the Secretary, but in no case could this exceed one year for any grant.

SECTION 623—PERFORMANCE STANDARDS

This section requires the Secretary to consider, in passing on any application, the extent of the applicant's compliance, under any prior grant under the Community Mental Health Centers Act or this bill, with applicable requirements, standards, and criteria. It also requires the Secretary to prescribe standard measures of performance.

SECTION 624—EVALUATION AND MONITORING

This section would permit recipients of grants under the bill to use, with Secretarial approval, a portion of their grants for evaluation of their projects and programs. Appropriations for grants under title I, II, III, or IV of the bill would also be available to the Secretary to review the performance of recipients to determine the extent of their compliance with applicable requirements, standards, and criteria and the extent to which they have furthered the National and other objectives of the grants.

SECTION 625—INDIRECT PROVISION OF SERVICES

In the case of mental health services for which any entity is responsible for purposes of a grant under the bill, the services could be provided directly at the entity's main or satellite facilities or through arrangements with others.

SECTION 626—STANDARDS OF CARE

This section of the bill directs the Secretary to prescribe standards of care to be met in the provision of mental health services by any recipient of a grant.

SECTION 627—TECHNICAL ASSISTANCE

Up to 2% of any grant appropriation under title I, II, III, or IV of the bill would be available to the Secretary for technical assistance to any State Agency or other recipient of a grant to help it in developing or better administering its mental health services program or programs.

SECTION 628—PAYMENT PROCEDURES

This section would provide for adjustments in payments of a grant under this bill (other than section 401) on account of overpayments under prior grants under the same section of the bill or specified provisions in the Community Mental Health Centers Act; but the grantee could retain a portion of the overpayment, to the extent it did not exceed 5% of its mental health program, for deposit in a reserve fund for purposes approved by the Secretary.

SECTION 629—CONFORMING AMENDMENTS

This section would amend sections 507 (grants to Federal institutions), 513 (evaluation of programs by the Secretary), and 1513(e) (functions of health systems Agencies) of the Public Health Service Act, which are now applicable to the Community Mental Health Centers Act, so as to make them applicable to the bill as well.

SECTION 630—GRANTS FOR MEMBERS OF INDIAN TRIBES

This section would authorize grants under the bill for any projects to be made also to the Indian Health Service, or any unit thereof, in order to serve members of Indian Tribes or Urban Indian Organizations—but only if the Tribe or Tribes or Organization involved requests that the grant be made in this manner. Indian Health Service projects

could serve clients of the Indian Health Service in more than one mental health services area where called for by the composition of the Indian Tribes or Urban Indian Organizations.

SECTION 631—GOVERNING BODIES OF LOCAL AGENCIES

This section makes any entity ineligible for grants under title IV of the bill, except section 401, unless it meets the requirements in the Community Mental Health Centers Act that are applicable to governing bodies of community mental health centers. Thus, an entity's governing body must be composed of residents representative, where practicable, of the area, and the entity must provide satisfactory assurances that the governing body will meet at least monthly, will establish general policies for the entity, approve its annual budget, and approve its director. Also, at least ½ of the governing body must not be providers of health care. In the case of an entity which is a governmental agency or a hospital, the entity, as an alternative to meeting these requirements, could appoint an advisory committee composed of representative residents of the area at least ½ of whom are not providers of health care.

SECTION 632—COOPERATIVE AGREEMENTS AUTHORIZED

This section authorizes the Secretary to enter into cooperative agreements with State Agencies and with entities eligible for grants under the bill as an alternative to making grants to them.

SECTION 633—OBLIGATED SERVICE FOR MENTAL HEALTH TRAINEESHIPS

This section would add a new subsection to section 303 of the Public Health Service Act. Section 303 now authorizes, among other things, clinical traineeships in mental health. The new subsection would require individuals receiving such traineeships to perform appropriate obligated service equal to 1 year for each year of the traineeship or, upon failure to do so, to repay the United States 3 times the cost of the traineeship plus interest, reduced to the extent of any obligated service performed. In developing criteria for determining in which of the obligated service options recipients of traineeships must serve, the Secretary would give preference to institutions, areas, or entities having the greatest need for their service. If an individual is obligated to perform service on account of education or training aid received under a National Health Service Corps scholarship (title VII, part C, subpart IV of the Public Health Service Act) or a National Research Service Award (section 472 of that Act), the same service could not count to meet more than one of the obligations.

In meeting the concurrently existing obligations, the obligation resulting from the National Health Service Corps scholarship would take precedence over the other 2; and regulations would determine the manner and time of meeting each of the other two obligations.

This new requirement of obligated service would apply only in the case of any academic year, for a traineeship under section 303 of the Public Health Service Act, beginning after the enactment of the bill—if the award for the academic year was made after that enactment.

PART C—AUTHORIZATIONS

SECTION 641—AUTHORIZATION OF APPROPRIATIONS

$45,600,000 for the fiscal year 1980 and such sums as the Congress may determine for the next 3 years are authorized to be appropriated for grants under titles I, II, and III.

$302,155,000 for fiscal year 1980 and such sums as the Congress may determine for the next 3 years are authorized to be appropriated for grants under title IV of the bill.

Appropriations are also authorized for years after fiscal year 1983 to make continuation grants under title IV (except section 401) for the number of years in which those continuation grants are authorized to be made.

TITLE VII—MISCELLANEOUS

SECTION 701—COMMUNITY MENTAL HEALTH CENTERS ACT APPROPRIATIONS

This section would prohibit the making of any appropriations under the Community Mental Health Centers Act, except section 231 (rape prevention activities), for any fiscal year after the fiscal year 1979.

By Mr. KENNEDY (for himself, Mr. CRANSTON, and Mr. HATFIELD):

S. 1178. A bill to terminate the granting of construction permits for new nuclear fission powerplants in the United States pending a public reappraisal of the nuclear fuel cycle, and for other purposes; to the Committee on Environment and Public Works.

NUCLEAR REAPPRAISAL ACT OF 1979

Mr. KENNEDY. Mr. President, the nuclear accident at Harrisburg has forced us all to take a new and harder look at the implications of nuclear power development for our energy security, for our health and safety, and our national security.

In the last 3 months, serious safety defects have been found in 14 of the 70 operating nuclear reactors. These safety problems were serious enough to require the shutdown of these powerplants. A serious reactor accident was narrowly avoided at Harrisburg.

Thirty years into the nuclear era safe disposal of radioactive waste still has not been demonstrated.

A British Royal Commission concluded last year that—

It would be irresponsible and morally wrong to commit future generations to the consequences of nuclear power on a massive scale unless it has been demonstrated beyond reasonable doubt that at least one method exists for the safe isolation of these wastes for the indefinite future.

When such serious safety problems still exist after 70 nuclear powerplants have been licensed, it is clear that the nuclear safety licensing process is not working.

I am introducing today legislation providing for a 2-year moratorium on the issuance of new construction permits by the Nuclear Regulatory Commission. I am pleased to announce that Senators CRANSTON and HATFIELD are joining with me.

The moratorium that I am proposing will not prevent reactors which are now being built from operating. It will not shut down any existing reactors.

The purpose of this moratorium is, first, to provide the time necessary for a full and fair analysis of the failings of the present nuclear safety licensing process. Its second purpose is to provide time for Congress to enact new legislation remedying the present failings of nuclear safety licensing process.

The legislative basis of the present nuclear safety licensing system is the Atomic Energy Act of 1954. The NRC regulations, which specify the detailed requirements for atomic reactors were written in the 1960's and early 1970's by the Atomic Energy Commission.

The recent failures of nuclear safety licensing systems make it clear that new legislation reflecting the needs of the 1980s and 1990s must be developed.

I believe that the basic safety legislation should be rewritten to insure that safety problems are discovered and remedied before powerplants are built. Until Congress has had an opportunity to thoroughly review and rewrite the existing nuclear safety legislation so that serious safety problems are identified and resolved before reactors are built, I believe that authorization to build new nuclear powerplants should not be granted.

Concern has been expressed that delaying construction of nuclear powerplants will increase the cost of electricity. In this connection, I would like to insert into the record at this time an article that appeared recently in the business section of the Washington Post, which details the enormous costs now facing the owners of Three Mile Island. The Harrisburg accident is costing the company $24 million per month in uninsured costs for the purchase of replacement power. The stockholders have experienced a nearly 50-percent drop in the value of their stock. The value of GPU's equity has dropped almost $500 million. And, 600 workers are being laid off. Clearly the costs of continuing to issue construction permits before we have had an opportunity to learn the lessons of Three Mile Island are potentially very great.

Finally, Mr. President, I would like to bring to the attention of my colleagues an article in the New York Times of May 11, reporting that the Bank of America had suspended the granting of any new loans for nuclear construction and for the purchase of nuclear fuel. In the words of a bank spokesman, the Bank of America feels that—

It would be imprudent to go forward with such lending at a time when the industry itself is reviewing such lessons as may be learned from the accident.

The legislation I am introducing today will give all of us an opportunity to consider what must be done before it becomes prudent to increase our reliance on nuclear fission technology.

Mr. President, I ask unanimous consent that the text of the bill and two newspaper articles I have referred to be printed in the RECORD.

There being no objection, the bill and the news articles were ordered to be printed in the RECORD, as follows:

S. 1178

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 "Nuclear Energy Reappraisal Act of 1979".

STATEMENT OF FINDINGS AND PURPOSES

SEC. 2. The Congress finds that—

(1) the accident at Three Mile Island Pennsylvania, has increased public concern about our national nuclear fission powerplant policy;

(2) Congress, the Nuclear Regulatory Commision, a Presidential Commission, the nuclear industry, state, regional and local policymakers, and numerous citizen organizations have recently undertaken a review of

our national nuclear fission powerplant policy in light of the accident at Three Mile Island;

(3) the present nuclear safety licensing process is failing to identify and resolve important safety issues, before nuclear powerplants are built as evidenced by the safety shutdowns of 14 reactors in February, March, and April of 1979, by the accident at Three Mile Island, and by the absence of a demonstration of safety, permanent disposal of radioactive wastes;

(4) numerous other serious problems associated with our national nuclear fission powerplant policy remain unresolved, including generic safety issues; increasing proliferation of nuclear weapons stemming from the export of nuclear reactor technology; the dangers to society from the use of special nuclear materials; sharply rising costs; and public health risks from low-level radiation, particularly to powerplant workers; and

(5) such reviews are likely to result in new and important requirements that must be met before the nuclear fission powerplants are licensed for construction.

(b) The Congress declares that—

(1) any further commitment to nuclear power by the United States Government should be delayed during this public reappraisal of the serious safety, health, environmental and economic problems associated with nuclear fission; and

(2) construction permits including limited work authorizations for new civilian nuclear fission powerplants should not be issued during this public reappraisal.

DEFINITION

SEC. 3. When used in this Act, the term "construction permit" means any authorization for the construction of a new nuclear fission powerplant, including a limited work authorization and for the modification or expansion of an existing nuclear fission powerplant but does not include modifications undertaken to enhance public health and safety, and does not include small scale, noncommercial nuclear fission reactors used exclusively for medical or experimental purposes.

CESSATION OF NEW NUCLEAR PLANT LICENSING

SEC. 4. (a) The Nuclear Regulatory Commission is directed to cease, beginning on the first day after enactment of this Act, the issuance of construction permits except as provided for in subsection (b).

(b) No new construction permit shall be issued until—

(1) Congress has determined that—

(A) the continuance of the nuclear reactor program does not significantly contribute to the proliferation of atomic weapons;

(B) the nuclear safety licensing process is reformed so that all substantial safety issues are identified and resolved before reactor construction begins;

(C) the radioactive wastes from nuclear fission powerplants can be permanently stored or disposed of, with no reasonable chance of intentional or unintentional escape of such wastes or radioactivity into the natural environment to affect adversely, immediately or eventually, the land or the people of the United States.

(D) the effectiveness of security systems throughout the nuclear fuel cycle is demonstrated to the satisfaction of the Congress;

(E) the health risks from low-level radiation have been minimized;

(F) the requirements of fiscal responsibility imposed by government on utilities, nuclear vendors and suppliers are sufficient to insure that owners of nuclear powerplants anticipate and provide for in their current rate structure all costs associated with decommissioning powerplants, with permanently storing the radioactive wastes, and with accepting full financial responsibility for the consequences of a nuclear powerplant accident;

(G) nuclear fission plants are acceptable in comparison to other energy sources, including renewable energy sources; and

(H) renewing the authority of the Nuclear Regulatory Commission to issue construction permits is consistent with protecting the health and safety of the public; and

(2) legislation has been enacted, not less than 2 years after the date of enactment of this Act, that specifically provides for the renewal of authority to the Nuclear Regulatory Commission to issue construction permits.

[From the Washington Post, May 10, 1979]

GPU CHIEF SETS COURSE OF AUSTERITY

(By Larry Kramer)

JOHNSTOWN, PA., May 9.—The General Public Utilities Corp. gave its stockholders more bad news today: nearly 600 jobs will be eliminated in the company, and other drastic financial steps will have to be taken before the beleaguered owner of the Three Mile Island nuclear facility is back on its fiscal feet.

But in a surprisingly calm and orderly three-hour session attended by 1,035 stockholders—the largest turnout ever for a GPU annual meeting—Chairman William G. Kuhns found a receptive audience for his outline of austerity measures to bring the utility back to profitability after experiencing the worst nuclear accident in U.S. history.

"We are currently negotiating with a group of banks for a $450 million revolving credit agreement to meet short term needs," Kuhns told stockholders, reporting also that the most significant uninsured cost now faced by the company is a $24 million monthly bill for the purchase of replacement power.

He said that bill will drop to $10 million a month when Three Mile Island unit one (TMI–1)—not involved in the accident—is put back in operation after a fuel loading, perhaps within six months.

In an early morning press conference Kuhns told reporters that despite the accident at TMI–2, GPU's goal of having 50 percent of its power generated by nuclear energy remains unchanged. "We haven't changed our outlook at this point," he said, even adding that "we contemplate reopening that facility (within) two to three years."

Kuhns said in the meantime several other cost cutting measures would be taken. He said the planned construction program for GPU's three subsidiary power companies—Metropolitan Edison Company (Met Ed), Pennsylvania Electric Company (Penelec) and Jersey Central Power & Light (JCP&L)—would be cut back $125 million this year and $225 million next year, representing cuts of 30 percent and 45 percent respectively.

Attempts are also being made, he said, to get relief from public utility commissions in Pennsylvania and New Jersey in the form of increased power bills to consumers.

And, Kuhns said, the compensation of GPU directors and officers has been cut. Board members cut their annual retainer fee of $7,500 to $6,000—a 20 percent drop—and eliminated a scheduled $100 increase in their $300 per meeting fee. Company officers, with the exception of Kuhns and President Herman Dieckamp, were cut back 7 percent to 1978 pay levels. Kuhns and Dieckamp were cut back to 1977 pay levels. For Kuhns, that represented a cut from $265,000 annually to $230,000, while Dieckamp drops from $207,000 to $180,000.

At one point stockholders suggested that the company officers should take an even sharper cut in pay, "and pay yourself with company stock."

The major effects of the construction cutbacks will be a delay in the completion of another nuclear plant at Forked River, N.J., and the construction of a planned coal-fired plant some 25 miles from here.

"Your company has been seriously wounded," Kuhns told the stockholders. "But the healing process is underway." He would not predict how long the quarterly stock dividend paid by the company would remain at 25 cents. It was cut from 45 cents two weeks ago.

But he did say it was the goal of the company to have the costs of the Three Mile Island accident shared among stockholders, customers and employes. Besides the dividend cut, stockholders have also already experienced a nearly 50 percent drop in the value of their stock—from nearly $19 to under $10 per share—since the Three Mile Island accident. Kuhns said the drop in value of GPU's equity was almost half a billion dollars.

He said the burden was particularly tough since more than half of GPU's 175,500 stockholders are retired, according to a company survey, and the majority of all the stockholders have total family incomes of under $20,000.

The employee cuts will be spread companywide over the next several months, with 200 each coming from the JCP&L and Penelec, and between 150 and 200 coming from Met Ed. Kuhns said he hoped a significant portion of the cuts will be taken care of by attrition and said that employes whose jobs are eliminated will be allowed, if they have an applicable skill to instead transfer to a job at the troubled Three Mile Island site.

He said the customers of the utilities should share the costs of Three Mile Island because they have been the major beneficiaries of nuclear power until now. "The operations of TMI–1 and Oyster Creek nuclear facilities have already saved our customers about $700 million through 1978," he said. "In light of this it seems equitable that our customers bear some of the financial risk, of nuclear power and share in the burden of the TMI–2 accident."

A predicted protest outside the War Memorial hockey arena—site of the annual meeting—barely materialized. Only a couple dozen picketers held up anti-nuclear signs and were outnumbered by pro-nuclear demonstrators from local trade unions. Inside, stockholder John Feather Jr., a Lebanon, Pa., lawyer, introduced a stockholder's resolution to force the company to close both Three Mile Island nuclear units forever because, "no guarantee can be made that such errors and failures (that occurred there) will not be repeated at each unit," but the motion was defeated 44,786,501 votes to 22.25 votes.

