By Mrs. SULLIVAN (for herself, Mr. BIAGGI, and Mr. DU PONT):

H.R. 11406. A bill to amend the Intervention on the High Seas Act to implement the Protocol Relating to Intervention on the High Seas in Cases of Marine Pollution By Substances Other Than Oil, 1973; to the Committee on Merchant Marine and Fisheries.

H.R. 11407. A bill to amend title 14, United States Code, to authorize the admission of additional foreign nationals to the Coast Guard Academy; to the Committee on Merchant Marine and Fisheries.

H.R. 11408. A bill to authorize the Secretary of Transportation, when the Coast Guard is not operating as a service in the Navy, to lease for military purposes structures and their associated real property located in a foreign country; to the Committee on Merchant Marine and Fisheries.

H.R. 11409. A bill to amend Public Law 85-445 to authorize and request the President to proclaim annually the 7-day period beginning June 1 as National Safe Boating Week; to the Committee on Post Office and Civil Service.

By Mrs. SULLIVAN (by request):

H.R. 11410. A bill to simplify the tonnage measurement of certain vessels; to the Committee on Merchant Marine and Fisheries.

H.R. 11411. A bill to eliminate Federal documentation of pleasure vessels; to the Committee on Merchant Marine and Fisheries.

H.R. 11412. A bill to revise and improve the laws relating to the documentation of vessels, and for other purposes; to the Committee on Merchant Marine and Fisheries.

By Mr. HARSHA (for himself, Mr. MAGUIRE, Mr. MONTGOMERY, Mr. PEPPER, Mr. SHUSTER, Mr. JAMES V. STANTON, Mr. WON PAT, Mr. TRAXLER, Mr. MANN, and Mrs. SPELLMAN):

H.J. Res. 768. A joint resolution to authorize and request the President to issue a proclamation designating 1976 as National Bicentennial Highway Safety Year; to the Committee on Post Office and Civil Service.

By Mr. MATSUNAGA (for himself, Mr. UDALL, and Mr. WAXMAN):

H.J. Res. 769. Joint resolution to declare a U.S. policy of achieving population stabilization by voluntary means; to the Committee on Government Operations.

By Mr. RINALDO:

H.J. Res. 770. Joint resolution proposing an amendment to the Constitution to permit the imposition and carrying out of the death penalty in certain cases; to the Committee on the Judiciary.

By Mr. ROBINSON:

H. Con. Res. 528. Concurrent resolution to recognize the Washington-Rochambeau National Historic Route; to the Committee on Interior and Insular Affairs.

By Mr. MATHIS:

H. Res. 963. Resolution to amend the Rules of the House of Representatives to establish the Committee on Internal Security, and for other purposes; to the Committee on Rules.

By Mr. SARASIN:

H. Res. 964. Resolution designating January 22 as Ukrainian Independence Day; to the Committee on Post Office and Civil Service.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. WYLIE:

H.R. 11413. A bill for the relief of Henry T. Phillips III; to the Committee on the Judiciary.

H.R. 11414. A bill for the relief of Capt. Mary K. Van Tilburg, U.S. Army; to the Committee on the Judiciary.

PETITIONS, ETC.

Under clause 1 of rules XXII,

373. The SPEAKER presented a petition of the board of directors, California Asparagus Growers' Association, Stockton, Calif., relative to illegal aliens, which was referred to the Committee on the Judiciary.

AMENDMENTS

Under clause 6 of rule XXIII, proposed amendments were submitted as follows:

H.R. 6721

By Mr. HECHLER of West Virginia:

On page 20, line 14, page 28, line 10, and on page 29, lines 11 and 23, strike the word "fifteen" and insert therein "ten".

On page 25, line 9, strike "The" and insert therein the words: "Subject to the provisions of section 8A(d) of this Act, the"; and on page 32, strike the sentence beginning on line 5 and insert in lieu thereof the following:

"All information acquired by the Secretary pursuant to this Act shall be available to the public, subject to the provisions of section 552 of title 5, United States Code, and section 1905 of title 18, United States Code, and to other Government agencies in a manner that will facilitate its dissemination: *Provided*, That upon a showing satisfactory to the Secretary by any person that any information, or portion thereof, obtained under this Act by the Secretary directly or indirectly from such person, would, if made public, divulge proprietary information of such person, the Secretary shall not disclose such information until the areas involved have been leased or at such other time as provided in this Act, and disclosure thereof shall be punishable under section 1905 of title 18, United States Code; *Provided further*, That the Secretary shall, upon request, provide such information to (a) any delegate of the Secretary for the purpose of carrying out this Act, and (b) the Attorney General, the Secretary of Agriculture, the Federal Trade Commission, the General Accounting Office, and other Federal agencies, when necessary to carry out their duties and responsibilities under this and other statutes, but such agencies and agency heads shall not release such information to the public. This section is not authority to withhold information from Congress, or from any committee of Congress upon request of the chairman."

On page 41, line 6, insert the following new sections:

"SEC. 16. The provisions of this Act shall not be effective for the leasing of tracts for coal by surface mining until such time as such mining is specifically authorized by Act of Congress enacted hereafter.

"SEC. 17. Nothing in this Act or the Mineral Lands Leasing Act and the Mineral Leasing Act for Acquired Lands which are amended by this Act shall be construed as authorizing coal mining on any area of the National Park System, the National Wildlife Refuge System, the National Wilderness Preservation System, the National System of Trails, and the Wild and Scenic Rivers System, including study rivers designated under section 5(a) of the Wild and Scenic Rivers Act."

H.R. 9464

By Mr. MOFFETT:

(Amendment to Mr. KRUEGER'S amendment published in the CONGRESSIONAL RECORD of December 8, 1975, on pages 39152-39156.)

Section 204 is amended as follows: In paragraph (8), delete all of clause B.

SENATE—*Tuesday, January 20, 1976*

The Senate met at 12 meridian and was called to order by Hon. PATRICK J. LEAHY, a Senator from the State of Vermont.

PRAYER

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

Let us pray.

O God, very great yet very near, in whom we live and move and have our being, we thank Thee for the reverent calm and the quiet mood with which we undertake the work of this Chamber. Enter our waiting hearts and be our guide and strength. Facing the aching needs of the Nation and the world may we scorn all that is base, selfish, or vindictive and lift high all that is beautiful and good and true. Strengthen us to oppose the wrong which needs resistance and support the right which needs assistance. And as we work may Thy presence be the answer to all our prayers. Amen.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

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

The legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, D.C., January 20, 1976.

To the Senate:

Being temporarily absent from the Senate on official duties, I appoint Hon. PATRICK J. LEAHY, a Senator from the State of Vermont, to perform the duties of the Chair during my absence.

JAMES O. EASTLAND,
President pro tempore.

Mr. LEAHY thereupon took the chair as Acting President pro tempore.

THE JOURNAL

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the reading of the Journal of the proceedings of Monday, January 19, 1976, be dispensed with.

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

ATTENDANCE OF SENATORS

Hon. GARY HART, a Senator from the State of Colorado, Hon. FRANK E.

MOSS, a Senator from the State of Utah, Hon. BOB PACKWOOD, a Senator from the State of Oregon, Hon. RICHARD S. SCHWEIKER, a Senator from the State of Pennsylvania, and Hon. HARRISON A. WILLIAMS, JR., a Senator from the State of New Jersey, attended the session of the Senate today.

COMMITTEE MEETINGS DURING SENATE SESSION

Mr. MANSFIELD. Mr. President, I ask unanimous consent that all committees may be authorized to meet during the session of the Senate today.

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

ORDER FOR DEBATE ON THE PRESIDENTIAL VETO AND VOTE THEREON TO OCCUR ON THURSDAY AT 12:30 P.M. AND 1:30 P.M., RESPECTIVELY

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the order which was previously entered to the effect that on Thursday at 12 o'clock meridian the Senate proceed for 1 hour to debate the Presidential veto and that a vote occur at the hour of 1 p.m. be changed to 12:30 p.m. and 1:30 p.m., respectively.

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

ORDER OF BUSINESS

Mr. ROBERT C. BYRD. Mr. President, at the direction of the distinguished majority leader I indicated on yesterday that the nomination of Mr. George Bush to be Director of Central Intelligence was tentatively scheduled for next Monday.

Upon the request of a Senator, who represents other Senators, I am sure, the distinguished majority leader has indicated that we should state that the consideration of that nomination is now being tentatively thought of in connection with next Tuesday rather than Monday and that hopefully a time agreement can be entered into at that time or even prior thereto.

ORDER FOR JOINT MEETING OF CONGRESS ON JANUARY 28, 1976, TO RECEIVE THE PRIME MINISTER OF ISRAEL

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate join the House on January 28, 1976, for a joint meeting of Congress to receive the Prime Minister of Israel, Mr. Rabin.

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

QUORUM CALL

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

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

The second assistant legislative clerk proceeded to call the roll.

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

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

ORDER FOR ADJOURNMENT FROM WEDNESDAY UNTIL THURSDAY, JANUARY 22, 1976

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that when the Senate completes its business on Wednesday it stand in adjournment until the hour of 12 o'clock meridian on Thursday.

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

ORDER FOR RECOGNITION OF SENATOR BARTLETT ON THURSDAY

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that after the two leaders or their designees have been recognized under the standing order on Thursday, Mr. BARTLETT be recognized for not to exceed 15 minutes.

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

ORDER TO VITIATE ORDER FOR RECOGNITION OF SENATOR JAVITS TODAY

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the order for the recognition of Mr. JAVITS at this time be vitiated.

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

ORDER FOR RECOGNITION OF SENATOR JAVITS TOMORROW

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the order for the recognition of Mr. JAVITS be transferred to tomorrow, and that upon the completion of the order for the recognition of Mr. SYMINGTON, Mr. JAVITS then be recognized for not to exceed 15 minutes.

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

QUORUM CALL

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

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

The second assistant legislative clerk proceeded to call the roll.

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

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

ORDER FOR RECOGNITION OF SENATOR JAVITS TOMORROW

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the order for the recognition of Mr. JAVITS on tomorrow follow the order for the recognition of Mr. TUNNEY, instead of the order for the recognition of Mr. SYMINGTON.

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

CONSIDERATION OF S. 2807, THE REHABILITATION ACT EXTENSION OF 1975

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate turn to the consideration of Calendar No. 563, Senate Resolution 332.

The ACTING PRESIDENT pro tempore. The resolution will be stated by title.

The legislative clerk read as follows:

A resolution (S. Res. 332) waiving sec. 303(a) of the Congressional Budget Act of 1974 with respect to consideration of the provisions of the "Rehabilitation Act Extension of 1975" (S. 2807).

The ACTING PRESIDENT pro tempore. Without objection, the Senate will proceed to its consideration.

The resolution (S. Res. 332) was considered and agreed to, as follows:

S. RES 332

Resolved, That pursuant to section 303(c) of the Congressional Budget Act of 1974, the provisions of section 303(a) of such Act are waived with respect to the consideration of the provisions of the "Rehabilitation Act Extension of 1975" (S. 2807). Such waiver, with respect to so much of such provisions as would provide new budget authority, and new spending authority under section 401 (c) (2) (C) of the Congressional Budget Act of 1964, for fiscal year 1977 prior to adoption of the first concurrent resolution on the budget for such year (by extending the State allotment formula in the Rehabilitation Act of 1973 (Public Law 93–112), as amended, through fiscal year 1977 to be determined, pursuant to section 110 of such Act, based on a nationwide allocation level equal to the amount authorized to be appropriated for making grants to the States for basic vocational rehabilitation services), is necessary because the authorization of appropriations in the Rehabilitation Act of 1973, as amended, for the State grant vocational rehabilitation program, on which authorization level the State-by-State allocation formula is based, expires on June 30, 1976. The 20 per centum matching requirement for such allotments to States is determined on the basis of funding decisions by State legislatures which generally meet and adjourn prior to May 15, the date by which the first concurrent resolution on the budget must be adopted under the Congressional Budget Act of 1974. During such sessions of State legislatures, commitments are made to provide each State's share, on the basis of which the Federal 80 per centum allotment is then paid to each State with an approved State plan. If legislation authorizing a nationwide allotment level for the program for fiscal year 1977 is not enacted at an early date, many State legislatures will be unable to authorize the funds needed for vocational rehabilitation programs for such year.

Further, the authorization of appropriations and the nationwide allotment level for fiscal year 1977 for State grants for basic vocational rehabilitation services in the provisions of the "Rehabilitation Act Extension

of 1975" (S. 2807) would not increase the currently authorized and congressionally approved program level for fiscal year 1976 but would maintain continuity in the vocational rehabilitation program and permits the States to continue such programs at reasonable levels.

For the foregoing reasons, pursuant to section 303(c) of the Congressional Budget Act of 1974, the provisions of section 303(a) of such Act are waived with respect to the consideration of H.R. 11045, the Rehabilitation Act Amendments of 1975, but only for purposes of consideration of an amendment, incorporating the provisions of S. 2807, in the nature of a substitute for the text of H.R. 11045.

ROUTINE MORNING BUSINESS

Mr. MANSFIELD. Mr. President, what is the pending business?

The ACTING PRESIDENT pro tempore. Under the previous order, there will now be a period for the transaction of routine morning business of not to exceed 30 minutes, with statements therein limited to 5 minutes.

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Heiting, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session, the Acting President pro tempore (Mr. LEAHY) laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

FOREIGN ASSISTANCE—MESSAGE FROM THE PRESIDENT

The ACTING PRESIDENT pro tempore (Mr. LEAHY) laid before the Senate the following message from the President of the United States, which was referred to the Committee on Foreign Relations:

To the Congress of the United States:

The Foreign Assistance Act of 1974, enacted by the 93d Congress on December 30, 1974, expresses the sense of the Congress that the policies and purposes of the military assistance program should be "reexamined in light of changes in world conditions and the economic position of the United States in relation to countries receiving such assistance." Section 17(a) of the act expresses the view that the program, except for military education and training activities, "should be reduced and terminated as rapidly as feasible consistent with the security and foreign policy requirements of the United States."

To give effect to section 17(a) of the act, the Congress directed that I submit to the first session of the 94th Congress a detailed plan for the "reduction and eventual elimination of the present military assistance program." In the intervening period, the two foreign affairs committees are considering draft legislation that would arbitrarily terminate grant military assistance programs after September 30, 1977, unless authorized by the Congress.

I have stressed repeatedly in my messages to the Congress and in my reports to the American people, the need for constancy and continuity in our foreign policy, and, in particular, in our relationship with nations which turn to us for necessary support in meeting their most pressing security needs. Since World War II, the United States has extended such assistance to friends and allies. This policy has contributed immeasurably to the cause of peace and stability in the world. Many countries which once received grant military assistance have achieved self-sufficiency in providing for their security interests, and grant military assistance to a number of current recipients is being reduced or eliminated.

I firmly believe that grant military assistance in some form will remain a basic requirement for an effective U.S. foreign policy for the foreseeable future. In the Middle East and elsewhere, we must maintain our flexibility to respond to future assistance requirements which cannot now be reckoned with precision. It will continue to be in our interest to be able to meet the legitimate security requirements of countries who cannot shoulder the full burden of their own defense and grant assistance will continue to be needed to assist countries that provide us essential military bases and facilities. These requirements will not disappear; they are the necessary result of the unsettled state of the world and of our role as a world power.

Nevertheless, in recognition of the expressed sense of the Congress, I have, in preparing the 1977 budget and legislative program, reexamined the policies, purposes, and scope of the military assistance program with a view to reducing or terminating any country programs no longer essential to the security and foreign policy interests of the United States. As a consequence of this review, the 1977 military assistance budget request will reflect a 28 percent reduction below the 1976 request, the termination of grant materiel assistance to Korea, and elimination of five small grant programs in Latin America. Furthermore, our preliminary estimate of the 1978 requirements indicates that additional reductions and some additional program terminations should be feasible in the absence of unfavorable security or economic development in the countries concerned.

I must emphasize, however, that offsetting increases in foreign military sales credits will be required in most instances to meet the legitimate military needs of our friends and allies at a time when much of their military equipment is reaching obsolescence and prices of new equipment are increasing drastically. Moreover, the capacities of many of these grant military aid recipients to assume additional foreign exchange costs because of reduced military aid are limited by the necessity to cope with higher oil prices as well as the impact of the recession in the developed countries on their exports. In these circumstances, I believe the interests of the United States in the continued security of these countries are better served by a gradual reduction of grant military assistance attuned to the particular circumstances of each country than by an arbitrary termination of all such assistance on a given date.

Finally, I must emphasize that in this uncertain and unpredictable era we must maintain our national strength and our national purposes and remain faithful to our friends and allies. In these times, we must not deny ourselves the capacity to meet international crises and problems with all the instruments now at our disposal. I urge the Congress to preserve the authorities in law to provide grant military aid, an instrument of our national security and foreign policy that has served the national interest well for more than 30 years.

GERALD R. FORD.

THE WHITE HOUSE, *January 20, 1976.*

MESSAGES FROM THE HOUSE

At 12:40 p.m., a message from the House of Representatives delivered by Mr. Hackney, one of its reading clerks, announced that the House has passed without amendment the bill (S. 1657) to amend the National Portrait Gallery Act to redefine "portraiture."

At 2 p.m., a message from the House of Representatives delivered by Mr. Hackney announced that the House has passed the bill (S. 2145) to provide Federal financial assistance to States in order to assist local educational agencies to provide public education to Vietnamese and Cambodian refugee children, and for other purposes, with an amendment in which it requests the concurrence of the Senate.

COMMUNICATIONS FROM EXECUTIVE DEPARTMENTS, ETC.

The ACTING PRESIDENT pro tempore (Mr. LEAHY) laid before the Senate the following letters, which were referred as indicated:

REPORT OF THE ASSISTANT COMPTROLLER GENERAL

A letter from the Assistant Comptroller General of the United States reporting, pursuant to law, on the release of certain budget authority; referred, jointly, to the Committees on Appropriations, Budget, Interior and Insular Affairs, and ordered to be printed.

REPORT OF THE ASSISTANT SECRETARY OF DEFENSE

A letter from the Deputy Assistant Secretary of Defense transmitting, pursuant to law, a report on 79 construction projects to be undertaken by the Air National Guard (with an accompanying report); to the Committee on Armed Services.

REPORT OF THE EXPORT-IMPORT BANK

A letter from the Chairman of the Export-Import Bank of the United States transmitting, pursuant to law, a report on loan, guarantee, and insurance transactions supported by Eximbank during November 1975 to Communist countries (with an accompanying report); to the Committee on Banking, Housing and Urban Affairs.

REPORT OF THE SPECIAL REPRESENTATIVE FOR TRADE NEGOTIATIONS

A letter from the Special Representative for Trade Negotiations transmitting, pursuant to law, a report on certain trade practices of foreign governments (with an accompanying report); to the Committee on Finance.

REPORT OF THE AGENCY FOR INTERNATIONAL DEVELOPMENT

A letter from the Administrator of the Agency for International Development transmitting, pursuant to law, a report on foreign assistance and related transactions for fiscal year 1975 (with an accompanying report); to the Committee on Foreign Relations.

REPORT OF THE NATIONAL ADVISORY COUNCIL ON INTERNATIONAL MONETARY AND FINANCIAL POLICIES

A letter from the Chairman of the National Advisory Council on International Monetary and Financial Policies transmitting, pursuant to law, the annual report of the Council for the fiscal year 1975 (with an accompanying report); to the Committee on Foreign Relations.

REPORT OF THE SECRETARY OF STATE

A letter from the Secretary of State transmitting, pursuant to law, a report on the extent and disposition of United States contributions to international organizations, for the fiscal year 1974 (with an accompanying report); to the Committee on Foreign Relations.

REPORT OF THE COMPTROLLER GENERAL

A letter from the Comptroller General of the United States transmitting, pursuant to law, a report entitled "Why NASA's Property Accounting and Control System Should Be Improved" (with an accompanying report); to the Committee on Government Operations.

PROPOSED ECONOMIC COERCION ACT OF 1975

A letter from the Attorney General, Department of Justice, transmitting a draft of proposed legislation to prohibit economic coercion based upon race, color, religion, national origin, or sex (with accompanying papers); to the Committee on the Judiciary.

REPORT ON THE RUNAWAY YOUTH ACT

A letter from the Under Secretary of Health, Education, and Welfare, transmitting, pursuant to law, the annual report on Title II of the Runaway Youth Act, Public Law 93-415 (with an accompanying report); to the Committee on the Judiciary.

REPORT OF THE NATIONAL LABOR RELATIONS BOARD

A letter from the Chairman, National Labor Relations Board, transmitting, pursuant to law, the 40th annual report of the National Labor Relations Board for the fiscal year ended June 30, 1975 (with an accompanying report); to the Committee on Labor and Public Welfare.

REPORT ON MANPOWER PROGRAM COORDINATION

A letter from the Director, National Commission for Manpower Policy, transmitting, pursuant to law, a Report on Manpower Program Coordination (with an accompanying report); to the Committee on Labor and Public Welfare.

REPORT OF THE ADMINISTRATIVE OFFICE OF THE U.S. COURTS

A letter from the Deputy Director, Administrative Office of the U.S. Courts, reporting, pursuant to law, on duties of GS-17 positions; to the Committee on Post Office and Civil Service.

REPORT OF THE U.S. COURT OF CLAIMS

A letter from the Clerk, U.S. Court of Claims, transmitting, pursuant to law, a report of judgments rendered by the U.S. Court of Claims for the year ended September 30, 1975, the amount thereof, the parties in whose favor rendered, and a brief synopsis of the nature of the claims (with an accompanying report); to the Committee on the Judiciary.

REPORT OF THE NUCLEAR ENERGY CENTER SITE SURVEY

A letter from the Chairman, Nuclear Regulatory Commission, transmitting, pursuant to law, a report on the Nuclear Energy Center Site Survey (with an accompanying report); to the Joint Committee on Atomic Energy.

PROPOSED LEGISLATION DESIGNATING CERTAIN LANDS A WILDERNESS

A letter from the Assistant Secretary of the Interior, transmitting a draft of proposed legislation to designate certain lands in the North Cascades National Park and in the Ross Lake and Lake Chelan National Recreation Areas, Washington, as wilderness (with accompanying papers); to the Committee on Interior and Insular Affairs.

SMALL RECLAMATION PROJECT APPLICATION

A letter from the Deputy Assistant Secretary of the Interior, reporting, pursuant to law, on the applications from Mitchell Irrigation District, Nebraska, and Roy Water Conservancy Subdistrict, Utah, for supplementary loans; to the Committee on Interior and Insular Affairs.

PETITION FOR ASSISTANCE TO THE ENEWETAK PEOPLE

A letter from the Acting Director of Territorial Affairs, Department of the Interior, transmitting, pursuant to law, a petition which expresses the desire of the people of Enewetak to return to their home atoll (with accompanying papers); to the Committee on Interior and Insular Affairs.

PETITIONS

The ACTING PRESIDENT pro tempore (Mr. LEAHY) laid before the Senate the following petitions, which were referred as indicated:

A resolution adopted by the City Council of Pembroke Pines, Fla., expressing opposition to the United Nations resolution labeling Zionism as a form of racial discrimination; to the Committee on Foreign Relations.

A resolution adopted by the Martin County Chapter, Florida, Izaak Walton League of America, relating to enlargement of the St. Lucie Canal; to the Committee on Public Works.

A resolution adopted by the City Council of Youngstown, Ohio, relating to general revenue sharing; to the Committee on Finance.

A resolution adopted by the Council of the City of Grand Prairie, Tex., relating to general revenue sharing; to the Committee on Finance.

A resolution adopted by the Council of the City of Norfolk, Va., relating to general revenue sharing; to the Committee on Finance.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolution were introduced, read the first time and, by unanimous consent, the second time, and referred as indicated:

By Mr. WILLIAMS:

S. 2849. A bill to amend the Investment Advisers Act of 1940 to authorize the Securities and Exchange Commission to prescribe standards of qualification and financial responsibility for investment advisers, and for other purposes. Referred to the Committee on Banking, Housing and Urban Affairs.

By Mr. DOLE:

S. 2850. A bill for the relief of John Ming Chan. Referred to the Committee on the Judiciary.

By Mr. STEVENS (for himself and Mr. GRAVEL):

S. 2851. A bill to provide temporary authority for the Secretary of Agriculture to sell timber from the U.S. Forest Service lands in Alaska consistent with various acts. Referred to the Committee on Agriculture and Forestry.

By Mr. STEVENS:

S. 2852. A bill to amend section 5728 of title 5, United States Code, with respect to vacation leave in connection with a tour of duty outside the continental United States. Referred to the Committee on Post Office and Civil Service.

STATEMENT ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. WILLIAMS:

S. 2849. A bill to amend the Investment Act of 1940 to authorize the Securities and Exchange Commission to prescribe standards of qualification and financial responsibility for investment advisers, and for other purposes. Referred to the Committee on Banking, Housing and Urban Affairs.

INVESTMENT ADVISERS ACT AMENDMENTS OF 1975

Mr. WILLIAMS. Mr. President, I am today introducing a bill to amend the Investment Advisers Act of 1940 to provide substantial additional protections to clients of registered investment advisers principally by upgrading that act's provisions governing qualification and financial responsibility requirements.

The Investment Advisers Act was the last in the series of basic Federal securities laws enacted as a result of the extensive investigations and studies during the 1930's of the securities markets and securities industry. Beginning in 1933, Federal statutes have been enacted to regulate the conduct of broker-dealers and securities exchanges, public utility holding companies, trustees under bond indentures, investment companies and investment advisers. Most recently, in June of last year, the Securities Acts Amendments of 1975 for the first time subjected municipal securities dealers, both bank and nonbank, to regulation under the Securities Exchange Act of 1934.

Notwithstanding the pervasive pattern of securities regulation established four decades ago for other segments of the securities industry, and periodic congressional reexaminations of regulatory needs and appropriate statutory

changes, the Investment Advisers Act has been treated, in the words of one member of the Securities and Exchange Commission, as a "stepchild."

This is a particularly apt characterization for several reasons. The origin of the Advisers Act is the first. Essentially it came into existence as title II of the act which included as part I the more important Investment Company Act of 1940. One eminent legal commentator has written of the Advisers Act's origins that—

> . . . it followed a brief supplemental report on investment advisers which the Commission . . . filed as an incident of its investment trust study.

In short, the Investment Advisers Act appears to have been a legislative afterthought to the much more comprehensive Investment Company Act.

Another explanation is the relatively slight attention Congress has devoted to the act over the past 36 years. This is in marked contrast to the nearly constant attention given by Congress to other statutes administered by the SEC. Unlike active congressional oversight and periodic revisions to the securities laws, as evidenced most recently by the Securities Act Amendments of 1975, the Investment Advisers Act has been amended on only a few occasions and usually in insubstantial ways. In fact, it was not until 1960 that the act was amended in any material sense, and this followed changes the SEC had first urged in 1945.

In recent years, however, the adequacy of regulation of investment advisers has been a subject of considerable concern and debate. The consensus of many in Congress, the Securities and Exchange Commission, public investors and members of the investment advisory industry is that the pattern established in 1940 is seriously deficient in light of current regulatory needs, industry growth, and the longstanding objective of the securities laws—the protection of investors.

This consensus has developed for obvious reasons. First, the amount of money being managed by registered investment advisers and the number of firms registered with the SEC have increased dramatically in the last 6 years. Recent figures indicated that there are approximately 3,059 such firms managing approximately $260 billion. By way of contrast, in 1969, there were only 1,343 registered investment advisory firms and it was estimated they had approximately one-half or $130 billion under management.

In addition, authoritative spokesmen—including present and former SEC commissioners—have pointed to specific deficiencies in the regulatory pattern established for investment advisers. Most of these regulatory gaps result from an anomalous absence of standards of financial responsibility in the Advisers Act comparable to those applicable to broker-dealers and investment companies. For example, in so far as investment advisers are concerned, there are no minimum initial capital requirements, no requirements for continuing financial responsibility and no requirements for reporting financial information to the SEC.

Finally, many professionals in the business have become concerned that the ease of entry and virtual absence of minimal initial or continuing financial responsibility standards may jeopardize the reputation of the entire industry. To help maintain a high level of public confidence and trust, a number of industry leaders have expressed interest in upgrading their regulation. These efforts have concentrated primarily on State legislation and on self-regulation as an alternative to direct federal regulation by the SEC.

In response to these developments, the Commission has transmitted the proposed amendments to the Investment Advisers Act of 1940 which I am introducing today. Briefly, the bill has eight sections which would:

First. Authorize the SEC to prescribe qualification standards and financial responsibility requirements with respect to investment advisers and their associated persons;

Second. Require registered investment advisers to pay reasonable fees and charges to the Commission to defray the additional costs of the regulatory duties which would be imposed pursuant to the proposed legislation which payment the Commission contemplates would not be required of any member of a self-regulatory organization which may be established pursuant to future legislation;

Third. Make certain technical and conforming changes in the act;

Fourth. Eliminate the "intrastate" exemption provided by section 203(b)(1) of the act;

Fifth. Clarify the existence of a private right of action based on a violation of the act;

Sixth. Amend the definition of "person associated wtih an investment adviser"; and

Seventh. Authorize and direct the Commission to study: the extent to which persons not included in the definition of investment adviser or specifically excluded therefrom engage in activities similar to those engaged in by investment advisers and whether such exclusions are consistent with the act's underlying purposes; and the extent to which the establishment of one or more self-regulatory organizations would facilitate the act's purposes.

In the letter of transmittal, the Commission states its beliefs that "the attached proposals represent a significant step toward improvement of the Advisers Act which, if enacted, would enable the Commission to develop and conduct a regulatory program providing much needed and comprehensive protections to the investment public."

As chairman of the Subcommittee on Securities, I am in general agreement with the need for improving the regulation of investment advisers as well as the approach suggested by the Commission. Although I recognize that many difficult questions will have to be resolved during the deliberative process, I believe this bill is a sound, measured effort to upgrade the protections afforded clients of investment advisory firms.

Mr. President, I now ask unanimous consent that the transmittal letter from the SEC, the full text of the bill and the SEC's explanatory statement in support of the bill be reprinted in full in the RECORD.

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

S. 2849

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 "Investment Advisers Act Amendments of 1975".

SEC. 2. Section 208 of the Investment Advisers Act of 1940 (15 U.S.C. 80b–8) is amended by adding at the end thereof the following new subsections:

"(e) No investment adviser registered or required to be registered under section 203 of this title shall make use of the mails or any means or instrumentality of interstate commerce in connection with his business as an investment adviser unless such investment adviser and all natural persons associated with such investment adviser meet such standards of training, experience, competence, and such other qualifications, including minimum age and contractual capacity, as the Commission finds necessary or appropriate in the public interest or for the protection of investors. The Commission shall establish such standards by rules and regulations, which may—

"(1) specify that all or any portion of such standards or qualifications shall be applicable to any class of investment advisers and persons associated with investment advisers; and

"(2) require persons in any class to submit to such tests or examinations as may be prescribed in accordance with such rules and regulations.

The Commission, by rule, may prescribe reasonable fees and charges to defray its costs in carrying out this subsection, including, but not limited to, fees for any test administered by it or under its direction."

"(f) No investment adviser registered or required to be registered under section 203 of this title shall make use of the mails or any means or instrumentality of interstate commerce in connection with his business as an investment adviser in contravention of such rules and regulations as the Commission shall prescribe as necessary or appropriate in the public interest or for the protection of investors to provide safeguards with respect to the financial responsibility of investment advisers. The Commission, by rule, may prescribe reasonable fees and charges to defray its costs in carrying out this subsection.

"(g) The Commission is authorized, in connection with the promulgation of rules and regulations under subsections (e) and (f) of this section—

"(1) to create one or more advisory committees pursuant to the Federal Advisory Committee Act;

"(2) to employ one or more outside experts; and

"(3) to hold such public hearings as it may deem advisable."