Almost all of the dozens of speakers at the annual meeting were sympathetic to company problems, leading a "pleased" Kuhns to call the gathering "the best we have ever had," after it was over. "I was very impressed with the level of interest and the quality of the questions," he said.

Company sources said the meeting was not even the longest in company history. Several years ago one of the meetings in New York City lasted five hours while two stockholders virtually read the entire annual report aloud, asking clarification for several figures.

[From the New York Times, May 11, 1979]

BANK HALTS NEW LOANS AT A-PLANTS

SAN FRANCISCO, May 10.—The Bank of America said today that it had suspended the granting of new loans for nuclear construction and for utility purchases of nuclear fuel pending Federal and industry reviews of the accident at the Three Mile Island reactor.

"We feel it would be imprudent to go forward with such lending at a time when the industry itself is reviewing such lessons as

may be learned from the accident," a bank spokesman said.

"We have suspended any new credits that we know are going directly for nuclear construction," the spokesman added. He explained that this meant both direct loans and credit backing for utility issuance of commercial paper designed to raise funds for the purchase of nuclear fuel.

90 PERCENT OF LOANS OUTSIDE U.S.

The bank has about $200 million in direct loans for nuclear construction outstanding around the world, more than 90 percent of its outside the United States, according to the spokesman. These loans will be honored and the bank will continue to consider new loans to utilities whose income, and ability to repay, is not dependent on nuclear-power generation, the spokesman said. "We will make loans to utilities which have as some small part of their capacity nuclear generation," the spokesman said.

Bank of America's suspension of new credits for nuclear purposes was alluded to by bank officers at the bank's annual meeting here on April 24. Today's comments were issued in response to questions after a conference of top bank officials.

Bank sources indicated that the bank is also taking a close look at its investments related to nuclear power.

Mr. CRANSTON. Mr. President, the Three Mile Island nuclear accident brought to heightened public awareness a basic question which some of us have been asking for a long time:

Can nuclear fission energy be both safe and cost effective?

In the aftermath of Three Mile Island, I believe the time has come to stop issuing construction licenses for new nuclear fission power generating plants, so that we can take the time to make an objective, serious and complete reappraisal of nuclear power's cost, and fully evaluate the dangers to the health and safety of the people of this Nation, before we permit the future spread of nuclear energy.

During the recent, massive demonstration at the Nation's Capitol by those who share these concerns with me, my commitment to a legislative moratorium was read to those assembled by Governor Brown.

I am very happy to join with my good friend, the senior Senator from Massachusetts, (Mr. KENNEDY) and the senior Senator from Oregon (Mr. HATFIELD) in today introducing legislation which would impose a 2-year ban on new nuclear fission generating plants in the United States.

I believe the thread may have run out on the myth of clean and cheap fission energy.

The Kennedy-Cranston-Hatfield bill would halt the construction of new fission powerplants for 2 years, while a full-scale reappraisal of the unsettled issues of nuclear power is completed by the Congress, and by the other public and private agencies who have recently undertaken review of our national nuclear fission policy in light of the Three Mile Island accident.

Those issues are:

Generic safety of fission powerplants;

Proliferation of nuclear weapons stemming from the export of nuclear reactor technology;

Dangers to public safety from the use of plutonium and other nuclear materials for blackmail or terrorism;

Sharply rising costs, not only for constructing and improving the safety of nuclear powerplants, but also for cleaning up the damage resulting from accidents in those plants;

Absence of a safe, permanent solution to the growing problems of waste disposal; and

Increasing awareness of the dangers of low-level radiation to the health of powerplant workers and the public.

I have always questioned the wisdom and safety of this technology. But the Harrisburg incident has brought disillusionment even to those who minimized the risks because they assumed that fission power was a cheap source of energy.

Until the Federal Government can assure the public of a reasonable margin of safety from nuclear theft, blackmail, and terrorism, it is foolhardy to produce, store, and transport an increasing supply of fissionable material. Unless we can protect public health by proper disposal of cancer-causing radioactive wastes, building more nuclear plants is simply irresponsible.

This bill would also prevent granting licenses for export of nuclear fission powerplants to other nations during the reappraisal period.

The most serious problem facing the world today is the danger of thermonuclear war and the spread of nuclear weapons.

Yet our export of nuclear technology greatly increases these risks.

Mr. President, we must pull in the reins on nuclear energy until Congress and ultimately the American people are satisfied that the energy benefits of fission outweigh its risks—and that it is economically, socially, and environmentally superior to nonnuclear, renewable alternatives like solar power.

That is the purpose of this bill.

● Mr. HATFIELD. Mr. President, the March 18 nuclear accident at Three Mile Island, Pa., has provided graphic demonstration that the present structure and operation of America's civilian nuclear reactor technology is too dangerous. Stated another way, the probability of the occurrence of a catastrophic core meltdown is, quite apparently, too high.

Prior to the March 18, I shared an abiding concern with many of my colleagues in this body that the United States was proceeding to demonstrate and deploy fission technologies in a manner and at a rate which presumed we would find acceptable answers to the problems of radioactive waste isolation and perpetual storage, handling and security of plutonium and other special nuclear materials, nuclear weapons proliferation from the availability of such materials, and decontamination and decommissioning of spent powerplants. Not only have I not seen answers to these important questions, I have been shaken of my former notion that at least the daily operation of our few, fairly standard, pressurized water and boiling water reactors presented no unacceptable risk to society. The limited number of these plants, even including those under construction, their redundant safety systems, the lengthy and seemingly painstaking siting and licensing processes at State agencies and the Nuclear Regulatory Commission, and ongoing monitoring of plant operations by these bodies appeared to assure that the bottom lines of Dr. Rasmussen's risk analyses would be borne out in our experience. Three Mile Island eliminated that assurance for me.

For many other Americans this assurance was also shaken during the harrowing days that followed the initial accident at Three Mile Island. As the reactor core started melting down, and as 200,000 people waited for evacuation orders from their Governor, we watched a drama that we had been told time and again had no significant possibility of occurring. This has prompted a national reappraisal of our nuclear technology. It is happening in households and bars, in city councils and civic organizations, in the utility industry, in State legislatures and nuclear siting councils and, indeed, in the NRC and the White House.

I am joining the distinguished Senator from Massachusetts, Mr. KENNEDY, the distinguished Senator from California, Mr. CRANSTON, in introducing legislation which recognizes and accommodates this reappraisal. It is responsible legislation. It is the very least the Congress should be willing to do in response to the concerns in the country today. It requires that NRC suspend licensing for construction of new plants until such time as our reappraisal shows that public health and safety is not unduly threatened by what we have allowed to occur in the past and what we are prepared to allow in the future. It also provides that before Congress revests in the NRC the authority to issue construction permits, Congress should be able to declare to the Nation that the licensing process has been reformed so as to eliminate the substantial safety questions that now exist—not just in Babcock & Wilcox plants, but all plants now on line or under construction. Congress should also be able to declare that our nuclear reactor program will not contribute to the proliferation of atomic weapons, that radioactive wastes can be permanently stored without significant risk of escape into the environment, that security systems throughout the nuclear fuel cycle are effective, that health risks from exposure to low-level radiation can be held to acceptable minimal levels, and that the nuclear option will shoulder all costs associated with its operation, including costs of waste disposal, decommissioning, and full-liability insurance.

The adoption of this legislation is an action we owe the people who elected us to protect their interests through representative government. The government is not now adequately controlling this complex and potentially very dangerous technology.●

By Mr. BAYH (for himself, Mr. MORGAN, Mr. STEWART, and Mr. THURMOND):

S. 1179. A bill to incorporate the Gold Star Wives of America; to the Committee on the Judiciary.

GOLD STAR WIVES

● Mr. BAYH. Mr. President, today, I am honored to introduce a bill which would provide for a Federal charter for

Gold Star Wives of America. Gold Star Wives are women whose husbands have died while serving in the Armed Forces of the United States. In 1945, the first members drew together into an organization in order to help each other and their families with their common problems.

For many years, the Gold Star Wives have sought a Federal charter for the simple reason that without such Federal recognition, they are hampered in their efforts to receive official information on newly bereaved women from the Department of Defense and the Veterans' Administration. Federal incorporation in the form of a congressional charter is the accepted criterion by which the Department of Defense and Veterans' Administration are guided in the determination of the organizations which are acceptable and reputable. Without this necessary Federal charter, Gold Star Wives of America has not been accorded the provisions, privileges, and prerogatives granted to other national organizations. Therefore, countless widows and children have been denied the assistance, advice, and moral support from the only organization of persons capable of completely understanding their problems. Hampered by the lack of official recognition, the members of the organization have nevertheless continued their work with dedication and commitment.

Bills to incorporate Gold Star Wives of America have been introduced in both the Senate and House in every Congress since 1969. The House unanimously passed a bill in 1971 to incorporate Gold Star Wives of America in the District of Columbia. This legislation was referred to the Senate Judiciary Committee and a hearing was held; however, no further action occurred in the Senate. In the 95th Congress, over 100 Representatives cosponsored Gold Star Wives charter legislation. Each year increased support has been gained. In the required letter of recommendation from the Veterans' Administration Max Cleland, Administrator has stated:

We believe this organization is worthy of the type of recognition which would flow from the granting of a Federal Charter.

Mr. President, surely if there is any group in the country which has proved its worth over a period of years, and has demonstrated its justifiable need for a Federal charter, it is the Gold Star Wives of America. It is time for the 96th Congress to act to give this organization the official status it has long since earned. I ask unanimous consent that the text of the bill be printed in the RECORD.

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

S. 1179

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

Mrs. Karen T. Sintic, 9519 Laramie Avenue, Skokie, IL 60077;

Mrs. Sandi M. Robertson, 6049 Wares Ferry Road, Montgomery, AL 36117;

Mrs. Angela Mooney, 114 Pinehurst Drive, Enterprise, AL 36330;

Mrs. Rose Stalcup, 3057 Ursula Street, Aurora, CO 80011;

Mrs. Nevolia Wright, 4527 Lunsford Street, Columbus, GA 31903;

Mrs. Stella Burket, 1025 Jamaica Court, Aurora, CO 80010;

Mrs. Mary Galotta, 117 Pine Street, Lowell, MA 01851;

Mrs. Lavone Tueting, 5325 Beard Avenue, So., Minneapolis, MN 55410;

Mrs. Edith V. Knowles, P.O. Box 1703, Albany, GA 31702;

Mrs. Pauline T. Bartsch, 9 E. Narberth Terrace, Collingswood, NJ 08108;

Mrs. Itelia Butler, P.O. Box 3943, Albany, GA 31706;

Mrs. Geraldine Chittick, P.O. Box 306, Frankfort, IN 46041;

Mrs. Joy Dove, 4224 Chowen Avenue, So., Minneapolis, MN 55410;

Mrs. Jeanette Early, 5314 Yorkwood Street, Houston, TX 77016;

Mrs. Corinne Hayward, 704 Dryden Street, Silver Spring, MD 20901;

Mrs. Rose Lee, 540 Lombardy Street, Arlington, VA 22203;

Mrs. Mickey Lovell. 862 Pontiac Street, Denver, CO 80220;

Mrs. Paula Muth, 1006 Somerset Drive, Bellevue, NB 68005;

Mrs. Peggy Simonfy, 107 Mandalay Road, Fairview, MA 01020;

Mrs. Johnnie Spillman, 3145 Steele Street, Denver, CO 80205;

Mrs. Ingrid Stewart, 138 Devonshire Drive, San Antonio, TX 78209;

Mrs. Lucy Walker, 1319 Camelot Drive, College Park, GA 30349;

Mrs. Diane White, 1938 W. Roselawn Avenue, St. Paul, MN 55113;

Mrs. Odessa Wycoff, 7209 N. Hammond, Oklahoma City, OK 73132;

Mrs. Larue Yessen, 1099 E. 51st Street, Brooklyn, NY 11234, and their successors, are hereby created and declared to be a body corporate by the name of Gold Star Wives of America (hereinafter called the corporation) and by that name shall be known and have perpetual succession and the powers and limitations contained in this Act.

COMPLETION OF ORGANIZATION

SEC. 2. A majority of the persons named in the first section of this Act is authorized to complete the organization of the corporation by the election of officers and employees, the adoption of a constitution and bylaws, not inconsistent with this Act, and the doing of such other acts as may be necessary for such purpose.

OBJECTS AND PURPOSES OF CORPORATION

SEC. 3. The objects and purposes of the corporation shall be—

(1) to assist in upholding the Constitution and laws of the United States of America, and to inculcate a sense of individual obligation to the community, State, and Nation;

(2) to honor the memory of those who made the supreme sacrifice in the service of our country;

(3) to safeguard and transmit to posterity the principles of justice, freedom, and democracy for which members of our armed services fought and died;

(4) to provide the benefits of a happy, healthful, and wholesome life to minor children of persons who died in the service of our country;

(5) to promote activities and interests designed to foster among its members the proper mental attitude to face the future with courage; and

(6) to aid, whenever necessary, widows and children of persons who died in the service of our country.

CORPORATE POWERS

SEC. 4. The corporation shall have power—

(1) to sue and be sued, complain, and defend in any court of competent jurisdiction;

(2) to adopt, alter and use a corporate seal;

(3) to choose such officers, directors, trustees, managers, agents, and employees as the business of the corporation may rquire;

(4) to adopt, amend, and alter a constitution and bylaws, not inconsistent with the laws of the United States or any State in which the corporation is to operate, for the management of its property and the regulation of its affairs;

(5) to contract and be contracted with;

(6) to charge and collect membership dues, subscription fees, and receive contributions or grants of money or property to be devoted to the carrying out of its purposes;

(7) to take and hold by lease, gilt, purchase, grant, devise, bequest, or otherwise any property, real or personal, necessary for attaining the objects and carrying into effect the purposes of the corporation, subject to applicable provisions of law in any State (A) governing the amount or kind of real and personal property which may be held by, or (B) otherwise limiting or controlling the ownership of real or personal property by a corporation operating in such State;

(8) to transfer, encumber, and convey real or personal property;

(9) to borrow money for the purposes of the corporation, issue bonds therefor, and secure the same by mortgage, subject to all applicable provisions of Federal or State law;

(10) to adopt, alter, use, and display such emblems, seals, and badges as it may determine; and

(11) to do any and all acts and things necessary and proper to carry out the objects and purposes of the corporation, and for such purpose the corporation shall also have, in addition to the foregoing in this section and subsection, the rights, powers, duties, and liabilities of the existing corporation referred to in section 18 as far as they are not modified or superseded by this Act.

PRINCIPAL OFFICE; SCOPE OF ACTIVITIES; DISTRICT OF COLUMBIA AGENT

SEC. 5. (a) The principal office of the corporation shall be located in Skokie, Illinois, or in such other place as may later be determined by the board of directors, but the activities of the corporation shall not be confined to that place and may be conducted throughout the various States and possessions of the United States.

(b) The corporation shall maintain at all times in the District of Columbia a designated agent authorized to accept service of process for the corporation, and notice to or service upon such agent, or mailed to the business address of such agent, shall be deemed notice to or service upon the corporation.

MEMBERSHIP; VOTING RIGHTS

SEC. 6. (a) Eligibility for membership in the corporation and the rights and privileges of members shall, except as provided in this Act, be determined as the constitution and bylaws of the corporation may provide.

(b) Each member of the corporation, other than honorary and associate members, shall have the right to vote in accordance with the constitution and bylaws of the corporation.

BOARD OF DIRECTORS; COMPOSITION; RESPONSIBILITIES

SEC. 7. (a) Upon enactment of this Act the membership of the initial board of directors of the corporation shall consist of the following persons—

Mrs. Edith V. Knowles, P.O. Box 1703, Albany, GA 31702;

Mrs. Pauline T. Bartsch, 9 E. Narberth Terrace, Collingswood, NJ 08108;

Mrs. Itelia Butler, P.O. Box 3943, Albany, GA 31706;

Mrs. Geraldine Chittick, P.O. Box 306, Frankfort, IN 46041;

Mrs. Joy Dove, 4224 Chowen Avenue, South, Minneapolis, MN 55410;
Mrs. Jeanette Early, 5314 Yorkwood Street, Houston, TX 77016
Mrs. Corinne Hayward, 704 Dryden Street, Silver Spring, MD 20901;
Mrs. Rose Lee, 540 Lombardy Street, Arlington, VA 22203;
Mrs. Mickey Lovell, 862 Pontiac Street, Denver, CO 80220;
Mrs. Paula Muth, 1006 Somerset Drive, Bellevue, NB 68005;
Mrs. Peggy Simonfy, 107 Mandalay Road, Fairview, MA 01020
Mrs. Johnnie Spillman, 3145 Steele Street, Denver, CO 80205;
Mrs. Ingrid Stewart, 138 Devonshire Drive, San Antonio, TX 78209;
Mrs. Lucy Walker, 1319 Camelot Drive, College Park, GA 30349;
Mrs. Diane White, 1938 W. Roselawn Avenue, St. Paul, MN 55113;
Mrs. Odessa Wycoff, 7209 N. Hammond, Oklahoma City, OK 73132;
Mrs. Larue Yessen, 1099 E. 51st Street, Brooklyn, NY 11234.