SEC. 3. Section 203(b) of the Investment Advisers Act of 1940 (15 U.S.C. 80b–3(b)) is amended by striking out paragraph (1) thereof and redesignating paragraphs (2) and (3) as paragraphs (1) and (2), respectively.

SEC. 4. Section 203(g) of the Investment Advisers Act of 1940 (15 U.S.C. 80b–3(g)) is amended by striking out "subsection (d)"

and inserting in lieu thereof "subsection (c) or subsection (e)".

SEC. 5. The first sentence of section 211(c) of the Investment Advisers Act of 1940 (15 U.S.C. 80b–11(c)) is amended to read as follows: "Order of the Commission under this title (except orders granting registration pursuant to section 203(c) of this title) shall be issued only after appropriate notice and opportunity for hearing."

SEC. 6. The first sentence of section 214 of the Investment Advisers Act of 1940 (15 U.S.C. 80b–14) is amended to read as follows: "The district courts of the United States and the United States courts of any Territory or other place subject to the jurisdiction of the United States shall have jurisdiction of violations of this title or the rules, regulations, or orders thereunder, and, concurrently with State and Territorial courts, of all suits in equity and actions at law brought to enforce any liability or duty created by, or to enjoin any violation of, this title or the rules, regulations, or orders thereunder."

SEC. 7. Section 202(a)(10) of the Investment Advisers Act of 1940 (15 U.S.C. 80b–2(a)(10)) is amended by inserting before the period at the end thereof a comma and the following: "and includes intrastate use of (A) any facility of a national securities exchange or of a telephone or other interstate means of communication, or (B) any other interstate instrumentality".

SEC. 8. Section 202(a)(17) of the Investment Advisers Act of 1940 (15 U.S.C. 80b–2(a)(17)) is amended to read as follows:

"(17) The term 'person associated with an investment adviser' means any partner, officer, or director of such investment adviser (or any person performing similar functions), or any person directly or indirectly controlling, controlled by, or under common control with such investment adviser, including any employee of such investment adviser, except that for the purposes of section 203 of this title (other than subsection (f) thereof), persons associated with an investment adviser whose functions are clerical or ministerial shall not be included in the meaning of such term. The Commission may, by rules and regulations, classify, for the purposes of any portion or portions of this title, persons associated with an investment adviser within the meaning of this paragraph."

SEC. 9. Section 202 of the Investment Advisers Act of 1940 (15 U.S.C. 80b–2) is amended by adding at the end thereof the following new subsections:

"(c) The Commission is authorized and directed to make a study of the extent to which persons not included in the definition of 'investment adviser' or specifically excluded therefrom engage in activities similar to those engaged in by investment advisers, including but not limited to (i) the furnishing of advice, either directly or through publications or writings, as to the value of securities or the advisability of investing in, purchasing, or selling securities, (ii) the issuance or promulgation of analyses and reports concerning securities, and (iii) the exercise of investment discretion with respect to securities accounts, and whether the exclusion of such persons from the definition of 'investment adviser' is consistent with the protection of investors and the other purposes of this title. The Commission shall report to the Congress, within eighteen months from the date of enactment of this subsection, the results of its study together with such recommendations for legislation as it deems advisable.

"(d) The Commission is authorized and directed to make a study of whether and to what extent the protection of investors and the other purposes of this title would be facilitated by the establishment of one or more self-regulatory organizations which would be registered with the Commission under this title and, subject to appropriate Commission oversight, adopt rules, establish standards of conduct, take appropriate disciplinary action, establish and administer tests, and perform such other functions with respect to the regulation of their members as are consistent with the purposes of this title. The Commission shall report to the Congress, within eighteen months from the date of enactment of this subsection, the results of its study together with such recommendations for legislation as it deems advisable.

"(e) The Commission is authorized, in furtherance of the studies required by subsections (c) and (d) of this section, to create one or more advisory committees pursuant to the Federal Advisory Committee Act, to employ one or more outside experts, and to hold such public hearings as it may deem advisable."

SEC. 10. This Act shall become effective on the date of its enactment.

SECURITIES AND EXCHANGE COMMISSION,
Washington, D.C., December 11, 1975.

HON. NELSON A. ROCKEFELLER,
President, U.S. Senate,
The Capitol, Washington, D.C.

DEAR MR. PRESIDENT: I am pleased to transmit, on behalf of the Commission, the attached legislative proposals which would amend the Investment Advisers Act of 1940 to provide substantial additional protections to investment advisory clients, with the Commission's recommendation that such proposals be enacted into law.

In the recent past, a strong interest has been expressed by members of the Congress and of the Commission in upgrading the standards and quality of regulation of investment advisers.

For example, then Commissioner Hugh F. Owens, now Chairman of the Securities Investor Protection Corporation, stated in an address to the Money Management Institute on October 12, 1972 that "a problem too long neglected in connection with investment advisory firms, no provisions requiring continuing financial responsibility and no requirements for reporting financial information to the Commission. The absence of any controls in this area is very disturbing to me." Commissioner Owens also expressed concern about the lack of appropriate standards of qualifications.

In a March 6, 1974 letter, Congressman Moss, former Chairman of the then House Subcommittee on Commerce and Finance of the Committee on Interstate and Foreign Commerce, asked former Chairman Garrett whether the Commission intended to promulgate rules to increase protections to investors, as had been suggested by Commissioner Owens. Commissioner Loomis, in the absence of the Chairman, replied in a letter dated April 5, 1974 that the existing authority of the Commission to prescribe qualifications standards and financial responsibility requirements for investment advisers is somewhat limited and that, with respect to these areas, the Commission would direct its efforts toward developing legislative proposals.

Congressman Moss reiterated his concern on this subject in addressing the Sacramento Chapter of the International Association of Financial Planners on November 1, 1974, and expressed the view that "a cursory examination of that Act [the Investment Advisers Act of 1940] indicates apparent weaknesses" and, further, pointed out that "the types of regulation that the Securities and exchange Commission may impose on registered investment advisers appears to fall short of the kinds of regulation the SEC can impose on brokers, dealers, or investment companies."

More recently, Commissioner A. A. Sommer, Jr., speaking before the Practicing Law Institute on May 22, 1975, stated that "[t]here is a wide scale realization of the deficiencies of regulation in this area." He emphasized the need for a regulatory program which would assure the investing public that investment advisers are subject to appropriate professional standards, particularly with respect to qualifications and financial responsibility.

While in the 35 years since the passage of the Investment Advisers Act of 1940, the combined efforts of Congress, the Commission and the courts have provided significant protections to the public and investment advisory clients through the expansion, administration, and interpretation of the Advisers Act, certain regulatory deficiencies remain. Although the Securities Acts Amendments of 1975 did amend the Advisers Act in certain respects, that legislation left unchanged the fact that the investment advisory industry is not yet subject to a comprehensive regulatory program with respect to qualifications and financial responsibility.

The Commission believes that legislation authorizing such a program is necessary and appropriate at this time. The Commission is aware, however, that it may be necessary for it to supplement its knowledge of the practices and operations of the industry as they exist today before exercising the powers which would be conferred by the new sections. Accordingly, the proposed legislation would provide that the Commission may create advisory committees, employ outside experts, and hold public hearings in developing standards. Similarly, the Commission believes that the appropriateness, feasibility, and proper scope of self-regulation should be studied further by the Commission before it recommends specific legislative proposals on these matters, and the attached proposed legislation would so provide. Although there may be certain difficulties to overcome, the Commission believes that self-regulation would provide a valuable supplement to its own regulatory functions under the Act, and the Commission desires and intends, if at all possible, to foster a self-regulatory structure that would be both practicable and meaningful. Accordingly, one major goal of the proposed study would be the development of appropriate incentives to encourage voluntary participation in self-regulatory organizations.

In addition to authorizing the Commission to prescribe qualifications standards and financial responsibility requirements, the proposed legislation would conform the Advisers Act in certain respects to similar provisions contained in the Securities Exchange Act of 1934 and would also resolve certain regulatory problems which have arisen in the course of the administration of the Advisers Act. Briefly, the proposed legislation has eight sections which would:

(1) authorize the Commission to prescribe qualifications standards and financial responsibility requirements with respect to investment advisers and their associated persons;

(2) require registered investment advisers to pay reasonable fees and charges to the Commission to defray the additional costs of the regulatory duties which would be imposed pursuant to the proposed legislation (which payment the Commission contemplates would not be required of any member of a self-regulatory organization which may be established pursuant to future legislation);

(3) make certain technical and conforming changes in the Act;

(4) eliminate the "intrastate" exemption provided by Section 203(b)(1) of the Act;

(5) clarify the existence of a private right of action based on a violation of the Act;

(6) amend the definition of "person associated with an investment adviser"; and

(7) authorize and direct the Commission to study:

(i) the extent to which persons not included in the definition of investment adviser or specifically excluded therefrom engage in activities similar to those engaged in by investment advisers and whether such exclusions are consistent with the Act's underlying purposes; and

(ii) the extent to which the establishment of one or more self-regulatory organizations would facilitate the Act's purposes.

The Commission believes that the attached proposals represent a significant step toward improvement of the Advisers Act which, if enacted, would enable the Commission to develop and conduct a regulatory program providing much needed and comprehensive protections to the investing public.

The views expressed herein and in the accompanying materials are those of the Commission and do not necessarily represent the views of the President. These materials are being simultaneously submitted to the Office of Management and Budget. We will inform the Congress of any advice we receive from that Office concerning the relationship of the materials to the program of the Administration.

Sincerely,

RODERICK M. HILLS,
Chairman.

SECURITIES AND EXCHANGE COMMISSION,
Washington, D.C., December 11, 1975.

Hon. CARL ALBERT,
Speaker, U.S. House of Representatives, the Capitol, Washington, D.C.

DEAR MR. SPEAKER: I am pleased to transmit, on behalf of the Commission, the attached legislative proposals which would amend the Investment Advisers Act of 1940 to provide substantial additional protections to invest advisory clients, with the Commission's recommendation that such proposals be enacted into law.

In the recent past, a strong interest has been expressed by members of the Congress and of the Commission in upgrading the standards and quality of regulation of investment advisers.

For example, then Commissioner Hugh F. Owens, now Chairman of the Securities Investor Protection Corporation, stated in an address to the Money Management Institute on October 12, 1972 that "a problem too long neglected in connection with investments advisers concerns the financial responsibility of these firms. At present, there are no minimum initial capital requirements for advisory firms, no provisions requiring continuing financial responsibility and no requirements for reporting financial information to the Commission. The absence of any controls in this area is very disturbing to me." Commissioner Owens also expressed concern about the lack of appropriate standards of qualifications.

In a March 6, 1974 letter, Congressman Moss, former Chairman of the then House Subcommittee on Commerce and Finance of the Committee on Interstate and Foreign Commerce, asked former Chairman Garrett whether the Commission intended to promulgate rules to increase protections to investors, as had been suggested by Commissioner Owens. Commissioner Loomis, in the absence of the Chairman, replied in a letter dated April 5, 1974 that the existing authority of the Commission to prescribe qualifications standards and financial responsibility requirements for investment advisers is somewhat limited and that, with respect to these areas, the Commission would direct its efforts toward developing legislative proposals.

Congressman Moss reiterated his concern on this subject in addressing the Sacramento Chapter of the International Association of Financial Planners on November 1, 1974, and expressed the view that "a cursory examination of that Act [the Investment Advisers Act of 1940] indicates apparent weaknesses" and, further, pointed out that "the types of regulation that the Securities and Exchange Commission may impose on registered investment advisers appears to fall short of the kinds of regulation the SEC can impose on brokers, dealers, or investment companies."

More recently, Commissioner A. A. Sommer, Jr., speaking before the Practising Law Institute on May 22, 1975, stated that "[t]here is a wide scale realization of the deficiencies of regulation in this area." He emphasized the need for a regulatory program which would assure the investing public that investment advisers are subject to appropriate professional standards, particularly with respect to qualifications and financial responsibility.

While in the 35 years since the passage of the Investment Advisers Act of 1940, the combined efforts of Congress, the Commission and the courts have provided significant protections to the public and investment advisory clients through the expansion, administration, and interpretation of the Advisers Act, certain regulatory deficiencies remain. Although the Securities Acts Amendments of 1975 did amend the Advisers Act in certain respects, that legislation left unchanged the fact that the investment advisory industry is not yet subject to a comprehensive regulatory program with respect to qualifications and financial responsibility.

The Commission believes that legislation authorizing such a program is necessary and appropriate at this time. The Commission is aware, however, that it may be necessary for it to supplement its knowledge of the practices and operations of the industry as they exist today before exercising the powers which would be conferred by the new sections. Accordingly, the proposed legislation would provide that the Commission may create advisory committees, employ outside experts, and hold public hearings in developing standards. Similarly, the Commission believes that the appropriateness, feasibility, and proper scope of self-regulation should be studied further by the Commission before it recommends specific legislative proposals on these matters, and the attached proposed legislation would so provide. Although there may be certain difficulties to overcome, the Commission believes that self-regulation would provide a valuable supplement to its own regulatory functions under the Act, and the Commission desires and intends, if at all possible, to foster a self-regulatory structure that would be both practicable and meaningful. Accordingly, one major goal of the proposed study would be the development of appropriate incentives to encourage voluntary participation in self-regulatory organizations.

In addition to authorizing the Commission to prescribe qualifications standards and financial responsibility requirements, the proposed legislation would conform the Advisers Act in certain respects to similar provisions contained in the Securities Exchange Act of 1934 and would also resolve certain regulatory problems which have arisen in the course of the administration of the Advisers Act. Briefly, the proposed legislation has eight sections which would:

(1) authorize the Commission to prescribe qualifications standards and financial responsibility requirements with respect to investment advisers and their associated persons;

(2) require registered investment advisers to pay reasonable fees and charges to the Commission to defray the additional costs of the regulatory duties which would be imposed pursuant to the proposed legislation (which payment the Commission contemplates would not be required of any member of a self-regulatory organization which may be established pursuant to future legislation);

(3) make certain technical and conforming changes in the Act;

(4) eliminate the "intrastate" exemption provided by Section 203(b)(1) of the Act;

(5) clarify the existence of a private right of action based on a violation of the Act;

(6) amend the definition of "person associated with an investment adviser"; and

(7) authorize and direct the Commission to study:

(i) the extent to which persons not included in the definition of investment adviser or specifically excluded therefrom engage in activities similar to those engaged in by investment advisers and whether such exclusions are consistent with the Act's underlying purposes; and

(ii) the extent to which the establishment of one or more self-regulatory organizations would facilitate the Act's purposes.

The Commission believes that the attached proposals represent a significant step toward improvement of the Advisers Act which, if enacted, would enable the Commission to develop and conduct a regulatory program providing much needed and comprehensive protections to the investing public.

The views expressed herein and in the accompanying materials are those of the Commission and do not necessarily represent the views of the President. These materials are being simultaneously submitted to the Office of Management and Budget. We will inform the Congress of any advice we receive from that Office concerning the relationship of the materials to the program of the Administration.

Sincerely,

RODERICK M. HILLS,
Chairman.

A bill to amend the Investment Advisers Act of 1940 to provide for qualifications and financial responsibility of investment advisers and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, that Section 208 of the Investment Advisers Act of 1940 (15 U.S.C. 80b–8) is amended by adding at the end thereof the following new subsections:

"(e) No investment adviser registered or required to be registered under Section 203 of this title shall make use of the mails or any means or instrumentality of interstate commerce in connection with his or its business as an investment adviser unless such investment adviser and all natural persons associated with such investment adviser meet such standards of training, experience, competence, and such other qualifications, including minimum age and contractual capacity, as the Commission finds necessary or appropriate in the public interest or for the protection of investors. The Commission shall establish such standards by rules and regulations, which may—

"(1) specify that all or any portion of such standards or qualifications shall be applicable to any class of investment advisers and persons associated with investment advisers; and

"(2) require persons in any such class to pass tests prescribed in accordance with such rules and regulations. The Commission, by rule, may prescribe reasonable fees and charges to defray its costs in carrying out this subsection, including, but not limited to, fees for any test administered by it or under its direction."

"(f) No investment adviser registered or required to be registered under Section 203 of this title shall make use of the mails or any means or instrumentality of interstate commerce in connection with his or its business as an investment adviser in contravention of such rules and regulations as the Commission shall prescribe as necessary or appropriate in the public interest or for the protection of investors to provide safeguards with respect to the financial responsibility of investment advisers. The Commission, by rule, may prescribe reasonable fees and charges to defray its costs in carrying out this subsection."

"(g) The Commission is authorized, in connection with the promulgation of rules and regulations under subsections (e) and (f) of this section, to create one or more advisory committees pursuant to the Federal Advisory Committee Act, to employ one or more outside experts, and to hold such public hearings as it may deem advisable."

SECTION 2

Subsection (b) of Section 203 of the Investment Advisers Act of 1940 (15 U.S.C. 80b-3(b)) is amended—

(1) by striking out paragraph (1) thereof; and

(2) by redesignating paragraphs (2) and (3) as paragraphs (1) and (2), respectively.

SECTION 3

Subsection (g) of Section 203 of the Investment Advisers Act of 1940 (15 U.S.C. 80b-3(g) is amended by striking out the words "subsection (d)" and inserting in lieu thereof "subsection (c) or subsection (e)."

SECTION 4

The first sentence of subsection (c) of Section 211 of the Investment Advisers Act of 1940 (15 U.S.C. 80b-11(c)) is amended to read as follows:

"(c) Orders of the Commission under this title (except orders granting registration pursuant to Section 203(c) of this title) shall be issued only after appropriate notice and opportunity for hearing."

SECTION 5

The first sentence of Section 214 of the Investment Advisers Act of 1940 (15 U.S.C. 80b-14) is amended to read as follows:

"Sec. 214. The district courts of the United States and the United States courts of any Territory or other place subject to the jurisdiction of the United States shall have jurisdiction of violations of this title or the rules, regulations, or orders thereunder, and, concurrently with State and Territorial courts, of all suits in equity and actions at law brought to enforce any liability or duty created by, or to enjoin any violation of, this title or the rules, regulations, or others thereunder."

SECTION 6

Paragraph (10) of subsection (a) of Section 202 of the Investment Advisers Act of 1940 (15 U.S.C. 80b-2(a)(10)) is amended by adding at the end thereof the following new sentence:

"The term includes intrastate use of (A) any facility of a national securities exchange or of a telephone or other interstate means of communication, or (B) any other interstate instrumentality."

SECTION 7

Paragraph (17) of subsection (a) of Section 202 of the Investment Advisers Act of 1940 (15 U.S.C. 80b-2(a)(17)) is amended to read as follows:

"(17) The term "person associated with an investment adviser" means any partner, officer, or director of such investment adviser (or any person performing similar functions), or any person directly or indirectly controlling, controlled by, or under common control with such investment adviser, including any employee of such investment adviser, except that for the purposes of Section 203 of this title (other than subsection (f) thereof), persons associated with an investment adviser whose functions are clerical or ministerial shall not be included in the meaning of such term. The Commission may, by rules and regulations, classify, for the purposes of any portion or portions of this title, persons associated with an investment adviser within the meaning of this paragraph."

SECTION 8

Section 202 of the Investment Advisers Act of 1940 (15 U.S.C. 80b-2) is amended by adding at the end thereof the following new subsections:

"(c) The Commission is authorized and directed to make a study of the extent to which persons not included in the definition of "investment adviser" or specifically excluded therefrom engage in activities similar to those engaged in by investment advisers, including but not limited to (i) the furnishing of advice, either directly or through publications or writings, as to the value of securities or the advisability of investing in, purchasing, or selling securities, (ii) the issuance or promulgation of analyses and reports concerning securities, and (iii) the exercise of investment discretion with respect to securities accounts, and whether the exclusion of such persons from the definition of "investment adviser" is consistent with the protection of investors and the other purposes of this title. The Commission shall report to the Congress, within eighteen months from the date of enactment of this subsection, the results of its study together with such recommendations for legislation as it deems advisable."

"(d) The Commission is authorized and directed to make a study of whether and to what extent the protection of investors and the other purposes of this title would be facilitated by the establishment of one or more self-regulatory organizations which would be registered with the Commission under this title and, subject to appropriate Commission oversight, adopt rules, establish standards of conduct, take appropriate disciplinary action, establish and administer tests, and perform such other functions with respect to the regulation of their members as are consistant with the purposes of this title. The Commission shall report to the Congress, within eighteen months from the date of enactment of this subsection, the results of its study together with such recommendations for legislation as it deems advisable."

"(e) The Commission is authorized, in furtherance of the studies required by subsections (c) and (d) of its section, to create one or more advisory committees pursuant to the Federal Advisory Committee Act, to employ one or more outside experts, and to hold such public hearings as it may deem advisable."

STATEMENT OF THE SECURITIES AND EXCHANGE COMMISSION IN SUPPORT OF PROPOSED AMENDMENTS TO THE INVESTMENT ADVISERS ACT OF 1940

Section 1 of the bill would amend Section 208 of the Investment Advisers Act of 1940 ("Act") by adding three subsections. New subsection 208(e) would authorize the Commission to establish standards for investment advisers and their associated persons with respect to training, experience, competence, and such other qualifications, including minimum age and contractual capacity, as the Commission finds necessary or appropriate in the public interest or for the protection of investors. Under new Section 208(e)(1) the Commission would be authorized to specify that all or any portion of such standards shall be applicable to any class of investment advisers and persons associated with them. Section 208(e)(2) would enable the Commission to require persons in any such class to pass prescribed tests.

New subsection (f) of Section 208 would authorize the Commission to provide, through rules and regulations, such safeguards as are necessary or appropriate in the public interest or for the protection of investors with respect to the financial responsibility of investment advisers.

New subsections (e) and (f) of Section 208 would also authorize the Commission to defray the costs of carrying out the respective subsections by prescribing reasonable fees and charges.[1]

Proposed subsection (g) of Section 208 would authorize the Commission to create one or more advisory committees, employ outside experts and hold public hearings in implementing subsections 208(e) and (f).

The need to subject investment advisers to appropriate standards, in order to assure that they have the competence and financial strength necessary to carry out their functions in a manner consistent with their obligations to clients, has previously been addressed by the Commission. A 1939 study of the investment advisory industry conducted by the Commission[2] noted that no uniform standards of qualifications existed for personnel of investment counsel firms and that no conditions respecting the financial responsibility of investment advisory firms were imposed. More recently, the 1963 *Report of Special Study of the Securities Markets*,[3] expressed concern with the fact that "[q]ualifications standards for persons who are responsible for disseminating investment advice, whether through broker-dealers or through registered investment advisory or investment counsel firms, are non-existent beyond the negative standards of disqualifying statutory bars."[4]

A survey conducted by the Special Study revealed that of all investment adviser registrations which became effective during the three month period between May 1 and July 31, 1961, 63 of the principals associated with the 79 firms registering had no prior experience in the securities business and 42 of the 79 firms, or 53 per cent, had no experienced principals. Of these 42 firms without any experienced principals, nine proposed to render investment supervisory services;[5] 23 to issue periodic publications on subscription basis; and 15 to prepare special reports and charts to evaluate securities. Of these 42 firms, nine intended to have complete discretionary authority over clients' accounts.[6]

Based on these and other findings, the Special Study recommended that:

"The right to carry on those functions of the industry which involve the public investor should be available only to those who have demonstrated the ability to meet at least minimal standards of integrity, competence and financial responsibility."[7]

Although Congress amended the Securities Exchange Act of 1934 to provide the Commission with authority to prescribe standards for broker-dealers with respect to training and qualifications,[8] which the Commission implemented through the promulgation of Rule 15b8-1, no similar authority was granted with respect to investment advisers. As a result, the absence of qualifications standards for investment advisers and persons associated with them continues as an unjustified gap in the pattern of federal regulation. Clearly clients of investment advisers rely as heavily on the competence of their investment advisers as do clients of broker-dealers.

The amendments which the Commission

Footnotes at end of article.

proposes are designed to close that regulatory gap in a manner similar to that found in the Securities Exchange Act of 1934. In light of the substantial impact which investment advisers can have on both the economy and the public investor, the Commission believes it is important to provide similar safeguards for investment advisory clients.[9]

It is also important to note that state regulation in this area is not uniformly adequate. In the course of our preliminary study of the need for qualifications standards, the staff conducted a survey of state law which revealed that only 27 of the 52 jurisdictions surveyed (the 50 states, the District of Columbia, and Puerto Rico) had statutes or regulations authorizing the administration of an examination for investment advisers or requiring applicants for investment adviser registration to pass an acceptable examination. The survey of state law also indicated that only 26 jurisdictions have a statutory provision or a rule authorizing a determination of qualifications of investment advisers by a means other than an examination and only three states have specific qualifications requirements for investment advisers in addition to the requirement of passing a written examination.[10]

Because of the broad range in the nature of services furnished by different investment advisers and the varying responsibilities and functions of supervisors, research analysts, account managers, or other categories of personnel employed by investment advisers, proposed Section 208(e) is intended to allow the Commission maximum flexibility to take into account these factors, some of which are unique to the investment advisory industry, in connection with the imposition of specific requirements. In this connection, the subsection would empower the Commission to require investment advisory personnel to pass an appropriate examination, and would permit the Commission to adapt such examinations to the different types of investment advisers and the kinds of services which they provide.

Of course, the examination is not the exclusive means with which to measure qualifications. Prior experience and training in the investment advisory field or in the securities business generally may be valuable supplements to, and, in certain circumstances, appropriate substitutes for, the examination procedure in determining competence. Accordingly, the proposed subsection would also afford the Commission the requisite flexibility to take into account such factors in establishing overall qualifications standards.

In addition, proposed Section 208(e) would explicitly authorize the Commission to establish standards relating to minimum age and contractual capacity of investment advisers and their associated persons. Under state law, the contracts of minors may be voidable and there is a serious question whether an adviser should be permitted to enter into contractual relationships with clients under circumstances where such contracts may be disaffirmed at the election of the adviser. While the anti-fraud provisions of Section 206 of the Act could be interpreted to preclude an adviser from entering into an advisory contract under these circumstances, the Commission believes it would be appropriate for it to have specific statutory authority to deal with the problem of minors and others who may have limited or no contractual capacity under applicable local law. Furthermore, even if an investment adviser is organized as a business entity which may not disaffirm its contracts, there is a very substantial question as to whether a minor should be permitted to control, or have a responsible position with, a registered adviser in light of the comprehensive regulatory and fiduciary obligations to which investment advisers are subject. For this reason, proposed Section 208(e) would also include minimum age as one of the matters as to which the Commission may establish standards through rulemaking.

In the Commission's view, the financial responsibility of investment advisers is also essential to the protection of the investing public. At the present time there are no specific requirements imposed by the Act on investment advisers in order to assure that they have the financial strength necessary to carry out their functions in a manner consistent with their obligations to clients, nor are they subject to bonding requirements to prevent losses to clients which might result from embezzlement, misappropriation, breach of duty, or insolvency.

In addition, the previously mentioned survey of state regulation of investment advisers conducted by the Commission's staff [11] indicates that only 18 of 52 jurisdictions surveyed have enacted legislation and/or promulgated regulations concerning capital requirements for investment advisers and only 22 of those jurisdictions require, or authorize their respective securities administrators to require, investment advisers to furnish and maintain a surety bond under certain circumstances.

In sharp contrast, Section 15(c)(3) of the Securities Exchange Act and Rule 15c3–1 thereunder (the "net capital" rule) are designed to protect investors from the hazards to which they are exposed in dealing with broker-dealers.

The absence in the Act of any provision similar to Section 15(c)(3) of the Exchange Act represents another unjustified gap in the federal regulatory pattern. The Commission believes that the lack of financial responsibility requirements in the investment advisory area unduly jeopardizes investor assets and subjects the public investor to a degree of risk which is inconsistent with the underlying purposes of the Act.

The problems resulting from inadequate financial strength of an adviser can affect both investment company shareholders and individual advisory clients. The investors in investment company shares, in effect, look to the funds's adviser to furnish investment advice to the fund on a regular basis and the sudden inability of the adviser to do so because of financial difficulty can subject the funds and its shareholders to potential losses of a substantial nature.[12]

Section 14(a) of the Investment Company Act of 1940 requires that a registered investment company have a minimum net worth of $100,000 before publicly offering its shares in order to prevent the creation of inadequately financed organizations. At the same time, however, the Advisers Act has no corresponding provision to insure that those receiving compensation for managing investment company assets have a minimum capital base.

In addition to the detrimental effect which undercapitalization of an advisory investment advisory clients may be subjected to equal, if not greater, jeopardy where the adviser encounters serious financial difficulty or becomes insolvent. In these instances, a plan of investment may be temporarily or permanently disrupted in the course of its execution and the assets of the individual may be substantially reduced. In addition, in the case of insolvency, clients may lose prepaid fees or may be forced to incur substantial additional costs and inconvenience in selecting another adviser.

Proposed Section 208(f) is designed to alleviate these risks and to prevent the economic dislocations to shareholders of mutual funds and individual advisory clients which can be caused by the absence of financial responsibility. New Section 208(f) would empower the Commission to prescribe standards of financial responsibility and, like proposed Section 208(e) concerning qualifications, would permit the flexibility necessary appropriately to gear standards to the various segments of the industry.

In this connection, while the Commission believes that the need for financial responsibility requirements is apparent, the net capital concept embodied in Rule 15c3–1 under the Exchange Act for broker-dealers may not be appropriate for investment advisers. As discussed above, a primary objective of any financial responsibility rule under the Advisers Act would be the existence of the investment adviser as a going concern to provide the requisite continuity to long-range investment planning. In contrast, the primary concern in the broker-dealer industry, where the mere execution of transactions does not necessarily involve a continuing relationship, is the safeguarding of monetary and proprietary obligations to customers which an unhealthy level of indebtedness might endanger.

In view of these questions concerning the applicability of the net capital concept to investment advisers, the Commission makes no specific legislative recommendation at this time concerning the appropriate standards of financial responsibility. The Commission intends, however, to utilize fully the authority which would be conferred upon it pursuant to proposed Section 208(g) to determine the most propitious and effective manner in which to provide conditions of financial responsibility.

In addition, investment advisers are not subject to any bonding requirements to protect clients from losses due to embezzlement, breach of duty, or insolvency, although Rule 206(4)–2 under the Act does impose certain conditions upon an investment adviser who has custody of the funds or securities of clients.[13] In connection with the implementation of standards of financial responsibility, the Commission would be authorized to consider whether and in what manner to require the bonding of investment advisers and their employees to protect clients from dishonest or careless acts.

Proposed Section 208(f) has another, equally compelling, purpose. Recently, in *Intersearch Technology Inc.*,[14] an administrative law judge held that an investment adviser's failure to disclose to subscribers or potential subscribers to its investment advisory publication its insolvent financial condition which presented a material risk that it might be unable to meet its contractual commitments throughout the subscription periods, constituted a violation of the Act's general antifraud provisions.[15] While it is clear that investment advisers may not operate in a precarious financial situation without disclosing the facts surrounding that situation to clients and prospective clients, there remains a need for more precise and definite standards than those enunciated on a case by case basis, and a need to insure uniformity in the applicability of such standards. Proposed subsection 208(f) would provide the necessary authority to do this.[16]

Although the need for the foregoing legislation is evident, the Commission believes it may be necessary to update further its knowledge of the practices and operations of the industry today before exercising the powers conferred by the new subsections. Furthermore, unlike the 1964 amendments to the Securities Exchange Act providing Commission authority to promulgate standards for brokers and dealers which were superimposed on a pre-existing self-regulatory structure administered by the NASD and the various securities exchanges, no similar

Footnotes at end of article.

framework exists to any appreciable extent in the investment advisory field. Therefore, proposed subsection 208(g) would authorize the Commission to create one or more advisory committees, to employ outside experts, and to hold such public hearings as it may deem advisable in developing and implementing a program of qualifications standards and conditions of financial responsibility. As a result, the Commission will be able to draw upon the considerable expertise of the various segments of the investment advisory industry in adopting appropriate standards, thereby enhancing the efficacy of the protections provided to the public.

SECTION 2

Section 203(b) of the Act exempts certain investment advisers from the Act's registration requirement. Among these is the so-called "intrastate" investment adviser, who, pursuant to paragraph (1) of Section 203(b), is exempt from registration if he satisfies two conditions: 1) all of his clients are residents of the state in which he maintains his principal office and place of business; and 2) he does not furnish advice or issue analyses or reports with respect to securities listed or admitted to unlisted trading privileges on any national securities exchange.

This exemption was apparently included in the Act in the belief that federal regulation of investment advisers was unnecessary where their activities are confined to a single state and where no advice is given with respect to securities which were presumably considered to have the most substantial impact on the national economy—those traded on the national securities exchanges. Under these circumstances, it was considered appropriate and adequate to subject such advisers to regulation by the states in which they are engaged in business. For the reasons set forth below, the Commission believes that it would not be in the public interest to retain this exemption in the Act.

First, the above-mentioned survey of state regulation of investment advisers conducted by the Commission's staff [17] indicates that 17 of the 52 jurisdictions surveyed have no registration requirement for investment advisers. Thus, it appears that some intrastate advisers are not presently subject to regulation at the state level.

In addition, certain amendments to the Securities Exchange Act of 1934 ("Exchange Act") were adopted in 1964 which are indicative of a Congressional determination that, as a result of evolving developments in the securities markets, certain classes of securities not traded on exchanges are also of significant national concern. Thus, Section 12 (g) was enacted to require registration of a security held of record by 500 or more persons where the issuer has total assets exceeding $1 million. The effect of this legislation was to place such securities on a par with listed securities for purposes of Section 13 (reporting requirements), Section 14 (proxy statement rules) and Section 16 (beneficial ownership reports and short-swing profits of insiders) of the Exchange Act. In addition, Section 15(d) of that Act was amended to impose the reporting requirements of Section 13 on any issuer whose registration statement under the Securities Act of 1933 has become effective, except as to any fiscal year in which there are less than 300 holders of record of the class of securities to which the registration statement relates. The Commission believes that the policy considerations underlying the 1964 expansion of the types of securities subject to the reporting requirements and other provisions of the Exchange Act are also indicative of the desirability and appropriateness of subjecting investment advisers who render advice concerning such securities to federal regulation.

Furthermore, securities issued by investment companies registered under the Investment Company Act of 1940, which are subject to extensive disclosure requirements under that Act, also appear to be of sufficient national significance as investment media to warrant federal regulation of advisers who furnish advice regarding such securities. Moreover, because investment company securities represent an indirect investment in the portfolio securities held by investment companies, advice concerning securities issued by investment companies constitutes an indirect form of advice concerning the listed and other securities in which those companies invest.

In view of the foregoing, any amendment to Section 203(b)(1) of the Act which would be consistent with the above policy considerations would restrict the range of securities as to which investment advice could be rendered without registration to an extent that would make it highly questionable whether an adviser qualifying for the exemption could also comply with his fiduciary obligation to provide the kind of advice which is most suitable for his clients. The Commission believes that it would be undesirable to impose conditions for an exemption which might lead to possible breaches of fiduciary duty.

Finally, Section 201(2) and 201(3) of the Act, containing the findings upon which the Act is based, indicates that Congress considered investment advisers to be of national concern because of their substantial effect on interstate commerce and the securities markets generally as well as the national banking system and the national economy. In view of the broad scope of these Congressional findings, the specialized or localized nature of investment advice would appear to have little relevance to the need for the protections provided by the Act.

For these reasons, the Commission recommends that paragraph (1) of Section 203(b) of the Act be eliminated. Section 2 of the bill would accomplish this as well as the redesignations of the remaining paragraphs of Section 203(b) which would be made necessary by the striking out of paragraph (1).

SECTION 3

The Investment Company Amendments Act of 1970 added a new subsection (d) to Section 203 of the Act and redesignated former subsection (d) as (e). Apparently through inadvertence, this redesignation was not reflected in the reference to subsection (d) in subsection (g).[18] In addition, the Securities Acts Amendments of 1975 transferred the Commission's statutory authority to deny registration to an investment adviser from subsection (e) to subsection (c) of Section 203. Since subsection (g) refers to denial, as well as revocation or suspension, in connection with registration of a successor to the business of a registered investment adviser, the statutory reference in subsection (g) should be to subsection (c) as well as subsection (e).

Accordingly, the Commission recommends that subsection (g) be amended by deleting the words "subsection (d)" and substituting "subsection (c) or subsection (e)."

SECTION 4

The Securities Acts Amendments of 1975 amended Section 203(c) of the Act to provide a new procedure for the granting of registration to an investment adviser. Formerly, registration automatically became effective thirty days after receipt by the Commission of an application for registration unless a proceeding to deny registration was commenced. As amended, however, Section 203(c)(2) now provides that, within forty-five days from the date of filing of an application for registration (unless the applicant consents to a longer period), the Commission shall either grant registration by order or institute proceedings to determine whether registration should be denied.

Section 211(c) of the Act provides that orders of the Commission under the Act shall be issued only after appropriate notice and opportunity for hearing. Apparently through inadvertence, this section was not amended by the 1975 amendments to except from its provisions orders granting registration pursuant to Section 203(c). It seems clear that the notice and opportunity for hearing requirements of Section 211(c) were not intended to apply to routine orders granting registration (which orders did not exist when Section 211(c) was enacted), and the Commission has not in practice considered these requirements as being applicable to such orders. However, the Commission believes it would be appropriate to clarify this matter through the insertion of a specific exception in Section 211(c) for orders granting registration pursuant to Section 203(c).

SECTION 5

There has been a recent split among federal district courts on whether a private right of action exists based on a violation of the Advisers Act. In *Bolger* v. *Laventhol, Krekstein, Horwath & Horwath*, 381 F. Supp. 260, (S.D. N.Y., 1974) and *Angelakis* v. *Churchill Management Corp.*, CCH Fed. Sec. L. Rept. [Current Vol.] para. 95, 285 (N.D. Cal. 1975), the courts held that a private right of action exists, but the contrary conclusion was reached in *Gammage* v. *Robert, Scott & Co. Inc.*, CCH Fed. Sec. L. Rep. para. 94, 761 (S.D. Cal. 1974) and *Greenspan* v. *Eugene Campos Del Toro*, 73-638-Civ. (S.D. Fla., May 17, 1974, unreported).

In the *Greenspan* case, the court, in holding that the Act does not imply such a right, relied primarily on the absence of any reference to "actions at law" in Section 214 of the Advisers Act, which gives the federal district courts jurisdiction of violations of the Act. While the phrase does appear in comparable jurisdictional sections of the Securities Exchange Act of 1934 (Section 27) and the Investment Company Act of 1940 (Section 44), under which private rights of action have been held to exist,[19] the Commission believes that the Advisers Act, properly interpreted, also affords this right. Furthermore, it is the Commission's view that it is anomalous to deny advisory clients the right to recover damages sustained as a result of a violation of the Advisers Act when private rights of action have been implied by the courts under other federal securities laws. Moreover, private litigation would serve as a valuable adjunct to Commission enforcement action. Accordingly, in order to make it clear, to the extent that it is not already, that the private rights of action implied in other federal securities statutes also exist under the Investment Advisers Act, the Commission is of the view that the first sentence of Section 214 of the Act should be amended to conform to the first sentence of Section 44 of the Investment Company Act.

SECTION 6

The Securities Acts Amendments of 1975 amended Section 3(a)(17) of the Securities Exchange Act of 1934 to provide that the term "interstate commerce" includes "intrastate use of (A) any facility of a national securities exchange or of a telephone or other interstate means of communication, or (B) any other interstate instrumentality." This amendment was in accord with the decisions of federal Courts of Appeals in a number of circuits involving section 10(b) of the Securities Exchange Act of 1934 and Rule 10b-5 thereunder.[20] The Commission believes that it would be appropriate to amend Sec-

Footnotes at end of article.

tion 202(a)(10) of the Investment Advisers Act, which defines the term "interstate commerce," in an identical manner.

SECTION 7

This section of the bill would amend the definition of the term "person associated with an investment adviser" in Section 202(a)(17) of the Act to provide that, in addition to persons controlling or controlled by an investment adviser, who are presently included in the definition of the term, persons "under common control with" the adviser would also be within the scope of the definition. The Securities Acts Amendments of 1975 effected, among other changes, the same amendment to the definition of the term "person associated with a broker or dealer" in Section 3(a)(18) of the Securities Exchange Act of 1934.

The Commission believes that this amendment would provide it with necessary regulatory and enforcement jurisdiction under the Act over persons employed or otherwise controlled by entities which also control registered investment advisers. Such persons may perform substantial services in connection with the business of registered advisers but, under some circumstances, may not fall within the present definition of "associated person" in Section 202(a)(17) of the Act.

For example, in 1972 the Commission expressed concern that in some situations where a registered adviser is a subsidiary or controlled company of another company, the controlling person or an affiliate thereof may be the entity which is in fact providing the services, personnel, and capital essential to the rendering of advice by the registered adviser.[21] In response to this concern, the Commission proposed Rule 202–1, which would exclude from the definition of "investment adviser" controlling persons and their affiliates only if specified conditions were met which were intended to assure the independent viability of the controlled registered adviser. The proposed rule, which elicited a significant number of public comments, is still under consideration. However, the Commission believes that a more direct resolution of some of its concerns in this area could be achieved by a specific provision in the Act which would make it clear that persons employed or otherwise controlled by a person who also controls an investment adviser are regarded as associated persons of that adviser. As such, they would, where appropriate, be subject to the regulatory and enforcement provisions in the Act applicable to persons associated with an investment adviser, including such rules as the Commission may adopt pursuant to other sections of this bill, such as rules relating to qualifications standards.[22]

The second sentence of Section 202(a)(17) of the Act authorizes the Commission, by rules and regulations, to classify, for purposes of any portion of the Act, persons, including employees, controlled by an investment adviser. In view of the bill's proposed amendment to the first sentence of Section 202(a)(17) which would include persons under common control with an investment adviser within the section's definition of "associated person," the Commission believes it would also be appropriate to include such persons among those who may be classified by the Commission for purposes of any portion of the Act. Furthermore, the Commission believes it would be desirable to extend the Commission's classification power so as to make it applicable to other associated persons of an investment adviser as well. Accordingly, Section 7 of the bill would amend Section 202(a)(17) of the Act to achieve these purposes.

Footnotes at end of article.

SECTION 8

Section 8 of the bill would amend Section 202 of the Act by adding three new subsections. New subsections 202(c) and (d) would, respectively, authorize and direct the Commission to make studies of (1) the extent to which persons not included in the definition of investment adviser or specifically excluded therefrom engage in activities similar to those engaged in by investment advisers and whether the exclusion of such persons is consistent with the protection of investors and (2) whether and to what extent the protection of investors would be facilitated by the establishment of one or more self-regulatory organizations. New subsection 202(e) would authorize the Commission to create one or more advisory committees, to employ outside experts, and to hold public hearings in furtherance of the studies required by subsections (c) and (d).

The Securities Acts Amendments of 1975, through the addition of Section 11A(e) to the Securities Exchange Act, directed the Commission to study the extent of trading in listed securities on behalf of public customers by persons excluded from the present definitions of "broker" and "dealer," and the appropriateness of those exclusions. The Commission believes that the premise of this mandate to re-evaluate the consistency of statutory exclusions with the underlying purposes of the Exchange Act is appropriate as well to the investment advisory area. The Commission envisions that the study would enable it to make recommendations concerning the possible need for, and appropriate scope of, regulation under the Advisers Act of, among others: (1) bank-sponsored investment services; (2) financial analysts, whether employed by entities which are subject to regulation under the federal securities laws or otherwise; (3) accountants, lawyers, engineers, and teachers who provide investment advisory services; (4) publishers of newspapers, news magazines, and other publications which contain investment advice; and (5) other persons presently excluded from the Act's definition of investment adviser.

Proposed Section 202(d) would authorize and direct the Commission to conduct a study of the degree to which the establishment of one or more self-regulatory agencies might facilitate the achievement of the Act's purposes. As previously discussed, the Special Study, following its survey of persons engaged in the securities business and the activities and responsibilities of broker-dealers and investment advisers, found qualifications standards for these securities professionals to be inadequate. In order to remedy this deficiency, the Special Study recommended that:

"Membership in an effective self-regulatory agency should be required for all investment advisers now or hereafter registered with the Commission, and the agency should assume responsibility for determining and imposing minimum standards for principals and appropriate categories of employees of registered investment adviser firms." [23]

A number of factors are persuasive in support of the self-regulatory concept. The imposition of standards of qualifications on the investment advisory industry requires considerable resources, and the delegation of responsibility for such standards would result in some conservation of the Commission's budget and manpower. Moreover, self-regulation would enable representatives of the industry with a significant degree of experience to have a direct role in the implementation of regulatory standards.

On the other hand, the limits to which a self-regulatory organization can go in disciplining members and the Constitutional barriers which may be confronted in attempting to require membership in such an organization may raise problems with respect to the development of an effective self-regulatory program. Moreover, while the pattern of regulation established or broker-dealers combining both elements of self-regulation and government regulation has worked well, such a model may not be suitable to the structure of the investment advisory industry in view of the widely disparate group registered under the Act, including bank subsidiaries, insurance company subsidiaries, publishers of periodic securities reports and market letters, financial columnists and business consultants.

For these reasons, the Commission believes it is appropriate to conduct a study of these and other questions, and it would be empowered to do so by proposed Section 202(d). Although there may be certain difficulties to overcome, the Commission believes that self-regulation would provide a valuable supplement to its own regulatory functions under the Act, and the Commission desires and intends, if at all possible, to foster a self-regulatory structure that would be both practicable and meaningful. Accordingly, one major goal of the proposed study would be the development of appropriate incentives to encourage voluntary participation in self-regulatory organizations.

Proposed Section 202(e) would authorize the Commission to draw on industry expertise in various ways in conducting the studies mandated by proposed subsections (c) and (d) of Section 202.

FOOTNOTES

[1] Since there are presently no self-regulatory organizations registered under the Advisers Act, it would be necessary initially to impose such fees on all investment advisers in order to defray the Commission's costs in performing the additional regulatory duties which would be required by enactment of this bill. However, as discussed in more detail below in connection with Section 8 of the bill, the Commission would be authorized and directed by proposed Section 202(d) of the Act to make a study of whether and to what extent the Act's purposes would be facilitated by the establishment of one or more self-regulatory organizations which, subject to Commission oversight, would perform various regulatory functions with respect to investment advisers. If, as a result of the Commission's report of its findings to the Congress, legislation is enacted in the future providing for the establishment of such self-regulatory organizations, the Commission contemplates that such legislation would also include a provision similar to Section 15(b)(8) of the Securities Exchange Act of 1934 so that certain fees would be paid to the Commission only by those investment advisers who are not members of a self-regulatory organization.

[2] SEC, Report on Investment Trusts and Investment Companies (Investment Counsel, Investment Management, Investment Supervisory and Investment Advisory Services), House Doc. 477, 76 Cong., 3d Sess. (1939).

[3] SEC, Report of Special Study of Securities Markets, H.R. Doc. No. 95, 88th Cong., 1st Sess., (1963) (hereinafter "Special Study").

[4] 1 Special Study 158.

[5] Section 202(a)(13) of the Act defines "investment supervisory services" as the giving of continuous advice as to the investment of funds on the basis of each client's individual needs.

[6] 1 Special Study 146.

[7] 1 Special Study 150.

[8] Section 15(b)(8) of the Securities Exchange Act of 1934, 15 U.S.C. § 780(b)(8). The Securities Acts Amendments of 1975 amended this section and redesignated it as Section 15(b)(7).

[9] Because of concern over the lack of qualifications in this area, the Commission announced on March 5, 1975 that it is considering the adoption of new Rule 206(4)–4 under the Act. Its purpose is to assure that existing and prospective clients of an investment adviser obtain written disclosure of material information which would enable such persons to evaluate among other things, the adviser's qualifications, methods, services and fees. As the release announcing the proposal stated: "The Commission considers the most important aspect of this disclosure requirement to be that pertaining to the qualifications of advisory personnel." (Inv. Adv. Act Rel. No. 442, March 5, 1975). However, the proposed rule is of only limited effect, since it would merely require the disclosure of certain information relating to qualifications, but would impose no specific requirements in this regard. While the Commission believes it is an appropriate interim measure, it is not a substitute for a comprehensive scheme of qualifications standards.

[10] See Appendix, Memorandum of the Division of Investment Management Regulation of the Securities and Exchange Commission on State Regulation of Investment Advisers.

[11] See Appendix, Memorandum of the Division of Investment Management Regulation of the Securities and Exchange Commission on State Regulation of Investment Advisers.

[12] The insolvency of the adviser and the subsequent inability to manage effectively the fund's assets may result in large losses in the value of the fund portfolio. Should the adviser be permanently disabled, months may pass before a new adviser can be found. Aside from a decline in fund assets, it may also be difficult to locate an adviser willing to enter into an advisory contract with a fund which has sustained losses and which as a result may not yield a satisfactory management fee.

[13] Rule 206(4)–2 requires an investment adviser having custody or possession of funds or securities of any client to segregate the securities of each client, mark the securities to identify the particular client who has the beneficial interest in the security, and hold them in a reasonably safe place. All funds of such clients must be deposited in one or more bank accounts which contain only clients' funds with the investment adviser named as agent or trustee for such clients. The adviser is required to maintain a separate record for each account, showing where it is, the deposits and withdrawals and the amount of each client's interest in the account. The adviser must send each client at least once each quarter an itemized statement showing the funds and securities in his custody or possession at the end of such period and all debits, credits and transactions in the client's account during that period. Finally, an independent public accountant must verify all funds and securities at least once a year without giving prior notice to the adviser and file a certificate of examination with the Commission promptly after such examination.

[14] CCH Fed Sec. L. Rep. [1974–75 Trans. Binder] para. 80, 139 (February 28, 1975).

[15] Section 206(1), (2), and (4).

[16] Apart from the institution of enforcement proceedings in specific cases, it is possible that the Commission might be able to deal in some manner with certain aspects of financial responsibility, e.g., bonding requirements, pursuant to its rulemaking authority under Section 206(4) of the Act to define, and prescribe means reasonably designed to prevent acts, practices, and courses of business which are fraudulent, deceptive, or manipulative. Similarly, it may well constitute a fraudulent or deceptive course of business under Section 206 of the Act for an investment adviser to hold himself, out, either directly or by implication, as an expert in providing advice concernng securities if he is, in fact, uniqualified in this field. However, the Commission believes that legislation which would explicitly authorize it to prescribe specific qualifications standards and financial responsibility requirements is necessary and appropriate, since the extent to which the Commission can regulate these areas under existing law is presently unclear, and it would appear that both the public interest and the investment advisory industry would be better served by the promulgation of uniform and precise requirements than by the more general standards which might be developed under present law through possible litigation or Commission rulemaking.

[17] See Appendix, Memorandum of the Division of Investment Management Regulation of the Securities and Exchange Commission on State Regulation of Investment Advisers.

[18] Subsection (g) was formerly subsection (h) prior to its redesignation as (g) by the Securities Acts Amendments of 1975.

[19] *J. I. Case Co.* v. *Borak* 377 U.S. 426 (1964) (implied right of action under Section 14(a) of the Securities Exchange Act); *Superintendent of Insurance of New York* v. *Bankers Life and Casualty Co., et al.*, 404 U.S. 6 (1971) (implied private right of action under Section 10(b) of Securities Exchange Act); *Moses* v. *Burgin* 445 F.2d 369 (1st Cir. 1971); *Esplin* v. *Hirschi* 402 F.2d 94 (10th Cir. 1968); *Brown* v. *Bullock* 194 F. Supp. 207 (S.D.N.Y. 1961), aff'd under other sections, 294 F.2d 415 (implied right of action under Investment Company Act of 1940). But see *Brouk* v. *Managed Funds. Inc.* 286 F.2d 901 (8th Cir. 1961). The Eighth Circuit, however, stands alone in its reading of the Investment Company Act to exclude implied private liability. Furthermore, even *Brouk*, decided before *Borak, supra*, was implicitly overruled by *Greater Iowa Corp.* v. *McLendon*, 378 F.2d 783 (8th Cir. 1967), in which the court, referring to *Borak* and the trend in other circuits toward implied liability, stated that, "the strong indications are, that if given the opportunity, the Supreme Court would also find an implied civil liability in the Investment Company Act and thereby overrule our opinion in *Brouk*." 378 F.2d at 793.

[20] See, e.g., *Dupuy* v. *Dupuy* 511 F.2d 641 (5th Cir. 1975); *Aquionics Acceptance Corporation* v. *Kollar* 503 F.2d 1225 (6th Cir. 1974); *Myzel* v. *Fields* 386 F.2d 718 (8th Cir. 1967), *Spilker* v. *Shayne Laboratories*, CCH Fed Sec. L. Rep. [Current Vol.] para 95,244 (9th Cir. 1975) *Kerbs* v. *Fall River Industries Inc.* 502 F.2d 731 (10th Cir. 1974). However, two federal district courts have held otherwise. See *Cerber* v. *Essex Wire Corporation* 342 F. Supp. 1162 (N.D. Ohio 1971), *Rosen* v. *Albern Color Research* 218 F. Supp. 473 (E.D. Pa. 1963).

[21] See Investment Advisers Act Release No. 353 (December 18, 1972).

[22] In this connection, the problem noted by the Commission regarding the nominal capitalization of some registered advisers which are subsidiaries of other companies could be appropriately remedied through rulemaking of uniform applicability under proposed Section 203(f) of the Act in Section 1 of the bill.

[23] 1 Special Study 158.

APPENDIX—MEMORANDUM OF THE DIVISION OF INVESTMENT MANAGEMENT REGULATION OF THE SECURITIES AND EXCHANGE COMMISSION ON STATE REGULATION OF INVESTMENT ADVISERS

In connection with the Division's consideration of the need for strengthening federal regulation of investment advisers, a survey has been made of the types of regulation imposed on investment advisers by the 52 jurisdictions of the United States (the 50 states, District of Columbia and Puerto Rico), respectively. An attempt has been made to ascertain the nature and extent of state regulation with respect to several specific areas of regulatory concern. To facilitate this effort, the staff contacted the securities administrators of each jurisdiction requesting copies of, or citations to, all written materials relating to the regulation of investment advisers in their respective jurisdictions, including statutes, rules and regulations, formal or informal interpretations or guidelines of general applicability, and relevant administrative or judicial decisions of significance. Thirty-eight of the 52 jurisdictions responded to our inquiry. Additional information concerning state regulation of investment advisers was obtained from legal reference materials.

The findings of our survey are based upon the information gathered from the above sources. However, in view of comments made by some state regulatory authorities, both in written communications and in telephone discussions with the staff, concerning the implementation of certain requirements, particularly examinations, it appears that there is great flexibility and discretion in the practical administration of regulation of investment advisers on the state level. For this reason, our findings may not reflect the true extent of state regulation of investment advisers and such regulation may in practice be less comprehensive than is indicated in the discussion below.

It should be noted that regulation of investment advisers is in most cases related to a requirement that investment advisers register with the state in which they wish to do business. Thirty-five of the 52 jurisdictions have a registration requirement for investment advisers. The 17 jurisdictions without such a registration requirements are Alabama, Arizona, Colorado, District of Columbia, Georgia, Hawaii, Iowa, Kansas, Maine, Maryland, Massachusetts, Mississippi, Nevada, North Carolina, Ohio, Vermont, and Wyoming. Five of these jurisdictions, however, Hawaii, Kansas, Maryland, Massachusetts, and Wyoming prohibit advisers from engaging in certain fraudulent advisory activities. The four categories of regulation covered by this survey consisted of the following: examination requirements, qualification requirements, capital requirements, and bonding requirements. Nineteen jurisdictions imposed no regulation of investment advisers in any of these four categories.

A. EXAMINATIONS

The most widely used method of establishing a standard of qualification for investment advisers by the states is the requirement that an examination be taken and passed by all applicants for registration as an investment adviser in a particular state. These examinations are designed to test an applicant's knowledge of the securities business and in some cases of the blue sky laws of a particular jurisdiction. Twenty-seven of the 52 jurisdiction surveyed had statutes or regulations authorizing the administration of an examination for investment advisers or requiring applicants for investment adviser registration to pass an acceptable examination. In two states, Virginia and Oregon, it does not appear that the state securities administrator has exercised his authority to require examinations. In South Carolina an oral examination may be given at the discretion of the securities administrator. In California, an applicant for registration as an investment adviser must pass, not more than one year prior to the filing of the application, a secu-

rities examination for principals or registered representatives administered by the NASD, the New York Stock Exchange, the Pacific Coast Stock Exchange, the Securities and Exchange Commission or the examination required of a Chartered Financial Analyst. In lieu of these tests, California requires applicants to pass the NASD General Securities Examination for nonmembers of that Association.

In some jurisdictions, such as Idaho, Oklahoma, and Oregon, investment advisers have been required to pass the same examination which is required of registered representatives who wish to do business in those states. In other states, however, such as Illinois and Wisconsin, the securities administrator has prescribed a special examination to be passed by all applicants for investment adviser registration. In Wisconsin, for example, the examination which is presently required of investment advisers consists of two parts: part 1 is a 100 question examination, 70 of which are true or false and 30 of which are multiple choice, all testing the examinee's knowledge of the Wisconsin Uniform Securities Law and Rules of the Commissioner of Securities; part II of the examination has 100 multiple choice questions testing the examinee's general knowledge of the securities industry.

With respect to the personnel of investment advisers to whom the examination requirements apply, in Wisconsin the examination is required for all supervisory personnel of the investment adviser and for any persons who represent the investment adviser in that state. In Texas, the officers, directors or partners of a corporate or partnership investment adviser must take the examination. In Pennsylvania, no corporation or partnership may be registered as investment adviser until each associated person of the adviser has satisfied the examination's requirement. The term "associated person" is defined by administrative regulation of the Pennsylvania Securities Commission to mean: any general partner, officer, director, principal or other person occupying a similar status or performing similar duties for an investment adviser who, in Pennsylvania, makes any recommendation or otherwise renders advice regarding securities, or who determines which recommendations or what advice should be made or given in Pennsylvania. The officers and directors who serve merely as qualifying directors or officers and who do not perform any advisory function, are excluded from the definition. California has a similar regulation with respect to its examination requirement. In Missouri, if the investment adviser is a non-resident of the state, the manager or agent in charge of the principal branch office in Missouri may be permitted to satisfy the exam requirement on behalf of the adviser.

In at least 17 states, the examination requirement for investment advisers may be satisfied by the presentation of evidence that the adviser has passed a securities examination administered by the NASD, the examination required of SECO broker-dealers, or an examination administered by one of the national securities exchanges. In five states an adviser can be exempted from the examination requirement if he has had a certain specified period of work experience in the securities business. These are: Delaware (2 years of experience), Missouri (10 years of experience or special education), New Jersey (2 years experience), Purto Rico (5 years experience), Wisconsin (5 years experience). California, Illinois, and Pennsylvania have "grandfather clause" exemptions whereby investment advisers registered in these states prior to the promulgation of an examination requirement are exempted from it. Washington provides for exemptions as a matter of administrative discretion. Only 4 states, Arkansas, Oklahoma, Tennessee and West Virginia, fail to provide some kind of exemption from their examination requirements for investment advisers.

B. QUALIFICATIONS

Twenty-six jurisdictions have a statutory provision or a rule concerning qualifications of investment advisers other than an examination requirement. Most of these however, have language similar to that found in the Uniform Securities Act authorizing state securities administrators to revoke, suspend or deny registration to any investment adviser or any controlling person of an investment adviser whom the administrator finds is not qualified on the basis of such factors as training, experience or knowledge of the securities business. Hence, in these jurisdictions, standards of qualifications may apparently be informally specified in particular cases by the administrator.

Three states have specific qualifications requirements for investment advisers in addition to the requirement of passing a written examination. In Pennsylvania, an investment adviser must have engaged in business as a principal of a broker-dealer or investment adviser or as an employee of a broker-dealer or investment adviser in other than a clerical capacity, or have occupied some other position satisfactory to the Pennsylvania Securities Commission in the securities, banking, finance or other related business on substantially a full time basis during the two-year period immediately prior to the filing of an application for registration or during three of the five years immediately preceding such filing. These requirements must also be satisfied by each associated person of a corporate or partnership applicant for an investment adviser's license. In Connecticut each applicant for registration as an investment adviser is required to have been engaged in the securities business as a broker, dealer, salesman, investment counsel or investment counsel agent, spending a major portion of his working time in the securities business for at least two years within the 10 calendar years next preceding the application. In Kentucky, an applicant for registration as an investment adviser must have been in the securities business for at least five years or must otherwise demonstrate to the Kentucky Securities Commissioner that he is qualified on the basis of training, experience or both.

In Delaware any person or firm who is a member of the NASD, the New York Stock Exchange or the American Stock Exchange may, without more, register as an investment adviser. Other persons may register by meeting any of the following qualifications:

(a) Two (2) years experience as an Investment Adviser registered as such in any of the United States, or two (2) years experience as an employee or officer of such an Investment Adviser or a trust company performing the functions of an Investment Adviser; or, two (2) years experience being employed by a corporation whose securities are listed on a principal exchange and primarily performing detailed analysis directly related to and involved in investment or business acquisition decisions; or

(b) An earned master's degree or higher in investment analysis or a similar course of study and one (1) year experience as described in (a) above; or,

(c) a Certified Financial Analyst.

An applicant for investment adviser registration who cannot meet any of these requirements must pass the investment adviser's examination administered by the Delaware state securities commissioner.

In California the securities administrator has the power to classify different types of investment advisers by administrative regulation and to establish standards of qualification for each classification. This power has not been exercised except with respect to the requirement of an examination for investment advisers in California.

Illinois and Wisconsin provide that no person shall be licensed as an investment adviser in their respective states unless satisfactory evidence is presented to the state securities commissioner establishing the trustworthiness, training, experience and knowledge of the securities business of the adviser and, where applicable, its officers, directors, partners, controlling persons or managing agents and of their competence to engage in the business of giving investment advice.

C. CAPITAL REQUIREMENTS

Eighteen of the 52 jurisdictions surveyed had enacted legislation and/or promulgated regulations concerning capital requirements for investment advisers. Most of these jurisdictions refer to a minimum net capital requirement, but several refer to a requirement of minimum net worth. Although many jurisdictions do not indicate the manner in which net capital or net worth is to be computed, in at least four states, Michigan, Missouri, New Jersey and Pennsylvania, the term net capital is defined to have the same meaning as the net capital requirement imposed on broker-dealers by Rule 15c3–1 under the Securities Exchange Act of 1934. In Florida, the term net worth is defined to mean total assets minus total liabilities adjusted by any subordination agreements made in accordance with the Securities Exchange Act of 1934. In Puerto Rico an investment adviser must have a "minimum capital or net worth" as computed by generally accepted accounting principles but excluding certain items such as furniture and fixtures and securities and cash pledged for a bond. In California and Arkansas, the method of computing net capital is defined in detail by administrative regulation.