(b) Thereafter, the board of directors of the corporation shall consist of such number (not less than fifteen), shall be selected in such manner (including the filling of vacancies) and shall serve for such term as may be prescribed in the constitution and bylaws of the corporation.

(c) The board of directors shall be the governing board of the corporation and shall, during the intervals between corporation meetings, be responsible for the general policies and program of the corporation. The board shall be responsible for all finance.

OFFICERS; ELECTION OF OFFICERS

SEC. 8. (a) The officers of the corporation shall be a chairman of the board, a president, a vice president, a secretary, and a treasurer. The duties of the officers shall be as prescribed in the constitution and bylaws of the corporation. Other officer positions may be created as prescribed in the constitution and bylaws of the corporation.

(b) Officers shall be elected annually at the annual meeting of the corporation.

USE OF INCOME; LOANS TO OFFICERS, DIRECTORS, OR EMPLOYEES

SEC. 9. (a) No part of the income or assets of the corporation shall inure to any member, officer, director, or be distributable to any such person otherwise than upon dissolution or final liquidation of the corporation as provided in section 16 of this Act. Nothing in this subsection, however, shall be construed to prevent the payment of compensation to officers of the corporation in amounts approved by the executive committee of the corporation.

(b) The corporation shall not make loans to its officers, directors, or employees. Any director who votes for or assents to the making of such loans shall be jointly and severally liable to the corporation for the amount of such loan until the repayment thereof.

NONPOLITICAL NATURE OF CORPORATION

SEC. 10. The corporation, and its officers, directors, and duly appointed agents as such, shall not contribute to or otherwise support or assist any political party or candidate for office.

LIABILITY FOR ACTS OF OFFICERS AND AGENTS

SEC. 11. The corporation shall be liable for the acts of its officers and agents when acting within the scope of their authority.

COMPREHENSIVE PRIVILEGES

SEC. 12. Such provisons, privileges, and prerogatives as have been granted heretofore to other national veterans' organizations by virtue of their being incorporated by Congress are hereby granted and accrue to the Gold Star Wives of America.

PROHIBITION AGAINST ISSUANCE OF STOCK OR PAYMENT OF DIVIDENDS

SEC. 13. The corporation shall have no power to issue any shares of stock nor to declare nor pay any dividends.

BOOKS AND RECORDS; INSPECTION

SEC. 14. The corporation shall keep correct and complete books and records of account and shall keep minutes of the proceedings of its members, board of directors, and committees having any of the authority of the board of directors; and it shall also keep at its principal office a record of the names and addresses of its members entitled to vote. All books and records of the corporation may be inspected by any member entitled to vote, or his agent or attorney, for any proper purpose, at any reasonable time.

AUDIT OF FINANCIAL TRANSACTIONS

SEC. 15. (a) The accounts of the corporation shall be audited annually, in accordance with generally accepted auditing standards, by independent certified public accountants or independent licensed public accountants, certified or licensed by a regulatory authority of a State or other political subdivision of the United States. The audit shall be conducted at the place or places where the accounts of the corporation are normaly kept. All books, accounts, financial records, reports, files, and all other papers, things, or property belonging to or in use by the corporation and necessary to facilitate the audit shall be made available to the person or persons conducting the audit; and full facilities for verifying transactions with the balances or securities held by depositories; fiscal agents, and custodians shall be afforded to such person or persons.

(b) A report of such audit shall be submitted to the Congress not later than six months following the close of the fiscal year for which the audit was made. The report shall set forth the scope of the audit and shall include such statements as are necessary to present fairly the corporation's assets and liabilities, surplus or deficit with an analysis of the changes therein during the year, supplemented in reasonable detail by a statement of the corporation's income and expenses during the year including the results of any trading, manufacturing, publishing, or other commercial-type endeavor carried on by the corporation, together with the independent auditor's opinion of those statements. The reports shall not be printed as a public document.

LIQUIDATION

SEC. 16. Upon final dissolution of liquidation of the corporation, and after discharge or satisfaction of all outstanding obligations and liabilities, the remaining assets of the corporation may be distributed in accordance with the determination of the board of directors of the corporation and in compliance with the constitution and bylaws of the corporation and all Federal and State laws applicable thereto.

EXCLUSIVE RIGHT TO NAME, EMBLEMS, SEALS, AND BADGES

SEC. 17. The corporation shall have the sole and exclusive right to use the name Gold Star Wives of America. The corporation shall have the exclusive and sole right to use, or to allow or refuse the use of, such emblems, seals, and badges as have heretofore been used by the corporation referred to in section 18 in carrying out its program. Nothing in this Act shall interfere or conflict with established or vested rights.

TRANSFER OF ASSETS

SEC. 18. The corporation may acquire the assets of the Gold Star Wives of America, Incorporated, chartered as a nonprofit organization in the State of New York, upon discharging or satisfactorily providing for the payment and discharge of all of the liability of such corporation and upon complying with all laws of the State of New York applicable thereto.

RESERVATION OF RIGHTS TO AMEND OR REPEAL CHAPTER

SEC. 19. The right to alter, amend, or repeal this Act is hereby expressely reserved.●

By Mr. HARRY F. BYRD, JR.:

S.J. Res. 79. Joint resolution to amend the Constitution of the United States to provide for balanced budgets and a limitation upon the outlays of the Government; to the Committee on the Judiciary.

BALANCING THE BUDGET AND LIMITING FEDERAL SPENDING: TWO IMPORTANT OBJECTIVES

Mr. HARRY F. BYRD, JR. Mr. President, I am today proposing an amendment to the Constitution which will require a balanced budget and a limit on Federal spending, except in times of declared national emergency.

There is growing support for requiring the Federal Government to balance its budget. Thirteen joint resolutions requiring a balanced budget are now pending in the Committee on the Judiciary, and a number of similar resolutions have been introduced in the House of Representatives.

At the same time, there is a widespread feeling that the rate of increase in Federal spending must be curbed. At least three constitutional amendments, and I believe several bills, have been introduced to impose a limit on Federal outlays.

I favor a balanced budget, and I share the concerns of those Senators and Representatives who seek to put a cap on the runaway spending of the Government. Spending has been increasing at 9 to 14 percent a year.

Earlier this year, I introduced Senate Joint Resolution 45, which requires a balanced budget except in those years when both Houses of Congress, by a two-thirds vote, set aside the requirement, because of a national emergency.

Today I am proposing a new constitutional amendment, which adds to the requirement in Senate Joint Resolution 45 a mandate that Federal spending in any fiscal year shall not exceed 20 percent of the previous calendar year's gross national product.

I stress that the limitation is based on the GNP for the preceding year. Thus, the amount of the limit on spending is not dependent upon any economic projection.

Like the balanced budget requirement, the spending limit could be set aside by a two-thirds vote of both Houses in an emergency.

I ask unanimous consent that the text of my proposed new amendment to the Constitution be printed at this point in the RECORD.

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

S.J. RES. 79

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled (two-thirds of each House concurring therein), That the follow-

ing article is hereby proposed as an amendment to the Constitution of the United States, which shall be valid for all intents and purposes as part of the Constitution when ratified by the legislatures of three-fourths of the several States within five years after its submission to the States for ratification:

"ARTICLE —

"SECTION 1. Beginning with the first fiscal year after the ratification of this article, the Congress shall assure that the total outlays of the Government during any fiscal year, not including any outlays for the redemption of bonds, notes, or other obligations of the United States, shall not exceed the total receipts, not including receipts derived from the issuance of bonds, notes, or other obligations of the United States.

"SEC. 2. Beginning with the first fiscal year after the ratification of this article, the Congress shall assure that the total outlays of the Government during any fiscal year shall not exceed 20 percent of the gross national product during the calendar year immediately preceding the beginning of such fiscal year.

"SEC. 3. In the case of a national emergency, Congress may determine by a concurrent resolution agreed to by a rollcall vote of two-thirds of all the Members of each House of Congress, that either Section 1 or Section 2 of this Article may be set aside for the fiscal year designated in such concurrent resolution. Both Section 1 and Section 2 may be set aside for the specified fiscal year, provided that a separate concurrent resolution setting aside each Section is agreed to by a rollcall vote of two-thirds of all the Members of each House of Congress.

"SEC. 4. The Congress shall have power to enforce this Article by appropriate legislation.".

ADDITIONAL COSPONSORS

S. 968

At the request of Mr. MELCHER, the Senator from Nebraska (Mr. ZORINSKY) was added as cosponsor of S. 968, to amend the Public Utility Regulatory Policies Act to expedite application processing for crude oil transportation, and for other purposes.

S. 982

At the request of Mr. LUGAR, the Senator from North Carolina (Mr. HELMS) and the Senator from California (Mr. HAYAKAWA) were added as cosponsors of S. 982, the Amendment of the 1977 Food Stamp Act.

S. 1081

At the request of Mr. COHEN, the Senator from New Hampshire (Mr. HUMPHREY) was added as a cosponsor of S. 1081, a bill to terminate the authorization for the Dickey-Lincoln project, St. John River, Maine.

SENATE JOINT RESOLUTION 62

At the request of Mr. PELL, the Senator from Utah (Mr. HATCH) was added as a cosponsor of Senate Joint Resolution 62, a joint resolution "to declare May 18, 1979, to be 'National Museum Day' ".

SENATE JOINT RESOLUTION 68

At the request of Mr. DOLE, the Senator from Kentucky (Mr. FORD) was added as a cosponsor of Senate Joint Resolution 68, designating June 17 through 23, 1979, as "National Product Safety Week."

SENATE RESOLUTION 99

At the request of Mr. PELL, the Senator from Idaho (Mr. CHURCH), the Senator from New York (Mr. JAVITS), and the Senator from Indiana (Mr. LUGAR) were added as cosponsors of Senate Resolution 99, to express the sense of the Senate that the Federal Republic of Germany abolish or extend its statute of limitations applicable to war crimes.

SENATE RESOLUTION 163—ORIGINAL RESOLUTION REPORTED RELATING TO AN INTERNATIONAL WHEAT EXPORTERS CONFERENCE

Mr. CHURCH, from the Committee on Foreign Relations, reported the following original resolution, which was placed on the calendar:

S. RES. 163

Resolved, That it is the sense of the Senate that the collapse of international negotiations and the current situation in the world wheat market makes it imperative that the President actively work toward convening a negotiating conference of wheat exporting nations with the intent of reaching a cooperative arrangement to improve wheat trade policy and achieve equitable prices for producers while assuring adequate supplies for consumers.

SENATE RESOLUTION 164—SUBMISSION OF A RESOLUTION RELATING TO HUMAN RIGHTS IN IRAN

Mr. JAVITS (for himself, Mr. ROBERT C. BYRD, Mr. BAKER, Mr. CHURCH, Mr. MCGOVERN, Mr. STONE, Mr. SARBANES, Mr. ZORINSKY, Mr. LUGAR, Mr. HAYAKAWA, Mr. PERCY, Mr. CRANSTON, Mr. STEVENS, Mr. BOSCHWITZ, Mr. PRESSLER, Mr. MATSUNAGA, Mr. DOMENICI, Mr. HARRY F. BYRD, JR., Mr. CHILES, Mr. JACKSON, Mr. WARNER, and Mr. RIBICOFF) submitted the following resolution, which was referred to the Committee on Foreign Relations:

S. RES. 164

Whereas the people of Iran represent one of the oldest and most distinguished civilizations in the world, and have a history of close and friendly relations with the people of the United States;

Whereas there have been reports of widespread resort to secret trials and summary executions which offend basic principles of justice and humanity and due process of law;

Whereas the chief of the revolutionary courts in Iran is reported to have called for the assassination of the Shah of Iran, members of his family and others loyal to him in any country where found, notwithstanding that international law strictly forbids the carrying out of even criminal punishments or of terrorism by one country within the territory of another; and

Whereas the prospects for the continuation of close and friendly relations between the people of Iran and the people of the United States and the rest of the world would be seriously harmed by the prolongation of these violent and offensive actions;

Therefore, be it

Resolved, That it is the sense of the Senate that the United States:

(1) expresses its abhorence of summary executions without due process, and welcomes the recent statement of the Ayatollah Khomeini that executions for crime in Iran shall hereafter be limited to the crime of murder and be based upon proof of guilt; and

(2) will act to prevent and to punish any attempts to carry out criminal or terrorist actions against persons in the United States whatever their alleged offenses in other countries.

SENATE RESOLUTION 165—SUBMISSION OF A RESOLUTION WITH RESPECT TO ESTABLISHING A NORTH AMERICAN CONTINENTAL TRADE COMMISSION

Mr. DOMENICI submitted the following resolution, which was referred to the Committee on Finance:

S. RES. 165

Whereas the United States, the United Mexican States, and the Republic of Canada share mutual borders, ideals, and economic aspirations;

Whereas issues diverse and sundry, common to and affecting the United States, the United Mexican States, and the Republic of Canada are increasing as such countries grow uniquely interdependent;

Whereas three decades of unprecedented growth in international trade mandates political and social action to unify and safeguard mutually beneficial world regional and continental trade relations;

Whereas the success of European countries in applying economies of scale to the concept of regional trade groupings in intercontinental trade has succeeded beyond expectation;

Whereas no tripartite council, assembly, or body now exists to weigh the impact of the trade actions of any North American country upon the economy and well-being of its other North American neighbors; and

Whereas the creation of such a tripartite council, assembly, body or commission to explore, study, and weigh these and other interdependent questions of singular urgency is deemed worthy: Now, therefore, be it

Resolved, That it is the sense of the Senate that the President should enter into negotiations with the Government of the United Mexican States and the Government of the Republic of Canada to establish a North American Continental Trade Commission.

SEC. 2. The Secretary of the Senate shall transmit a copy of this resolution to the President.

● Mr. DOMENICI. Mr. President, the good relations this country enjoys with Canada and with Mexico are not the things of which headlines are made. We are each good neighbors, pure and simple, and this does not make the front page of daily newspapers.

We share more than common borders with each other. The United Mexican States and the Republic of Canada are both among that small band of elected democracies that are so outnumbered in the world today. Both of our neighbors have struggled, even as we struggle, to provide their growing countries with a higher standard of living, more educa-

tion, better health care, and a stronger economy.

Today, I am introducing a modest little resolution which, in its own small way, will serve to facilitate this mutual search for a better life on the North American Continent.

Common issues, which affect the three major nations of North America, multiply as we grow more and more dependent on each other as allies, as major trading partners, and as suppliers of both raw and finished goods to one another. Three decades of growth so rapid as to be unprecedented in history have brought us face to face with the need to establish a forum for quiet consideration of those thorny little problems that crop up from time to time between great trade partners isolated on one continent.

During my recent trip to Mexico, I was struck by the fact that no such forum exists which includes only our three countries, and before which these small problems can be met with a spirit of accommodation.

We have no mechanism which allows an immediate check with both of our neighbors to see what effect a small change in our domestic trade regulations will have upon each of their economies, or for them, in turn, to consult with each of their own other two neighbors.

Trade carries with it, of course, a variety of other issues which deal with movements of food, movements of manufacturing plants, and the creation of greater industrial capacity to increase productivity across a broad range of products manufactured on the North American Continent. And again, we have neither council, assembly, body or commission to study and to weigh these small, but potentially serious, questions of singular urgency to the Canadians, the Mexicans, and to citizens of the United States.

This is why I am submitting this resolution today, which would respectfully request the President to enter into negotiations with the Republic of Canada and with the United Mexican States to see if a way can be found to establish a North American Continental Trade Commission.

At the very least, such an assembly—small in numbers—would allow our three nations to deal quietly with the new challenges, perhaps to turn them into new benefits for our entire continent.●

NOTICES OF HEARINGS

COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS

Mr. PROXMIRE. Mr. President, the Committee Banking, Housing, and Urban Affairs will be holding 2 days of hearings on May 23, 1979 at 2:30 p.m., and May 24, 1979 at 10 a.m. in room 5302 of the Dirksen Senate Office Building to consider legislation to amend the Credit Control Act of 1969. The committee has before it two bills: S. 35, which would repeal the act, and S. 389, which amends the act to require the approval of a concurrent resolution to the Congress for the authorization of the Federal Reserve Board to implement the act.

The witnesses appearing before the committee on Wednesday, May 23, 1979 will be divided into two panels. Appearing on the first panel will be: Dr. Alan Greenspan, president, Townsend-Greenspan Co., Inc., New York, N.Y.; Prof. Sherman Maisel, University of California at Berkeley, Berkeley, Calif.; and Dr. Albert Sommers, senior vice president and chief economist, the conference board, New York, N.Y. On the second panel will be: Mr. Jonathan Brown, staff attorney, Public Interest Research Group, Washington, D.C.; Mr. A. Gilbert Heebner, executive vice president and economist, Philadelphia National Bank, Philadelphia, Pa., representing the American Bankers Association; and Mr. Henry Schecter, director, Department of Urban Affairs, AFL–CIO, Washington, D.C.