In five states, Connecticut, Idaho, Minnesota, West Virginia, and South Carolina, the securities administrators have the authority to impose net capital requirements but do not appear to have done so. In five states an investment adviser must maintain a minimum net capital only when he has custody or possession of client's funds or securities or when he may exercise discretionary authority over advisory accounts. In Arkansas an investment adviser is exempt from that state's net capital requirement if he is registered with the SEC. In Florida, the adviser's capital requirement of $5,000 is reduced by half where the adviser does not have custody or possession of client's funds. In Utah an adviser who has custody of client's funds must maintain a net capital of at least $20,000; without such custody, the requirement is $5,000. In Pennsylvania the state securities commission must be notified immediately in the event that an investment adviser's net capital drops below 120% of the $20,000 required by that state, and within 24 hours of such notice, the adviser must submit to the commission a financial report including at least the following items: (a) a proof of money balances of all ledger accounts in the form of a trial balance; (b) a computation of the adviser's net capital; (c) an analysis of all customer's securities or funds which are not segregated; (d) a computation of the aggregate amount of customer's ledger debit balances; and (e) a statement of the approximate number of customer accounts.

In Puerto Rico, the amount of the minimum net capital requirement is based on the form of business organization of the investment adviser, and the adviser must maintain net capital of $8,000 if it is a corporation, $5,000 if it is a partnership and $2,500 if a sole proprietorship. Investment advisers in Puerto Rico are also required to have an additional net capital of $2,500 for each place of business maintained by the adviser in the jurisdiction.

Net capital requirements, where imposed, range in amounts from $1,000–$2,000 (Utah) to $25,000 (Arkansas, New Hampshire, New Jersey).

D. BONDING REQUIREMENTS

Twenty-two of the jurisdictions surveyed require, or authorize their respective securities administrators to require, investment advisers to furnish and maintain a surety bond under certain circumstances. The purpose of these bonds is to provide a fund to permit persons who have a cause of action against the investment adviser for violation of the state securities laws to recover financial losses suffered as a result of such noncompliance by instituting a lawsuit on the bond. Payment of liabilities incurred on such bonds are guaranteed by surety companies which are legally obligated to make such payment, in the event that the principal obligor, who is the investment adviser, fails to perform the condition of the bond which is compliance with the state Blue Sky law.

In a few states coverage of the bond extends to other illegal acts of the adviser. For example, in Michigan, the required surety bond, in addition to covering breach of that state's blue sky laws, is also for the benefit of any person who may have a cause of action in the state for embezzlement, defalcation or misappropriation of securities or funds by the investment adviser, and its agents or employees. In several states, however, the kind of misconduct by an adviser that would incur liability on the bond is considerably narrower. In New Jersey, for example, coverage of the bond extends only to recovery of damages sustained by third parties as a result of misuse or misappropriation of client's funds or securities. In Florida, liability on a bond is limited only to situations where the investment adviser knowingly gives fraudulent investment advice or knowingly or fraudulently makes or publishes false statements, directly or indirectly as to the value of securities. The state securities administrators in four states, Delaware, Kentucky, West Virginia, and Wisconsin, do not appear to have exercised their authority to impose such a bonding requirement.

In three states, California, Michigan and New Jersey, a bond is required only where an adviser has custody of client's funds or securities. In Arkansas, investment advisers registered with the SEC are exempt from the bond requirement. In six jurisdictions, Michigan, Missouri, Pennsylvania, Puerto Rico, Virginia, and West Virginia, an investment adviser who maintains in excess of a specified amount of net capital is exempt from the bonding requirement. In New Jersey, an investment adviser who has custody of client's funds or securities may at his election meet either the minimum net capital requirement or the bonding requirement, which are in the same amount. In Pennsylvania, where an investment adviser is required to maintain a net capital of $20,000, he may at his election choose to post a surety bond in the amount of $10,000 which would be deemed by the securities administrator to satisfy half of the net capital requirement. In Utah, an investment adviser is required to post $1,000 surety bond if such bond is furnished by a bonding company licensed to do business in Utah, but a $2,000 bond is required if such bond is furnished by qualified personal sureties, Alaska requires a $5,000 bond of investment advisers, but exempts those advisers who meet the Alaska broker-dealer net capital requirement of $25,000.

Several of the jurisdictions which have a bonding requirement for investment advisers, including California, Michigan, New Jersey, Oklahoma, and Pennsylvania, have enacted regulations permitting investment advisers to make a deposit of cash or securities with the state securities commissioner or an appropriate bank in lieu of maintaining a surety bond. In most cases, the amount of cash must be equal to the value of the required surety bond and a deposit of securities must have an aggregate market value on the date of deposit of at least the amount of the required bond. However, in Michigan and Oklahoma, the securities deposited by an investment adviser in lieu of the bond must have an aggregate market value on the date of deposit of at least 125% of the amount of the required bond, and in Oklahoma, only government guaranteed securities may be used for this purpose.

	Examinations	Qualifications	Capital requirements	Bonding
Alabama	No	None	None	None.
Alaska	Yes. Exemption where adviser has passed securities exam of NASD, SECO or national securities exchange.	Administrative discretion	None for investment adviser, but $25,000 minimum net capital for broker-dealers. Investment advisers may meet this or obtain a bond.	$5,000 bond for investment advisers. Not required if broker-dealer net capital requirement is met by adviser.
Arizona	No	None	None	None.
Arkansas	Yes	Administrative discretion	Yes, $25,000, but exemption where adviser is registered with SEC.	Yes, $12,500. Exemption where adviser is registered with SEC.
California	Yes. Adviser must pass securities exam of NASD, SECO or a national securities exchange or adviser must have been registered since Jan. 1, 1966.	do	Yes, if adviser has custody of client's funds or has discretionary authority.	Yes, if adviser has custody of client's funds or has discretionary authority.
Colorado	No	None	None	None.
Connecticut	No	Yes, 2-yr experience in securities business.	Administrative discretion	No.
Delaware	Yes, if qualifications requirements not met	2-yr experience in advisory business or CFA or masters degree in appropriate field.	None	Administrative discretion.
District of Columbia	No	None	do	None.
Florida	Yes, 2 exams, 1 for general knowledge of securities, 1 for knowledge of Florida law. Exemption from 1st exam if NASD, SECO or NYSE exam is passed.	do	Yes, $5,000, $2,500 if advised only concerning mutual funds and has no custody of funds.	Yes, $5,000.
Georgia	No	do	None	None.
Hawaii	No	do	do	Do.
Idaho	Yes. Exemption where adviser has passed securities exam of NASD SECO or a national securities exchange.	Administrative discretion	Administrative discretion	Yes $25,000.
Illinois	Yes. Grandfather clause exemption	do	None	None.
Indiana	No	do	do	Do.
Iowa	No	None	do	Do.
Kansas	No	do	do	Do.
Kentucky	No	Yes, 5 yr experience in securities business or otherwise qualified.	Yes, $2,500	Administrative discretion for advisers with less than $100,000.
Louisiana	Yes. Exemption where adviser is registered with SEC or passed securities exam of NASD SECO or a national securities exchange.	None	None	None.
Maine	No	do	do	Do.
Maryland	No	do	do	Do.
Massachusetts	No	do	do	Do.
Michigan	Yes. Exemption where adviser is registered with SEC or has passed securities exam of NASD SECO or a national securities exchange.	Administrative discretion	Yes, if adviser has custody of client's funds or has discretionary authority.	Yes if adviser has custody of funds or has discretionary authority and less than $50,000 net capital.
Minnesota	Yes. Exemption where adviser has passed securities exam of NASD, SECO or a national securities exchange.	do	Administrative discretion	Yes $15,000.
Mississippi	No	None	None	None.
Missouri	Yes. Exemption where adviser has passed securities exam of NASD, SECO or NYSE, also exemption for 10-yr experience in securities business or special education.	Administrative discretion	Yes, at least $5,000	Yes, at least $10,000 exemption if adviser has capital in excess of $100,000.
Montana	No	do	None	None.
Nebraska	No	do	do	Do.
Nevada	No	None	do	Do.

	Examinations	Qualifications	Capital requirements	Bonding
New Hampshire	Yes. Exemption where adviser has passed NASD or NYSE securities exam.	Administrative discretion	Yes, minimum net worth of at least $25,000.	No.
New Jersey	Yes. Exemption where adviser has passed an appropriate securities exam, also waiver for 2 yr of experience in securities business.	do	Yes, $25,000 if adviser has custody of client's funds, exemption if adviser has a bond of $25,000.	Yes, $25,000 if adviser has custody of client's funds, exemption if adviser has minimum capital of $25,000.
New Mexico	Yes. Adviser must pass securities exam of NASD, SECO or national securities exchange.	None	None	None.
New York	No	do	do	Do.
North Carolina	No	do	do	Do.
North Dakota	No	do	do	Do.
Ohio	No	do	do	Do.
Oklahoma	Yes	Administrative discretion	do	Yes, $10,000.
Oregon	Administrative discretion	do	do	Do.
Pennsylvania	Yes. Exemption where adviser was continuously registered prior to Jan. 1, 1973.	Yes, experience in securities business last 2 yr prior to registration or 3 of last 5 yr prior to registration.	Yes, $20,000. Administrator must be notified if capital falls below $24,000.	Yes, $10,000. Exemption where adviser has met net capital requirement, may be used as part of net capital requirement.
Puerto Rico	Yes. Exemption where adviser has passed NASD or NYSE securities exam. Exemption where adviser has had 5 yr experience in securities business.	Administrative discretion	Yes, for adviser who has discretionary authority. $8,000 for corporation; $5,000 for partnership; $2,500 for sole proprietorship.	Yes, $10,000, but exemption if adviser's net capital exceeds $25,000.
Rhode Island	Yes. Exemption where adviser has passed securites exam acceptable to Administrator.	None	None	None.
South Carolina	Oral examination may be required in administrative discretion.	Administrative discretion	None, but Administrator has authority to impose.	Yes, $10,000.
South Dakota	No	None	None	Yes, at least $15,000.
Tennessee	Yes	do	Yes, $25,000	Yes, $10,000.
Texas	Yes. Exemption where adviser has passed securities exam of NASD or national securities exchange.	do	None	None.
Utah	Yes. Exemption where adviser has passed securities exam of NASD, SECO, or NYSE.	Administrative discretion	Yes, $5,000, but $20,000 if adviser has custody of client's funds.	Yes, $1,000 if furnished by bonding company qualified in Utah; $2,000 if furnished by 3 qualified personal sureties.
Vermont	No	None	None	None.
Virginia	Administrative discretion	Administrative discretion	do	Administrative discretion to require bond not exceeding $25,000 but can't be required of adviser with over $25,000 net worth.
Washington	Yes, but administrative discretion to exempt certain advisers.	do	do	None.
West Virginia	Yes	do	Administrative discretion	Administrative discretion, but can't be required where adviser has net capital in excess of $25,000.
Wisconsin	Yes. Exemption where adviser has passed securities exam of NASD, SECO, NYSE or CFA; or has had 5 yr experience in securities business.	do	Yes, minimum net capital of $5,000	None, but Administrator has authority to impose.
Wyoming	No	None	None	None.

By Mr. STEVENS (for himself and Mr. GRAVEL):

S. 2851. A bill to provide temporary authority for the Secretary of Agriculture to sell timber from the U.S. Forest Service lands in Alaska consistent with various Acts. Referred to the Committee on Agriculture and Forestry.

Mr. STEVENS. Mr. President, a recent decision handed down in the U.S. District Court for Alaska seriously threatens the continuance of a viable timber industry in Alaska. Ruling on a suit brought against the U.S. Forest Service and Ketchikan Pulp Co., Judge James A. von der Heydt followed a decision upheld in the Fourth Circuit Court of Appeals which concluded that the Forest Service must comply strictly with the language of the 1897 Organic Act. This act provides, in part: First, only dead or physiologically matured trees may be harvested; second, prior to being sold, all timber must be marked and designated; and third, all timber sold shall be cut and removed from the forest. The Fourth Circuit Court of Appeals decision has resulted in a 1 million board foot reduction in scheduled sales throughout Virginia, West Virginia, North Carolina, and South Carolina by disallowing all future Forest Service sales not in strict conformity with the limitations contained in the 1897 Organic Act.

The decision by Judge von der Heydt goes one step further, however, by applying the harvesting limitations contained in the 1897 Organic Act to an existing Forest Service sale, this being the 50-year sale contract with Ketchikan Pulp Co. in the Tongass National Forest. The sale is the second largest made by the U.S. Forest Service, involving a total of 8.25 billion board feet of timber. Depending upon the wording of the final order that is handed down by Judge von der Heydt, this ruling could have the effect of stopping all logging in the Tongass National Forest due to the economic and physical impracticability of cutting and removing selectively marked trees from the dense stands that comprise the salable timber in the Tongass. For this reason, Alaska's situation is unique. In many forests in Alaska, selective cutting of timber is not only uneconomical but also self-defeating. Since the trees are shallow rooted, those trees left standing after selective cutting would be blown down by high winds, causing fire hazards in Alaska's interior forests and potential breeding grounds for forest disease and insect pests in Alaska's coastal forests. Many responsible timber management experts agree that clearcutting is a proper timber management practice in Alaska.

Ketchikan Pulp Co. is the largest timber operator in Alaska. It provides direct employment for approximately 3,500 people in southeast Alaska, and with the serious decline in the fishing industry, Ketchikan Pulp Co. provides the primary economic base to the communities located in the southern half of the Tongass National Forest. Ketchikan Pulp Co. provides approximately 25 percent of the Nation's supply of high-grade dissolving pulp from which a wide variety of rayon-based products is manufactured. Ketchikan Pump Co.'s sole source of raw material is the timber cut in the Tongass National Forest. In addition, depending upon the Forest Service's application of Judge von der Heydt's final order, small independent timber operators working under short-term sales in the Tongass could also be adversely affected. The judge's final order could result in the termination of ongoing logging operations under existing Forest Service sales to small independent timber operators, and also prevent the Forest Service from making future short-term sales to these independent operators.

Mr. President, the bill I introduce today provides temporary authority for the Secretary of Agriculture to sell timber from national forest lands in Alaska. This bill would allow the U.S. Forest Service to continue to administer the selling and cutting of timber from Alaskan national

forests consistent with professionally accepted silvicultural management, and the bill would allow Congress the time needed to redefine the Forest Service's long-term authority for managing the timber in the national forest system. The temporary authority which would be granted in this bill would require that all sales be made in conformity with the National Environmental Policy Act of 1969 and the Multiple Use Sustained Yield Act. This authority would expire on September 30, 1977, which I feel should give the Congress time to enact permanent legislation to resolve the serious problems that have arisen as a result of these recent judicial rulings.

The most recent court decision has placed the timber industry in my State in serious jeopardy. I emphasize, however, that sales for eastern States have already been halted and cases pending in Oregon and several other States could result in similar rulings affecting additional national forests. A nationwide application of the von der Heydt ruling would reduce the annual allowable harvest from the national forests—from which the United States derives 25 percent of its annual timber supply—by as much as 75 percent in 1976 and reduce the allowable cut to the year 2000 by 50 percent. This would result in extremely serious shortages of timber and timber products and would bring on widespread unemployment in the Nation's timber and timber-related industries.

Mr. President, it is imperative that we act now to give the Forest Service temporary authority to continue to administer the selling and cutting of timber in the national forests in a professional manner until the Congress can come up with legislation providing permanent authority. I believe the Congress will come forth with legislation that provides a permanent resolution to this controversy. However, this process is going to take time, and in the interim we cannot afford the disruptions that these court decisions are causing to the Nation's timber industry.

The bill I am introducing today, although limited in scope, could be made applicable to the entire national forest system. I would welcome assistance from my colleagues in working toward the adoption of temporary legislation designed to avert the crisis with which we will shortly find ourselves confronted.

I appreciate the considerable interest that has been shown by the Senate Agriculture Committee in this matter. The House Agriculture Committee has additionally given this matter much attention. I am confident that with their support we can resolve this most serious crisis.

I would like to add that a recent Senate joint resolution of the Alaska State Legislature requests that urgent and immediate consideration be given to amending the Organic Act of 1897 so that the U.S. Forest Service is able to manage the national forests in Alaska according to modern silvicultural techniques.

Mr. President, I ask unanimous consent that this bill as well as the Senate joint resolution of the Alaska State Legislature be printed in the RECORD.

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

S. 2851

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That notwithstanding Section 1 of the Organic Administration Act of 1897 (30 Stat. 35; 16 U.S.C. 476), the Secretary of Agriculture is authorized to enter into contracts for the sale of timber from the National Forests lands in Alaska at no less than the appraised value in conformance with the National Environmental Policy Act of 1969 (83 Stat. 862), the Multiple-Use Sustained Yield Act (74 Stat. 215; 16 U.S.C. 528–531), and other applicable Acts not herein excluded: *Provided,* That all timber sale contracts hereinbefore entered into by the Secretary or his agents are recognized as being within the authority granted by the Congress: *Provided further,* That authority to sell timber under this section shall expire on September 30, 1977.

SENATE JOINT RESOLUTION No. 41

Requesting Amendment of the Organic Act of 1897 to Permit Management of the National Forests in Alaska According to Modern Silvicultural Techniques

Be it resolved by the legislature of the State of Alaska:

Whereas the application of the recent decision of the U.S. District Court for the District of Alaska in the case of *Zieski* v. *Butz, et al* will require, unless overturned by a higher court, that outmoded and scientifically discredited timber management practices be applied to the national forests in Alaska and the other western states; and

Whereas the total application of these practices to the national forests of Alaska will virtually destroy the forest products industry in the state by making it economically impossible to harvest Alaska's timber; and

Whereas the forest products industry in Alaska provides direct employment to 3,800 men and women on a permanent and seasonal basis, and indirect employment to thousands of others; and

Whereas implementation of the court's decision will create massive unemployment and untold human suffering among this group, whose homes are concentrated in a part of the state already facing economic uncertainty; and

Whereas selective cutting of mature or over-mature trees as would be required under the decision will result, in many Alaska forests, in extensive wind damage and "blow down" of the remaining timber, creating fire hazards in the forests of interior Alaska and potential breeding grounds for forest disease and insect pests in coastal Alaska forests; and

Whereas the application of the decision will make it impossible to suppress certain types of forest disease and pest infestation, resulting in the loss of billions of board feet of usable timber and prime recreation land; and

Whereas the federal law which has now been interpreted to require these outmoded practices was written more than three-quarters of a century ago, at a time when modern silvicultural science did not exist;

Be it resolved that the Alaska State Legislature respectfully requests that urgent and immediate consideration be given to amendment of the Organic Act of 1897, 16 U.S.C. secs. 473–482, so that the U.S. Forest Service is able to manage the national forests in Alaska according to modern silvicultural techniques, including allowance of the practice of clearcutting when it does not endanger other resources; and be it

Further resolved that the Governor is respectfully requested to work with Alaska's delegation in Congress for the purpose of effecting appropriate amendments to the Organic Act of 1897.

Copies of this resolution shall be sent to the Honorable Gerald R. Ford, President of the United States; the Honorable Earl Butz, Secretary, Department of Agriculture; the Honorable Herman E. Talmadge, Chairman, Senate Agriculture and Forestry Committee; the Honorable Thomas Foley, Chairman, House Agriculture Committee; and to the Honorable Ted Stevens and the Honorable Mike Gravel, U.S. Senators, and the Honorable Don Young, U.S. Representative, members of the Alaska delegation in Congress.

By Mr. STEVENS:

S. 2852. A bill to amend section 5728 of title 5, United States Code, with respect to vacation leave in connection with a tour duty outside the continental United States. Referred to the Committee on Post Office and Civil Service.

Mr. STEVENS. Mr. President, as my colleagues know, I have been concerned over the size of this year's deficit budget. In order to reduce this year's deficit and to provide for funds for new budgetary items without increasing the budget, we in Congress need to look closely at all Federal programs which may have become outmoded, inefficient, or just plain unnecessary in today's economic situation. We must not limit that look to national programs but must also look at Federal programs whose primary impact may be on our own constituency. I am hopeful that the bill I am to introduce today will be an example of what I am referring to.

Federal employees who are recruited "outside" and transferred to Alaska enjoy what is commonly known as "turn around leave" benefit. This benefit is provided in the Administrative Expense Act of 1946, as amended, now codified in title 5, section 5728(a), which provides that an agency shall pay the expenses of round-trip travel of an employee, and the transportation of his immediate family, from his post of duty outside the continental United States to the place of his actual residence at the time of appointment or transfer to the post of duty, after he has satisfactorily completed an agreed period of service outside the continental United States and is returning to his actual place of residence to take leave before serving another tour of duty at the same or another post of duty outside the continental United States under a new written agreement made before departing from the post of duty. The common reference to this law is Public Law 737.

This law was first passed when Alaska was a territory and considered a "hardship" duty station. The reasoning and intent of the law, as originally formulated, was to give employees recruited or transferred from the mainland an opportunity to return to their residences. In many cases, the law no longer serves the original purpose. However, because the statute specifically states that it applies to persons selected for positions outside the continental United States, statehood has had no effect on the applicability of the law to employment of persons in Alaska.

Under section 5728(a), an agency pays for the round-trip travel of the employee

as long as he is retained on the rolls of the agency in Alaska. Depending upon the agency, the agreement between the agency and employee is usually for 2 or 3 years, after which the employee and family get a return trip to the point of recruitment prior to returning and working for another tour of 2 or 3 years.

Most employees hired under Public Law 737 provisions are retained on the rolls of the agency in Alaska as long as the need for their services continues to exist.

Now, Mr. President, this law in most cases is simply not necessary for recruiting Civil Service employees in Alaska. There are, however, certain remote duty areas in my State in which Federal agencies have found it very difficult to obtain the necessary and capable personnel. I am submitting today legislation which would abolish this "turn around leave" provision in Alaska after one tour of duty. By allowing the executive branch the option to designate "hardship" areas we provide Federal agencies enough flexibility to recruit necessary personnel through utilization of the "turn around leave" provision. And, recruitment could be conducted in Alaska as well as "outside" if no qualified Alaskan is interested in the position available.

In addition, this bill allows the "turn around leave" benefit to Alaskans who live in nonhardship areas but who are recruited to serve in these areas. This provision should benefit the Federal Government in that more local people can be recruited, thus saving additional moneys.

This bill maintains the Federal Government's faith and contract with current Federal employees who now have this "turn around leave" provision.

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

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

S. 2852

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 5728 of title 5, United States Code, is amended by adding at the end thereof the following new subsection:

"(d) (1) The provisions of subsection (a) of this section do not apply to a post of duty located in Alaska, unless that post of duty is, under regulations which the President may prescribe, at a hardship station. If such post is determined to be at a hardship station, the provisions of subsection (a) of this section also apply to an employee whose actual residence is in Alaska if such residence is at a place other than the hardship station.

"(2) Notwithstanding the provisions of paragraph (1) of this subsection, an employee or individual who is not serving at a post of duty in Alaska on the date of enactment of this subsection, and who subsequently satisfactorily completes a period of service at a post of duty located in Alaska (other than a post of duty at a hardship station) and is returning to his actual place of residence within the continental United States to take leave before serving another tour of duty at the same or another post of duty outside the continental United States under a new written agreement made before departing from such post of duty, shall be eligible under subsection (a) of this section for travel expenses for himself and his immediate family for leave to return to such place of residence. An employee who accepts travel expenses under this paragraph shall not be entitled to receive such expenses under this paragraph for any future period of service.".

SEC. 2. Any employee serving a tour of duty in Alaska on the date of enactment of this Act shall be eligible under section 5728(a) of title 5, United States Code, if otherwise eligible under such section, for travel expenses for himself and his immediate family for leave to return to his place of residence in the continental United States after the date of enactment of this Act without regard to the amendment made to such section by this Act if such travel is performed prior to serving another tour of duty at the same or another post of duty outside the continental United States pursuant to an agreement entered by such employee with the United States prior to the date of enactment of this Act.

ADDITIONAL COSPONSORS OF BILLS AND RESOLUTIONS

S. 2484 AND S. 2485

At the request of Mr. PACKWOOD, the Senator from South Dakota (Mr. ABOUREZK) was added as a cosponsor of S. 2484 and S. 2485, to remove lending limitations on certain watershed and conservation programs administered by the Farmers Home Administration.

SENATE CONCURRENT RESOLUTION 77

At the request of Mr. CURTIS, the Senator from Oklahoma (Mr. BARTLETT) and the Senator from New York (Mr. BUCKLEY) were added as cosponsors of Senate Concurrent Resolution 77, relating to the authority of the Federal Trade Commission to prescribe rules preempting State and local laws.

SENATE RESOLUTION 319

At the request of Mr. CURTIS, the Senator from New York (Mr. BUCKLEY), the Senator from Illinois (Mr. PERCY), and the Senator from Pennsylvania (Mr. SCHWEIKER) were added as cosponsors of S. 319 expressing the sense of the Senate that the signing in Helsinki of the Final Act of the Conference on Security and Cooperation in Europe did not change in any way the longstanding policy of the United States on nonrecognition of the Soviet Union's illegal seizure and annexation of the three Baltic nations of Estonia, Latvia, and Lithuania.

NOTICE OF HEARING

Mr. ROBERT C. BYRD. Mr. President, on behalf of the Senator from Mississippi (Mr. EASTLAND), from the Committee on the Judiciary, I desire to give notice that a public hearing has been scheduled for Wednesday, January 28, 1976, at 9 a.m., in room 2228, Dirksen Senate Office Building, on the following nomination:

George N. Leighton, of Illinois, to be U.S. district judge for the northern district of Illinois vice Abraham L. Marovitz, retired.

Any persons desiring to offer testimony in regard to this nomination shall, not later than 24 hours prior to such hearing, file in writing with the committee a request to be heard and a statement of their proposed testimony.

The subcommittee will consist of the Senator from Arkansas (Mr. MCCLELLAN); the Senator from Nebraska (Mr. HRUSKA); and myself as chairman.

ADDITIONAL STATEMENTS

WHEN IS THE GOVERNMENT GOING TO STOP PROMOTING A DOCTOR SHORTAGE?

Mr. CURTIS. Mr. President, I have consistently supported limiting the Government's burden on the citizen, notably in the area of health care.

Serving on the Finance Committee, with jurisdiction over social security and medicare, I am concerned with the increasing responsibilities being placed on doctors by Federal programs, especially those in rural areas where medical staffing problems have become acute in the past several years.

The workload on rural physicians has increased rapidly in many areas, both because of an increasing patient load and because the number of physicians serving these areas is decreasing. Many small communities have found it hard to attract additional doctors. A problem of this type now exists in Madison, Nebr., according to a recent article in the Lincoln Journal.

As the article states, Dr. William Berrick has literally been forced to leave his family practice after 20 years because of increased paperwork required under Federal programs. Working initially with one assistant, Dr. Berrick now has a staff of four persons constantly battling to keep up with forms and information sheets. In the story, Dr. Berrick continues:

> There is no way you can get quality medical care for less money by sending off to the government or an insurance company and having it processed—especially in a small town.

Dr. Berrick believes paperwork is crowding him out of his office and that it is responsible for skyrocketing medical costs and the erosion of quality medical care.

Dr. Berrick closed his office on December 31, leaving the community without a physician. Residents now must travel 14 miles for medical care.

Instances like that of Dr. Berrick are happening across the United States with increasing frequency. There is no way the Government can responsibly keep adding more welfare programs, including health programs, that are better left to State and local governments. Health outlays have increased tenfold since 1966, to almost $30 billion. The cost of paperwork has increased along with it.

Last March, I introduced S. 1225 to repeal the Professional Standards Review Organization of the 1972 Social Security Amendments, feeling that the boards hamper and interfere with the practice of medicine. The case of Dr. Berrick shows the same type of interference, which is detrimental to the patient, the consumer of medical care.

In Newsweek magazine of December 15, an article pointed out that about 50 hospitals in rural Oklahoma would be forced to close if the PSRO provisions were enforced because there are not

enough doctors around to make up the boards. Such steps do not achieve better medical care.

The inflationary impact of governmental programs often negates any advantages that might be gained by implementation. A case in point is the community of Fremont, Nebr., which had to turn down an $880 Federal grant because costs to receive the money and handle paperwork could not be justified.

Citizens in Madison and other communities should not have to suffer the consequences of the increasing Federal burden on the medical profession.

Mr. President, I ask unanimous consent that the articles concerning Dr. Berrick be printed in the RECORD.

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

TOUGH JOB TO FIND DOCTOR

MADISON.—The loss of Dr. William Berrick "is a real hard pill" for Madison to swallow, Mayor Jack Geary said.

Although he still considers Dr. Berrick a friend, Geary said he had mixed emotions about his decision to leave the community.

Finances and the long hours involved in rural family practice make finding a replacement a difficult task, he said.

"Doctors do have a tendency to not want to go on house calls, and some people do take advantage of them in small communities," he said.

The main concern in Madison is for the old people, especially in the community's nursing home, he said.

Geary said the shock of losing the doctor awakened community spirit and involvement in Madison that he hasn't seen since he was a boy.

"It takes things like this to get the community working together," he said.

With the nearest doctor 14 miles away in Norfolk, citizens have realized the importance of the Madison Rescue Squad and donations to it have increased, he said.

"But if I know the answer to getting a doctor into a rural community, I'd be a millionaire."

Geary is a member of the rescue unit and said it will meet the additional responsibilities caused by the loss of Berrick.

That is only a partial solution, he said, but the only one the community has to meet medical needs until a doctor is secured.

Besides losing a doctor, Madison is losing a couple who have been active in church and civic affairs in the community.

Berrick was president of the Madison School Board for eight years, a member of the county Mental Health Board, chairman of the community's nursing home board, a member of the City Planning Commission and trustee of the Presbyterian Church.

His wife Helen is currently a member of the school board, has been active in church affairs and was chairman of the Madison County Women's Republican organization.

PAPERWORK OUSTS MADISON DOCTOR

(By Tom Cook)

Madison—The family doctor in rural Nebraska isn't disappearing. He's being buried in an avalanche of paperwork.

That's what caused Dr. William Berrick to leave his family practice in Madison after 20 years.

"I always wanted to be a family doctor—to have a one-to-one patient relationship so I know them and they know me," Dr. Berrick said.

There is no room in a small town medical office for the doctor, the patient, the insurance company, the Medicare program and the lawyer, according to the graduate of Northwestern Medical School in Chicago.

"I can never sit down with the patient when there isn't at least a third party there," he said. "They aren't really there, but their presence is overwhelming me."

SKYROCKETING COSTS

Besides crowding him out of his office, Berrick believes the proliferation of insurance policies and federal programs is responsible for skyrocketing medical costs and the erosion of time for quality patient care.

"I've been awfully busy over the years just taking care of my patients. I've always kept good patient records and tried to charge as little as possible," he said.

Until a few years ago, Berrick found he could easily do that with one woman office assistant. Now his staff of four is in a constant battle to keep up with the forms, he said.

EVENTUALLY MINIMUM

Also adding to the cost is what Berrick sees as an economic fact of life: if an insurance policy or federal program allows a maximum for each medical procedure, that will eventually become the minimum cost.

"The American people need to realize, and I think maybe they are, there is no way you can get quality medical care for less money by sending off to the government or an insurance company and having it processed—especially in a small town," he said.

Berrick said there is a need for insurance to cover catastrophic medical expenses, but that comprehensive insurance programs ultimately cost Americans more.

"There are guys that come in for a blood sugar test every week because the government pays for it," he said. "Why they want their veins stuck, I don't know, but they do it."

There have been instances when Berrick told patients they could leave the hospital if they felt up to it, and they said "well, the wife isn't home, or it would be easier to go tomorrow."

RECOVERY SWIFT

But when they learn they will have to pay for the extra day, they make a dramatic recovery and decide it wouldn't be so hard to leave after all, he added.

It isn't the phone calls in the middle of the night, the long days spent between his office in Madison and the hospital in Norfolk or the missed holidays that Berrick says drove him from his practice.

"That was all right, that's what I like to do," he said. "That's the way it's supposed to be. I talk to the patient and make him feel better.

"But now I'm the referee between the patient, the insurance agency and the government."

The "straw that broke the camel's back" came a few months ago after the doctor received a brochure from the Air Force that read: 'Up to your ears in paperwork? Send this card in.'