The witnesses appearing before the committee on May 25, 1979 will be: The Honorable Michael W. Blumenthal, Secretary of the Treasury; and the Honorable Nancy H. Teeters, member, Board of Governors of the Federal Reserve System.

Anyone interested in submitting a written statement on this issue or interested in additional information about the hearings should contact Steven M. Roberts of the committee staff at 224–7391.

SUBCOMMITTEE ON THE CONSTITUTION

● Mr. BAYH. Mr. President, the Subcommittee on the Constitution, Committee on the Judiciary, will hold a hearing on legislation proposing a constitutional amendment for a balanced Federal budget.

The hearing will commence on May 23, 1979 at 9:30 a.m. in room 2228, Dirksen Senate Office Building. Anyone wishing to submit testimony for the hearing record should send their statement to, or contact Kevin Faley, General Counsel, 102–B Russell Senate Office Building, Washington, D.C., 20510.●

ADDITIONAL STATEMENTS

RALPH NEAS

● Mr. DURENBERGER. Mr. President, when I came to the U.S. Senate the day after election in my first campaign for public office, I was overwhelmed: Overwhelmed by the responsibility, the challenge, and the opportunity.

To seize that opportunity and discharge that responsibility I needed a person to guide my legislative efforts, a person who had the motivation for public service: That service to humanity is the best work of life.

In the middle of my search for such a person I received a phone call from Senator Ed Brooke. He told me his chief legislative assistant, Ralph Neas had decided several months before the November election to leave Government and take up the practice of law. Senator Brooke suggested that if both of us appealed to Ralph he might be persuaded to postpone that decision.

We were successful. Ralph headed into the task of forming my legislative staff. On February 12, while suffering through his third week of a virus, Ralph asked to go with me to Minnesota to get acquainted with the new constituency he shared with me. Two days after arriving in Minneapolis, Ralph was admitted to St. Mary's hospital in Minneapolis with a diagnosed case of Guillain-Barre syndrome.

A brief study of his battle appeared in the St. Paul Pioneer Press, which I ask be incorporated in this statement.

What the story does not mention is that Ralph's Guillain-Barre syndrome was so serious that despite the best possible medical care in the country, he hovered precariously between life and death on March 20–21, 5 weeks after his admittance.

Today he is celebrating his 33d birthday. He is still in intensive care, but every day he regains more strength. He does it at a painful price as he restores motion to unused muscles inch-by-inch. His will is strong; his heart even stronger and there is no question he will be back with us in a matter of months.

As Ralph Neas commences his 34th year on Earth he brings a gift which none of us envy, but which will enforce his commitment to use each breath of life to the service of his less fortunate brothers and sisters.

Ralph would want me to share with my colleagues in the Senate his congratulations to Senator JAVITS on his 75th birthday because of the pride he has always felt and frequently expounded that his creator brought Ralph Neas to Earth on the same day of the year as a man he admires so much.

It is also appropriate that Ralph celebrates his birthday on the anniversary of the landmark Brown against Board of Education decision. Ralph's commitment to civil rights propelled him into a legal career and public service. The issue of civil rights has been Ralph's special concern; his dedication to this cause has been the spirit that has given it life.

The news article follows:

SMILE IS COMING BACK FOR PARALYSIS VICTIM

(By Virginia Rybin)

"Nothing Is So Full of Victory as Patience."

The needlework sample on the wall of the hospital room could hardly be more appropriate.

In that intensive care unit room at St. Mary's Hospital, Minneapolis, lies a 32-year-old man who spent most of a recent vacation playing tennis and participating in other sports. Now, he can't even sit up without help.

Ralph Neas, an aide to Minnesota U.S. Sen. David Durenberger, is a victim of Guillain-Barre syndrome, a disease which causes progressive paralysis. It differs from polio in that sensory nerves, as well as those which control muscles, are affected, said Dr. James Allen, neurologist treating Neas.

The severe paralysis usually is temporary, but the patient can die from respiratory failure or other complications while it is running its course.

Neas came here in February to meet state leaders as part of his new job with Duren-

berger. He has been hospitalized since Feb. 14.

The sampler on the wall of his room came from Sister Margaret Francis Schilling, a staff member at St. Mary's who had Guillian-Barre about 25 years ago. She said she received it when she celebrated her 50th anniversary as a nun.

Neas landed in the Twin Cities Feb. 11. Formerly with Sen. Edward Brooke of Massachusetts, he joined Durenberger as chief leigslative counsel in January.

As Neas headed for the baggage claim area, he felt a numbness and coldness in his feet and hands. Then his right leg got weak, and he almost fell down a step.

During an interview Monday. Neas said he figured the problem was part of the flu-like illness with which he had been afflicted recently. A physician he consulted the next day indicated that this might be the case.

Allen said the rare syndrome usually follows a viral illness. Its cause is unknown. A number of cases occurred among persons who received swine flu shots in the massive government immunization program of 1976.

By Tuesday afternoon (Feb. 13), Neas was almost unable to eat lunch. "It was like my mouth was becoming very nard to move."

Neas returned to his hotel with a "knife-like" pain in his spine. "I spent the night trying to find a comfortable position. I slept an hour and a half at the most."

He got up at 6:30 a.m. Wednesday and prepared to shave. "I was telling myself I was going to be all right. I was going to smile in the face of adversity."

Neas couldn't manage much of a smile. He looked into the mirror at a partially paralyzed face.

Thoughts of polio and multiple sclerosis raced through his mind. He said he was actually somewhat relieved when the Guillain-Barre diagnosis came because he had anticipated one of these more permanent illnesses.

Neas debated about returning to Washington. But, he noted, the disease was progressing. Also, he was told he needed complete rest and thought it would be hard to refuse friends in Washington when they wanted to visit.

Neas, originally from Boston, is a bachelor. His parents, who now live in Chicago, have visited him here and will be back Thursday for his 33rd birthday.

Neas heard that the average hospital stay for a Guillain-Barre patient is five weeks. "I said to myself, 'I'm strong and healthy. I can beat this in a month.' " His length of stay already has been three times that.

Initially, Neas said, doctors thought it would take about three weeks for the illness to "bottom out." In his case, it was about eight weeks before paralysis was total.

Allen said the case is the worst among about 30 instances of Guillain-Barre he has seen during his career.

Neas' eye muscles were the only ones operating, and they were only partially functional. He could blink.

He couldn't talk because his vocal chords were paralyzed.

Neas tried to figure out ways to get the attention of the hospital staff. He tried a bell on his wrist while he could still move his hand a little.

Later, he found he could emit a clucking noise such as people sometimes use to get the attention of babies. He managed to do it pretty loudly. "This became famous throughout the hospital," Neas said.

Early in March, he underwent surgery to install a tube in his windpipe so a respirator could do his breathing for him. He was placed on the respirator in mid-March.

Neas developed two serious complications—pneumonia and paralytic ileus, a condition in which the bowel muscles can't move and the stomach becomes distended because nutrients get backed up in it.

Neas was being fed entirely through a tube inserted in his nose. It proceeds down through the esophagus to the stomach. He said he now weighs about 132 pounds, compared with 155 when he entered the hospital

There was extreme pain as he was lifted when it was necessary to change position, Neas said. "If someone put a finger on my hip, I'd literally go through the ceiling."

Asked why there was pain in spite of the paralysis, Allen noted that sensory nerves can continue to function even when those which control muscles are damaged.

Finally, speech returned about 2½ weeks ago.

Neas can now lift his arms.

He has been undergoing physical therapy. It is painful as the nurses lift him to try to stretch the shortened muscles.

His feet are wrapped in hot packs. "The ache has been terrible," he said.

But the foot pain is welcome in a way. "They're coming back," Neas said Monday with a smile. The easing numbness in his feet is among signs that the disease is abating.

For the past few days, Neas has been taking some of his calories in the form of liquids and soft foods by mouth, though some of his nourishment still comes through the tube in his nose.

He has been off the respirator since late April and is sleeping better, though the pain still wakes him during the night.

His facial muscles are almost back to normal. "The smile was the first to return," Neas said.

There is no danger of those muscles atrophying from lack of use. For Neas, in spite of it all, managed to smile through much of an interview of more than an hour.

As a lawyer and a politician, he said, being "totally powerless and dependent" during the period of complete paralysis was especially hard.

But he sees light at the end of the tunnel. He said he hopes to walk without assistance in about three months.

In the meantime, Ralph Neas, his smile muscles fully functioning, will continue to need large amounts of the patience of which the sampler is a constant reminder.●

SHOULD THE TAXPAYERS PAY FOR OFFICE PLANTS FOR FEDERAL EMPLOYEES?

● Mr. SASSER. Mr. President, on February 21, 1979, the Legislative Branch Appropriations Subcommittee—which I chair—conducted a hearing on the fiscal year 1980 budget of the Copyright Royalty Tribunal. This is a small Federal agency employing only 11 people. The function of the agency relates to certain aspects of the new copyright law which went into effect on January 1, 1979.

During the course of the hearing, I had occasion to inquire into a proposed expenditure of $2,000 for—and I quote—"other services, miscellaneous."

Mr. President, it was with some chagrin that I verified that this small agency—employing only 11 people—was spending $1,100 a year on—and you won't believe this—a plant care and watering service for their office plants; $632 for the plants, and $468 a year for "maintenance."

At that time, Mr. President, I stated that I believe that almost any Government funds expended to purchase plants or to hire people to water them appears to be out of line.

Why not use homegrown plants? I water my own plants.

Subsequently, Mr. President, I contacted the General Accounting Office. I requested a listing of Federal agencies contracting with private firms for acquiring and maintaining indoor office plants.

In response to my request, the GAO provided a list of 26 Federal agencies. These agencies had spent $816,700 of taxpayers' funds during the period 1974 to 1978 on contracts with private firms—for acquiring and maintaining indoor office plants.

Mr. President, the average taxpayer from Tennessee pays $2,000 in Federal income taxes a year.

I wonder how those families from Tennessee would feel—to know that an amount equal to the entire tax bill—paid by 100 Tennessee families—over a period of 4 years—had been used by their Government to contract with private firms for acquiring and maintaining indoor office plants for Federal employees.

Mr. President, I shall submit the tabulation for the RECORD at the conclusion of my remarks.

Mr. President, I am aware that —from time to time—there are reports in the media that Congress is guilty of acquiring "free plants" from the Botanic Garden.

Before bringing the whole matter of the taxpayers paying for plants to the attention of my colleagues, I took up the Senate experience with the distinguished chairman of the Joint Committee on the Library (Mr. PELL) whose committee has jurisdiction over these matters. The Joint Committee staff subsequently took the matter up with the Architect of the Capitol, who has jurisdiction over the Botanic Garden. The Architect has reported that no "free" plants are given to Members and their staffs. However, some of the plants grown at the Botanic Garden are, indeed, loaned to the various offices of the Senate under procedures approved by the Joint Committee on the Library.

Whereas, under existing procedures established by the Joint Committee, approximately $30 in plant material could be loaned to a Senate office in a year—this hardly compares with the expenditure of $1,100 for one small Federal agency with only 11 people.

Mr. President, in the final analysis, the question comes down to "Should the taxpayers pay for office plants for Federal employees."

The purpose of bringing this matter to the attention of my colleagues is to give them the opportunity to review the proposed expenditures for plants in the various Federal departments and agencies to determine if they are fully justified.

With all the emphasis on cutting Federal spending to balance the budget, this certainly is one area where we could make progress.

The tabulation follows:

LISTING OF AGENCIES CONTRACTING WITH PRIVATE FIRMS FOR ACQUIRING AND MAINTAINING INDOOR OFFICE PLANTS DURING FISCAL YEARS 1974–77

Agency	Fiscal year— 1974	1975	1976	1977	Total
Department of the Treasury	$90,400	$74,000	$45,600	$12,700	$222,700
Department of the Interior	200	900	53,300	54,000	108,400
U.S. Postal Service	12,000	18,000	24,500	18,900	73,400
Department of Energy	3,500	4,500	34,200	30,600	72,800
Department of Transportation	5,300	16,400	16,000	15,900	53,600
Veteran's Administration		14,300	6,300	24,800	45,400
Department of Health, Education, and Welfare	4,400	13,700	12,700	8,800	39,600
Environmental Protection Agency	1,600	1,400	7,300	19,000	29,300
General Services Administration	10,000	1,100	9,500	8,400	29,000
Department of Agriculture		13,600	3,900	11,100	28,600
Department of Justice	4,300	2,400	8,600	8,500	23,800
Federal Reserve System			4,000	13,500	17,500
Department of Commerce	2,600	2,600	2,700	6,100	14,000
Inter-American Foundation	2,500	2,600	4,400	3,500	13,000
Farm Credit Administration	1,900	2,100	3,000	2,500	9,500
Federal Deposit Insurance Corporation	$100	$1,200	$1,900	$5,700	$9,200
Department of Labor		5,300			5,300
Consumer Product Safety Commission	2,200	800	1,200	1,000	5,200
Small Business Administration			1,900	2,000	3,900
Department of Housing and Urban Development			2,500	1,300	3,800
National Aeronautics and Space Administration		600	2,100		2,700
Federal Trade Commission		800	400	900	2,100
Federal Mediation and Conciliation Service				1,500	1,500
Federal Election Commission		500	300	500	1,300
District of Columbia	1,000				1,000
Pennsylvania Avenue Development Corporation		100			100
Total	142,300	176,900	246,300	251,200	816,700

ADDRESS BY SENATOR CHURCH ON THE SALT II TREATY

● Mr. JAVITS. Mr. President, certainly one of the most important treaties that the Senate will consider in this century, even the most important treaty, will be the SALT II treaty which will be before the Senate after President Carter meets with General Secretary Brezhnev in June. Even before the submission of this treaty to the Senate for its advice and consent, there has been a great deal of debate and consideration.

Mr. President, on May 10, 1979, my colleague, FRANK CHURCH, our esteemed chairman of the Foreign Relations Committee, gave a major address entitled "SALT and the Senate: Principles for Decision," before the International Research & Exchanges Board (IREX). The views of Senator CHURCH on this historic issue are of interest and importance to all Members of the Senate, not only because he is chairman of the Foreign Relations Committee which will be considering the treaty but also because FRANK CHURCH has devoted so many years of thought to the momentous questions which are involved.

In his speech Senator CHURCH has enumerated six principles which he believes should govern the Senate's consideration of the SALT II treaty as it undertakes its solemn responsibility of deciding whether to give its advice and consent to the ratification of the treaty. I believe that every Senator could benefit from considering the principles which the chairman of the Foreign Relations Committee has offered as a guide to the Senate in its deliberations over the SALT issue.

I highly recommend the reading of Senator CHURCH's address to my colleagues, whether they support the treaty, oppose it, or are reserving their judgment, and I ask that it be printed in the RECORD at the conclusion of my remarks.

The address follows:

SALT AND THE SENATE: PRINCIPLES FOR DECISION

In 1919, the journalist Lincoln Steffins, boarded a train in Paris and headed for the Soviet Union. He had already made up his mind in advance, and on the train he merely fiddled with the phrase—"I have been over into the future, and it works." Finally, he settled on the slightly punchier phrase, "I have seen the future and it works." That was a naive time.

Today, a half century later, traveling to the Soviet Union is far less of a novelty. Most of us in this room have been there. We all have formed our judgments, and I daresay that most of us would be tempted to paraphrase Steffins—"I have been to the Soviet Union, and if it is the future, it won't work."

But the Soviet Union does remain the central problem for American foreign policy and, along with Eastern Europe, is a topic that demands careful study, conducted with intellectual rigor. That is why I take such pleasure in joining you this evening to celebrate two decades of IREX—the International Research and Exchange Board—and what IREX represents—the flowering of objective and informed scholarship about the Soviet and Eastern Europe.

In looking over the IREX record, I have been much impressed by the cumulative achievement—the 1500 American scholars who have benefitted, the 3,000 books and articles that they have produced from their research. The IREX program has been indispensable in the creation of a solid core of American experts on the Soviet Union and Eastern Europe. Certainly, the Senate Foreign Relations Committee has benefitted in recent years from the fruits of that scholarship. And the fact that the exchanges have managed, on the whole, to remain insulated from political pressure has contributed to their vitality.

This is not to say that there are no problems. An immediate subject of concern is the imminent danger of the wasting away of capabilities so laboriously constructed.

In general, foreign area studies in the United States have been hit hard by the contraction of funding in higher education. The pressures on Soviet and Eastern European studies are particularly worrying. For we need cool, clear analysis. We need involved individuals, with years of education, experience, insight, and that hard-to-quantify "feel" about how Communist societies function. Otherwise, we are in danger of becoming prisoners of ignorance.

The current base of expertise is far from adequate. Moreover, we have fewer and fewer young people working on Soviet and Eastern European subjects. It is not very comforting to know that only five dissertations on Soviet foreign policy were completed in 1975, eleven in 1976, and four in 1977. Compare that to the growth of the Institute of the USA in Moscow which has expanded from one specialist a decade ago to over 350 today—in one academy.

It is ironic that so little money is required for Soviet and Eastern European studies—and yet it is so hard to find. The annual budget of the entire IREX program is about what it costs to build a third of a mile of interstate highway.

The outline is clear for what needs to be done to get Soviet and Eastern European studies on solid footing. The universities, facing increasing pressures in the 1980's cannot do it alone. Our great foundations, looking for virgin forests, should not precipitously turn their backs on this most important offer. They must renew their commitment. Government must make a serious and long-term commitment to support objective and independent research. At the same time, the business community, which makes more and more use of this expertise, should also come forward to give its solid support.

How can we doubt the importance of what Soviet and Eastern European studies have accomplished in the United States. Without the last 20 years of serious scholarship on the Soviet Union, we could not begin to have an intelligent debate on the second round of the Strategic Arms Limitation Agreements —SALT II. And appropriately enough on this occasion, it is to that subject I would now turn.

Yesterday Secretary Vance announced that the United States and the Soviet Union have reached agreement on a SALT II treaty. Next month Presidents Carter and Breshnev will meet to sign the document. The official SALT debate is about to begin.

SALT certainly will be one of the most crucial issues on which the Senate will render judgment in this century. It poses a fundamental challenge to all Senators—and to the American people. For it compels us to confront the most elemental issue of all, ultimate survival.

Above all, we must avoid the trap of technicalities. Already, the nuclear theologians intone their intimidating litany of awkward acronyms, throw weights, yields and kill ratios, as though Armageddon could be reduced to a computer printout. We must not be misled. Something so important as this debate should be decided not by reference to the latest wrinkle on a computer chip, but by comprehending the central compulsions that drive the nuclear arms race.

No one who has followed the last few months of discussion will doubt the intensity of the debate to come. And the result is far from assured. The matter has been made even more uncertain recently by the emergence of not one, but possibly two sets of opponents, what could become an unwitting alliance between those who criticize the treaty because, they say, it does too much, and those who say it does too little.

In such circumstances, with passions high and the temptation great to appeal to emotion rather than reason, the Senate will be all the more challenged to put aside the irrelevant questions and focus on the real issue. As the treaty has not yet been presented, it is obviously premature to address its specific provisions. But, while there is

still some calm before the storm, it is appropriate, even essential, to try to suggest principles—principles based on reason—to guide the debate. By following these principles, the Senate can render a judgment that best benefits the people of the United States, and avoid the kind of debate that leaves an acid residue of disgust and despair to disfigure our political life in the years to come. To be sure, we must face hard questions. Does the treaty serve the security interests of the United States? Is it evenly balanced? Is it verifiable? What consequences are likely to flow from ratification—or from rejection?

The first principle is that we must identify the American security interest at stake. We must be sure that the treaty does not shift the strategic balance in any ways disadvantageous to the United States. In so doing, we must not be deflected by the nuclear theologians who would spend their days—and ours—counting warheads as though angels on the head of a pin. We must be alert to funny accounting, which leaves out certain crucial numbers in an effort to make the treaty look either good or bad.

What is the basic American interest? It is the survival of our people and our system. That concern has hovered over every living person since the summer of 1945—the avoidance of nuclear war—the war that will end all wars. Since that first fateful explosion, vast arsenals—unimaginably vast arsenals—have been built on both sides. The United States and the Soviet Union have engaged in a two trillion dollar arms race. This competition has rested upon a theory of deterrence, but has been grounded in a feverish fear. Both sides have designed and deployed one weapons system after another, and stockpiled warhead upon warhead.

In the process, the nuclear arms race has become not only a way of life, but an addictive habit. We have come to think of it as much a part of the natural order of things as summer and winter. How often do we stop to think how irrational and precarious the race has become? For the competition, if unrestrained, will engender an ever-widening web of suspicion and tightening tension. The likelihood will increase that one day there will be an accident, a small war somewhere that gets out of control, a horrible miscalculation that triggers off the suicidal exchange. For, even now, the accumulation of nuclear weapons on both sides dwarf anything the world has ever seen before—indeed, anything that might have been imagined at the dawn of the atomic age.

President Eisenhower once said that nuclear war would be the last insanity. Nikita Khrushchev commented that after a nuclear war, the living would envy the dead. Both made their remarks two decades ago. Yet, the arsenals over which they presided look like tiny grocery stores when compared to today's vast supermarkets of destruction.

Has this huge investment in nuclear arms, in the weapons we dare not use, increased our security? Are we safer today than we were two desades ago? I think not. What has really increased is not our security, but rather our complacency that the holocaust will never come. But we delude ourselves. We have survived thus far not because we are God's chosen people—but because we have been lucky and deterrence has held.

This complacency, this mindless inattention to the awesome danger of nuclear arms—this retreat into the abstract mumbo jumbo of the nuclear priesthood—is the great moral blindness of our time. I am appalled when I hear speakers from the podium—and even the pulpit—tell us that in a nuclear exchange only 100 million people would be killed, or that mankind might still eke out some pitiful existence in the southern hemisphere. Even the precision with which the nuclear technicians describe what will happen in a nuclear war is essentially bogus. I have heard one say that only 10 percent of mankind would die as a direct consequence of an all-out nuclear war. What presumption! What specious precision! He does not know. He cannot know what will happen. No one knows what deformities the fall-out would inflict upon our own and future generations. Fortunately, we have not yet had the experience to teach us. But it is prudent only to expect the worst. We forget how awesome is the weaponry. We lose sight of the scale. The United States presently possesses dozens of nuclear warheads for every target in the Soviet Union, and the Russians are comparably overarmed. What would be left?

Nevertheless, we cannot recreate international politics. We cannot eliminate the competition between two such dissimilar systems as the Soviet Union and the United States. But the two countries can pursue objectives that are in their most fundamental mutual interests. They can seek to reduce the probability of nuclear war. They can strive to stabilize relations, to remove uncertainties, to eliminate incentives that spur the weapons race, to open channels of communication, and to clarify the rules by which they will endeavor to live on the same planet. That is what the SALT process is all about. Perhaps it will lead us to the point where we could truly think the unthinkable—about deep reductions and eventual elimination of nuclear arms. In the meantime, we can put a ceiling on their number, hoping that this will slow down and finally stop the race toward oblivion.

The treaty shortly to come to the Senate appears to move genuinely in this direction. It is not a giant step, but it is a significant step. It sets equal numerical limits on both sides, for delivery vehicles, mirved missiles, and warheads. The limits are very high. But, for the first time, a restriction on the number of warheads—which is what really matters—will have been agreed upon. And, under the provisions of SALT II, the Soviets will have to dismantle over 250 of their intercontinental missiles. Thus, the treaty could serve American interests by positively contributing to our security.

The second principle is that the treaty be decided on its merits, and not be used as a referendum on the character of the Soviet Union or as a plebiscite on Soviet behavior in the Third World. Obviously, the climate of relations will affect how we regard the treaty. And perhaps it should. But we must strive for perspective, and not be jangled by every news story that comes over the ticker. The treaty is too important to be used as a measuring rod. The question must be—does the treaty serve American interests? If it does, then it should be approved, without linkage to other issues. If it does not, then it should be rejected.

Obviously, Soviet behavior in Ethiopia, for instance, is a subject of considerable concern. And I need not speak in this company about the abhorrence Americans feel for a regime that tramples on human rights, demands rigid conformity, and depends on the KGB.

But what do we gain by denying ourselves a treaty that serves our own vital interests? The trade-off between survival and destruction that forms the SALT process is far too important to allow the treaty to be used as a bargaining chip for lesser matters. So, as a second principle, the Senate should consider the treaty on its own merits.

The third principle is that we try to understand the Soviet stake in SALT. This is a task to which many of you in this room have contributed—directly and indirectly—by your scholarly work. We own thanks to IREX, whose twentieth birthday we celebrate tonight, for the fact that our understanding of Russia is far more sophisticated than twenty years ago; and that we have progressed beyond simplistic, obfuscating Cold War stereotypes.

We know today that the Soviet Union has many and varied and even contradictory interests. We know that some of these collide with our own. Yet, we also know that, while the Soviet leaders hail Marx and salute Lenin, they share with us the same instinct for survival. Joined with us as they are in a lock-step of strike and counter-strike, they have the same need as we to avoid nuclear war.

With the SALT process, we can delineate and intensify areas of common concern—centered on this shared interest of escaping nuclear catastrophe. Our own security is increased, even as the Soviets is, when both sides clarify and codify that common interest.

The fourth critical principle is that the question of verification be met in a meaningful manner. The Senate must be able to report to the American people that we have investigated this question thoroughly and that, to the best of our judgment, the treaty is verifiable.

Is it likely to be verifiable? That question has been pushed to the fore by the fall of the Shah, with the consequent closing of monitoring posts in Iran. Some point to these closings as a reason to vote no on SALT. But this represents a very narrow interpretation of what verification means. For these skeptics are really telling us that the entire security of the United States rises and falls on our continued use of a couple of monitoring stations. If our security is that razor thin, then we are already in very deep trouble.

We must do better at posing the verification question. We will never be 100 per cent sure about each nut and bolt on every SS18 missile launched at the Tyuratum testing range. We did not have that kind of capability yesterday, when the Shah still sat on his throne, and will not have it tomorrow.

What we must be able to do, however—and this is the essential point—is detect any Russian cheating that represents a threat. This does not mean every nut and bolt. It does mean the detection of a pattern of activities by the Russians that violate the treaty, undermine the SALT process, or threaten our security. This capability the Senate must insist upon. And I will insist upon.

The answers on verification will emerge only in the course of the debate. But there do appear to be sound reasons to anticipate an affirmative conclusion. In the first place, our verification capabilities have also grown enormously over the last five years and show every sign of continuing to grow. Second, we must remember that modern weapons systems are not pre-fabs that can be thrown up over night. They require long lead times, extensive testing and major construction works. Such activities can be detected through a wide variety of means.

Third, as deterrence is built into the military balance, East and West, so it is built into the treaty. Nations do not keep treaties because of their honesty. They keep treaties as long as it serves their mutual interests to do so. The same would be true of SALT II.

The Soviets could never be sure that cheating would go undetected. They know that our detection of cheating on their part would raise great alarm about their intentions and lead to an immediate and extreme exacerbation of the arms race. The entire SALT process would be ruptured beyond redemption and an unrestrained competition—which the Soviets fear—resumed. Indeed, from this point of view, if the Soviets

contemplate cheating, they would do better not to sign. For a broken treaty would prove far more dangerous to them than no treaty at all.

The fifth principle of the SALT debate is that it should be free of partisan politics. We are only ten months away from the first Presidential primary, and candidates are proliferating more rapidly than June bugs in May. In these circumstances, the treaty could get caught up in the maneuvering for nominations. I pray this will not happen, that all concerned use the national interest, not personal political advantage, as their guiding star. I pray that partisanship not tamper with the debate. It should be remembered that the SALT process began under one Republican President and was continued by another. It is now carried on by a Democratic President, but could again become the province of a Republican in the future. We must keep the debate above domestic politics. Indeed, SALT II is, and ought to be perceived as, the shared achievement of both political parties and both branches of the American government.

The sixth principle is that the vote for or against the treaty should not be camouflaged by attempts to destroy it by indirection. To hang reservations on it is not to string decorations on a Christmas tree; it is to topple the tree. It is to vote no while pretending otherwise and shunning responsibility. Some claim that rewriting by reservation is an activity sanctified by the Panama Canal Treaty. But Panama does not provide a precedent. For SALT is quite a different matter from the question of the canal, and the Soviet Union is not Panama.

Six years of serious and difficult negotiation have gone into making this treaty. If the Senate were to amend or reserve on a major provision, the current Soviet leaders could be hopelessly compromised. Under such circumstances, they could well be forced to reject the treaty—and that would be the end of SALT. This is not to say that any treaty presented to the Senate is sacrosanct or that executive draftsmanship is infallible. During the course of the debate, the Senate may indeed strengthen SALT II as it did the SALT I interim agreement. This is the proper role for the Senate, if responsibly exercised.

A seventh principle is that the debate not get entrapped in the artificial distinction between arms control and adequate defense. All too often, we are made to feel that we must choose up sides—either we are for arms control or for national defense. This is a false and misleading dichotomy. SALT II does not preclude adequate defense policies, nor does it foreclose options we might want to pursue in resolving such issues as the growing vulnerability of our land based Minuteman Force. Moreover, arms control is part of our security policy—it is one way to assure our security interests, to control the threats to our well-being. We can build weapons to counter Soviet weapons—or we can work out agreements so that the Soviets do not deploy such weapons in the first place. The latter may do more for our security than the former.

There is the final principle—that the Senate not consider SALT II in a vacuum, without weighing the consequences of rejection—whether it be by direct "nay" vote, or by way of adopting fatal reservations.

First and most ovious, rejection would accelerate and intensify the arms race—and make our own security much more uncertain—and our arms budget much higher. As a corollar, we would know less about what the Soviets are doing. The information gap would widen.

Détente would lie like broken pottery on the floor. We would lose the opportunity to influence the Soviet Union to choose courses that reflect our mutual interests in stability and the avoidance of conflict. Our rejection, moreover, would send a shock through the Soviet system at an uncertain time of leadership transition—a shock that might greatly strengthen the role of the most dogmatic and hardline elements in that country. Frankly, it is hard to imagine that any future Soviet leaders, under such circumstances, would wish to stake their prestige on cooperation with the United States.

Finally, I think rejection would have a corrosive effect on relations with our western allies. Many of them feel a much more immediate stake in détente than does the United States, and they would rightly see that threatened.

Thus, the consequences of a no vote must be assayed very carefully. We cannot afford to have a debate that considers only half the balance sheet—the costs of ratification—without considering the other half—the costs of rejection.

With these seven principles to guide our deliberations, we can move into a debate that will satisfy the concerns, the fears, the hopes, the needs of the American people. It is a grave responsibility that waits on the Senate.

As we assume it, we would do well to remember an admonition that Walter Lippmann delivered as the Cold War began: "The history of diplomacy is the history of relations among rival powers, which did not enjoy political intimacy, and did not respond to appeals to common purposes. Nevertheless, there have been settlements. Some of them did not last very long. Some of them did. . . . To think that rival and unfriendly powers cannot be brought to a settlement is to forget what diplomacy is about."

The deliberations soon to commence in the Senate are already being compared to the Senate's consideration of the Versailles Treaty in 1919. Perhaps it will be so. In any case, this will be a much more passionate debate than that over the first SALT treaty, when there was such a flush of rapture and relief over the first sign of detente, the first step back from the nuclear brink.

I do not believe that the Senate's rejection of the Versailles Treaty can be said to have caused the Second World War any more than the German inflation of the early 1920's caused the war. It was, however, one important factor.

As we look back, we can see that the United States did absent itself from the process meant to stabilize international relations and preserve the peace. We opted out. And that deliberate abstention ultimately cost us dearly.

The Senate is again on the edge of a crucial moment. We can choose to take this opportunity to continue our participation in a process that manifestly serves American interests. Or we can choose to absent ourselves from that process. I cannot tell you where the process might end. But if we participate in it, based on the first principle of careful attention to American interests, we cannot but doubt that it moves in the right direction. On the other hand, the disruption of the process of which SALT II is an integral part will not add to the security of the American people. No, it will only move us closer to the edge of the abyss.

The debate begins.●

IMPACT OF OIL DECONTROL PROGRAM ON RHODE ISLAND

● Mr. PELL. Mr. President, I am very deeply concerned over the impact on residents of the State of Rhode Island of the oil decontrol program proposed by President Carter.

Indeed, my concern is so great that I have informed the President by letter that I cannot support the decontrol of oil unless and until there are absolute assurances of adequate Federal assistance programs to prevent discriminatory hardship and actual suffering among the residents of Rhode Island.

To assure that there will be no decontrol without congressional action on a windfall profits tax and enactment of Federal assistance programs for consumers, I have joined with Senator EAGLETON in proposing legislation that would defer the decontrol of oil from June of this year to January 1, 1980. If, as that time approaches, no action has been taken to tax the windfall profits of oil companies and to return the bulk of those excess profits to the consumers, I will vigorously pursue further deferment of oil decontrol.

I have taken this position in regard to the President's proposal with some reluctance. I am basically sympathetic with the direction of the President's recent energy policy proposals. The United States can free itself from the severe diplomatic, political, and economic handicaps of our dependence on foreign petroleum only by strong conservation efforts and by the most vigorous program to develop and encourage use of alternative energy sources. The efforts at conservation and development of alternative sources will be seriously impaired as long as our domestically-produced petroleum is held by artificial controls below the prevailing world price.

The President's proposals, however, involve a very far-reaching change in the lives of the American people. As the manager of this change, the Federal Government has a responsibility to ease the transition, and most particularly to avoid imposing unfair and discriminatory hardships on regions of our Nation or segments of our society.

The President, to his credit has recognized this principle by proposing that a portion of the tax on windfall profits of petroleum companies be used to assist low-income consumers of oil products.