"I knew something was up when I didn't throw it away," he said.

REVIEWING FORMS

The doctor has reluctantly accepted the task of reviewing Medicare forms on dietary, physical therapy and other treatment received by about 70 of his patients in the local nursing home.

But recently, the government added a summary sheet that must be attached to the patient's record so federal inspectors can have an easier time reviewing them. Late one evening, Berrick decided to throw in the towel.

"I signed the 70 sheets, looked for that card, dug it out and sent it in," he said.

Berrick will close his office Dec. 31 and report to Brooks Air Force Base in San Antonio, Texas, the first week in February for a nine-week flight medical officer course.

Because he holds a private pilot's license and loves flying, he asked to be assigned to an F-111 fighter squadron in Clovis, N.M.

It is front line duty, the 49-year-old Berrick notes, and the squadron is on call to report anywhere in the world on 72 hours notice.

PROPHETIC WORDS

But something one of his four children, who are all away from home, said made him realize the amount of time his practice was taking:

"I bet we'll come home for Thanksgiving or Christmas dinner and Dad will be there."

Berrick will maintain his home in Madison, and sad he has deep regrets at leavng his many friends and patients.

"It's pretty hard for one guy to stem the tide, but at least I'm trying," he said.

TV VIOLENCE, OBSCENITY, UNDERMINES DOMESTIC ORDER

Mr. ALLEN. Mr. President, after a few timid attempts by the Federal Communications Commission to persuade the major television networks to—substantially—reduce the number of violence-oriented, sex-related programs being transmitted into millions of American homes, the FCC has retreated into the security of its laissez-faire posture.

Clearly, the FCC, which has the general authority to direct broadcastng as the "public convenience, interest or necessity" requires, is unwilling to recognize the dimensions and impact of television violence, and thus, is unlikely to institute reasonable guidelines or controls.

In the wake of hard evidence showing a direct relationship between television violence and anti-social behavior, combined with increasing public indignation and pressures, the networks have offered a feeble response: the so-called family viewing time.

The concept is laudable but the approach is far too narrow to have any appreciable effect. Instead of attacking the real problem by showing less violence and less sex on the Nation's television screens, the networks are simply juggling their schedule to delay scenes of violence or sex until after 9 p.m. However, a recent Nielsen survey shows that 10 million 12- to 17-year-olds watch TV until at least 10 p.m. And what effect will it have in Rocky Mountain and Central time zones, where the family viewing time ends at 7 or 8 o'clock?

According to a report by the Census Bureau, 96 percent of American homes have at least one television set. The average set is cn more than 6 hours each day. Additional findings show that frequent viewing by children usually begins at age 3 and continues at higher than average levels until about age 12. Approximately 25 percent of all children watch television in excess of 5 hours a day during the week. It has been estimated that by the time a child reaches the age of 15, he will have seen over 13,000 murders on television.

The sixth annual "Violence Profile" report for the 1973–74 television season indicated that although the prevalence of prime-time violence declined slightly from a year ago, the number of victims of violent actions increased.

If current programs serve as a barom-

eter, we can expect only more violence in future programs. American homes will continue to be subjected to an unending stream of television murder, rape, robbery, assault and other violent crimes—as well as programs that border on hard core pornography.

Congressman TORBERT H. MACDONALD, chairman of the Subcommittee on Communications of the House Interstate and Foreign Commerce Committee, recently addressed the problem of television violence with exceptional clarity and understanding. He said:

The television industry has its own rationale for violence—"we are in the entertainment business, and we are simply giving the people what they want to see." However, this line of reasoning overlooks the broader responsibility of television to provide high-quality programming that has prosocial value. A recent study under the direction of Dr. Eli Rubinstein, who served as vice chairman of the Surgeon General's Advisory Committee, indicated that a prosocial example shown on television contributes to a child's willingness to engage in helping behavior. In other words, television has a great capacity for exerting a positive social influence on children—a capacity that it demonstrates just often enough to make its failures that much more disappointing.

Television can offer quality programming that does more than pander to the public by exploiting the shock value. It can treat violent themes in a manner that does not produce a negative impact, and its responsibility along these lines should not be limited to the hours between 7 and 9 p.m.

Mr. President, I agree fully with Congressman MACDONALD'S views. In my judgment, the majority of adult Americans think there is far too much violence and too much pornography on television. But unfortunately, it is all too evident that profit, rather than the public's interest is the governing factor in program decisions.

The flagrant exploitation of violence for violence's sake and profit is simply irresponsible in a medium as powerful and as influential as television.

Yet very little effort is being made to reverse this trend. The FCC steadfastly refuses to live up to its function and responsibility.

Only one bill has been introduced in the 94th Congress, relating to television violence. It is presently pending in the House Interstate and Foreign Commerce Committee. This bill would direct the Federal Communications Commission to conduct a comprehensive study and investigation of the effects of violence in television programs.

It is my very strong opinion that the FCC and the broadcast industry have a duty and a responsibility to the citizens of this Nation. They should take the lead in demanding that television networks adopt a "high-standard" code of operation in programing.

Congress has been reluctant, with good reason, to become involved in the matter. It has no wish to take on the role of policeman in such a sensitive area. But it is my feeling that because of the present trend toward more and more violence and more and more pornography and less consideration for quality, some constructive action must be taken.

The television industry continues to use slick promotional gimmicks like the "family viewing time" concept, rather than make the effort to upgrade its programing, despite the fact that, nationwide, concern over effect of television violence and pornography is increasing, not subsiding.

Mr. President, unless there is positive movement within the very near future to reduce the senseless and endless television violence, it is my considered opinion that Congress will be forced to take action to deal with the problem.

THE SINAI AGREEMENTS

Mr. SPARKMAN. Mr. President, last October when the Foreign Relations Committee held public hearings on the Sinai agreements, the statement of Mr. J. Ashton Greene of New Orleans, La., did not reach the committee in time for inclusion in the printed hearings. I ask unanimous consent that his opposing views to the agreements be printed in the RECORD.

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

OCTOBER 6, 1975.

STATEMENT OF J. ASHTON-GREENE, NEW ORLEANS, LA., TO THE SENATE FOREIGN RELATIONS COMMITTEE, SENATOR JOHN SPARKMAN, ALABAMA, CHAIRMAN

Mr. Chairman, Members of the Senate Foreign Relations Committee:

Your invitation of Sept. 30, 1975, extended by Senator Sparkman, to appear before this Committee is most appreciated and I am deeply grateful.

First, my credentials: I studied political science and foreign affairs, with Senator Hubert Humphrey at L.S.U. Baton Rouge, 1938–41, and I might add, although my memory is hazy on this point, we both carried signs in anti-war demonstrations on said campus which read "Books Not Battleships". This was shortly before Pearl Harbor.

Then, after four years Naval service in the Pacific in WWII, I attended the Fletcher School of Law & Diplomacy, Medford, Mass. an adjunct part of Harvard.

Then, there was a two year period studying at Princeton's newly formed Woodrow Wilson School of Public and International Affairs, 1947–49, specializing in and writing my thesis on the Subject: The Politics of World Oil. My consultants were: Professors P. K. Hitti, Young and Jacob Viner.

Since then, I have been engaged in general business and foreign trade and marine consulting in New Orleans. I have continued my deep interest in diplomacy and foreign affairs and from this interest stems my great desire to testify today.

Today, I want to to make it known publicly and widely my great opposition to the interim Sinai Agreements of Sept. 4, 1975, in all their pomp and circumstances.

These Agreements are flimsy arguments on mere pieces of paper for diplomatic futility, and do not at all justify the extended time and billions of dollars in expense, and *a fortiori*, the future treasure and manpower and time to implement them.

I refuse, and no doubt many other Americans who are not able to be here today, also would refuse to walk the last mile with Kissinger to disaster.

The pacts are laughable and we might just fall for them. Will we ever learn our lessons from history, from Vietnam, from foreign aid, both military and economic? You can't buy peace and you can't buy stability or friends.

Kissinger's track record is nothing but dismisal. Two years on the Paris peace accord with Vietnam and peace was just around the corner—but for the other side. Also the Russian Wheat Deal, also Cyprus, also the Third and Fourth World, Portugal, Helsinki, and soon to be, the Panama Canal.

No, we can't, and must not go along with Kissinger and his cohorts in their step-by-step approach to destroy the United States of America, in this the 199th year of its independence.

If we cannot do better than such policies, we ought to be doomed, and surely not No. 1 for defense spending in the world.

Already, you will note that Syria, Libya, and the Palestinian Liberation Organizations, and offshoots, are not sitting idly by for the full implementation of this latest U.S. mistake. Regardless of what critics of my position might think and say, the record does support my position that the U.S. detente policy is burned out, "kaput." Personal diplomacy with Gromyko works for the Russians, but not for us; and the Middle East and South Asia continue to be paradigms of defeatist U.S. policies.

I cannot see how (and maybe the Committee might enlighten me) shuttling around airports throughout the world helps in any way but building up the Secretary's ego and providing much in the way of vacations for his staff, janizaries, press followers (the Kalb Brothers) and media personnel, etc. etc.

President Ford realized his honeymoon with Congress was over some time ago; and now it is the Secretary's turn to get down to hard work and cease the old pitch line of "detente". As the Hon. George Ball expressed it, the Administration and the Secretary of State are presenting Congress with a *fait accompli*. Act in haste, and repent in leisure, blood and treasure and slavery.

Be that as it may, you are vitally interested in not only the loyal opposition, but also in constructive alternatives and solutions.

I present the following guidelines and suggestions and will be quite willing to spell each one out for implementation as the Committee questioning will so dictate:

1. Neutralizing the Sinai and Golan Heights under international agreement. U.N. peace keeping forces are already doing this essentially. Extend their mandate beyond the Nov. 1 deadline.

2. Using the U.N. teams, good offices, and counsel in all negotiations involving relations between Israel and its antagonists.

3. Resettling the Palestinian Liberation Organization Refugees and its hangers-on, in North Africa, preferably in Libya, Algeria and Tunis. International experience has proved this feasible in the past, where there is a will and a determined effort.

4. Guaranteeing the Arab interested countries and Iran and Israel a "cordon sanitaire" against outside aggression and inside subversion. This is self explanatory and only needs "showing the flag more" and flexing some muscle for a change, as Daniel Moynihan would put it.

5. Appointing through the U.N. of a Middle East High Commission for Peace, Prosperity and Development. The stakes are very significant for not only us but for the whole fabric of international affairs. This is a course of action that could lead to the weakening of the OPEC and regional understandings.

6. Supporting international use of the Suez Canal through U.N. auspices. Reference the Treaty of Lausanne, 1923, internationalizing and demilitarizing the Dardanelles Straits.

The American people, in my opinion, can't further support Congressional efforts, no matter how overwhelming, to bolster Kissinger's image, and spend billions and billions of more hard earned American dollars for another Vietnam and certain disaster.

Thank you very, very much, Mr. Chairman, and Members of this Committee for giving me this opportunity to freely express my views against these hastily contrived and

futile Interim Sinai Agreements which even the signatories thereto, Israel, Egypt, and the U.S. by extension must realize are only diplomatic exercises of record and of *paper*, which can surely be negated by changes in governments, leaders, and musical chairs.

Billions for defense, but not one cent for tribute!

ACTIVITIES AND ACCOMPLISHMENTS OF THE JOINT COMMITTEE ON ATOMIC ENERGY

Mr. PASTORE. Mr. President, as chairman of the Joint Committee on Atomic Energy, I ask unanimous consent to have printed in the RECORD for the information of my colleagues the annual report on the activities and accomplishments of the joint committee. This report covers the activities of this 1st session of the 94th Congress.

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

ACTIVITIES AND ACCOMPLISHMENTS OF THE JOINT COMMITTEE ON ATOMIC ENERGY IN THE 94TH CONGRESS, FIRST SESSION, (1975)

FOREWORD

It has been the practice of the Joint Committee on Atomic Energy, at the close of each session of the Congress, to submit for the information of the Congress, the executive branch, and the public, a report of its activities. (The report for the second session of the 93rd Congress was printed in the Congressional Record of December 20, 1974, H–12729.)

The Joint Committee on Atomic Energy was organized on August 2, 1946. It consists of nine Members from the Senate and nine Members from the House of Representatives. No more than five from each body can be members of the same political party. The chairmanship alternates between the Senate and the House of Representatives with each Congress.

Present membership is: John O. Pastore, Rhode Island, Chairman; Melvin Price, Illinois, Vice Chairman.

Henry M. Jackson, Washington; Stuart Symington, Missouri; Joseph M. Montoya, New Mexico; John V. Tunney, California; Howard H. Baker, Jr., Tennessee; Clifford P. Case, New Jersey; James B. Pearson, Kansas; and James L. Buckley, New York.

John Young, Texas; Teno Roncalio, Wyoming; Mike McCormack, Washington; John E. Moss, California; John B. Anderson, Illinois; Manuel Lujan, Jr., New Mexico; Frank Horton, New York; and Andrew J. Hinshaw, California.

The Joint Committee is one of the few Committees established by statute rather than by rule of each House and is unique in several respects. For example, it is the only Joint Committee of the Congress with legislative functions, including the receipt and reporting of legislative proposals. The Committee is also charged by law with legislative responsibility as "watchdog" of the U.S. atomic energy program. As part of its responsibilities, the Committee follows closely the classified activities of the executive agencies including the Energy Research and Development Administration and the Departments of Defense and State, concerning the peaceful and military applications of atomic energy. The unclassified nuclear activities of these agencies and of the Nuclear Regulatory Commission are closely reviewed as well.

In all of these activities, the Joint Committee on Atomic Energy, representing the Congress and the public, seeks to assure the implementation of the following national policy expressed in the Atomic Energy Act of 1954:

". . . the development use, and control of atomic energy shall be directed so as to make the maximum contribution to the general welfare, subject at all times to the paramount objective of making the maximum contribution to the common defense and security."

During the 94th Congress, first session, the Joint Committee and its subcommittees held a total of 50 meetings, of which 7 (14%) were held in executive session because the subject matter discussed was classified, and 43 (86%) were held in public session.

A total of 52 publications consisting of hearings, reports, and committee prints were released by the Joint Committee in this session of the 94th Congress. Included in these publications was testimony taken in executive session with classified material deleted before printing. A backlog of publications from the 93rd Congress is included in the above total and identified in the listing which follows:

1973–74

Proposed Changes in AEC Contract Arrangements for Uranium Enrichment Services: Hearings, March 7, 8, 26, and April 18, 1973.

AEC Authorizing Legislation, Fiscal Year 1975: Part 4, Hearings, March 4 and 5, 1974.

(NOTE: Included in this volume are the proceedings of the hearing "Current Status of AEC Controlled Thermonuclear Research Program" held by the Subcommittee on Research, Development and Radiation, on July 25, 1973.)

Nuclear Reactor Safety:

Part 2: Vol. I: Phases IIb, and III, Hearings, Jan. 22, 23, 24 and 28, 1974.

Part 2: Vol. II, Appendixes.

AEC Weapons Program Authorization Request, Fiscal Year 1975, (declassified), Hearing, Feb. 19, 1974.

To Consider NATO Matters, Hearing, Feb. 19, 1974.

Naval Nuclear Propulsion Program, 1974 (declassified), Hearing, Feb. 25, 1974.

Future Structure of the Uranium Enrichment Industry (Phase III), Part III: Vol. I, Hearings, June 25, 26, 27; July 16, 17, 18, 30, 31; Aug. 6; Nov. 26; and Dec. 3, 1974.

Nominees to the Nuclear Regulatory Commission, Hearings, Dec. 10 and 18, 1974.

Nomination of Dr. Robert C. Seamans, Jr., to be Administrator, Energy Research and Development Administration, Hearing, Dec. 11, 1974.

Nuclear Powerplant Siting and Licensing: Vol. I, Hearings, March 19, 20, 21, 22; April 24, 25, 26; and May 1, 1974.

Vol. II, Appendixes.

Possible Modification and Extension of the Price-Anderson Act—Part 2, Phase II, Hearings, May 9, 10, 14, 15, and 16, 1974.

Development, Growth and State of the Nuclear Industry, Hearings, Feb. 5 and 6, 1974.

Proposed Modification of Restrictions on Enrichment of Foreign Uranium for Domestic Use, Hearings, Sept. 17 and 18, 1974.

Solar Energy Research and Development, Hearings, May 7 and 8, 1974.

1975 (94TH CONGRESS, 1ST SESSION)

ERDA Authorizing Legislation, Fiscal Year 1976:

Part 1, Hearing, Feb. 4, 1975.

Part 2, Hearings, Feb. 18 and 27, 1975.

Part 3, Hearings, March 4 and 6, 1975.

Part 4, Hearings, March 11 and 13, 1975.

Reports: Authorizing Appropriations for the Energy Research and Development Administration for Fiscal Year 1976 and for the Transition quarter ending September 30, 1976, S. Report 94–104, May 6, 1975.

(NOTE: Report titled as above filed in House jointly with House Committee on Science and Technology), H. Report 94–294, June 13, 1975.

Atomic Energy Legislation through 93d Congress, 2d Session, Committee Print, July 1975.

Proposals for International Cooperation in Nuclear Energy, Hearing, Feb. 6, 1975.

Nuclear Regulatory Commission Action Requiring Safety Inspections which Resulted in Shutdown of Certain Nuclear Powerplants, Hearing, Feb. 5, 1975.

(NOTE: The above hearing was held jointly with the Senate Committee on Government Operations.)

Nuclear Regulatory Commission Fiscal Year 1975 Supplemental Authorization Request, Hearing, Feb. 20, 1975.

Reports: Authorizing Supplemental Appropriations to the Nuclear Regulatory Commission for Fiscal Year 1975, S. Report 94–50, March 20, 1975; (H. Report 94–100, March 20, 1975).

Nuclear Regulatory Commission Authorizing Legislation, Fiscal Year 1976, Hearing, March 19, 1975.

Reports: Authorizing Appropriations for the Nuclear Regulatory Commission for Fiscal Year 1976 and for the Transition Quarter Ending September 30, 1976, S. Report 94–174, June 4, 1975; (H. Report 94–260, June 4, 1975).

Current Membership of the Joint Committee on Atomic Energy, Congress of the United States, Committee Print, April 1975.

Issues for Consideration: Review of the National Breeder Reactor Program, Committee Print, August 1975.

Markup of S. 598 and H.R. 3474: ERDA Authorizing Legislation, Fiscal Year 1976, Committee Print, April 24, 1975.

Development, Use, and Control of Nuclear Energy for the Common Defense and Security and for Peaceful Purposes (First Annual Report of the Joint Committee), Committee Print, June 30, 1975.

Naval Nuclear Propulsion Program, 1975 (declassified), Hearing, Mar. 5, 1975.

S. 1378 and H.R. 5698: Assistance Payments to Anderson County and Roane County, Tennessee (Held at Oak Ridge, Tennessee), Hearing, May 9, 1975.

(NOTE: Legislation included in ERDA Authorization):

Markup on Nuclear Regulatory Commission Fiscal Year 1976 Authorization, Committee Print, August 1975.

Browns Ferry Nuclear Plant Fire, Hearing, Sept. 16, 1975.

H.R. 8631: To Amend and Extend the Price-Anderson Act, Hearings, Sept. 23 and 24, 1975.

Reports: Amendments to the Price-Anderson Provisions of the Atomic Energy Act of 1954, As Amended, to Provide for Phase-out of Governmental Indemnity, and Related Matters, S. Report 94–454, Nov. 13, 1975; (H. Report 94–648, Nov. 10, 1975).

Towards Project Independence: Energy in the Coming Decade, Committee Print, December 1975.

Markup on H.R. 8631 and S. 2568: Price-Anderson Act Amendments, Committee Print, Oct. 31 and Nov. 6, 1975.

Storage and Disposal of Radioactive Waste, Hearing, Nov. 19, 1975.

S. Con. Res. 13: Proposed Increase in the Amount of Enriched Uranium Which May Be Distributed to the International Atomic Energy Agency (IAEA), S. Report 94–8, Feb. 13, 1975.

H. Con. Res. 115 (same as above), H. Report 94–9, Feb. 13, 1975.

S. Con. Res. 14: Proposed Increase in the Amount of Enriched Uranium Which May Be Distributed to the European Atomic Energy Community (EURATOM), S. Report 94–9, Feb. 13, 1975.

H. Con. Res. 116 (same as above), H. Report 94–10, Feb. 13, 1975.

S. Con. Res. 15: Proposed Extension of Existing Research Agreement for Cooperation Between the United States and Israel

Concern Civil Uses of Atomic Energy, S. Report 94–10, Feb. 13, 1975.

H. Con. Res. 114 (same as above), H. Report 94–8, Feb. 13, 1975.

The following publications will be released in the near future:

Review of the LMFBR Program, Hearings, April 29; May 1, 6, 7; June 10, 11, 17, 18, 24; July 10 and 17, 1975.

S. 1717 and H.R. 7002: Proposed Nuclear Powerplant Siting and Licensing Legislation, Hearings, June 10 and Nov. 11, 1975.

Review of National Breeder Reactor Program, Committee Print, (early 1976).

S. 2035 and H.R. 8401: Nuclear Fuel Assurance Act of 1975 Hearings, Dec. 2, 3, 4, 9, and 10, 1975.

S. 2435 and H.R. 9948: To Amend the Atomic Energy Community Act with Regard to Financial Assistance Payments to the County of Los Alamos and the Los Alamos School, Hearing Oct. 14, 1975.

I. LEGISLATIVE ACTIVITIES

A. Energy Research and Development Administration Authorization Act for Fiscal Year 1976 and the Transition Quarter (Public Law 94–187)

The Energy Research and Development Administration authorization request for fiscal year 1976 and the transition quarter, as initially submitted to the Congress on February 4, 1975, and subsequently amended on April 9, 1975, called for authorization of $3,418,587,000 for "Operating expenses" and $868,867,000 for "Plant and capital equipment" (including increases in prior-year authorization) making a total requested authorization for fiscal year 1976 of $4,287,454,000. The authorization request also called for $1,001,301,000 for "Operating expenses" and $128,876,000 for "Plant and capital equipment" for the transition quarter, making a total requested authorization for the quarter of $1,130,177,000. On March 10, 1975, ERDA transmitted to the Joint Committee some refinements to the proposed revised authorization for the Clinch River Demonstration Plant Project.

The ERDA requests for atomic energy-related programs and projects under the jurisdiction of the Joint Committee totalled $3,750,059,000 and $988,884,000 for fiscal year 1976 and the transition quarter, respectively. The Joint Committee did not consider the non-nuclear programs of ERDA.

The Joint Committee's recommended authorization for atomic energy-related programs for fiscal year 1976 was $3,838,451,000 which is $88,392,000 or about 2 percent more than the amount requested. The Joint Committee recommended an increase of $18,988,000 for the transition quarter, also 2% more than requested.

Generally, the ERDA authorization for atomic energy-related programs reflects estimated costs in two broad categories of effort, namely, military and civilian applications. Military applications include primarily the nuclear weapons and naval propulsion reactors programs, as well as a portion of the nuclear materials program. Approximately 39 percent of the Administration's fiscal year 1976 estimated program costs (as compared to about 43 percent of estimated fiscal year 1975 costs), or $1,763 million, was attributable to military applications. The estimated cost for civilian applications totaled $2,809 million or about 61 percent of the program costs (as compared to about 57 percent of estimated fiscal year 1975 costs). The amounts shown above reflect total program costs and are exclusive of adjustments for revenues received and for changes in selected resources.

The Joint Committee began consideration of the proposed legislation authorizing appropriations to the ERDA for fiscal year 1976 and the transition quarter with a public hearing on February 4, 1975. At this hearing, the Honorable Robert C. Seamans, Jr., Administrator, ERDA, discussed the overall budget request. Subsequent public hearings occurred on February 18 and 27, and March 4, 6, 11, and 13. In the course of these hearings, the ERDA's programs for fusion power research and development; biomedical and environmental research; waste management; operational safety; physicial research; nuclear materials; fission power reactor development; and laser and electron beam pellet fusion research were considered. The hearing records contain information on the status of, and accomplishments under, the various programs being carried out by ERDA.

Other hearings were held in executive session on March 5 and 12. ERDA programs reviewed during these hearings were weapons, nuclear materials security, and naval reactors.

On June 25, 1975, ERDA submitted to the Congress a budget amendment for fiscal year 1976 and the transition quarter. The authorization request for atomic energy-related programs was increased by (1) a total of $105,616,000 for "Operating expenses" and $36,550,000 for "Plant and capital equipment" for fiscal year 1976, and by (2) $12,706,000 for "Operating expenses" and $60,000 for "Plant and capital equipment" during the transition quarter. The Joint Committee considered this revision to the original request of February 5, 1975, and recommended that the amendment be accepted. The Committee also increased the budget amendment by $9,000,000 for the Molton Salt Breeder Reactor and Light Water Breeder Reactor programs for fiscal year 1976, and $400,000 for the transition quarter for these two programs.

B. Supplemental authorization of appropriations for the Nuclear Regulatory Commission for fiscal year 1975 (Public Law 94–18)

On February 3, 1975, the Nuclear Regulatory Commission transmitted to the Congress a request for an increase in appropriations for fiscal year 1975 of $56,400,000. On February 12, 1975, Senator John O. Pastore, Chairman of the Joint Committee on Atomic Energy, introduced, by request, S. 674, authorizing appropriations of such funds as are necessary to carry out the functions and responsibilities on the Nuclear Regulatory Commission for fiscal year 1975. On February 19, 1975, Representative Melvin Price, Vice Chairman of the Joint Committee, introduced an identical bill, H.R. 3275, by request.

On March 4, 1975, Vice Chairman Price introduced H.R. 4224, a substitute bill, in lieu of the above measure. This bill was introduced by Chairman Pastore on March 6, as S. 994. The full Committee met on March 20 in open session and voted without dissent to report those bills favorably without amendment and to adopt the report.

On February 20, 1975, the Subcommittee on Legislation of the Joint Committee held an open hearing on the request for authorization of supplemental appropriations. The Commission request was for an increase of $56,400,000 in their fiscal year 1975 authorization. This consisted of (1) $39,000,000 to replace anticipated revenues which under the Atomic Energy Commission would have been applied as an offset to budget authority, but which under NRC will be deposited directly to the miscellaneous receipts of the U.S. Treasury, (2) $9,500,000 for refunds of license fees which have been collected since 1968 based on a fee schedule that was not in accordance with constitutional standards recently prescribed by the U.S. Supreme Court, and (3) $7,900,000 to support new activities of NRC which were required by the Energy Reorganization Act of 1974 as well as various staff services required for NRC to function as a separate and independent agency.

The Committee concurred with the request of the Commission with the following exceptions. The Committee reduced the requested authorization by $6,200,000 because of the revenues received during fiscal year 1975 by the office of the Director of Regulation of the Atomic Energy Commission prior to its dissolution January 19, 1975, exceeded by that amount the revenues expected to be received at the time the Commission request was submitted to the Office of Management and Budget in November 1974. The reduction did not in any way affect the planned operations of NRC.

C. Nuclear Regulatory Commission Authorization Act for fiscal year 1976 and the transition quarter (Public Law 94–79)

The Nuclear Regulatory Commission's authorization request for fiscal year 1976, as submitted to the Congress on February 3, 1975, called for authorization of $219,935,000 for salaries and expenses. Although the Commission request did not include an authorization amount for the transition quarter, the supplemental supporting data furnished to the Joint Committee by the Commission indicated that an authorization of $52,000,000 for salaries and expenses for the transition quarter would be needed.

The Joint Committee recommended authorization for fiscal year 1976 of $219,935,000, which was the same as the amount requested. The Joint Committee's recommended authorization for the transition quarter was $52,000,000.

The NRC authorization request generally reflected estimated costs in three major areas: the regulation of nuclear reactors, nuclear materials safety and safeguards, and nuclear regulatory research. Nuclear reactor regulation is expected to cost $65,779,000 in fiscal year 1976. The nuclear materials safety and safeguards program fiscal year 1976 request was for $10,955,000, and the nuclear regulatory research effort for fiscal year 1976 is budgeted at $97,223,000.

The Subcommittee on Legislation in the Joint Committee on Atomic Energy, chaired by Senator Joseph M. Montoya, considered the proposed legislation authorizing appropriations to the NRC for fiscal year 1976 and the transition quarter at a public hearing on March 19, 1975. At this hearing, the Honorable William A. Anders, Chairman of the NRC, testified concerning the NRC budget request. Subsequently, NRC provided additional statements for the hearing records which provide detailed information on the budget requests of each of the component organizations of NRC.

D. Extension and Modification of the Price-Anderson Act

The Price-Anderson Act was enacted in 1957, and extended and amended in 1965 and 1966. The Act was designed to protect the public by providing for the payment of claims in the unlikely event of a catastrophic nuclear incident. Among other things, the Act provides funds for public liability in the event of a nuclear incident up to a total amount of $560 million. This amount is provided for by requiring nuclear powerplant licensees to maintain financial protection through insurance or other means in the full amount available from private insurance (currently $125 million) and by providing for government indemnity for the remainder of the $560 million. Other features included in the Act by the amendments of 1966 are no-fault liability and provisions for accelerated payment of claims immediately upon occurrence of a nuclear incident.

The Act was scheduled to expire on August 1, 1977. Because of the long lead times involved in planning new commitments to nuclear power, the Joint Committee began considering the matter of extension and possible modification of the Act during the 93rd Congress in order to prevent an unwarranted

disruption in the planning process for nuclear power plants, such as might result from uncertainty over the future of the Price-Anderson Act.

The question of whether to extend the Price-Anderson Act received extensive consideration during the 93rd Congress. After comprehensive hearings, the Joint Committee reported out a bill, H.R. 15323, which was passed by the Congress with amendments and sent to the President on October 1, 1974. The President vetoed the measure on October 12, 1974, citing his approval of the substantive sections of the bill and basing his veto on "the clear constitutional infirmity of a provision in the bill which allowed the Congress to prevent it from becoming effective by passing a concurrent resolution within a specified time."

On June 9, 1975, the Nuclear Regulatory Commission submitted to the Joint Committee the report on the subject of sabotage and the theft of nuclear materials which had been requested by the Conference Committee on H.R. 15323.

On July 10, 1975, the Federal Energy Administration forwarded to the Congress proposed legislation which was introduced as H.R. 8631 by Mr. Price (for himself and Mr. Anderson of Illinois) on July 14, 1975, and as S. 2568 by Senator Pastore (for himself and Senator Baker) on October 28, 1975. These bills were identical to the bill which was passed by the 93rd Congress with two exceptions: first, the provision which caused the President to veto the bill was omitted; and second, the measure called for a 10-year rather than a 5-year extension of the Act.

The major change to existing law which would be made by the bills is a provision for replacing the Government indemnity with a retrospective premium insurance system over a period of years as more power reactors become licensed. This system would also allow an increase in the limit on liability above $560 million after Government indemnity has been phased out. This is expected to occur no later than 1985. Price-Anderson coverage would also be extended to offshore nuclear power plants and to shipments of nuclear material between NRC licensees via routes wholly or partially outside U.S. territorial limits.

The bills were referred to the Joint Committee and hearings were held on September 23 and 24, 1975, to consider that measure and the question of whether the Price-Anderson system should be extended to cover sabotage and the theft of nuclear materials. At those hearings, the Committee heard testimony from the nuclear power and insurance industries, the electric utilities, the Executive Branch, and a number of other organizations interested in this area.

The Joint Committee met in open session on November 6, 1975, and after full discussion, voted by a rollcall vote of 14–2 to report the bills favorably with six technical amendments. On December 8, 1975, the House of Representatives considered H.R. 8631 and passed the bill with one amendment by a vote of 329–61. On December 16, 1975, the Senate considered and adopted three amendments to S. 2568. By a vote of 76–18, the Senate then voted to pass H.R. 8631 with the Senate amendments. On December 17, 1975, the House agreed to the Senate amendments to H.R. 8631. The President signed the bill on December 31, 1975 (Public Law 94–197).

In its report on the bills to amend and extend the Price-Anderson Act, the Joint Committee requested that the Nuclear Regulatory Commission review the need for extending the Price-Anderson system to include plutonium processing facilities. The Nuclear Regulatory Commission advised the Committee on December 3, 1975, that once H.R. 8631 has been signed into law, the NRC will publish a "Notice of Intended Rule Making" as the first step in implementing the legislation. This notice will solicit the views of the public and interested groups on the question of extending Price-Anderson coverage to plutonium processing facilities and to the transportation of nuclear material to and from those facilities. Based upon those views, NRC will then decide whether Price-Anderson coverage should be extended.

E. Communities

The Subcommittee on Communities, chaired by Congressman John Young, held hearings in Oak Ridge on May 9, 1975, on H.R. 5689 and S. 1378, identical bills to permit financial assistance to be given to Anderson and Roane Counties, Tennessee, under the provisions of the Atomic Energy Community Act of 1955, as amended. The record of the hearings contains extensive data concerning the economic, social and financial characteristics of the two counties and the financial burdens imposed on the counties by the location and operation of the ERDA facilities at Oak Ridge, Tennessee.

It is essential that the communities at Oak Ridge maintain a level of services which will attract and maintain well qualified personnel for the national energy program being pursued in the Federal facilities at Oak Ridge. This need applies not only within the boundary of the City of Oak Ridge, but extends into the two counties, Roane and Anderson, from which the Federal Government carved the Oak Ridge Reservation during World War II. The need to provide an adequate level of services imposes financial burdens on these two counties as well as on the City of Oak Ridge, but the Community Act permits payments only to the city and not to the counties. S. 1378 and H.R. 5698 would correct this inequity which appears to have been as a result of an oversight when the Community Act was originally enacted.

The ERDA Authorization Bill was amended in the Senate to include Anderson and Roane Counties in the Community Act and to provide assistance to them for a ten-year period, ending June 30, 1986.

The House accepted the Senate amendment in Conference and the Atomic Energy Act will be so amended upon the enactment of the ERDA Authorization Bill. The President signed the bill on December 31, 1975 (Public Law 94–187).

The Subcommittee on Legislation, chaired by Senator Montoya, conducted hearings in Los Alamos, New Mexico, on October 14, 1975, to consider identical bills. S. 2435 and H.R. 9948, to amend the Atomic Energy Community Act with regard to the extension of the existing authorization to the Administrator of the Energy Research and Development Administration to continue to make payments of just and reasonable sums to the Los Alamos schools and the County of Los Alamos. The existing authority under the Community Act expires on June 30, 1976, for the schools and on June 30, 1977, for the county. The legislation would place the authority of ERDA to continue to make assistance payments to Los Alamos on essentially the same basis as that which now exists for the former AEC communities of Oak Ridge, Tennessee, and Richland, Washington.

As in the case of these other communities, the Federal Government expects Los Alamos to maintain schools and other local governmental services at a high level in order that the recruitment and retention of highly qualified people necessary for the very important energy research and development programs at the Los Alamos Scientific Laboratory will not be inhibited. The Los Alamos community, because of its genesis, its isolated geographical location and Federal activities, is essentially a one industry community and that industry is Government owned and tax exempt. It is for these reasons that legislation was introduced to continue the necessary assistance payments not only to reimburse the schools and local government for the burdens imposed on them by the Federal Government, but also to insure the success of the energy research and development programs at the Los Alamos Scientific Laboratory.

F. Nuclear power plant licensing improvements

Since 1971, the Joint Committee has been looking intently at the problem of delays in the siting and licensing of nuclear power plants. Extensive hearings on this issue were conducted in 1971, 1972, and 1974. The hearings conducted during the 93rd Congress focused on a number of legislative proposals which had been referred to the Joint Committee. These proposals included a bill sponsored by then-Chairman Price, a bill proposed by Representative McCormack, and a legislative proposal by the AEC. As a result of the hearings, Representative Price submitted a composite bill incorporating features of the various bills mentioned above.

During 1975, the Joint Committee continued its consideration of methods to improve the procedures for siting and licensing of nuclear power plants. Legislative proposals were again introduced on February 25, 1975, by Mr. McCormack (H.R. 3734), and on February 27, 1975, by Mr. Price for himself, Mr. Anderson of Illinois, Mr. Hinshaw, Mr. Horton, and Mr. Lujan (H.R. 3995). A legislative proposal was also submitted by the Nuclear Regulatory Commission and introduced as S. 1717 in the Senate and H.R. 7002 in the House of Representatives. Finally, a related bill to provide financial assistance to intervenors in nuclear licensing proceedings was introduced by Senator Kennedy on May 6, 1975 (S. 1665). Each of these bills was referred to the Joint Committee.

The changes in existing licensing procedures which would be made by those proposals include provisions for the following: designated sites reviewed in advance of specific applications; standardized plants; replacement of mandatory hearings with an opportunity for a hearing in certain instances; discretionary, rather than mandatory ACRS review of applications; limited work authorizations; interim operating licenses prior to completion of hearings, where need is shown and environmental and safety reviews have been completed; expedited hearing procedures; coordination of Federal and State reviews; and increased participation by intervenors through early notice of intent to file applications and through provision of technical reports and other documents.

Further hearings on these specific proposals were held by the Joint Committee on June 25 and November 11, 1975. Witnesses for the Nuclear Regulatory Commission testified at the June 25 hearing. During the November 11 hearing, the Committee received testimony from witnesses representing the nuclear power and electric utility industries, state energy facility siting agencies, utility regulatory authorities, and other groups with interest in this area.

Early in this session, the Committee conducted a survey of a large number of electric utilities in the country which have had experience with the licensing of nuclear power plants. With few exceptions, the respondents expressed disillusionment and frustration with the procedures governing the siting and licensing of nuclear plants. The principal areas of their concern include:

a. Time and technical resources consumed—The regulatory process requires that skilled scientists and engineers devote substantial amounts of time to answering regulatory questions and participating in licensing hearings, where that time would otherwise be used to develop designs and criteria for nuclear plants. The result of this burden is delay in plant design and completion.

b. Overlapping of Federal, State and local

requirements—The regulatory requirements of many State, local and regional agencies overlap and conflict with Federal regulatory requirements. The need to satisfy these differing requirements has added to the delay in bringing nuclear plants into operation.

c. Review process and intervention procedure—Several respondents addressed the need to further improve the review process, including the resolution of generic issues, establishing the acceptability of the site early, and establishing specific limits on the scope of the various hearings. The hearing process itself drew considerable criticism because of the ease with which opponents of nuclear power projects, regardless of qualifications, can intervene and thereby delay the process.

d. Ratcheting or backfitting requirements imposed by NRC—The changes in regulatory requirements and regulations cause the applicant substantial uncertainty in planning a nuclear plant and result in substantial delays in the construction and operation of those plants already in the licensing process.

During this session, these and other similar concerns have been the subject of further inquiry by the Committee (see e.g. H. Rept. 94–260, June 4, 1975, at pp. 4–7; S. Rept. 94–174, June 4, 1975 at pp. 3–7) and the subject of extensive correspondence with the Nuclear Regulatory Commission (see e.g. March 19, 1975, Hearings on the Nuclear Regulatory Commission Authorizing Legislation, Fiscal Year 1976, Appendix 4).

In view of the State role in the approval of sites for nuclear power plants, the Committee's Executive Director sent a letter to the States which have already enacted or which are considering siting and licensing legislation, and, among others, the Governors' Task Force on Energy, and the National Conference of State Legislatures. The letter noted that an important part of the Administration's proposed legislation concerns the early approval of prospective sites for nuclear facilities. The success of the early site approval procedures would appear to depend in large measure on the participation in the site approval process by the State in which the site is located. A major area which apparently has not yet received thorough consideration is the role which a state should play in the site approval process considering, among other things, the Nuclear Regulatory Commission's and other Federal agencies' responsibilities, including those in the area of environmental decision making under the National Environmental Policy Act, as well as the responsibilities of state agencies and departments under state law. The letter solicited views and recommendations of the state agencies and departments which have responsibilities under state law for the approval of sites for power plants.

At the end of the session, the responses to these Committee initiatives and the record of the June and November hearings were being reviewed by the Committee staff.

G. Uranium Enrichment (Nuclear Fuel Assurance Act)

On June 26, 1975, Chairman John Pastore and Senator Howard Baker introduced in the Senate, by request, the Administration's proposed legislation for securing the construction of additional uranium enrichment plants in the United States. This legislation, entitled "The Nuclear Fuel Assurance Act of 1975" (S. 2035), is designed to provide the authority necessary to achieve objectives established by the President for the Nation's next increment of uranium enrichment capacity.

An identical bill (H.R. 8401) was introduced on July 8, 1975, in the House, also by request, by Vice Chairman Melvin Price and Congressman John Anderson. Under the proposed legislation, the Energy Research and Development Administration (ERDA) would be authorized to negotiate and enter into cooperative agreements with private organizations to build, own and operate uranium enrichment plants. The proposed legislation would also authorize ERDA to initiate construction planning and design activities for expansion of an existing Government-owned uranium enrichment facility. The submission of this legislation is consistent with the Committee's belief that additional uranium enrichment capacity is required and that action is needed now to assure that sufficient nuclear fuel will be available in the mid-1980's to meet our domestic and foreign commitments.

In order to have an objective review of all important aspects of the Administration's complicated proposal, the Chairman of the Joint Committee asked the Comptroller General of the United States to make an exhaustive analytical review of the Administration's proposal for Government assistance to private uranium enrichment groups. The GAO report, entitled "Evaluation of the Administration's Proposal for Government Assistance to Private Uranium Enrichment Groups", was submitted to the Committee on October 31, 1975.

On December 2, 3, 4, 9 and 10, 1975, the Joint Committee held extensive hearings on the Administration's proposed plan. Testimony was received from senior officials of the following organizations within the Executive Branch: the Energy Research and Development Administration, the Nuclear Regulatory Commission, the Federal Energy Administration, the Environmental Protection Agency, the Department of Justice, the Department of Labor, the Council of Economic Advisors, the Department of Treasury, and the Office of Management and Budget. In addition, the Committee heard testimony from Congressman William Harsha (R. Ohio) and from Elmer B. Staats, the Comptroller General.

The Committee also intends to receive testimony from the Secretary of State early in the next Congressional session, which will complete the Governmental phase of the hearings on this subject. It is anticipated that additional hearings will be scheduled soon thereafter to receive testimony from industrial firms interested in building enrichment facilities, from the utilities who would buy the output of such facilities, and from other interested parties and the public. The Committee intends to publish the record of the first five days of these hearings in the near future.

The hearings conducted to date have proven highly informative in terms of identifying the major policy issues associated with the Administration's proposed plan. Issues such as the appropriateness of the Government's proposed guarantees; the international implications; safeguards and security considerations; foreign participation; the sufficiency of competition; and the viability of the contingency plan to build an add-on Government facility have been thoroughly explored. Although the Committee has not yet reached any decision on the Administration's proposed plan, a consensus has developed that the Committee's review and approval authority for any specific proposals must be significantly strengthened. This matter is being explored further by the Committee with the Executive Branch.

II. AGREEMENTS FOR COOPERATION

A. On January 14, 1975, the Atomic Energy Commission submitted to the Congress a proposed amendment to extend for two years, until April 11, 1977, the Agreement for Cooperation between the United States and Israel which has been in existence since 1955. The proposed amendment was subject to the Congressional review procedure in Section 123d. of the Atomic Energy Act of 1954, as amended, in 1974 by Public Law 93–485 (88 Stat. 1460).

The agreement concerns peaceful research applications in the field of atomic energy such as the use of radioisotopes for agricultural and medical purposes and in reactor physics and nuclear chemistry. Under the Agreement for Cooperation, Israel purchased a 5 megawatt (thermal) research reactor from a United States manufacturer. That reactor, which became operational in 1960, is fueled with highly enriched uranium. The reactor is used for research in physics and chemistry and for the production of radioisotopes.

An open hearing was held on the amendment to the Act by the Subcommittee on Agreements for Cooperation, chaired by Congressman Teno Roncalio, on February 6, 1975, at which time testimony was received from Dr. Abraham S. Friedman, who was the then Acting Assistant Administrator for International Affairs in the Energy Research and Development Administration.

The Committee reported identical concurrent resolutions to the Senate (S. Con. Res. 15) and to the House (H. Con. Res. 114) which favored the proposed amendment. The concurrent resolution was passed in the Senate on February 19, 1975, and in the House on March 11, 1975. In regard to this agreement, it should be noted that the research reactor is capable of producing negligible amounts of plutonium (approximately 2 grams per year), which would become available only after the irradiated fuel is reprocessed. Moreover, the agreement is subject to the safeguards of the International Atomic Energy Agency (IAEA) under a trilateral safeguards agreement among the United States, Israel and IAEA. The terms of the Agreement for Cooperation have worked satisfactorily during its long existence and the Committee is not aware of any violation of its terms.

B. On January 8, 1975, the Atomic Energy Commission submitted to the Congress a proposal to increase the amount of enriched uranium which may be distributed by the United States to the European Atomic Energy Community (EURATOM). The amendment proposes that the 35,000 megawatt ceiling in the existing agreement be increased to 55,000 megawatts of electric energy.

This proposed amendment was subject to the Congressional review procedure under Section 54 of the Atomic Energy Act, as amended, by Public Law 93–377 (88 Stat. 473, 474).

The Subcommittee on Agreements for Cooperation conducted open hearings on this proposed amendment on February 6, 1975, and received testimony from Dr. Abraham S. Friedman of ERDA. The Committee reported identical concurrent resolutions to the House (H. Con. Res. 116) and to the Senate (S. Con. Res. 14), which favored the proposed amendment. The Senate passed the concurrent resolution on February 19, 1975. The House resolution was tabled on March 17, 1975. (Note: The Congressional review procedure under Section 54 does not require a Congressional vote on concurrent resolutions as does the procedure under Section 123d. This is why the House concurrent resolution could be tabled.)

Increase in the capacity ceiling from 35,000 to 55,000 megawatts does not constitute a commitment of the United States to furnish special nuclear material in any amount. The commitment to furnish such material would result from contracts for enriching services between the Energy Research and Development Administration and the purchaser of the services to the extent that enriching capacity is available. The Energy Research and Development Administration estimates that the proposed 20,000 megawatt electric increase in the ceiling would be adequate for

all nuclear power plants to be built in EURATOM and which will require United States enriching services prior to July 1, 1984.

All special nuclear material which would be transferred to the Community would be subject to agreement provisions for safeguarding against the diversion of special nuclear material to military applications. All transfers of special nuclear material by the United States to the seven nonnuclear weapon States of EURATOM will be in accordance with the United States' obligations under the Non-Proliferation Treaty (NPT), of which safeguards are a part.

C. On January 8, 1975, the Atomic Energy Commission submitted to the Congress a proposal to increase the ceiling of special nuclear material which may be distributed by the United States to the International Atomic Energy Agency. The proposed increase in the ceiling for enriched uranium to a fuel total installed capacity of 2,000 megawatts of electric energy corresponds to the aggregate capacity of three nuclear power reactors to be purchased from United States manufacturers. These are the first power reactors to be purchased from United States sources through IAEA. Two of these reactors will be in Mexico and the other in Yugoslavia.

The proposed amendment was subject to the same Congressional review procedure discussed above with regard to the amendment to the EURATOM Agreement for Cooperation. The Subcommittee on Agreements for Cooperation held open hearings on the amendment to the IAEA agreement on February 6, 1975, and received testimony from Dr. Abraham S. Friedman of ERDA. The Committee reported a concurrent resolution to the House (H. Con. Res. 115) and an identical concurrent resolution to the Senate (S. Con. Res. 13), which favored the proposed action. The concurrent resolution was passed in the Senate on February 19, 1975, and was laid on the table in the House on March 17, 1975. As in the case of the situation with EURATOM discussed above, the commitment to furnish enriched uranium will result only under contracts for enriching services between the Energy Research and Development Administration and the purchaser of the services, and to the extent that enrichment capacity is available.

All of the enriched uranium which would be transferred would be subject to IAEA safeguards. Mexico and Yugoslavia are each member states of IAEA. Each of these countries is a party to the Non-Proliferation Treaty and each has concluded a safeguards agreement with IAEA pursuant to Non-Proliferation Treaty requirements. Reprocessing of the irradiated fuel from each of the three reactors could produce as much as 140 kilograms of plutonium annually. Under the terms of the United States-IAEA Agreement for Cooperation, the IAEA's statute, the United States'-supplied enriched uranium, including the plutonium which is produced by the irradiation and the subsequent reprocessing of that uranium, is subject to the IAEA safeguards system.

With regard to all internatioanl agreements, the Joint Committee stated in its reports on the concurrent resolutions discussed above that the prevention of clandestine proliferation of nuclear weapons is essential to any exchage program. It is therefore necessary that adequate control be maintained over the nuclear fuel for any reactor which is operated outside of this country under any agreement with the United States. This control can be achieved through the IAEA safeguards system or through other systems such as a requirement that the receiving country return the irradiated fuel to the United States for reprocessing. While an objective of the United States international program for peaceful purposes of atomic energy continues to be that other nations have the opportunity to enjoy the benefits of atomic energy, every prudent step must be taken to prevent the clandestine diversion of special nuclear material for other than peaceful purposes.

During this session a number of bills were referred to the Joint Committee on Atomic Energy dealing with the subject of various steps which should be taken to augment the safeguards which should apply to United States' participation in international nuclear trade. The Executive Branch opposed all of the bills which were referred to the Joint Committee. The Chairman of the Committee, Senator John O. Pastore (for himself and for Senator Mondale, Senator Inouye and Senator Montoya) on July 26, 1975, introduced Senate Resolution 221 which was referred to the Committee on Foreign Relations. The resolution called on the President to take the leadership in seeking cooperation in strengthening safeguards of nuclear materials. The purpose of the resolution is to convey the sense of the Senate that the President of the United States should seek:

1. Immediate international consideration of strengthening the effectiveness of the IAEA safeguards on peaceful nuclear activities, and intensified cooperation with other nuclear suppliers to insure that the most stringent safeguards conditions are applied to the transfer of nuclear equipment and technology to prevent the proliferation of nuclear explosive capacity;

2. Through the highest level of consultation in the United Nations and with the other leaders of the world community, an intensive cooperative international effort to strengthen and improve both the scope, comprehensiveness and effectiveness of the international safeguards on peaceful nuclear activities so that there will be a substantial and immediate reduction in the risk of diversion or theft of plutonium and other special nuclear material to military or other uses that would jeopardize world peace and security; and

3. Through consultation with suppliers of nuclear equipment and technology, their restraint in the transfer of nuclear technology and their cooperation in assuring that such technology and equipment is transferred to other nations only under the most rigorous, prudent and safeguarded conditions designed to insure the technology itself is not employed for the production of nuclear explosives.

The Executive Branch fully supported the objective of the resolution and believed that it would be supportive of the United States' efforts to abate the spread of nuclear weapons. Senate Resolution 221 was reported favorably by the Committee on Foreign Relations on December 10, 1975, and was passed by the Senate on December 12, 1975.

III. INFORMATIONAL HEARINGS

A. Naval reactors

On March 5, 1975, the Subcommittee on Legislation, in executive session, heard testimony from Vice Admiral Hyman G. Rickover, Director, Division of Naval Reactors, ERDA, on the status of the Naval Nuclear Propulsion Program and the Administration's request for authorizing funds for that program for fiscal year 1976 and the transition quarter. Much of the material was of classified nature and thus cannot be summarized here. It is of importance to note that Admiral Rickover reported that the United States had in operation 105 nuclear submarines and 7 nuclear surface ships; the 131 reactors in the naval program have been operated for a total of 1250 years without accident; and the nuclear fleet has steamed for a total of more than 28 million miles.

B. Liquid metal fast breeder reactor program

On March 19, 1975, Senator John O. Pastore, Chairman of the Joint Committee on Atomic Energy, established a Subcommittee under the chairmanship of Representative Mike McCormack to review the Liquid Metal Fast Breeder Reactor (LMFBR) Program and related activities of the Energy Research and Development Administration. The purpose of this review was to examine the various concerns that have been expressed and questions that have been raised within the Congress and outside by members of the public with respect to several fundamental issues such as the need and timing of the breeder program, the cost and potential benefits to be realized from it, and the attendant risks associated with the ultimate widespread commercial use of this type of energy production and conversion technology.

In order to gather pertinent background information, Subcommittee Chairman McCormack wrote a letter to 90 organizations and individuals posing a series of questions on energy trends, energy sources, the role of nuclear power, and safety and environmental concerns. Responses received were published in a Committee print entitled "Issues for Consideration—Review of National Breeder Reactor Program," August 1975.

During the Spring and Summer, the Subcommittee held a series of public briefings and hearings on the history of the nuclear power program, the nuclear fuel cycle, reactor types and characteristics, the enrichment process, present status of the civilian nuclear power program and the role of utilities in the Clinch River Breeder Reactor Project.

Throughout June and July, during a series of seven public hearings, the Subcommittee received oral testimony from representatives of government agencies, private industry, public groups and individuals presenting information on both sides of the issue relevant to the need for the breeder program. These included energy trends, alternate energy sources, safety and environmental considerations, safeguards, role of converter and breeder reactors, and cost-benefit analyses.

The Subcommittee has prepared a report stating its views, conclusions and recommendations with regard to the need and timing of the breeder. It is planned that this report will be published early in 1976.

C. Nuclear power reactor safety

The Joint Committee continued to devote major attention to the subject of nuclear power reactor safety over this past year. This was done in recognition of the fact that nuclear activities must be carried out in a manner which fully protects the health and safety of the public and which minimizes the impact of these activities on the environment. The health and safety record in the nuclear programs has been excellent, and there have been no radiation accidents in this country which have in any meaningful way jeopardized the public or the environment.

As part of its continuing attention to matters of safety significance, the Joint Committee held a hearing February 5, 1975, on the Nuclear Regulatory Commission (NRC) action of January 30, 1975, requiring the operators of 23 boiling water reactors to perform prompt safety inspections of certain piping in their plants. The purposes of this hearing were to determine the full extent of the situation requiring reactor shutdowns, its impact on the nuclear power program, and to bring this matter fully and openly to the attention of the public. The precautionary shutdown action was taken by NRC after the discovery of pipe defects in several operating boiling water reactors. Testimony was received at the hearing from NRC and the Union of Concerned Scientists. The hearings clearly brought out the fact that the piping problems presented no hazard to the public, and that there had been no releases of radioactivity associated with the defects in the affected operating plants. During the inspections ordered by NRC, no additional cracks were found in the pipes of 22 plants; one plant reported that it had found one addi-

tional small crack in its piping. All pipes in which cracks were identified have been replaced.

The Joint Committee also held a hearing September 16, 1975, on the circumstances and implications, particularly from the standpoint of nuclear safety, of a fire which occurred on March 22, 1975, at the Tennessee Valley Authority's Browns Ferry Nuclear Plant. The purpose of this hearing, as in the previous case, was to examine the causes and impact of the event in question, and to bring this safety-related matter to the attention of the public. Testimony was received from the Nuclear Regulatory Commission, the Tennessee Valley Authority and the State of Alabama.

The record of this hearing showed, contrary to numerous reports in the media, that the fire did not constitute a "near disaster" and that sufficient backup systems were available at all times to provide necessary cooling of the nuclear reactor cores. There was no unusual release of radioactivity to the environment, and no hazard was presented to the public. Although the hearings demonstrated that improvements are needed in design practices and operating procedures to minimize the possibility and consequences of such fires in the future, the incident showed that nuclear power plants indeed have a large margin of safety built into them.

On October 29, 1975, the Nuclear Regulatory Commission transmitted to the Joint Committee the final report of the Reactor Safety Study, which is generally referred to as the Rasmussen Report. The study, which was conducted over a three-year period, undoubtedly represents the most comprehensive risk assessment of nuclear plants ever made. The Joint Committee has strongly encouraged and supported this effort to quantify the risks associated with nuclear power, to put these risks into overall perspective, and to communicate these matters to the public in terms the layman can understand. The overall conclusion of the final report was that the risks attached to the operation of present-day nuclear power plants are very low compared to other natural and man-made risks.

D. Radioactive waste management

On November 19, 1975, the Joint Committee held a public hearing on the policies, plans and programs of the Executive Branch to provide for the safe storage and disposal of radioactive wastes produced in the commercial nuclear fuel cycle. This hearing was a part of the Committee's continuing efforts to stimulate the development of a comprehensive waste disposal program. Among these efforts was the Committee's directive in its report on the bill authorizing ERDA appropriations for fiscal year 1976 that ERDA prepare a comprehensive and detailed analysis of the options for storage and disposal of commercially generated radioactive wastes. This report is to be submitted to the Congress by March 31, 1976.

During the hearing, the Committee received testimony from ERDA on its research, development and demonstration activities on waste processing, storage and disposal. Testimony was also presented by the Nuclear Regulatory Commission and the Environmental Protection Agency on the standards and regulations being developed to assure the safe handling and disposal of radioactive wastes. The hearing served to show that there are no basic technical problems standing in the way of demonstrating an acceptable program for the disposal of radioactive wastes. The Committee will continue to devote major attention to this subject. It is planned that the record of this hearing will be published early in 1976.

IV. CLASSIFIED ACTIVITIES

A. Central Intelligence Agency

On April 8, 1975, the Director of the CIA briefed the Joint Committee on foreign intelligence matters. From time to time during the year, the CIA has provided the Committee with information concerning foreign intelligence relating to atomic energy.

B. Disarmament matters

On April 10, 1975, the Director of the Arms Control and Disarmament Agency briefed the Joint Committee on the status of the Strategic Arms Limitation Talks (SALT II) and the Mutual and Balanced Force Reduction negotiations.

On a continuing basis the Joint Committee, through its contacts with the Department of Defense, Department of State, Energy Research and Development Administration and the Arms Control and Disarmament Agency, keeps fully and currently informed on matters relating to disarmament.

C. Nuclear weapons

The Joint Committee continued its oversight over the nuclear weapons program of both the Energy Research and Development Administration and the Department of Defense. Authorization hearings were conducted on March 12, 1975, on the weapons program with ERDA and DOD witnesses. During the year, the Chairman expressed to the Executive Branch continuing concern over the adequacy of safeguards and security of deployed U.S. nuclear weapons in light of the growing terrorist threats worldwide.

V. OTHER ACTIVITIES

A. Confirmation hearings

The Senate Section of the Joint Committee held hearings on May 1, 1975, to consider the nomination of General Alfred D. Starbird to be Assistant Administrator of the Energy Research and Development Administration for National Security, and on June 27, 1975, to consider the nomination of Dr. Richard Roberts to be Assistant Administrator for Nuclear Energy. A joint hearing was held on March 14, 1975, with the Senate Committee on Interior and Insular Affairs to consider the nomination of Mr. Robert W. Fri to be Deputy Administrator, Dr. James L. Liverman to be Assistant Administrator for Environment and Safety, and Dr. John M. Teem to be Assistant Administrator for Solar, Geothermal and Advanced Energy Research, in the Energy Research and Development Administration.

B. Changes in committee membership, 94th Congress, First Session

James L. Buckley, New York: Appointed January 17, 1975.

Clifford P. Case, New Jersey: Appointed January 17, 1975.

James B. Pearson, Kansas: Appointed January 17, 1975.

John V. Tunney, California: Appointed January 17, 1975.

Andrew J. Hinshaw, California: Appointed January 29, 1975.

Frank Horton, New York: Appointed January 29, 1975.

VI. COMMITTEE'S PLANS FOR 94TH CONGRESS, SECOND SESSION

The Joint Committee on Atomic Energy is unique in that it is the only Committee of Congress authorized to receive and recommend to the Congress proposed legislation in the field of atomic energy. In addition under its statutory charter in the Atomic Energy Act of 1954, as amended, the Joint Committee on Atomic Energy was established as an agent of the Congress and the American people and charged with the responsibility of making continuing studies of the activities of the executive branch in the field of atomic energy and of problems relating to the development, use and control of atomic energy. Thus under the Atomic Energy Act, the Joint Committee on Atomic Energy has the responsibility of carrying out the "watchdog" or oversight function in that field.

The Joint Committee's plans in connection with its legislative and oversight responsibilities during the second session of the 94th Congress include the following:

A. Legislation

1. Annual authorization hearings will be held on the nuclear part of the ERDA budget.

2. Annual authorization hearings will be held on the Nuclear Regulatory Commission budget.

3. The Committee will continue its consideration of the Administration's Nuclear Fuel Assurance Act of 1975, identical bills, S. 2035 and H.R. 8401.

4. The Committee will consider the Administration's proposal to amend the Atomic Energy Act of 1954, as amended, to revise one of the bases for establishing prices for uranium enrichment services provided by ERDA. This proposal was introduced by request as identical bills, S. 2053 and H.R. 8389.

5. The Committee will continue its consideration of proposed siting and licensing legislation regarding nuclear facilities including the Administration's proposals (S. 1717 and H.R. 7002, identical), H.R. 3995 and H.R. 3734, S. 1665, as well as other bills related to the nuclear fuel cycle.

6. The Committee's legislative calendar includes numerous bills which deal with the Nation's atomic energy program and consideration will be given to the need for Committee action on these bills.

7. Additional consideration will be given to extension of the Atomic Energy Community Act of 1955 authority to Los Alamos County and the Los Alamos school district.

B. Oversight Activities

1. The Committee will consider a report, which the Energy Reorganization Act of 1974 requires the President to submit to the Congress, on recommendations regarding the transfer of ERDA's military application functions.

2. The Committee will consider the report which the Energy Reorganization Act of 1974 requires the Nuclear Regulatory Commission to submit to the Congress, on the need for and the feasibility of a Federal agency to carry out certain security functions with regard to safeguards.

3. The Committee will consider the report which the Energy Reorganization Act of 1974 requires the Nuclear Regulatory Commission to submit to the Congress on its nuclear energy center site survey.

4. The Committee intends to schedule hearings in March of 1976 to consider the question of which utilities in this country are in a financial position to permit them to assume additional financial risks under the Price-Anderson Act.

5. The Committee has requested the Nuclear Regulatory Commission to submit a report on whether Price-Anderson protection should be given to plutonium fabrication facilities.

6. The Committee intends to hold further hearings and examine closely matters relating to the proper disposal of radioactive wastes from the civilian nuclear power program as well as matters related to other parts of the so-called "back-end of the fuel cycle," such as reprocessing of irradiated fuel.

7. The Committee also intends to thoroughly review the progress which is being made by ERDA and other agencies to survey the adequacy of uranium ore supplies in the United States.

8. The Committee intends to continue to examine closely the activities of the Nuclear

Regulatory Commission to assure that the safety and environmental responsibilities of that agency continue to be carried out at the highest levels of efficiency and under procedures which are designed to achieve maximum efficiency, but without any sacrifice of the overriding goal of the regulatory mission.

9. The Committee intends to follow closely the progress which is being made with regard to the organization of the important Clinch River Breeder Reactor project and with regard to the plans for construction of the reactor.

10. If time permits, the Committee intends to schedule Section 202 hearings on the status of commercial nuclear power, including such matters as difficulties which are being encountered, fuel cycle problems, reliability and safety record.

11. In the international area, the Joint Committee will continue its active oversight of topics relating to the proliferation of nuclear technology, which could lead ultimately to the possible proliferation of nuclear weapons. The Committee will also continue its long-standing interest in maintaining and improving the security of U.S. nuclear weapons deployed at home and abroad. Finally, the Committee will continue its review of matters related to the International Atomic Energy Agency.