It is a commendable proposal, but I must say frankly that the scope of the assistance program falls far short of what will be required to prevent serious and widespread hardship to residents of the New England States. This region, including my State of Rhode Island, will be faced with hardships unlike any other part of the Nation. The region has harsh winters, requiring more energy for home heating than most areas of the Nation, and in addition, is uniquely dependent on oil as a source of home heat. More than 85 percent of the homes in Rhode Island are heated by oil, compared with a national average of 46 percent.

It is not easy to comprehend the impact on Rhode Island families of the projected increases in the costs of home heating oil, but perhaps these statistics will help.

At the start of the last heating season, in September of 1978, homeowners in Rhode Island were buying home heating oil at a price of about 50 cents per gallon. By the end of the heating season the price had risen to nearly 70 cents a gallon. This is an increase of 40 percent in one heating season without decontrol.

If, as predicted, home heating oil costs press toward $1 a gallon with decontrol of oil, the impact will be disastrous.

For the State of Rhode Island as a whole, with an annual home heating oil consumption of 410 million gallons, the doubling of home heating oil prices from 50 cents in 1978 to $1 will mean an increased cost burden of about $205 million. With an average annual household consumption of 1,500 gallons a year, such a price increase means an added cost burden of $750 for each Rhode Island household. The average Rhode Island household simply cannot sustain this added cost without hardship. Worse yet, Rhode Island has, in addition to harsh winters, a disproportionately large population of elderly persons, living on a fixed income and, indeed, often sustaining themselves on social security payments. Typically these older persons live in older housing with less efficient heating systems and little or no insulation.

In these cases the increased price of home heating oil would be a cruel trap. They do not have the resources to insulate their homes, and they simply will not be able to buy the fuel they need to keep warm. Without assistance some would be forced to sell their lifetime homes.

This is the nightmare that haunts many Rhode Islanders as they consider the coming winter seasons.

I cannot in good conscience support decontrol of oil without absolute assurances that there will be adequate assistance available to ameliorate these hardships and eliminate suffering resulting from higher home heating oil prices.●

A. PHILIP RANDOLPH

● Mr. DOLE. Mr. President, the death of A. Philip Randolph has deprived America of one of her foremost humanitarian leaders. A fighter he was, for the dignity of working people at a time when that dignity was not universally recognized, for the equality of black Americans, at a time when much of American society was permeated with the stain of injustice.

He was a man steeped in the traditions of Gandhi, and, like Gandhi, he organized a peaceful revolution. He believed in achieving economic justice for people, hoping that political and social equality would follow.

It is especially appropriate that we remember Mr. Randolph on this historic anniversary for the civil rights movement that he did so much to create and guide in its formative years. It is our task to rededicate ourselves to the principles of economic and social justice for which he fought all his life, and hurry the day when all Americans, black, white or brown, rich and poor, will be equal before their neighbor as they are before their God.●

ELBERT MANCHESTER OF WINSTED

● Mr. RIBICOFF. Mr. President, one of Connecticut's outstanding and unique men, Elbert Manchester of Winsted, is a person of great character, personality and integrity. Bert is an old friend. The Torrington Register on May 5, 1979, carried an interesting profile by Rich Beebe. I submit the article for the RECORD.

The article follows:

HISTORY-MINDED ATTORNEY RECALLS WINSTED'S PAST

(By Rich Beebe)

WINSTED.—A short conversation with Elbert Manchester resembles a condensed course in the humanities.

In a raspy drawl of a voice, the 72-year-old attorney will lead a listener along a leisurely tour through local, family and national history, political philosophy, religion and the law.

Manchester never really rambles from subject to subject instead, his mind leaps from idea to idea, tying them all together to outline his personal philosophy of life.

For a time, he talks about his early experiences in the law. After he recevied a bachelor's degree from Bowdoin College in Brunswick, Maine, he went on for his law degree from the University of Michigan at Ann Arbor in 1934. During the Depression, the legal field was hit just as hard as other professionals. While still a law student, he stopped at the offices of a Hartford law firm to see if he could get a job after graduation. "They said, 'Come on in, grab a desk and help pay the rent,' " he recalls.

When he finally did graduate, he joined the New Haven firm of Clark, Hall & Peck until 1937. "They paid $20 a week. After you worked for them for six months they gave you $25. You were lucky to get it," Manchester adds. Soon after he started working in New Haven he married Peggy Jones of New Hartford.

In 1937, the Manchesters returned to Winsted, where he was born, and where his family had lived for generations.

His family's generations of leadership in Winsted has given him a strong sense of history, as well as a keen loyalty to the town and its institutions. The courtly lawyer can speak of town and family events of a century ago as if they happened to him earlier that day. "I was born in the sixth house beyond the hospital. My father was born across the street in 1862, in a house his father had bought in 1858 from his uncle's widow . . ."

A couple of years ago, the town's Charter Revision Commission considered changing the name of the city of Winsted to Winchester—an idea which brought Manchester down to the next meeting to vociferously challenge the proposal, outlining the historical significance of the city's name. The proposal eventually was dropped by the commission.

Yes, Manchester denies having any great knowledge of Winsted. "But if you are the youngest of six you learn to listen," he admits. When he has been called on to speak about local history, he fortifies his own store of lore with lengthy visits to the Beardsley and Memorial Library.

His love of Winsted, however, is tinged with realism. "In any small town of 11,500, you export so much talent that it would be impossible to hold," he admits. He recalls that his grandfather, Edward, wanted his youngest son, Irving, the editor of a West Hartford newspaper, to return to his hometown so he bought him the Winsted Evening Citizen.

Manchester's own two sons have long since left Winsted. Dane is a chemical engineer with Exxon Chemical in Houston and Paul, with a doctorate in "econometrics," is a staff member of the Joint Economic Committee of Congress living in Silver Spring, Md. Manchester, unlike his grandfather, is content to see his sons, their wives and the four grandchildren on short visits.

A lifelong Republican, Manchester has always been active in the background of local politics. He also served two terms, in 1939 and 1941, in the state Legislature as Winsted's representative. During those terms, he worked alongside such fellow legislators as Abraham Ribicoff, Meade Alcorn, T. Emmet Clarie and Charles House. Manchester remembers that House, who later would become chief justice of the state Supreme Court, sat next to him during the sessions. "Some of me rubbed off on him, but none of him rubbed off on me," Manchester laughs.

Manchester admits to having an uncommon view of politicians—he respects them, especially those in the Legislature.

"Anyone who takes a public office I have to admire for the patience that's required," Manchester explains. "If you can stand meetings that last three hours or more which they could wrap up in an hour and a quarter, you deserve a halo."

He also respects people who serve on committees and boards, he himself sits on the Gilbert School Board of Trustees, the Winsted Memorial Hospital Board of Directors, the Beardsley and Memorial Library Board and the Winchester Historical Society. Of the Gilbert board, he adds, "I've overstayed and should resign, if they could find a title so I could still sit in on meetings and prick the humbug.'

During his free time, he indulges in his favorite pastime—reading biographies of Americans. His heroes include such expected figures as Lincoln, Washington and Wilson, and at least one unexpected one, Grover Cleveland, who Manchester describes as a man of great honesty. Heroes, he believes, are important, but he emphasizes the need to read "all you can" about them, their faults as well as their virtues. That heroes remain essentially human is important, he says—"That's their greatness."

Despite his love of history, his admiration of past men, Manchester says if he were given a chance to live his life over, he would want to be around in the 21st century. He contends that mankind by that time will be "more mature," more willing to take on the challenges of life. "They must face it," he says with assurance. "They will face it."●

SCHOOL DESEGREGATION

● Mr. MATHIAS. Mr. President, on December 7, 1953, the U.S. Supreme Court began hearing oral arguments in the case of Brown against Board of Education in Topeka, the famous school desegregation case.

During the course of the oral arguments, Attorney James Nabrit concluded his own presentation with the following memorable words:

America is a great country in which we can come before the Court and express to the Court the great concern which we have • • • and we are not in the position that the animals were in George Orwell's satirical novel *Animal Farm*, where after the revolution, the dictatorship was set up and the sign set up there that all animals were equal, was changed to read, "but some are more equal than others."

Our Constitution has no provision across it that all men are equal but that white men are more equal than others • • •

(In) this country, under this Constitution, and under the protections of this Court, we believe that we, too, are equal.

Six months later, on May 17, 1954, exactly 25 years ago today, the Supreme Court handed down its historic decision in Brown. In a ringing affirmation of our Nation's commitment to equal opportunity for all, the Supreme Court finally abandoned the ill-conceived and inherently unjust "separate but equal" doctrine on which the Court had put its im-

primatur 58 years earlier. The Court's unanimous and resounding opinion has been reverberating ever since. The key language by Chief Justice Warren bears repeating:

We came then to the question presented: Does segregation of children in public schools solely on the basis of race, even though the physical facilities and other tangible factors may be equal, deprive the children of the minority group of equal education opportunities. We believe it does * * * To separate them (minority children) from others of similar age and qualifications because of their race generates a feeling of inferiority as to their status in the community that may affect their hearts and minds in a way unlikely to ever be undone * * *

We conclude that in the field of public education the doctrine of "separate but equal" has no place. Separate educational facilities are inherently unequal.

Thus, the Court breathed new vitality into the constitutional guarantee of equal protection under law." It rejected emphatically the notion that "some are more equal than others." Above all, the Court's decision signaled the true beginning of the American civil rights movement.

It is fair to say that Brown irrevocably altered the American way of life. It sparked a veritable "rights" revolution. Certainly it ignited a judicial revolution, unprecedented in American jurisprudence.

Since Brown, the 14th amendment's guarantee of equal protection under law has been expanded far beyond the schoolhouse. Today, it reaches virtually every facet of American life, including employment opportunities and housing accommodations. Nor have its protections been limited to blacks. Increasingly, other disadvantaged groups—Indians, Mexican-Americans, the handicapped, and the elderly—have likewise found in the equal protection clause a vehicle to improve their social and economic status.

But it would be wrong to view Brown's importance solely in terms of the number and types of cases it has spawned. Brown was the catalyst that brought Congress out of a long period of legislative inaction and prompted the legislative revival of civil rights. From the time of the enactment of the Civil Rights Act of 1875 until shortly after Brown was decided, no major civil rights legislation became law. But with Brown in hand, the civil rights movement gained momentum. It appealed for national legislation to complement the growing number of court decisions. To its credit, Congress listened. With the enactment of the Civil Rights Act of 1957, a new era dawned. Congressional inaction was a thing of the past. In its place came a series of civil rights enactments which rivaled those of the Reconstruction era. Among these legislative accomplishments were:

The Civil Rights Act of 1960. Designed to shore up some of the weaknesses in the 1957 law, it strengthened the penal laws with respect to the obstruction of court school desegregation orders and extended the Civil Rights Commission for 2 years.

The 24th amendment. Passed by Congress in 1962 and ratified in 1964, this amendment barred the use of the poll tax as a qualification for voting in any election or primary;

The 1964 Civil Rights Act. The most far-reaching of the various civil rights acts, designed in part to forbid discrimination in places of public accommodation and established an equal employment agency;

The 1965 Voting Rights Act. Banned the literacy test for a 5-year period and established a system of Federal election examiners to aid in voter registration;

The 1968 Civil Rights Act. Outlawed discrimination in the sale and rental of housing and increased penalties against these who interfere with persons exercising their civil rights.

The 1970 and 1975 Voting Rights Act amendments. Extended the time period for the 1965 act.

The 26th amendment. Passed by the Congress in 1971 and ratified in 1971, lowered the voting age in all elections to 18 years.

The Civil Rights Attorney Fees Act of 1976. Designed to insure that the high cost of litigation does not bar the Federal courts to those seeking to enforce their rights under our civil rights laws.

The District of Columbia full voting rights proposal. Passed by the Congress in 1978 and now is before the States for their consideration.

We have come far since Brown. Many forms of discrimination have been obliterated. But regretably, others remain. None of these is more pernicious than discrimination in housing.

In 1968, when we enacted the Fair Housing Act we thought we were well on our way to eradicating housing discrimination in America. Our hopes were high. But attainment of that goal has proved more elusive than anticipated.

Certainly the 1968 act has had a good deal of success. It has gone far toward eradicating many of the more blatant forms of housing discrimination which were around for far too long. At the same time, however, it is clear that the 1968 act is not enough.

That great civil libertarian Henry Ward Beecher maintained that "Laws and institutions are constantly tending to gravitate. Like clocks they must be occasionally cleansed, and wound up, and set to true time." I think the moment has come to wind up the Fair Housing Act and set it to true time. More legislation is needed to truly provide for fair housing throughout the United States. Above all, it is clear that we must put more teeth into the enforcement provision of the 1968 law. That is the only way we can increase the deterrent effect of the existing law to the degree necessary to complete the task. For this reason, on March 1, 1979, I introduced S. 506, a bill to amend the enforcement provision of the 1968 Fair Housing Act.

This bill provides HUD with the power to refer to the Justice Department for prosecution individual complaints of discrimination which it considers substantive. It empowers HUD to enter Federal suits for relief on behalf of individual complainants; provides HUD with cease-and-desist authority; establishes within HUD an administrative hearing process; and provides for the court award of civil penalties. I think S. 506 is just the sting HUD needs for effective enforcement.

It would be fitting, indeed, if in this, the year of the 25th anniversary of the Brown decision, Congress added to its long list of legislative accomplishments in the civil rights field and enacted S. 506.

Mr. President, I think it would be quite appropriate to end with the words of Richard Kluger, author of "Simple Justice," the definitive history of the Brown litigation:

Of the ideas that animated the American nation at its beginning, none was more radiant or honored than the inherent equality of mankind. There was dignity in all human flesh, Americans proclaimed, and all must have its chance to strive and to excel. All men were to be protected alike from the threat of rapacious neighbors and from the prying or coercive state. If it is a sin to aspire to conduct of a higher order than one may at the moment be capable of, then Americans surely sinned in professing that all men are created equal—and then acting otherwise. Nor did time close the gap between that profession and the widespread practice of racism in the land. The nation prospered mightily nonetheless, and few were willing to raise their voices and suggest that what might once have been forgiven as the excesses of a buoyant national youth had widened into systematic and undiminishing cruelty.

Some protested, to be sure. But no political leader risked all of his power and no sector of the nation's governmental apparatus was fully applied against this grave injustice—until the Supreme Court of the United States took that step.

We owe the Court a great debt.●

EUROPEAN SUPPORT FOR SALT

● Mr. CULVER. Mr. President, in recent days there have been several indications of support for the new strategic arms limitation agreement between the United States and the Soviet Union from our allies in Europe.

The final communique of the NATO Defense Ministers on May 16 welcomed the agreement, declared that its equitable limitations would improve the security of NATO, and expressed satisfaction with the "close and full consultations" which have been held with the alliance on SALT issues.

The new British Prime Minister, Margaret Thatcher, endorsed German Chancellor Helmut Schmidt's call for quick ratification. This was an important development, correcting earlier reports that the newly elected Conservative Government might not be supportive of SALT.

And the respected and authoritative International Institute for Strategic Studies, in its annual strategic survey, warned that Senate rejection of the SALT II Treaty would have "dire political implications." The report also called efforts to obtain more favorable terms for the West "unrealistic."

Mr. President, these developments are important and timely evidence of European support for SALT II. I ask that the text of the Defense Ministers' statement on SALT as well as two recent news articles be printed in the RECORD.

The material follows:

FINAL COMMUNIQUE ISSUED AT THE END OF THE MEETING OF THE DEFENSE PLANNING COMMITTEE OF NATO IN MINISTERIAL SESSION HELD IN BRUSSELS ON MAY 15–16, 1979

Paragraph 5. Ministers welcomed the agreement in principle reached between the United States and the Soviet Union in the strategic arms limitation talks. They agreed that equitable limitation of nuclear weapons capabilities of the Soviet Union and the United States will improve the security of NATO. Ministers expressed their satisfaction with the past record of close and full consultations within the alliance on issues arising from these talks, confirmed the importance of continuing close consultation, and looked forward to the opportunity to study in depth the official SALT II text once the treaty is signed.

THATCHER, SCHMIDT ASK QUICK SALT RATIFICATION

LONDON.—Prime Minister Margaret Thatcher, in her first foray into international diplomacy, joined forces with West German Chancellor Helmut Schmidt yesterday in a call for quick U.S. Senate ratification of the SALT II treaty with the Soviets.

Thatcher said she has no plans right now to go to Washington or to invite President Carter to London for talks. Secretary of State Cyrus Vance will be in London in 10 days to meet her new Foreign Secretary, Lord Carrington, and the prime minister and the president will meet in Tokyo June 28–29 for the Western powers economic summit.

The summit meeting to sign the new SALT II agreement will be held June 15–18 in Vienna, Austria.

Thatcher, who was elected a week ago, and Schmidt met the press together at a crowded news conference to report on their two days of talks on SALT, NATO, the Common Market, East-West relations and the Tokyo summit.

"We favor quick ratification both in Moscow and Washington," Schmidt said. "I think there might be changes—and changes not for the better—if there are new difficulties about SALT II going into effect. This process has already gone on far too long."