12. In the classified field, the Joint Committee will actively pursue items relative to the strategic arms limitation talks and the mutual and balanced force reduction meetings. Also, in executive session, the Committee will receive its annual briefing by the CIA on overseas matters related to atomic energy.

13. Pursuant to Section 202b of the Atomic Energy Act of 1954, as amended, the members of the Joint Committee who are Members of the Senate and members of the Joint Committee who are Members of the House of Representatives shall, on or before June 30th of 1976, report to their respective Houses on the development, use and control of nuclear energy for the common defense and security and for peaceful purposes.

WAKE UP AMERICA

Mr. TALMADGE. Mr. President, there has come to my attention an excellent address, "Wake Up America," by Mr. W. H. "Bill" Flowers of Thomasville, Ga., one of the State's leading businessmen, that I believe ought to be read by all Americans who value the free enterprise system and the economic security of our Nation.

Mr. Flowers forcefully and eloquently speaks social and economic truths that those of us in positions of leadership and people throughout the country would do well to heed. He is an outspoken critic of the buy-now-pay-later philosophy that has driven the United States into almost $600 billion debt, which has fanned fires of inflation, and which to a very large extent has caused vast segments of the American people to lose faith in the ability of their Government to do anything about problems that daily affect their lives and well-being.

Persistent pursuit of runaway spending policies and the concept that the Government owes the people something for nothing, according to Mr. Flowers, can only destroy the free enterprise system and bring our Nation to economic despair. I might add that I share his concern and concur wholeheartedly.

Mr. President, I bring Mr. Flowers' address to the attention of the Senate and ask that it be printed in the RECORD.

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

"WAKE UP AMERICA"

Remarks by W. H. Flowers

Before reviewing some of our "myths", let's take a quick look at what we really are as a nation today.

1. We are composed of 200 million-plus souls.

2. 50 states with their own governments patterned after the national government.

3. A national government whose powers are divided between: (a) judicial (b) executive (c) legislative.

Let's put into perspective what this form of government has produced for our Nation:

1. The highest standard of living ever enjoyed by any civilization in history.

2. The framework under law to guarantee—even though imperfectly used at times—to all citizens equal opportunity to achieve the idealistic goal of happiness and well-being.

3. A formula called "due process"—which does not work perfectly at all times—for orderly change, as conditions and times merit change rather than resorting to violence and revolution.

Let's look for a moment at why this system overall has proved superior to any other known governmental form:

1. It makes possible the most efficient use of the three basic economic elements: (a) land (or raw material, and so forth); (b) labor; and (c) capital.

2. When governed by supply and demand instead of bureaucratic bungling, "the free market economy" management of these elements produces more for more people than any system ever devised.

Let's look briefly at how truly remarkable our Nation is when measured against the historic past.

1. Until 100 odd years ago, major change that would alter the course of civilization occurred approximately once every 500 years.

Examples: The discovery of (1) the wheel, (2) metallurgy, (3) the bow and arrow, (4) military formations such as Alexander's phalanx.

2. Now, let's look at some discoveries of the last 100 years: (1) electricity; (2) the combustion engine; (3) the atom; (4) computers; and (5) instant communication, as evidenced by television (where any person, institution or government structure can be accused, tried and convicted in 30 minutes of 6:30 p.m. prime news time).

These innovations have triggered hundreds of changes, any one of which in ancient times would have radically altered the course of civilization.

3. So, the wonder is that our institutions and form of government have held together at all. We are able to measure statistically the impact of most of these changes—except the 20 years of television—who knows what this powerful weapon will brainwash us into?

With what we have reviewed in mind—let's look at some of the "myths" we are living under and which have the Powers to destroy our Nation.

The greatest of these—easily, myth number one—is that Federal funds are inexhaustible, that there is no limit to how much more money Washington can spend, give away and throw away than it collects in taxes.

In its efforts to give every last citizen an ample diet, comfortable housing, good medical care and an old age pension, Congress has handed out benefits much faster than it raised taxes to pay for them. Nor can these tremendously expensive benefits be paid for by just taxing the rich. Even if we take away all the incomes over $20,000 a year we would not make a dent in the deficits.

An example of the fastest growing area of Federal domestic spending is social security. In 1954, the outlay: 4.2 billion dollars. In 1974: 76 billion dollars!

Congress and the administration have vied with each other to increase social security benefits until the program is already bankrupt, unless benefits are measurably reduced or taxes increased beyond reason to fund committed payments.

With the tax base now raised to the first $15,300 of income, about 18 million workers are paying up to $70.20 more social security taxes in 1976 for a yearly total of up to $895.05.

Even with that stiff increase, the projected deficit for the social security system is 6 billion dollars this year, compared with three billion for 1975.

Then, there is the food stamp program. This started in the mid-1960's as a modest experiment in the so-called "war on poverty". Now it has mushroomed into a $6-billion-a-year free-for-all giveaway.

People in genuine need of food stamp benefits—the extreme poor, the aged, the disabled, and children who are the helpless victims of poverty—are often denied adequate assistance because of red tape and bureaucratic mismanagement.

People for whom food stamps were not intended—individuals and families of moderate and even middle incomes, students in college, loafers, and the hustlers who are always on the lookout for something for nothing—find the food stamp program a haven from their own shiftlessness.

In short, it's like a crowded bus—it will hold just so many and the more aggressive persons get aboard. According to many reports, food stamps even have become currency in the blackmarket for liquor, drugs, and prostitution.

We know there is fraud and abuse in the food stamp program. What we do not know is how deep it runs or how much it costs the taxpayer. As the law now stands, I know of no way to untangle this administrative nightmare.

The law is shot full of loopholes. And each time Congress has purportedly tried to "reform" the food stamp program the loopholes have been made even larger. Instead of food stamp reform, we have had food stamp expansion.

It must also be said, to the shame of all Americans, that we have allowed to develop in this country a philosophy that people are entitled to something for nothing, and that Government ought to provide it.

Something must be done, unless, as former Budget Director Roy Ash has warned, the productive sector of our society is to become the slave of the nonproductive sector.

Myth Number 2: Government spending creates prosperity.

Higher taxes to pay for big Government spending programs have cut down the amount of money people can save. That's one reason money is so scarce.

Another reason money is scarce is because the Government has borrowed so much to cover its deficits that has driven interest rates so high people can't afford to borrow the money to buy homes, thus seriously damaging the construction industry.

The deficit for the current fiscal year ending June 30, 1976, is estimated at 70 billion dollars. Projections for fiscal 1977 range beyond 60 to 80 billion dollars.

It is unthinkable that we as a Nation should be going into the hole at a 60 to 80-billion-dollar-a-year clip and expect our Nation to survive.

Such astronomical figures are impossible for us to comprehend. But the principle of spending more than you earn and the consequences of it—are known to all of us.

Say you are earning 15 thousand dollars a year. Now, if you had a personal deficit running at the same rate as Uncle Sam's, you would be 1500 dollars in the hole this year. That might not be bad for one year, but next year you are planning to go over 3000 dollars in the hole—and so on.

Where does the money for the over-spend-

ing come from? You would have to borrow it at high rates of interest. The deeper you go into debt, the more interest you pay, and the harder it is to pay back the principle. And if every year brought an increasing deficit, how long do you think the bank would keep lending you money?

It is no different with a nation. If a nation spends more than it takes in, it must borrow. And when the debt mounts up to the place where it cannot pay, the banking community, individuals and other countries, will stop lending it money, and that nation will became bankrupt. We have seen it happen in New York City. The only difference betwen New York City and our Federal Government is the Government's power to print money—the most insidious of all taxation through inflation.

This path at an escalating rate is leading us to bankruptcy and loss of our freedoms. All these stories about tax cuts now—mean higher taxes later. There is no other way.

Myth Number 3: Planned inflation is good for national growth.

The shrinking dollar

Year:	Worth
1946	100¢
1956	72¢
1966	60¢
Now—1975	38¢
At this rate in 25 years:	
Inflation rate 3% a year	18¢
Inflation rate 6% a year	9¢
Inflation rate 9% a year	4¢

The only group whose buying powers has increased in recent years are the people who receive government benefits—welfare, food stamps, medical help, and social security, along with employees of government both local and National, these have increased dramatically with Federal employees exceeding those of private industry by 46%.

Social spending of all kinds is far and away the biggest item in government spending today. It takes most of our tax dollars, with the great monster to most liberals—the Defense Department—taking less than 20%. Most of it goes in an attempt to assure equality of education, quality of health care, equality of housing and equality of old age care. But in the end giving those things to the less fortunate puts a burden on all who work. Forty years ago one in sixty Americans paid income tax. Today the figure is one in three. Even the lowest paid workman must give up a large part of his earnings to pay welfare cost.

Myth Number 4: Government can be all things to all people.

Let's look at the "School Lunch and Child Nutrition Act."

Under H.R. 4222, which now becomes law, the old familiar school lunch program will become bloated beyond recognition. The act deals with non-school food programs, with feeding programs for mothers, and with summer feeding programs. The act will make the school breakfast program permanent. Under this measure, children from families of four with incomes up to $9,770 will be eligible for subsidized meals.

No one knows how much H.R. 4222 will cost. The best estimate is $2.7 billion in the current fiscal year, roughly $1.2 billion above what the White House had recommended for such programs. Those who recall the startling growth of the food stamp program will recognize a mushroom spore.

The question ought to have been asked years ago, and it should have been asked last year: How in the name of the Founding Fathers did the Federal Government get into the breakfast business? Does this Constitution impose no limits upon the legislative powers of Congress? Has the general welfare clause become a boundless reservoir in which the tenth amendment drowns?

We can see this irresponsibility in the food stamp program, as well as in the Child Nutrition Act. We come up with a program to help some needy people, and then we start to hear from those just above the level we set, and so we raise the level.

Whereupon, of course, those just above that level start to holler. You can't win that battle. It doesn't matter where you set the level, there is always going to be somebody just above it. That is a fact of life and one we ought to learn to deal with.

But we don't, we keep raising the level. We keep pulling more and more Americans under the welfare umbrella. And every time we do, we sap that much more energy from the economy, just that much more personal responsibility from individual citizens . . .

We are already spending $2.141 billion on six separate nutrition programs which impact directly on elementary and secondary schools and the children attending them. If we did a better job of focusing that money on the truly needy children, I cannot for one moment believe that it is not adequate to provide them with a good lunch . . .

By extending aid to families not in need, this bill would add $1.2 billion to the budget this year. Over the next five years, it would add $5 billion to the current program . . ."

Myth Number 5: Politicians can fool all the people all the time.

Let's consider the Humphrey-Hawkins equal opportunity and full employment bill.

This bill is beginning to gather adherents on Capitol Hill. Developed by Representative Augustus F. Hawkins (D-California) and cosponsored by Senator Hubert H. Humphrey (D-Minn.), the bill would require the President to come up with a new budget within 60 days, a budget that would cut unemployment during an 18-month period from present levels to below 3%—and keep it at that level or lower for all time. In other words, the Government would become the employer of last resort for every American willing and able to work. The bill, in fact, would allow citizens to sue the Federal Government if it failed to provide jobs.

Cost?—No one in Congress sponsoring this bit of political madness seems to know or care.

You ask any Congressman or Senator individually and he believes in (a) motherlove, (b) filial-piety, and (c) fiscal responsibility. Take them as a Congress—they are the most irresponsible people in the Nation in dealing with your money. Bills must be paid through taxation or the printing press—either one of which, and make no mistake about it—will destroy you and our country.

Myth number 6: Socialism is better and more productive than free enterprise.

Many people feel that the term "free enterprise" has a sinister connotation. Heading this list are educators, teachers, the media and students, and I'm sad to say we hesitate to get into the ring with them and slug it out. The word "free" is certainly understandable to everyone, but when it is combined with the word "enterprise", which suggests that people may have to do a little work, they back away from the term.

The degree of ignorance concerning economics in this country is incredible. The business and financial pages of the press have very few readers, Broadcasting—supplies little basic economic information simply because no one wants to listen to it. It's entirely possible that our economic system will go completely authoritarian, and at the same time, we will continue to have freedom of the ballot and the privilege of electing those who administer the economic system. This could happen through ignorance of our people, combined with the insatiable appetite for power by an expanding government bureaucracy and lethargy on the part of the business community.

It may be fitting that New York City, the most "liberal" city in the Nation, will be the first one to lose its representative form of government and be forced to submit to outside control.

Three hundred twenty seven years before Christ, Plato wrote in his great book "The Republic"—

"All forms of government destroy themselves by carrying their basic principles to excess. The first form is monarchy, whose principle is unity of rule. Carried to excess, the rule is too unified. A monarch takes too much power. The aristocracy rebel and establish a government whose main principle is that of selected families' rule. Carried to excess, somewhat large numbers of able men are left out, the middle classes join them in rebellion, and they establish a democracy whose principle is liberty. That principle, too, is carried to excess in the course of time. The democracies become too free, in politics and economics, in morals, even in literature and art, until at last even the puppy dogs in our homes rise on their hind legs and demand their rights. Disorder grows to such a point that a society will abandon all its liberty to anyone who can restore order."

Myth number 7: The purpose of education is to make us more "socially adjustable". Business—profit—and economics are dirty words.

I say the basic job of education is to renew the faith of our citizens. This is to state and to prove visibly that decentralized, lightly regulated system of private enterprise—controlled by the workings of the market—is still the best way to satisfy and serve all individuals in a large and diverse society. The welfare of all is served by the success of the individual parts—business, laborers, producers, and consumers.

Perhaps we should change the name "free enterprise" to "marketing economy". The uncomplicated economics of supply and demand, which are set by what the consumer wants and do not depend on some quota system dreamed up by an out-of-touch bureaucrat, should be taught in our schools. The uncomplicated economics of running a filling station, restaurant, or shoe store should be a required course. We should instruct our children from grade school on—that profit is not a dirty word, but an essential as a tax base for providing services to our people. This system of supply and demand may not be perfect, but neither is any other system of man perfect. Why does it work? Because it rewards productivity, not pandering. It promotes achievement, not complacency. It spurs action and does not condone idleness.

Myth Number 8: (1) A conservative is deaf, dumb, and blind to the needs of the people and the country. (2) A liberal is a socialist and a Communist.

Former Vice President Hubert Humphrey, who started his political career three decades ago as the "flaming" liberal mayor of Minneapolis, said recently that he has come to realize that conservatives are the most misunderstood and maligned people in our political system. . . . That conservatives are the true entrepreneurs, innovators and creators of jobs.

Nor does the liberal fare much better in our modern misuse of words. Some people immediately think of Communist, or, at least pinko, wherever they hear the word "liberal". Of course, he is neither.

We would do well to get these terms straight. In my experience, I have found that conservatives want to preserve the best of the past but are cautious about making changes. Whereas the liberals readily support some of the least productive schemes according to our past experience, yet they do stand for change. And in today's world, change is necessary.

In short, we need them both—liberal and conservative. And when we label one group or another and begin to feel that everyone in that group is bad, we play havoc with the forces of check and balance at work in our political and economic systems.

Myth Number 9: If the Federal Government allows New York City to default, we will create a "domino effect" causing other

cities and states to default or not to be able to sell bonds.

How silly can we get when we ask tax payers all over America to pay debts of a city that spends approximately $1,700 per citizen on free services when other large metropolitan areas spend approximately $300 per citizen.

In Georgia a law was passed in 1937 prohibiting cities to spend in any given year more than 99% of revenue collected the previous year. Even Atlanta with its problems has excellent credit with a bond rating of AA.

Myth Number 10: We have 8.6% unemployment in this country.

George Meany and every politician and economist have repeated this misinformation until the majority of Congress and our people believe it. To measure unemployment you must first decide what is "the work force". You think this would be a simple head count at the unemployment office of "heads of families" that are looking for work.

Instead the Labor Department goes into a misleading formula that counts so called secondary bread winners as unemployed. These people are:

1. Part-time workers.
2. Housewives returning to work after years at home with a husband.
3. Teenagers looking for summer work.
4. Workers transferring from one job to another.

In September, 1974, 44% of those reported unemployed were in this category including persons newly entering the job market. The statistics our Labor Department uses includes 40% women.

Like a nightmare? When every politician on both sides of the fence uses these figures as reason for deficit spending it becomes more than frightening. We have spent more by billions than our take in taxes 37 out of the past 40 years and the rallying cry of our elected officials is "we must cure unemployment". The figures they use are more than 40% overstated when those on welfare and those who won't work are added to the tabulation.

Our enemies from within and without may try to profane the idea of a free representative government. And some of these people—though their actions are wrong—may have very good intentions.

Nevertheless, if we as taxpayers do not make our legislative representatives stop this vicious circle of spend more, tax more . . . and spend more again and tax still more . . . those of us who worked hard to build a business or buy a house or some land will soon be outweighed—in number and political influence—by those who did not.

Now—what can we do?—It's really quite simple. We must first accept the basic "walking around sense" premise that it's politically impossible for an elected official to cut a budget by "line item"—by that I mean the horrible problem now existing in Washington when one group of Senators and Congressmen want to cut the welfare budget, then—the group wanting more to spend at HEW rebel and want to cut the Defense budget and here we go—as a result, good intentions end up with no less spending of our tax dollars, but more.

The only way—we must insist massively that legislation be passed, making it mandatory by law that appropriations not exceed tax income. When this happens—by law, spending must be cut the same percentage across the board to match income. The only exception we should allow would be in the case of war. Thirty-seven of our States operate this way most satisfactorily—why not the national government? Time is short, when the President suggested a spending cut to accompany a tax cut—our elected officials screamed as if he had garroted them. Even if we can make Congress wake up and cut spending to match the proposed tax cut, we will still be looking at excess spending in fiscal 1977 in the neighborhood of $70 billion.

Like a mad hatter's tea party? You better believe it. The main difference between New York City and our Federal Government is a printing press—our time cycle is less than five years in my opinion before Government securities will receive the same rejection as New York City unless we can make Congress wake up.

You cannot bring about prosperity by discouraging thrift.

You cannot strengthen the weak by weakening the strong.

You cannot help small men by tearing down big men.

You cannot help the poor by destroying the rich.

You cannot lift the wage earner, by pulling down the wage payer.

You cannot keep out of trouble by spending more than your income.

You cannot further brotherhood of men by by inciting class hatred.

You cannot establish sound security on borrowed money.

You cannot build character and courage by taking away a man's initiative.

You cannot really help men by having the government tax them to do for them what they can and should do for themselves.

Who made these statements? President Lincoln, over 100 years ago.

CONCLUSION OF MORNING BUSINESS

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

MAGNUSON FISHERIES MANAGEMENT AND CONSERVATION ACT OF 1976

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will now resume the consideration of the unfinished business, S. 961, which the clerk will state.

The legislative clerk read as follows:

A bill (S. 961) to extend, pending international agreement, the fisheries management responsibility and authority of the United States over the fish in certain ocean areas in order to conserve and protect such fish from depletion, and for other purposes.

Mr. MANSFIELD. 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.

The GRIFFIN. 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. GRIFFIN. Mr. President, what is the pending business?

The ACTING PRESIDENT pro tempore. The pending business is S. 961.

S. 961—THE WRONG APPROACH

Mr. GRIFFIN. Mr. President, it is not surprising that this and similar legislation in the past has failed to receive the approval of either the Senate Foreign Relations Committee or the House Committee on International Relations.

If enacted, S. 961 would:

Violate solemn international treaty obligations to which we are bound;

Repudiate widely recognized principles of international law that have been acknowledged and invoked by our Government on numerous occasions;

Provide a major precedent for unilateral action by other nations that could restrict our use of nearly one-third of the world's oceans;

Endanger the success of the third United Nations' Law of the Sea Conference when it reconvenes in New York in 2 months to seek a negotiated solution to the very problems this legislation tries to address; and

Increase the chances of a major military confrontation with the Soviet Union, Japan, or other nations endeavoring to protect their access to internationally recognized high seas.

My objections to this bill were spelled out in some detail in the supplemental views which accompanied the Foreign Relations Committee report on S. 961. A copy of those supplemental views—in which I joined the distinguished senior Senator from Wyoming (Mr. McGEE) is on each Senator's desk. I see no reason to restate them here. However, there have been some developments since those supplemental views were written which warrant at least our brief attention.

Shortly after the Foreign Relations Committee reported S. 961 unfavorably, a "Memorandum to the Senate Foreign Relations Committee Concerning S. 961" was released by the Commerce Committee. Since this memorandum argues that S. 961 does not violate international law, and would not require the abrogation of international treaty agreements, further comment is clearly in order.

On page 12, the Commerce Committee memorandum—and incidentally, Mr. President, I happen to be a member of both the Foreign Relations Committee and the Commerce Committee—asserts: "There are no specific treaty provisions that address the question of the permissible seaward limits of coastal State control over fisheries resources," and cites a "concurring opinion" and the opinion of "the five members of the majority" of the International Court of Justice Iceland Fisheries case to support this view.

To begin with, the merits judgment of the 1974 Iceland Fisheries case was decided by a vote of 10 to 4—the opinion attributed by the Commerce report to "the five members of the majority" is not a majority opinion at all, but simply a separate opinion by a minority of the judges of the International Court of Justice in the Iceland Fisheries case.

Then the question arises, are there specific treaty provisions that address the question of the limits of a coastal State's fisheries jurisdiction? Let us look at the provisions of two very important treaties.

The first two articles of the 1958 Geneva Convention on the High Seas—which was ratified by the President of the United States with the advice and consent of the Senate on March 24, 1961, provide:

ARTICLE 1

The term "high seas" means all parts of the sea that are not included in the ter-

ritorial sea or in the internal waters of a State.

ARTICLE 2

The high seas being open to all nations, no State may validly purport to subject any part of them to its sovereignty. Freedom of the high seas . . . comprises, *inter alia*, both for coastal and non-coastal States:

(1) Freedom of navigation;

(2) Freedom of fishing;

(3) Freedom to lay submarine cables and pipelines;

(4) Freedom to fly over the high seas . . .

Even though these two provisions of that treaty would clearly prohibit any unilateral control of fishing outside the territorial sea and internal waters of a participating nation, it has been argued that since the treaty does not specify the limits of a State's territorial sea, the practical result is that there are no treaty provisions addressing the question of our permissible fisheries jurisdiction limits.

However, that reasoning ignores article 24 of another international agreement in the 1958 Geneva Convention on the Territorial Sea and the Contiguous Zone, which was also ratified by the President with the advice and consent of the Senate on March 24, 1961.

Article 24 of that treaty provides as follows:

1. In a zone of the high seas contiguous to its territorial sea, the coastal State may exercise the control necessary to:

(a) Prevent infringement of its customs, fiscal, immigration or sanitary regulations within its territory or territorial sea . . . .

2. The contiguous zone may not extend beyond twelve miles from the baseline from which the breadth of the territorial sea is measured.

Thus, when read together, these two treaties, both ratified by the United States in 1961, guarantee freedom of fishing on the high seas limiting a State's unilateral jurisdiction to not more than 12 miles.

At the second U.N. Law of the Sea Conference, in 1960, a U.S.-Canadian proposal for a 6-mile territorial sea and an exclusive fishing zone of another 6 miles failed by only one vote to achieve the necessary two-thirds majority required for incorporation into a treaty.

As I noted in a speech to the Senate on January 31, 1968:

In 1958 and 1960, international conventions at Geneva were unable to agree on a uniform, universal norm as to the extent of the territorial sea. They did succeed, however, in establishing that a country's exclusive jurisdiction should not extend beyond 12 miles.

Similarly, in the Icelandic fisheries case, which as I said was decided by a 10-to-4 vote, the International Court of Justice said:

At the 1958 Conference, the main differences on the breadth of the territorial sea were limited at the time to disagreements as to what limit, not exceeding 12 miles, was the appropriate one.

In its opinion the Court continued as follows:

Two concepts have crystallized as customary law in recent years arising out of the general consensus revealed at that Conference. The first is the concept of the fishery zone, the area in which a State may claim exclusive fishery jurisdiction independently of its territorial sea; the extension of that fishery zone up to a 12-mile limit from the baselines appears now to be generally accepted. The second is the concept of preferential rights of fishing in adjacent waters in favour of the coastal State in a situation of special dependence on its coastal fisheries, this preference operating in regard to other States concerned in the exploitation of the same fisheries, and to be implemented in the way indicated in paragraph 57 below...

Paragraph 57 of the court's opinion reads as follows:

The contemporary practice of States leads to the conclusion that the preferential rights of the coastal State in a special situation are to be implemented by agreement between the States concerned, either bilateral or multilateral, and in case of disagreement, through the means for the peaceful settlement of disputes provided for in Article 33 of the Charter of the United Nations.

Mr. President, all of this is to make it clear for the RECORD that by treaty and under the decisions of the International Court of Justice the unilateral assertion, as this legislation contemplates, of a fishing zone beyond 12 miles would be a violation of international law.

I hope that all of us are sufficiently aware and concerned about the tragic confrontation in recent weeks and months that has occurred between two of our close NATO allies, Great Britain and Iceland, over this very similar issue.

As I am sure that our colleagues are aware, Iceland's unilateral claim to a 200-mile fishing zone led to conflict with British fishermen who have traditionally made their living in the newly claimed waters. Fishing lines were cut, and in response Britain sent tugboats to the scene. The conflict rapidly escalated to ramming and shooting, and British warships were sent to protect the fleet.

Iceland threatened to break relations with Great Britain and to withdraw from NATO, and an American-manned communications station in Iceland has been made the target of a protest by Icelandic fishermen. According to news reports, these fishermen believe the United States should somehow force Britain to back down and remove its fishing fleet from around Iceland.

The fact that shots have been fired between citizens of Iceland and citizens of Great Britain is a tragedy, but it is only a tiny fraction of the horror that could follow enactment of S. 961.

There is little assurance that the Soviet Union—which is responsible for much of the fishing in the high seas which would come under this jurisdiction—would voluntarily accept our unilateral assertion of jurisdiction over waters extending 200 miles off our coast.

Under section 302(b) of this bill, if a Soviet fishing vessel were to be fishing 195 miles off our coast, the Secretary of Transportation, who has responsibility for the Coast Guard, would be empowered to order U.S. warships to board and inspect the vessel and to seize all fish and fishing gear found aboard the Soviet fishing vessel.

Such an act would violate article 22 of the 1958 Geneva Convention on the High Seas, which provides:

ARTICLE 22

Except where acts of interference derive from powers conferred by treaty, a warship which encounters a foreign merchant ship on the high seas is not justified in boarding her unless there is reasonable ground for suspecting:

(a) That the ship is engaged in piracy; or

(b) That the ship is engaged in the slave trade; or

(c) That, though flying a foreign flag or refusing to show its flag, the ship is, in reality, of the same nationality as the warship.

Before the Senate acts on S. 961, I think every Senator should consider very carefully the consequences of unilateral disregard of our solemn international obigations—an act that could lead to very serious problems.

In view of the likelihood that our very first target might be a Soviet vessel, and in view of the fact that we would clearly be in the wrong under international law; I am not prepared myself to empower the Secretary of Transportation, or even the President himself, to use military force against foreign fishermen on the high seas 190 miles off our shores.

Mr. President, this is a bad bill. This Nation's foremost scholars of international law are agreed that its implementation would violate international law.

As the tragic situation off Iceland demonstrates, enactment of the bill could lead to very serious consequences. I hope this bill will not be passed by the Senate.

Mr. PASTORE. Mr. President, unlike my dear colleague from the State of Michigan, I believe that the bill we are considering now is a good bill. I must say at this juncture that you have to be hurt to feel the hurt.

The reason why this bill came out of the Committee on Commerce is that we have held hearings, and we have on the membership of that committee Senators who come from States that have felt the hurt. There is no question about it.

As to all this gobbledygook about navigation, there is nothing in this bill that impedes navigation in any way. This is a conservation bill. I know whereof I speak, Mr. President, because I held the hearings in Providence. I held the hearings in Boston. I heard the fishermen.

Only a short time ago, the fishermen from Rhode Island came to my office and explained to me that Russian ships had gone right through their gear, destroying all their lobster pots. These are small boats. These are small fishermen, unlike the fishermen who come here from Bulgaria and from Russia, with their gigantic factory ships that have the whole family aboard. They have cannery facilities aboard. And what are they doing? They are sweeping up all the fish off the coast of the United States of America.

The mackerel is gone, the haddock is gone, and the yellow tail is gone. Everything is going. The next question is, Where are you going to go to get your food, unless something is done?

As to the argument that we have been trying to work for an international agreement, we have become the patsies of that conference. All we do is get a lot of talk. All we do is get a lot of words, and nothing ever happens.

All we are saying here is that we should pass this law now; and if they do

come to an international agreement, the law will expire automatically.

I ask the Senator from Washington, am I right?

Mr. MAGNUSON. The Senator from Rhode Island is right.

Mr. PASTORE. Absolutely.

That is the point, Mr. President. We hear all these legalisms about this treaty and that treaty. When are we going to start protecting American rights? That is the question. When are we going to begin to take care of our own people? That is the question.

Their gear and boats and lobsters have been destroyed. In my State, I had to appeal to the Economic Development Administration, and luckily we were able to get $250,000 in long-term, low-interest loans in order to save the businesses of the fishermen whose gear was destroyed by the Russians. These lobstermen came to me and said, "I'm ruined. My gear is all gone. I don't have any capital to buy any new gear. What am I going to do?"

That is bad enough, but there is also the conservation problem. The halibut is all gone. All these other species will be gone in time, unless we begin to conserve.

We are not saying to these people, "You have to stay out." We are not saying that at all. But within that 200-mile limit, we want to have some rules. We want to have some guidelines. We want to do this in a way that will preserve our natural resource. Senators will recall when our forests and our trees were being destroyed. If we had not begun taking conservation measures, where would we be today? That is all we are trying to do. We are trying to preserve the capital assets of America for our children and our children's children, and that is what the story is all about.

Mr. President, I support S. 961, the 200-mile fisheries bill for two fundamental reasons. I urge passage of S. 961, because we have to protect our fleets—our fishermen who have a tradition of three centuries of going out to sea and who are now losing their livelihood by the thousands. And the 200-mile bill should be passed, because we have to move quickly before breeding stocks of already seriously depleted species are endangered.

Virtually every single commercially valuable fish in the waters off New England is being rapidly depleted. You can name them—the cod, the haddock, the lobster, the Atlantic herring, the yellowtail flounder, the Atlantic mackerel, the Atlantic halibut.

If anyone needs to be convinced of the impact made by the foreign fleets on our New England fisheries, let him listen to the desperation expressed by our New England fishermen and the record is replete with these complaints.

All of us who are sponsoring this legislation know that ultimately the solution to the problem of the systematic destruction of our marine fishery resources by overfishing can only come when the nations of the world agree to an international regulatory regime governing the exploitation and the conservation of the world's fishery resources. But we feel very strongly that our fisheries and our fishermen must be given interim protection until such international agreements go into effect. Otherwise, there may be nothing left to protect.

After years and years of negotiations, the Law of the Sea Conference has not been able to arrive at anything even resembling an agreement on 200-mile legislation.

State Department officials have expressed uncertainty about obtaining an agreement by 1976. It may be several more years before deliberations are completed. And it is going to take a few more years after that—some have testified as many as 10 years—before the requisite number of nations will ratify the treaty to implement it.

So now we are talking about 1980 or 1985, or even beyond, before we have a working international instrument. If we continue to sit on our hands, which is the position of the State Department and the White House, there are just not going to be enough fish left worth protecting by 1980.

Our committee has taken testimony that by 1980 the world's fishing fleets are expected to take 100 million tons of fish. Scientists tell us that 100 million tons is the maximum yield of fish that can be taken from the oceans of the world annually without doing biological harm to world breeding stocks. The world's fishing fleets are now harvesting about 70 million tons of fish annually.