"Herr Schmidt's view is much the same as the view we take," Thatcher said. "This treaty has taken a very long time to be negotiated, and we very much hope it will be ratified."

Thatcher, who wore a gray suit, cardigan and blouse, ran the news conference with all the assurance of a commanding general—picking questioners, telling others to be more precise and cutting short others who already had their turn.

She and Schmidt said they got along well although she is a Conservative and he is a Social Democrat.

"That is not the slightest problem," Schmidt said, speaking as usual in almost faultless English. "I had the impression that your personal approach and mine to certain problems are not so different from each other."

"The policies the chancellor follows in Germany are not unlike our own," Thatcher said.

Schmidt interrupted, laughing, "Don't go too far and spoil my relations with my own party."

[From the Washington Post, May 16, 1979]

DETENTE RELIES ON SALT II, INSTITUTE IN LONDON WARNS

LONDON, May 15.—The authoritative International Institute for Strategic Studies warned today that Senate rejection of the U.S.-Soviet SALT II treaty would end detente between the two superpowers and have "dire political implications."

Further attempts to gain more favorable treaty terms for the West are "unrealistic," the report said, noting the hopes of West Germany and other NATO members who wanted the strategic arms pact to limit Soviet medium-range missiles aimed against Western Europe.

By the time negotiations on such issues could start, the report added, the United States and the Soviets would already be involved in SALT III talks on "the issues of the mid-1980s and beyond . . . the impact of the nuclear forces of other countries," such as China.

The Institute is a center for information and research on problems of international security, defense and arms control in the nuclear age, independent of governments.

In its annual strategic survey, the group reported: "While the new SALT II agreement emerging from the lengthy negotiations would not be ideal—and no arms treaty can be ideal—it would clearly be preferable to no agreement at all."

"Its ratification," the survey said, "would be regarded as a demonstration of detente. its rejection as a breakdown of detente. Failure to ratify the treaty would have profound and lasting effects. Failure would have dire political implications."

The survey elsewhere made the point that both the United States and the Soviets are working hard to develop the military capabilities of military satellite systems.●

MONTREAL STAR ON QUEBEC EXPROPRIATION

Mr. YOUNG. Mr. President, a number of us have spoken in the Senate about the proposed expropriation by the Quebec Government of Asbestos Corp. of Canada, which is owned by General Dynamics. The first Senator to speak on this issue was Senator PERCY. The Montreal Star of May 14, 1979, published an editorial commenting on Senator PERCY's remarks and urging that the Quebec Government reconsider its position in this matter.

I ask that the Montreal Star editorial be printed in the RECORD.

The editorial follows:

CONCERNED SENATOR

There have been a lot of odd charges made about Canada in the U.S. Senate over the years. But this does not mean that we should disregard the concerns expressed by them. The Senate is there, it is important, and it can act to do harm to this country if the conditions exist.

It is in this light that we should see Senator Percy's remarks about the possible expropriation by the Quebec government of Asbestos Corporation.

Senator Percy has been a long-time friend of Canada. He is a liberal in economic and social matters; he is far from being the redneck maverick in his views. Premier Rene Levesque should therefore pay attention. If Senator Percy is concerned, many Americans are concerned, and if a man as rational as the senator from Illinois can involve himself and the Senate in something occurring in Quebec, then it behooves the Quebec government to take a second look at what it is doing.

There has never been a practical reason for the expropriation of Asbestos Corporation. It is, rather, a melange of romance, history and business, a poor basis for an essentially economic decision. It is not too late to abandon a policy which offers very little in terms of employment and social benefit to the Quebec economy and threatens a great deal in terms of American response.

DISSATISFACTION GROWS WITH SCHLESINGER AND DOE

Mr. METZENBAUM. Mr. President, each week, more and more people voice their dissatisfaction with the Department of Energy, under the direction of Dr. James Schlesinger. Last Friday, my esteemed colleague and good friend, the majority whip, Senator ALAN CRANSTON of California publicly called for the President to accept the resignation of Dr. Schlesinger as Secretary of Energy. Senator CRANSTON said it eloquently when he stated:

It's time for President Carter to admit that we are losing the struggle that he called the moral equivalent of war—and that it is time we find a new general."

I will ask that the statement of my distinguished colleague be printed in its entirety in the RECORD.

A major governmental official has also stated his objections to the way in which Dr. Schlesinger is handling the energy problem. According to the Washington Star, Alfred Dougherty, Director of the Federal Trade Commission's Bureau of Competition says his office:

Is seriously concerned that DOE regulations and informal directives to the oil companies may be partially responsible for the present (gasoline) shortages.

This, Mr. President, is a serious indictment. Mr. Dougherty has experienced the same problems we have all had with DOE. In the article, he cited his "inability to get the kind of cooperation from DOE we'd hoped for and expect. . . ." He is also quoted as saying that he is concerned that:

DOE personnel seem to be making decisions on a daily basis that are not subject to second guessing because either people don't know what's going on at DOE or because of a lack of openness or information sharing.

I will also ask Mr. President, that an article that appeared in the May 16, 1979 edition of the Washington Star entitled "DOE Blamed for Growing Gas Shortage" be reprinted in the RECORD in its entirety.

An article showing the widespread belief that the DOE is not doing the job was published May 13, 1979 in the Washington Post. The article, entitled "Gasoline Scarcity Widely Blamed on Schlesinger Policy" was written by Lou Cannon and J. P. Smith.

The article quotes numerous officials who are concerned that the current gasoline shortage is a result of actions by the DOE and the oil companies. Samuel Van Vactor, Oregon's State energy planner, is quoted as saying that:

A good portion of the shortage was created by the Federal Government's regulators.

Frank Collins of the Oil, Chemical and Atomic Workers Union was quoted as saying:

The oil companies are using the shortages as an excuse to hold back gasoline production to put the thumb screws on for decontrol. Perhaps Jack Blum of the Independent Gasoline Marketers Association said it best when he reportedly said "there is simply no satisfactory explanation. . ."

At this time, Mr. President, I ask that

the article be reprinted in its entirety in the RECORD.

Mr. President, Members of the Senate, Federal officials, and the general public are calling for a new director and a new direction for the Department of Energy. I urge President Carter once again, to call for and accept Dr. Schlesinger's resignation.

The statement and articles referred to are as follows:

STATEMENT BY SENATOR CRANSTON

Calling Congress' rejection of a standby gasoline rationing plan "a vote of no confidence in James Schlesinger and the Department of Energy," Senator Alan Cranston (D., Calif.) today urged President Carter to fire Schlesinger and appoint a new Energy Secretary.

Cranston, who is the Senate Majority Whip, said Schlesinger "has seriously mishandled the nation's energy policies—most notably during the present gasoline shortage."

The Senator also cited Schlesinger's "overcommitment to nuclear fission, his neglect of the solar alternative, and his bungling of negotiations with Mexico for additional supplies of natural gas."

"It's time for President Carter to admit that we are losing the struggle that he called the moral equivalent of war—and that it's time to find a new general," Cranston said.

"Sadly, the President's energy program is in shambles," he continued. The creation of the Department of Energy 18 months ago was a point of pride in the Administration's efforts to deal with our serious energy difficulties. But under Secretary Schlesinger's stewardship, the DOE has been ineffective, insensitive, and at times an embarrassment to the President and Congress."

Cranston added that "important decisions must be made swiftly to prevent further chaos in California and elsewhere in the country."

"Yet there is no confidence in Congress or among the American people that Secretary Schlesinger and his top aides are capable of fair and workable solutions," he declared.

Following a three-hour meeting Thursday in which Cranston and a bipartisan group of 30 California Congressmen peppered top DOE and White House officials on the California gasoline crisis, Cranston said the Carter Administration "doesn't understand" the current situation in his state.

"Moreover it is unlikely they ever will understand—or ever will be able to help—as long as the President and his assistants rely on James Schlesinger and the DOE for advice," he charged.

"DOE can't tell us the dimensions of California's gasoline shortage, or whether it is caused by real events or artificially contrived," according to Cranston.

He added that the President "already appears to be shifting responsibility away from Schlesinger by appointing Domestic Policy Advisor Stuart Eizenstat to come up with answers for California. This follows his decision to remove Schlesinger from the natural gas negotiations with Mexico."

Cranston opposed a DOE gasoline rationing plan which passed the Senate, but was defeated yesterday in the House.

"I believe the President must have standby authority to invoke rationing in order to prevent a mad scramble if the gasoline situation worsens," he explained. "But the program that Congress properly rejected would have placed California—the state with 10% of the nation's population and the most severe shortage at the present time—at a substantial disadvantage for receiving rationed gasoline."

Cranston has been a persistent critic of Secretary Schlesinger's nuclear development policies, and of what the Senator called "DOE's lack of enthusiasm for solar and other safe, clean, renewable energy alternatives."

He also charged the Energy Secretary with "derailing" last year's negotiations for Mexican natural gas supplies. The interruption in negotiations—which are now back on track—was "a costly and embarrassing mistake for the Carter Administration."

Cranston urged the President "to move quickly to place a competent, effective and wise leader in his cabinet to carry on the search for workable solutions to our energy problems."

GASOLINE SCARCITY WIDELY BLAMED ON SCHLESINGER POLICY

(By Lou Cannon and J. P. Smith)

Public perception of a growing gasoline shortage in the country far exceeds the shortfall in supplies, according to government officials and industry experts.

But at the same time, the United States is almost alone among the major industrial nations in experiencing any serious shortage.

Interviews with more than 50 federal, state and local government officials, oil executives and industry analysts offer wildly contradictory accounts of conditions in the nation. And the Department of Energy has few solid figures on current gasoline consumption and overall supplies.

But a series of factors, including government policy, the Iranian revolution and confusion within the industry, has triggered a surge in demand even panic buying in some parts of the country.

The situation is most acute in California, where last week three counties instituted an odd-even system of gasoline allocation.

The California scramble for a spot in the nearest available gasoline line has produced some bizarre vignettes:

In Malibu, a pregnant woman was beaten by a station customer who mistakenly thought she was cutting into line.

In Los Angeles, a 23-year-old man cut in front of 50 cars and started to pump gas into his maroon-and-white Cadillac. When angry motorists got out of their cars to protest, the man took out derringer pistol and placed it next to his thigh, causing, as the police report later said, "the irate motorists to retreat to their cars." He was arrested.

In Santa Monica, a Pep Boys auto supply store sold 250 gasoline cans in 10 minutes.

In Sacramento, politicians debated whether Gov. Edmund G. (Jerry) Brown Jr. has benefitted politically from his decision to authorize county allocation plans.

While President Carter lashed out at Congress for rejecting his gasoline rationing plan, David J. Bardin, head of the Energy Department's oil regulatory programs, predicted gas supplies "will be very tight for awhile, (but) whether we have a shortage depends on motorists' conservation response." As for supplies this month, Bardin said that the nation's gas stations would receive about 92 percent of what they sold during May 1978.

Asked about the causes of the gas lines, Bardin and Energy Secretary James R. Schlesinger offer a now familiar account, citing the shortages created by the Iranian oil shutdown, and the surge in gasoline consumption, along with Carter's personal order that the refineries reduce gasoline production this summer to build up heating and fuel oil stocks for winter.

At Shell Oil Co., chief executive officer John Bookout says, "It looks like the United States has absorbed a disproportionate share" of the world shortage. He blamed Schlesinger for asking U.S. companies two months ago not to compete overseas for high-priced crude oil, sold at spot market prices of up to $22 a barrel.

Schlesinger hoped this would put downward pressure on soaring prices. The effort failed, and the administration now is reversing its signals to the major oil companies. Meanwhile, refiners say that they wish they had more crude oil inventories and would now if Schlesinger had not forced the United States to bear the brunt of the crude shortage.

This view is shared by Sameul Van Vactor, Oregon's state energy planner, who lays further blame on the Energy Department. "The DOE royally screwed up. A good portion of the shortage was created by the federal government's regulators," he says. When DOE published new updated regulations for gasoline allocation, Van Vactor says, it was a signal for the major oil companies to slash their allocations of 95 and 90 percent to 85, 80, and 70, because the companies did not know for sure what kind of exceptions they would have to plan for under DOE rules.

Richard Vind, executive vice president of Thrifty Oil Co., one of California's largest nonbranded service station chains, says, "Refiners I know have deliberately cut their allocations to their customers, anticipating there would be a significant upward adjustment in demands later in the month under the DOE regulations."

The DOE, Vind says, "is creating new problems, instead of solving old ones."

Like other oil executives, however, he says that the department is in an untenable position, squeezed from every direction.

Still another question is why the nation's refinery output, stated in percentage of capacity actually being used, is low.

Schlesinger and Carter have said they want to ensure that the nation's fuel oil stocks are high for winter, even at the expense of gasoline production.

Frank Collins, of the Oil, Chemical and Atomic Workers Union, says the companies are using this as "an excuse to hold back gasoline production to put the thumb screws on for decontrol."

Another critic, Jack Blum of the Independent Gasoline Marketers Association, says, "There simply is no satisfactory explanation for it."

Shell's Bookout, who agrees with the thrust of the administration's policy, says that if left to its own direction, the oil industry would not reduce gasoline output as much as in order to add to fuel and heating oil inventories, but that now they have no choice but to follow DOE's directions.

Dan Lundberg, publisher of a respected oil industry trade letter specializing in gasoline marketing, says the conditions for the shortage at the pump originated last winter when wholesalers, called "jobbers" in the industry, began urging industrial and commercial customers to install their own tanks to prevent running short later in the year. Because of this and fears about the Iran shortfall, there was a massive amount of stock-building between the refinery and the gas pump.

Consequently, the American Petroleum Institute and DOE were reporting that "demand" for gasoline increased 5 percent or more during the first two months compared with a year ago while real gasoline consumption, according to Lundberg, was much lower.

American Petroleum Institute statistics show that last week gasoline inventories increased marginally last week compared to the week before, but were still about 6.6 percent below a year ago. Gasoline production, meanwhile, was down about 3 percent compared to a year before.

API and DOE do not list actual gasoline consumption.

Instead they rely on state gasoline sales tax reports, which come months later. (In place of actual demand numbers, they attempt to estimate consumption on the basis of withdrawals from so-called primary stocks at the refinery.)

In reality, Lundberg says real gasoline de-

mand this year has not grown more than 2 percent over last year and, he says, will show no growth for April compared to a year ago.

Industry executives such as Ted Eck, Standard Oil of Indiana's chief economist, agree. Eck says, "I would be real surprised if gasoline consumption this year actually rose more than 2 percent over last year, and by 1982 or 1983 will peak and then begin declining, because of better mileage cars."

On top of the stockpiling early in the year that Lundberg emphasizes, the panic buying at the gas pumps—with millions of motorists topping off their tanks—has added a stiff jolt to the system.

Blum compares it to "everybody going to the bank at once."

That is especially true in California, and, according to Marshall Cherkas, a Los Angeles psychoanalyst, "the deprivation is like taking the air away."

He says the long lines and the reduction in driving are "relatively modest" side effects. "But there is this unconscious symbolism—there could be a food shortage, a shortage of everything, and people are unconsciously reacting to that," he said. "All of this produces fantasy. Maybe a huge oil cartel is engaged in a conspiracy; maybe the government is fooling us; maybe the service station employes have hidden oil supplies."

Californians are not alone in wondering whether they are victims of some industry plot designed to drive up prices.

DOE's Bardin does not rule this out entirely, but is very firm in saying, "We have found absolutely no clear evidence of that. We do not see evidence of a problem of manipulation by the oil companies."

He does say, however, "There is a question whether price controls are really holding the price down. We are getting closer and closer to 99 cents a gallon."

Jim Miller, a Tampa, Fla., Standard dealer and legislative chairman of the American Gasoline Retailers Assn., offers an answer confirming those fears. "I feel like everybody else does: The oil producers and refiners created a shortage to get the price up; they pressure DOE to get the price up. Also, they're trying to eliminate the lesser dealers like myself."

Proof of the Miller allegations is simply not available, although senior DOE officials suggest that the 1973–1974 embargo experience is worth reflecting on.

When the six-month embargo ended, the nation had built up enormous stocks of heating and fuel oil, at the expense of gasoline production.

Meanwhile, because of market pressure and the oil cartel price increase, domestic wholesale gasoline prices have risen about 12 cents during the first half of 1974. So far this year, they have risen 11.9 cents during the first four months.

While it is difficult to tell who has benefitted from the shortage, one thing is clear. The only real loser so far is Carter.

One of California's most astute politicians, normally pro-Carter and no fan of Gov. Brown, said Carter has sunk himself with California voters by refusing to recognize the seriousness of the crisis.

"People out here didn't particularly like Carter before but they also had no special reason to dislike him," said this politician. "Now they have a solid reason. Their life styles are threatened, in some cases their jobs. And Carter is showing to these people he can't govern the country,"

Overall in California, Brown was given good marks. Assemblywoman Maxine Waters, a black legislator from south central Los Angeles, said. "Gov. Brown isn't one of my favorites, but I think he's helped the * * * includes Watts, says that the gas crisis is imposing a special burden on poor persons in general and blacks in particular because they often occupy low-paying jobs and are suspect for any lack of punctuality. "This situation has created an enormous anxiety in my district," Waters said, remarking that many people in Watts drive older, bigger cars that are notorious gas guzzlers.

DOE BLAMED FOR GROWING GAS SHORTAGE

(By Merrill Brown)

A key Federal Trade Commission staff member says the Department of Energy itself may be partially responsible for the growing national shortage of gasoline.

Alfred F. Dougherty, director of the FTC's Bureau of Competition, said his office is "seriously concerned that DOE regulations and informal directives to the oil companies may be partially responsible for the present shortages."

In particular, Dougherty cited DOE price control regulations, which he said "may have contributed to the failure of West Coast refiners to undertake investments that would allow them to process more Alaskan crude oil into gasoline."

The "lack of investment may help explain the apparent simultaneous crude glut and product shortage on the West Coast," he said in a letter to Rep. Benjamin S. Rosenthal, chairman of the House Subcommittee on Commerce, Consumer and Monetary Affairs.

Dougherty also said that DOE has encouraged a shift in "refining utilization away from gasoline and toward middle-distillates" or heating fuel and diesel fuel.

With that rule in mind, officials of the Energy Regulatory Administration met with 34 domestic refiners May 9, Dougherty said.

He said the meeting was held so energy officials could urge the refiners rebuild those fuel stocks to acceptable levels by next October and to "accelerate their usual conversion of refineries" to build stocks for winter fuel needs. That figure was set at 240 million barrels.

"In urging the concomitant lessening of gasoline production and increase of middle-distillate, DOE should be aware of the likelihood of exacerbating the California shortage, and even of possibly severe, nationwide gasoline shortages," Dougherty said.

In an interview last night, Dougherty charged that the meeting at Department of Energy designed to encourage the shift to fuel oil "creates a suspicious atmosphere."

"Our inability to get the kind of cooperation from DOE we'd hope for and expect has disappointed us and this letter reflects our increasing frustration," he said.

"My concern is that DOE personnel seem to be making decisions on a daily basis that are not subject to second guessing because either people don't know what's going on at DOE or because of a lack of openness or information sharing."

In addition to the allegations about the energy department's role in the gasoline situation, Dougherty also charged that the current shortage may be contrived by the oil companies.

"The Bureau's concern results from reported figures revealing that in the first quarter of 1979 there was a reduction in gasoline production by domestic refiners that significantly exceeded the reduction of crude oil imports to the United States," Dougherty wrote in the May 14 letter.

"If this cutback in the production of refined products was not justified by a scarcity of crude oil or other legitimate business reasons, the current gasoline shortage may be contrived."

The FTC, Dougherty said, is investigating the "Iranian shortfall" to see whether domestic refiners are using it "as an excuse for recently decreased allocations of gasoline supplies to their dealers." The commission wants to ask the largest refiners about oil production, refining slowdowns and about the levels of oil inventories.

In addition, Dougherty said the FTC has subpoenaed internal documents from Standard Oil of Ohio (SOHIO), the largest producer of crude oil on the West Coast, to determine the reasons for current dealer shortages there.

Furthermore, Dougherty said DOE data on energy stocks is not made available to the FTC. "The apparent reason is the oil companies' refusal to turn over 'sensitive' documents to Department of Energy unless it agrees first to deny access to the FTC and other agencies," he wrote.

Rosenthal, who asked for an FTC response to the gas crisis during hearings on the matter in San Francisco, said the Dougherty allegations, if accurate, "constitute a shocking indictment of Department of Energy policies and practices."

Dougherty's comments, Rosenthal charged, indicate that Department of Energy "has failed not only in its responsibility to develop a rational energy policy but has attempted to prevent the FTC from carrying out its responsibilities to prevent anti-competitive prices and to protect the American consumer."

Rep. John D. Dingell, D-Mich., chairman of the House Subcommittee on Energy and Power, has also been critical of the failure of the Department of Energy to share oil data with Congress and other federal agencies.

There has been a dispute between Department of Energy, government agencies and Congress about implementation of the Federal Reports Act. The Department of Justice has signed a consent order based on a complaint filed by five oil companies against Department of Energy to halt collection of data and prohibit its disclosure to any federal agency outside of DOE.

A consent order, blocking release of the data has been signed in the case, which applies through August 1, 1979, and which Dingell calls "a major victory for the oil companies."

But in a letter obtained yesterday, Elmer B. Staats, the comptroller general, ruled that congressional committees have a right to all data collected by the Energy Information Agency.

Dingell will hold hearings on the disclosure issue later this month or in early June to determine how the Department of Justice entered into the agreement.

In a letter to Attorney General Griffin Bell, Dingell said the Justice Department "could not have been ignorant of these statutory provisions" and that "no one at Department of Energy . . . can claim such ignorance."

THREE MILE ISLAND NUCLEAR POWERPLANT — SENATE JOINT RESOLUTION 80

Mr. KENNEDY. Mr. President, I send to the desk a resolution, on behalf of myself and Messrs. THURMOND, BAYH, BAUCUS, MATHIAS, and BIDEN, and ask for its immediate consideration.

The PRESIDING OFFICER. The joint resolution will be read for the information of the Senate.

The joint resolution (S.J. Res. 80) was read the first time by title and the second time at length, as follows:

Messrs. KENNEDY, THURMOND, BAYH, BAUCUS, MATHIAS, and BIDEN, introduced the following joint resolution:

S.J. RES. 80

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That for purposes of this joint resolution—

(1) The term "Commission" means the Commission appointed by the President pursuant to Executive Order No. 12130, dated April 11, 1979.

(2) The term "person" includes a department, agency, or other unit of the Federal Government or of a State or local government.

SEC. 2. (a) The Commission, or any member of the Commission when so authorized by the Commission, shall have power to issue subpenas requiring the attendance and testimony of witnesses and the production of any evidence from the Nuclear Regulatory Commission or any person that relates to any matter under investigation by the Commission. The Commission, or any member of the Commission or any agent or agency designated by the Commission for such purpose, may administer oaths and affirmations, examine witnesses, and receive evidence. Such attendance of witnesses and the production of such evidence may be required from any place within the United States at any designated place of hearing.

(b) The Commission, or any member of the Commission when so authorized by the Commission, may issue an order for the inspection of the nuclear powerplant at Three Mile Island, or any portion thereof, by members of the Commission or any agent or agency designated by the Commission.

(c) In case of contumacy or refusal to obey a subpena or inspection order issued to the Nuclear Regulatory Commission or any person under subsection (a) or (b), any court of the United States within the jurisdiction of which the inquiry is carried on or within the jurisdiction of which the person guilty of contumacy or refusal to obey is found or resides or transacts business, upon application by the Attorney General, shall have jurisdiction to issue to the Nuclear Regulatory Commission or such person an order requiring a witness to appear before the Commission, its members, agent, or agency, there to produce evidence if so ordered, or there to give testimony touching the matter under investigation or in question, or to permit inspection of the nuclear powerplant at Three Mile Island or a portion thereof; and any failure to obey such order of the court may be punished by the court as a contempt thereof.

(d) Process and papers of the Commission, and its members, agent, or agency, may be served either in person or by unregistered or certified mail or by telegraph or by leaving a copy thereof at the residence or principal office or place of business of the person required to be served. The verified return by the individual so serving the same, setting forth the manner of such service, shall be proof of the same, and the return post office receipt or telegraph receipt therefor when registered or certified and mailed or telegraphed shall be proof of service of the same. Witnesses summoned before the Commission, or its members, agent, or agency, shall be paid the same fees and mileage that are paid witnesses in the courts of the United States, and witnesses whose depositions are taken and the individuals taking the same shall severally be entitled to the same fees as are paid for like services in the courts of the United States.

(e) No person shall be excused from attending and testifying or from producing books, records, correspondence, documents, or other evidence in obedience to a subpena or order on the ground that the testimony or evidence required of him may tend to incriminate him or subject him to a penalty or forfeiture. The Commission may, with the approval of the Attorney General, issue an order requiring the person to give testimony or provide other information which he refuses to give or provide on the basis of his privilege against self-incrimination in the same manner and subject to the same restrictions as a government agency may issue such an order pursuant to section 6004 of title 18, United States Code.

(f) All process of any court to which application may be made under this joint resolution may be served in the judicial district wherein the person required to be served resides or may be found.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the joint resolution?

Mr. KENNEDY. Mr. President, this matter has been cleared with the majority leader and the minority leader.

Mr. WARNER. It has been cleared with both?

Mr. KENNEDY. Yes.

Mr. WARNER. I thank the Senator.

There being no objection, the Senate proceeded to the consideration of the joint resolution.

Mr. KENNEDY. Mr. President, originally, the resolution proposed by the administration contained a provision specifying that the Commission could close its meetings under certain circumstances. We have deleted that provision because we believe that the Commission already has the power to close its meetings under those circumstances pursuant to the Federal Advisory Committee Act if the President or agency head approves. We believe that if meetings are to be closed in connection with this vital matter of public concern it should only be done with the approval of the President or relevant agency head—and that the Commission should not have the power to close its meetings on its own.

There is no more important action that the Federal Government can take with respect to the Three Mile Island incident than conducting a thorough investigation into its causes. Granting subpena authority to the Commission will insure that it will have the necessary power to pursue its investigation.

The joint resolution (S.J. Res. 80) was considered, ordered to be engrossed for third reading, read the third time, and passed.

Mr. KENNEDY. Mr. President, I move to reconsider the vote by which the resolution was agreed to.

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

The motion to lay on the table was agreed to.

DEATH OF A. PHILIP RANDOLPH

Mr. KENNEDY. Mr. President, yesterday, A. Philip Randolph died in his home in New York. With his passing the Nation will lay to rest one of the most remarkable men of the 20th century.

We will remember him not only as a leader in the struggle for civil rights but also as a leader in the trade unions.

From A. Philip Randolph's earliest days he believed that workers, white and black, had to stand together. He spent all his life trying to forge what would be an unbreakable bond between the civil rights movement and the labor movement.

In 1925, Mr. Randolph founded the Brotherhood of Sleeping Car Porters. It was the first black union to be granted a charter by the American Federation of Labor.

A. Philip Randolph was the primary architect of the March on Washington in 1963, at which Dr. Martin Luther King spoke out to America and shook its conscience and soul with his words. A. Philip Randolph believed and lived the dream which Dr. King so eloquently spoke of.

In 1941 it was A. Philip Randolph who, with the threat of a march on Washington, persuaded President Roosevelt to end the racial discrimination in the war industries.

In 1948, it was his counsel and articulation that convinced President Truman to end segregation in the Armed Forces.

The list of victories for democracy and civil rights that A. Philip Randolph was intricately involved in goes on and on. And through all these struggles he never once lost his dignity—never once did he stoop to retaliating in the extreme language of the opposition. He remained calm where others would be consumed by frustration, emotion, and anger.

Instead of walking out of the lion's den he tried other approaches. He understood the enemy and he fought on till victory was won.

It has been said that A. Philip Randolph had a voice like an organ and he knew how to play it.

Mr. President, this great man and his voice are now silent, but we should remember well his verse as we continue to strive toward an America where there is freedom, justice, and dignity for all.

AUTHORIZATION FOR STATEMENTS TO BE FILED UNTIL 5 P.M. TODAY

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that Members may file statements until 5 p.m. today.

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

AUTHORIZATION FOR COMMITTEES TO FILE REPORTS

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that committees may have until 7 p.m. today to file committee reports.

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

AUTHORIZATION FOR BUDGET COMMITTEE TO FILE CONFERENCE REPORT ON HOUSE CONCURRENT RESOLUTION 107

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the Budget Committee be permitted to file a conference report on House Concurrent Resolution 107, the first budget resolution, on Saturday, May 19.

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

AUTHORIZATION FOR CERTAIN ACTION DURING RECESS OF THE SENATE

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that during

the recess of the Senate over until Monday at 11 a.m., or whatever time the Senate will come in, the President of the United States, the Vice President, the President Pro Tempore of the Senate, and the Acting President pro tempore be authorized to sign all duly-enrolled bills and joint resolutions.

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

AUTHORIZATION FOR THE SECRETARY OF THE SENATE TO TAKE CERTAIN ACTION DURING RECESS OF THE SENATE

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that during the recess of the Senate over until Monday, the Secretary of the Senate be authorized to receive messages from the President of the United States and from the other body, and that they may be appropriately referred.

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

ORDER FOR RECOGNITION OF CERTAIN SENATORS ON MONDAY

Mr. ROBERT C. BYRD. Mr. President, is there any order for the recognition of Senators on Monday?

The PRESIDING OFFICER. There is not.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that I may have an order for not to exceed 15 minutes on Monday; that Mr. BAKER may have an order for not to exceed 15 minutes on Monday, and that he may precede me.

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

ORDER FOR RECESS UNTIL 11:15 A.M., MONDAY, MAY 21, 1979

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in recess until 11:15 a.m. on Monday next.

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

PROGRAM

Mr. ROBERT C. BYRD. Mr. President, on Monday, the Senate will meet at 11:15 a.m.

After the two leaders have been recognized under the standing order, Messrs. BAKER and ROBERT C. BYRD will be recognized, each for not to exceed 15 minutes, after which the Senate will proceed to the consideration of the LEAA bill, Calendar No. 150, and there will be rollcall votes in relation to that measure on Monday.

Other measures that have been cleared for action will be taken up on Monday. So there will be rollcall votes on Monday.

On Tuesday, the Senate will proceed to the consideration of S. 584, a bill to amend the Foreign Assistance Act of 1961, and the Arms Export Control Act. Under the order entered yesterday, the majority leader is authorized to call up that measure on Tuesday or Wednesday. It will be called up on Tuesday, for the information of Senators. There will be rollcall votes in relation to motions and amendments affecting that bill.

It will be my intent to call up at that time the amendment which is sponsored by a good many Senators, to add $50 million in grant aid for Turkey.

Mr. President, I ask unanimous consent that the name of the Senator from Arizona (Mr. GOLDWATER) be added as a cosponsor of that amendment.

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

Mr. ROBERT C. BYRD. I also ask unanimous consent that the name of the Senator from Montana (Mr. MELCHER) be added as a cosponsor of that amendment.

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

RECESS UNTIL 11:15 A.M., MONDAY, MAY 21, 1979

Mr. CRANSTON. Mr. President, if there be no further business to come before the Senate, I move, in accordance with the order previously entered, that the Senate stand in recess until 11:15 a.m. Monday.

The motion was agreed to; and, at 3:03 p.m., the Senate recessed until Monday, May 21, 1979, at 11:15 a.m.

NOMINATIONS

Executive nominations received by the Senate May 17, 1979:

THE JUDICIARY

Avern Cohn, of Michigan, to be U.S. district judge for the eastern district of Michigan, vice a new position created by Public Law 95-486, approved October 20, 1978.

Stewart A. Newblatt, of Michigan, to be U.S. district judge for the eastern district of Michigan, vice a new position created by Public Law 95-486, approved October 20, 1978.

Anna Diggs-Taylor, of Michigan, to be U.S. district judge for the eastern district of Michigan, vice a new position created by Public Law 95-486, approved October 20, 1978.

CONFIRMATIONS

Executive nominations confirmed by the Senate May 17, 1979:

DEPARTMENT OF STATE

Diplomatic and Foreign Service nominations beginning Virgil Duane Bodeen, to be a Foreign Service information officer of class 4, consular officer and secretary in the Diplomatic Service of the United States of America, and ending Geraldine S. Ward, to be a consular officer of the United States of America, which nominations were received by the Senate on April 12, 1979, and appeared in the CONGRESSIONAL RECORD of April 23, 1979.

HOUSE OF REPRESENTATIVES—*Thursday, May 17, 1979*

The House met at 10 a.m.

Rabbi Jay Karzen, Spiritual Leader, Maine Township Jewish Congregation, Des Plaines, Ill., offered the following prayer:

Recently during a baseball game a dog ran onto the playing field. He settled on third base and refused to move. From the stands came the cry: Bite the umpire. Get off the base. Run home. All to no avail. The dog would not move. A newscaster commenting on this situation noted that the animal did not heed the advice because there was no dominant voice from the crowd.

The voices heard in this prestigious Chamber of the House of Representatives are, indeed, dominant voices that shape the direction of this country and help America move ahead.

I invoke God's blessings on this body of Congress men and women who have been chosen to direct the affairs of Government. The citizens of this land have invested them with tremendous responsibilities. Give this House the wisdom and insight to consider tomorrow as well as today and grant them of Your light that they may accurately anticipate the consequences of their decisions.

May this House forever conduct the business of Government with courage, faith, honesty, and integrity and together with their colleagues in the Senate, may they truly feel the honor and privilege conferred upon them to be able to serve in this legislative branch of our Government.

The Congress of the United States is a team: Team (Together Each Accomplishes More). May they always accomplish for their districts, their States, and more for America and the free world.

We are blessed to live in America. Regardless of race, creed, or color, we are all Americans and all God's children. May our common humanity lead us to a genuine brotherhood to make this a place where love and peace flourishes.

Finally, I pray: May God bless us always in all ways. 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.