These are the best projections available to the National Marine Fisheries Service. But in the face of this kind of forecast, the State Department and the National Oceanic and Atmospheric Administration nevertheless come before us to tell us that we are making a serious mistake in considering this legislation. They plead with us to do nothing until the Law of the Sea Conference completes its deliberations.

In fact, our committee has held field hearings in various coastal locations throughout the country which have been hard hit by foreign fishing. I held hearings a year and a half ago in Providence and in Boston, and without exception the fishermen, the industry people, the academic researchers, and the representatives of State and local authorities responsible for fisheries tell us the same tragic story: The demise of American fishery stocks is directly proportional to the increase in foreign fishing effort.

And the disappearance of our fish is leading to the disappearance of our oldest native industry—fishing—with thousands and thousands of breadwinners being thrown out of work.

The State Department tells us that if the United States takes unilateral action in extending its fisheries zone to 200 miles, the United States position at the Law of the Sea Conference deliberations will be jeopardized.

I am in direct disagreement with the Department of State and so are a considerable number of Senators and Congressmen. Indeed, we feel that congressional approval of a 200-mile limit bill will strengthen the position of our negotiators. In fact, many observers tell us a 200-mile fisheries zone is likely to come out of the Law of the Sea Conference eventually.

We can no longer tolerate or afford delay because foreign fleets, anticipating a 200-mile zone coming out of the Law of the Sea Conference, are increasing their activity off our shores. Once a 200-mile fisheries zone is established, they will then be able to negotiate with us downward from a higher number of vessels because, and we all know this, a 200-mile zone will mean a gradual reduction in the number of foreign vessels, not a disappearance of all foreign vessels.

There is no question that if we do not take action quickly to try to moderate foreign fishing pressure in New England waters and in other American coastal areas, some species are going to be irreversibly depleted. This is not just rhetoric, because the National Marine Fisheries Service has done study after study demonstrating the decline of important New England fish stocks under the impact of foreign fishing fleets.

I am concerned about further delay and I remain skeptical about the effectiveness of international negotiation despite some heralded successes in establishing overall fishing quotas by the International Commision for the Northwest Atlantic Fisheries—(ICNAF)—recently.

My concerns flow from the general and fundamental lack of success of ICNAF, a vehicle for international negotiation, over the past quarter century. Now ICNAF was established when the Northwest Atlantic—the fishing grounds off New England, the Georges Bank and the Grand Banks—was still the richest and most prolific fishing grounds in the world.

With ICNAF watching these great fishing grounds, which New Englanders fished for centuries without doing ecological damage, the foreign fleets moved in and decimated the largest stocks of fish in the world.

Not until the very existence of the haddock was imminently threatened did ICNAF take firm action. But the damage to the haddock was so great that the member nations of ICNAF were forced to clamp a ban on all directed fishing for haddock.

For decades the Georges Bank haddock fishery had been yielding 50,000 metric tons annually, mostly to American fishermen. This is the maximum the Georges Bank haddock fishery could yield without sustaining biological damage. Our scientists knew this when the foreign fleets moved in in the 1960's and disrupted the balance sustained for so long by our New England fishermen.

Now, from a point 30 years ago where we took 50,000 tons of haddock yearly from the Georges Bank, our fishermen have been enjoined from going out and fishing purposely for haddock. Only accidental catches of haddock taken while fishing for other species are permitted.

This is not secret information. The facts and figures concerning the demise of the haddock have been developed by the National Marine Fisheries Service which has been documenting this catastrophe for 10 years now. But what did the United States do about it? Nothing. Nothing effective was done until the haddock was on the edge of extermination and it still remains to be seen if the

ICNAF agreements will work or can be enforced.

How effectively can ICNAF agreements be enforced? Let me tell you how difficult that can be despite the existence of agreements prohibiting trawling in the vicinity of lobster pot sets on the continental shelf, a massive Russian fishing fleet last year did immense damage to the pot sets of Rhode Island fishermen when they hauled their gear right through a restricted zone where the American equipment was located. Because many of these fishermen were about to go out of business as the result of the loss of their gear, we were compelled to appeal to the Department of Commerce, specifically the Economic Development Administration, for help. I am happy to say that Mr. Wilmer Mizell, the administrator of EDA, who understood our plight, made possible $250,000 in long-term, low-interest loan money to these fishermen to keep them in business.

I will not document what has happened to the yellowtail flounder or the herring or the cod but the tale of massive depletion of these species in the face of inaction by the United States is similar if not quite as dramatic. It is a story clearly told in the statistics and documents furnished me by the National Marine Fisheries Service. What I am saying is this is crisis fisheries management and totally inadequate.

As a matter of fact, the depredations upon our fish stocks and our fishermen by foreign fleets have become so severe that last year we had to add an additional Coast Guard helicopter to the fisheries patrol force in New England waters.

And what I am saying is that 25 years of international negotiations involving 16 countries through ICNAF has been tragically ineffective. The time for waiting for international negotiations to succeed is over.

Mr. President, this important bill deserves the support of every Senator who should understand that it has nothing to do with the issue of territorial seas. This bill will not hamper free navigation on the high seas. It will not hamper ocean research vessels. It will not extend the American territorial sea. It is a conservation measure. It will protect our fish stocks so that our children and grandchildren may enjoy as we have the bounty of the sea. It will protect the American fisherman who is generally a small entrepreneur in his competition with the massive state-owned or supported floating fish factories.

We have to move now before our fish and our fishermen find themselves on the endangered species list.

Mr. MAGNUSON. I thank the Senator from Rhode Island.

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. MAGNUSON. 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.

RECESS UNTIL 2 P.M.

Mr. MAGNUSON. Mr. President, I move that the Senate stand in recess until 2 o'clock.

The motion was agreed to and at 12:56 p.m. the Senate recessed until 2 p.m.; whereupon, the Senate reassembled when called to order by the Presiding Officer (Mr. HELMS).

The PRESIDING OFFICER. The Chair, in his capacity as the Senator from North Carolina, suggests the absence of a quorum.

The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. STEVENS. 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. STEVENS. Mr. President, I have at the desk amendment No. 1187. It is my understanding that there are two proposed committee amendments from the Armed Services Committee with which this amendment is in conflict. Those amendments recommend the effective date of the act to be January 1, 1977.

My amendment would make the effective date of the act the date of enactment, but the enforcement date would be January 1, 1977.

Therefore, I ask unanimous consent that my amendment No. 1187 be considered a substitute for the two Armed Services Committee amendments en bloc.

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

Mr. STEVENS. Mr. President, in order to explain what is involved here, it is necessary to refer to the concept of regional management used in the bill. This concept employs the use of regional fisheries councils for the preparing of both a plan for the utilization of the fisheries resources of the 197-mile contiguous zone, and the promulgation of regulations which would be approved and published by the Secretary, therefore, become Federal regulations.

These management councils will need some time to become organized. Yesterday the Senate agreed to my amendment which requires the Governors, if they wish to submit names, to do so within 45 days after the enactment of the bill. It requires the President to submit the names within 90 days after the enactment of the bill, and it then requires the management councils to initiate their actions leading to the formulation of these regulations and plans within 60 days after these appointments are confirmed and they have been established as a council.

The purpose of the amendment I have offered is to assure that the effective date of the bill is, in fact, the date of enactment. This will permit the management councils to proceed in accordance with the amendments which we adopted yesterday. This would mean that following the enactment of this legislation the names of potential members of the regional councils would be submitted both by the Governor and the President, the councils would be formed, and within 60 days after formation they could start the work of establishing the regulatory pattern, that is the type of plan for the jurisdictional area of the particular council. There would be no enforcement however of any of those regulations until the January 1, 1977, date.

The intent of having a January 1, 1977 enforcement date is to give those people who have argued that the Law of the Sea Conference will succeed this year an opportunity to demonstrate that, and if, in fact, the Law of the Sea Conference is able to successfully negotiate a treaty, this bill would then become the implementing legislation as far as the procedural aspects of our contiguous zone are concerned with regard to living resources of the sea.

If they do not succeed, then the regulations promulgated under a unilateral 200-mile fisheries jurisdiction would become enforceable.

I hasten to point out the last time we negotiated an international agreement with regard to the seas it was almost 8 years from the time the agreement was initialed until it was proclaimed by the United States to have been ratified by a sufficient number of nations to become effective international law and, of course, it would be a year or so before even this body would be able to ratify such an agreement.

We need interim protection for our fisheries whether the zone is created by a law of the sea treaty or whether we do it unilaterally. The intent of this amendment is to use the regional management councils as the framework for interim action needed to protect our fisheries within the 200-mile contiguous fisheries zone whether that limit is established by international consensus or by unilateral action of this Government.

I have discussed the matter informally with those on the committee that proposed the January 1, 1977, date and, I might say, my impression is they have no argument with the approach I am using in this amendment. I cannot confirm that, of course, until the committee spokesmen are prepared to make such a statement here on the floor.

I am willing to answer any questions about this amendment. I am hopeful we will be able to bring it to a vote as soon as the Armed Services Committee spokesmen are available.

I might inquire of my colleague if he wishes to proceed with his amendment and, if so, I would be more than willing to set this aside temporarily. I believe it would take a unanimous consent agreement to set it aside.

The PRESIDING OFFICER. The Senator will state it.

Mr. STEVENS. Is it possible—because of the lack of communication so far from the Armed Services Committee—to set this amendment aside in order to take up another amendment?

The PRESIDING OFFICER. The Chair will state at this point, although the Senator from Alaska has received permission to call up his amendment, he has not technically actually called it up, so

if he does not actually wish to call it up at this point, he would be able to yield to the Senator from Alaska for the purpose of offering another amendment.

Mr. STEVENS. Is my understanding correct, Mr. President, that the pending business would still be the committee's amendments unless we set them aside?

The PRESIDING OFFICER. Yes; that is correct.

Mr. STEVENS. I repeat the inquiry to my colleague from Alaska as to whether he wishes to proceed with any other amendment at this time.

Mr. GRAVEL. First of all, I have no objection to this amendment at all.

Second, I do have an amendment which is at the desk, which has been printed, and my colleague has informed me he has it under study. That is the amendment I would hope to press this body to adopt.

The amendment would be to give the States primary responsibility for the preparation of a plan which would then be approved by the secretary, and then the implementation of that plan would be handled by the State Governor in question.

I appreciate that such an individual plan would not work very well on the west coast or the east coast or the gulf coast because those areas lend themselves very readily to regional management systems. But with respect to Alaska, the coastline of which is equal to any one of the individual coastlines I have mentioned, that is, the west coast, the gulf coast, or the east coast, if those three areas offer from a geographic point of view the efficacy of regional management then, certainly, the situation in Alaska, the coastline of which equals any one of those three, would have the same efficacy of management by the State taking over its responsibilities in that regard.

This would not be a new activity for the State. This is an activity we have undertaken since statehood, have done an admirable job, and in fact, my objective analysis is that it has been a considerably better job than has been done by the Federal Government for the 50 years prior to the period we have had management of our fisheries.

So I would be prepared to call up my amendment at any time it would accommodate the managers of the bill, but as was said to me, they had it under study and I will not call it up until they are prepared to adjust themselves to it.

The PRESIDING OFFICER (Mr. SCHWEIKER). The Senator from Alaska is recognized.

Mr. STEVENS. Mr. President, I ask that the unanimous-consent agreement which was previously agreed to regarding my amendment No. 1187 be rescinded and that my amendment No. 1187 be considered as a substitute for the Armed Services Committee amendments that appear on lines 3 and 4 of page 71.

I send to the desk a modified amendment. In view of the statement just made by my colleague, I will not call that up at this time, but I do want the RECORD to show that the previous agreement was rescinded.

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

Mr. GRAVEL. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. GRAVEL. Would the handling of that amendment come under the unanimous-consent request secured yesterday by the managers of the bill with respect to not impairing the ability to amend these sections again?

The PRESIDING OFFICER. The agreement of yesterday only applied to yesterday. Any agreement today would have to be specified today.

Mr. GRAVEL. I thank the Chair.

Mr. President, as an inquiry to the managers of the bill, they have stated repeatedly that the fish of our oceans are being drastically depleted by the viciousness of foreign fishermen.

Maybe they already have put it in the RECORD, but I wonder if they might detail for the Senate one at a time what those species of fish are so that we might know. Are we talking about the salmon, are we talking about the halibut, what are we talking about when we talk about what fish are being threatened?

I think it would be edifying to just tick off the fish in question and make a tally sheet and see what is really happening to each one of those species.

Mr. STEVENS. We would be glad to do that.

May I inquire, would the Senator have any objection to scheduling of some votes for Thursday?

We know Thursday will be a very active day. We have got this amendment, we have the Bentsen amendment, we have the Senator's amendment, and I understand that we are to have a motion to recommit.

If we could get an agreement to have those votes on Thursday, I think that it would facilitate the work of the leadership and would give notice to everyone when we intend to begin voting on this bill.

Mr. GRAVEL. I would be happy to have all those votes take place on Thursday. There is just one vote in question. I certainly know of no one at this point in time who intends to make a motion to recommit. Certainly, I have spent time here opposing it, and I hope the movers of the bill would not make a motion to recommit their own legislation. I do not know of anybody on our side right now that is planning a motion to recommit.

But certainly on the other votes and the vote on my amendment, with respect to the managers, I would be happy for a vote on Thursday.

Mr. MAGNUSON. I wonder if the Senator from Alaska would agree to the unanimous-consent request which the senior Senator from Alaska will make—that we conclude all votes on amendments to the bill—not final passage—or a vote on any motion to recommit on Thursday, at a time to be set by the leadership?

Mr. GRAVEL. I am in the process of doing research now for one amendment which I think will be very important—I think the Senator from Washington will appreciate the importance of that amendment when he sees it—that goes to the heart of this legislation, because there has been a lot of good work done by the committee on this legislation and I want to endorse that and support it.

So I am going to try to devise a way where the areas I think are harmful to our national policy can be removed from the bill or substituted to accomplish the same thing the Senator is.

Mr. MAGNUSON. I am not going to discuss the merits of any particular amendment at this time. What I am trying to do is see if we cannot come to some general agreement on voting on whatever amendments there are on Thursday.

Mr. GRAVEL. I would be happy to accommodate the Senator.

Mr. MAGNUSON. We will have to have the time limitation or the time certain for a vote set by the leadership.

I suspect that it would be later in the afternoon on Thursday because of other prior votes. If we can have such an agreement, I think we can then proceed.

Mr. GRAVEL. Yes.

Mr. MAGNUSON. The situation today is that we have no further amendments from our side ready to be voted on. The one to be offered by the Armed Services requires additional discussion with its sponsors. We have not been able to agree on the final terms of the amendment with either Senator TAFT, who sponsored it, or the chairman, Senator STENNIS. Both, Senator STENNIS should be here by Thursday, as I think will Senator TAFT. They are not available right now.

Senator MCINTYRE has an amendment, which I think is a minor amendment. I think the managers of the bill would be willing to accept it. We also must have time to work on the Bentsen amendment which is on the shrimp matter. We are attempting to work out our differences on that amendment. So I think we could finish all printed amendments by Thursday.

I would not want to bar further amendments by the Senator from Alaska. He might think other amendments between now and Thursday.

I hope he does not, but he might.

In regard to the ones I have just mentioned, I believe we can get a unanimous-consent agreement to dispose of them by Thursday.

Mr. GRAVEL. I would have one caveat. That is the difficulty I have in catching up on the research, the chances to be able to get a consent request like we had yesterday which would not impair the amendment of a section which has already been amended. I can appreciate the committee wanting to perfect the bill and Members wanting to similarly perfect the bill. But I would like to have as great a latitude as possible.

Mr. MAGNUSON. I would agree to that. There might even be some amendments which the Senator from Washington might think of. But they would be minor.

But I am now talking about the so-called two or three major printed amendments. We will have to meet the problem of additional amendments after we are through with the printed ones.

Mr. GRAVEL. Very good.

Mr. MAGNUSON. I will not make the request now, but I want the RECORD to

show that we probably can arrive at some agreement.

Mr. GRAVEL. And I want to underscore the RECORD in that regard, that we will make every effort to accommodate the Senator.

Mr. MAGNUSON. I would suggest the absence of a quorum, Mr. President, unless the Senator from Alaska wants to proceed.

Mr. GRAVEL. No. There was only the point I raised a moment ago, which I think would be helpful to the colloquy in question, and that would be to arrive at an agreement between ourselves as to what fish are being overfished and what fish are not being overfished. That is the heart of the Senator's argument.

Mr. MAGNUSON. I understand what the Senator from Alaska is trying to say. We have heard substantial evidence concerning this bill. I would like to flood the Chamber with the data and with pictures of the ships the foreign fishermen use. They look like ocean liners. The Chamber is hardly big enough to hold even the pictures.

We should get down to the facts about foreign overfishing.

As far as I am concerned, I want to stop them from fishing for any kind of fish, if I could. I do not care what kind of fish they are.

Mr. GRAVEL. My colleague knows I share his views in that regard.

Mr. MAGNUSON. I am including even the sardines out there.

Mr. GRAVEL. I know of my colleague's good intentions in wanting to protect the fisheries of the United States. I similarly want to protect those fisheries. I have tons of material and the Senator has tons of material. I believe we get carried away with the tons of information and material we have on the subject. When we get right down to the heart of the matter, let us start ticking off for our own edification and the edification of the Nation which species of fish today are threatened. Is it herring? Is it pollack? Is it halibut? Is it salmon? Let us name it and just make a list together. We will work together and with the affection we have for each other will just tick off these species so we will know the problem that the Nation faces. All we have are generalities that the fish are being overfished. I would like to know which ones and where they are located and maybe try to find a way to solve that problem.

Mr. MAGNUSON. I do not know that we should allow them to fish for any kind of fish in our pasture unless they practice conservation. There is no reason for them to do it. Personally, if I had my way about it, I would stop them from fishing for any kind of fish.

Mr. GRAVEL. But certainly the Senator from Washington would not want to deny——

Mr. MAGNUSON. This bill does allow foreign fishing within the 200-mile limit. If there is a good case, if conservation is practiced, we can make agreements such as we have now, within the 200-mile limit. As a matter of fact, the Senator from Alaska and I know that it is too bad this cannot be worked out another way. Two hundred miles is not a magic line. If we could, in some way, figure out how the shelves go out, in one place it might be 50 miles and in Alaska it could be the Bering Sea, the Continental Shelf. President Truman declared the Continental Shelf as part of our territory in the Truman Declaration. But is it possible to get such agreements with this bill?

When we talk about 200 miles we will be enclosing the bulk of the fish off our shores, those we do not want foreigners to destroy.

Mr. GRAVEL. But the Senator will agree with me that, as I stated, as I understood his statement, if we have an abundance of fish that we are not using, we are morally bound to see that that protein gets into the mouths of the hungry of the world.

Mr. MAGNUSON. If we have abundant fish, why not let them stay there?

Mr. GRAVEL. Stay in the water?

Mr. MAGNUSON. Yes. We do not have to fish them just because they are abundant.

Mr. GRAVEL. I believe I would part company, then.

Mr. MAGNUSON. If we want to fish them, we will.

Mr. GRAVEL. That is probably the greatest—I will not say it is the greatest arrogance but I think it is an unfortunate statement. If we have fish, rather than see them rot in the ocean, I would rather see them brought to a maximum sustainable yield and feed some human being. It does not have to be an American human being. I would rather we catch them and make the money in the economic process.

Mr. MAGNUSON. The bill provides for that. I get so put out about these foreigners fishing off the coast of my State I sometimes get carried away and appear willing to bar all their fishing.

Mr. GRAVEL. But with the record of the Senator in the Senate for trying to help the hard-to-help people, I am sure that down in his heart he wants to feed the hungry of the world as much as I do, and maybe more so. The Senator's record cries out that that is his position.

Mr. MAGNUSON. We do not have abundance in every case. We are not talking about that. If the people of the rest of the fishing nations are going to have to rely upon overfished stocks off our shores for the purpose of foodstocks, it is going to be pretty bad for the future of the world.

Mr. GRAVEL. Again, if I might state it again, this is the heart of the matter. Let us detail out what are the fish that we have in abundance and what are the fish that we feel are endangered. Let us make a list. There cannot be that many.

Mr. MAGNUSON. The Senator has a list, does he not?

Mr. GRAVEL. I would suggest some fish and maybe the Senator could agree or disagree.

Mr. MAGNUSON. The Senator's colleague said we would be willing to supply that. There are certain species we know about.

Mr. GRAVEL. For example, we feel that the pollock is overfished

Mr. MAGNUSON. The haddock is one in Senator MCINTYRE's country, and we know the problems about the salmon.

Mr. STEVENS. We have a chart on it.

Mr. GRAVEL. Maybe the chart could be brought out and we can discuss it.

Mr. MAGNUSON. What I am trying to find out is not to argue about the bill today, but to see if we can get procedures worked out where we can come to grips with these issues and then have some action.

Mr. GRAVEL. I think procedures would be dependent upon knowledge, and the knowledge I am trying to secure in this regard is what specifically are the fish which are being overfished within our 200 miles. If we can begin to identify them in a very methodical fashion, it would be better.

The Senator from Washington has stated haddock, and I agree that is a fish that is overfished. I would recommend that the Alaskan pollock is a fish that is being overfished. Would the Senator agree to that?

Mr. MAGNUSON. We now have the charts. The yellow tail flounder is one of them.

Mr. GRAVEL. I will buy that one, that that is a fish that is overfished.

Mr. MAGNUSON. May I inquire of the Senator from New Hampshire if he wished to make a statement today?

Mr. MCINTYRE. That is correct.

Mr. GRAVEL. I would be prepared to hold off and accommodate him since he has just come into the Chamber. I would be happy to yield at this time.

Mr. MAGNUSON. I yield to the Senator from New Hampshire.

Mr. MCINTYRE. I thank the distinguished chairman of the Commerce Committee.

Mr. President, I think I speak for the Atlantic seaports up off the New England coast, where we have been putting up with the Russians, the Poles, the behind-the-Iron-Curtain countries for so long that our fishermen are sick and tired of it.

So I rise to speak today with a strong sense of déjà vu. It was about a year ago that the Senate considered legislation similar to S. 961, an interim measure to extend our fisheries zone to 200 miles. At that time this body recognized the need for this interim fisheries protection measure and passed enacting legislation 68 to 27. Failure of the House to act last year resulted in the death of that bill. The earlier action of the House on this year's measure should add momentum to our efforts to enact this much needed legislation.

Today we find our fishing industry in the same situation it was last year. Foreign fleets continue to grow, utilizing destructive fishing practices.

Yet here we sit waiting for a multilateral agreement resulting from the Law of the Sea negotiations. An argument that even Ambassador Jack Stevenson, past head of the U.S. Law of the Sea negotiating team, does not expect for 3 years with several years passing before all nations ratify the agreement and it becomes effective.

We cannot wait any longer. The House

has acted and agreed with the Senate sense of urgency. Let us enact S. 961 and send it to the President for his signature.

Make no mistake, I wholeheartedly support our efforts to negotiate a Law of the Sea agreement. During this past year I traveled to Geneva, Switzerland, as a congressional observer for our negotiating team. I did this to add hope and new life to our team's efforts. I wanted these hard-working women and men to know that their tireless efforts were recognized and supported and that the United States wants to see a comprehensive treaty completed. I went, also, to see first hand the progress being made.

I must report to you that I returned from Geneva more convinced that this interim protection is needed. One single text was developed during this past session. However, my close contact allowed me to see that within the Law of the Sea Conference many factions and interest groups are developing. These barriers will take long and delicate negotiations to circumvent. The time and effort spent on these treaty negotiations must continue; but not at the expense of our domestic fisheries.

Enactment of S. 961 will not undermine these efforts.

S. 961 is consistent with the U.S. negotiating position on an economic zone for fisheries. General agreement does exist among nations at the conference to establish 200-mile fishery zones off coastal States. Given that S. 961 closely parallels the language contained in the Law of the Sea negotiating text with respect to fisheries, it clearly reflects an international consensus on this issue. In addition, the establishment by S. 961 of a 200-mile fishery zone is only interim legislation which will terminate with acceptance of international agreement on fishery jurisdiction. S. 961 therefore supports the Law of the Sea negotiations.

It has been argued that enactment of this legislation would conflict with present international law. Freedom of fishing has been recognized throughout the world but not as an unqualified right. The Geneva Conventions recognized the special right of a coastal nation to unilaterally adopt conservation measures off its shores.

It should be clearly understood that foreign fishing is not excluded in the 200-mile zone; it is merely regulated. Further, S. 961 requires the negotiating of new fisheries agreements to insure compliance with S. 961. These new agreements will include protection for our domestic stocks as well as for anadromous species which spawn in our rivers and waterways.

A clearly defined international rule delimiting coastal nation jurisdiction over fisheries resources does not now exist. Dramatic changes have recently occurred in the levels of fishery stocks, technology of fishing and the extent of distant fishing efforts. Adjustments in international law must be made to accommodate these changed conditions. Interim changes are justified now until such time as more sweeping changes occur through a Law of the Sea Treaty.

Other members of the Armed Services Committee and I, during hearings on S. 961, listened to the arguments of the Departments of State and Defense. Arguments were made that U.S. extension of our fisheries jurisdiction would lead to worldwide extension of a sovereign territorial sea.

Evidence presented in both open and closed sessions before this committee did not convince a majority of the Armed Services Committee on this point, and the Armed Services Committee, with the arguments of the military in opposition, voted, I believe by a vote of 9 to 7, to support this bill.

The committee did express concern for the apparent misrepresentation of this legislation. The International community must understand the limited scope and interim effect of the legislation. I dc not believe that the world community would react to our protection of our fish stocks as strongly as to claim a 200-mile extension of sovereignty.

I was convinced last year of the appropriateness of this action. This year I am even more concerned for waiting any longer and more convinced we should act now to create a 200-mile fisheries zone.

Mr. President, I have an amendment at the desk. I ask unanimous consent that it be reported.

The PRESIDING OFFICER (Mr. BELLMON). Without objection, the committee amendments will be temporarily set aside in order that the Senator's amendment may be taken up. The clerk will state the amendment.

The legislative clerk read as follows:

On page 43, line 9, insert the following new sentence after the period:

"The Secretary of State, upon the request of and in cooperation with the Secretary, shall, in addition, initiate and conduct negotiations with any foreign nation in whose fishery conservation zone or its equivalent, anadromous species spawned of fish spawned in the fresh and estuarine waters of the United States are found for the conservation of such species of fish."

Mr. McINTYRE. Mr. President, I call to the attention of the chairman of the Commerce Committee, the distinguished senior Senator from Washington (Mr. MAGNUSON), that the amendment I am offering today seeks to clarify the international agreements authorized under section 103a of S. 961. Specifically, my amendment will authorize the negotiating of an international agreement between the United States and those nations to which salmon spawned in American rivers and waterways migrate. The language in the original bill is ambiguous. I want to insure the protection and conservation of Atlantic as well as Pacific salmon.

Anadromous fish such as the salmon require special agreements for management and harvest because during their lifespan they visit the waters of several nations. Therefore, the fisheries bill we are considering today should include this provision I am offering.

This amendment is offered for the special protection and restoration of Atlantic salmon of U.S. origin, upon which this Government and the New England States are spending million of dollars. Section 103 of S. 961 authorizes the Secretary of State, upon request of the Secretary of Commerce, to initiate and conduct negotiations with foreign nations for the purpose of effecting international fisheries agreements with nations wishing to fish within the fishery conservation zone of the United States, and with respect to U.S. vessels wishing to fish in the conservation zones of other nations. It does not, however, cover the situation where the United States has no interest in fishing, but wishes to negotiate agreements the sole purpose of which is to conserve stocks of U.S. origin, while on their migrations to the feeding grounds of other nations, before returning to their natal rivers in the United States.

After 8 years of a steeply escalating over-exploitation of Atlantic salmon stocks of West Greenland, in 1972 a United States-Danish Atlantic Salmon Conservation Agreement was reached, by which the Danes agreed to phase out the "high-seas" fishery off Greenland by 1976; they also agreed to limit the "inshore" native Greenlander fishery to 1,100 metric tons. This agreement was incorporated into an identical measure by the International Commission for Northwest Atlantic Fisheries later in 1972.

However, it is generally thought that ICNAF is deficient in that the system of inspection and reporting is inadequate in terms of authority, funding, vessels, and manpower. Also, regulations for punishing infractions are unrealistic and, in effect, unenforceable.

It would be of little use to propagate and protect these salmon while under U.S. jurisdiction only to leave open the potential for exploitation once they migrated beyond 200 miles.

Finally, it is important to note that the amendment I am offering is consistent with proposals for conservation of anadromous fish as expressed in part II of the single negotiating text, as presented by the Chairman of the Second Committee of the Third U.N. Law of the Sea Conference.

I trust that the distinguished chairman and manager of the bill will find this amendment acceptable and agree to accept it.

Mr. MAGNUSON. Mr. President, I wish to say to the Senator that we had thought that the bill to provide for what he is suggesting, and his amendment should be acceptable. But in order to clarify it, the purpose of the amendment is again a classic case of what we need to happen. The Atlantic salmon were just wiped out completely, and what we are trying to do and what he is trying to do is give us a chance to build them back. That is all it amounts to.

Mr. McINTYRE. That is right.

All this amendment attempts to do is clear up any possible ambiguity so the United States and the Secretary of State can negotiate with foreign nations concerning the fish.

Mr. MAGNUSON. It encourages international negotiations as part of the effort to protect our fisheries.

Mr. McINTYRE. That is right.

Mr. MAGNUSON. So I am perfectly willing, and I am sure the Senator from

Alaska is willing, to accept the amendment.

Mr. STEVENS. I think the intent of this amendment is entirely consistent with our bill and clarifies it. I see no objection whatsoever.

I congratulate the Senator. I think it is a good amendment.

Mr. GRAVEL addressed the Chair.

The PRESIDING OFFICER. The Senator from New Hampshire has the floor.

Mr. GRAVEL. Mr. President, will the Senator yield for a unanimous-consent request on this amendment?

Mr. McINTYRE. I yield.

Mr. GRAVEL. What I wish to do is treat it as original text so in case we wish to amend that section later on we would not be foreclosed from doing that. We did this yesterday to protect the amendment.

It would not impair his amendment at all, not in the slightest, and I would agree with his amendment.

Mr. McINTYRE. Mr. President, I ask my good friend from the State of Alaska to explain again what he would wish to do.

Mr. GRAVEL. Yesterday we amended the bill with technical amendments. That is a process that normally takes place at the end of debate. The reason we did that is because they had some obvious corrections.

This is similarly an obvious correction.

I ask unanimous consent that it be treated as original text so in case we wished to amend that section of the bill later we would not be precluded from doing that. Under parliamentary rules, if we amend it, then we foreclose the ability to work in that section of the bill at a later time.

So, obviously, I am working on some research for some amendments to various sections of the bill.

It would not impair his section at all. I am in agreement with his amendment. I wish to be added as a cosponsor to this amendment.

All I wish to have done is to have it treated as original text.

Mr. McINTYRE. Mr. President, if I understand the request of the distinguished Senator from Alaska, he is stating that this paragraph, in which we have made this slight change to take out the ambiguity, would be foreclosed from further amendment if we now accept this amendment and take it as such. So, Mr. President, I am perfectly willing to do that, with the understanding, assurance, and promise of the distinguished Senator from Alaska that nothing he or his cohorts may do, or nothing that any of the opponents of this bill may do would have any effect on this very simple amendment which clears up some ambiguities. I am happy to hold the adoption of this amendment and keep it until a later date.

Mr. GRAVEL. No. I would make the unanimous consent right now and adopt the Senator's amendment, have it reconsidered, and lock it in. I shall then offer my name as a cosponsor of the Senator's amendment to show him my good faith.

Mr. McINTYRE. Does that protect the Senator from Alaska?

Mr. GRAVEL. Yes, we are both protected.

Mr. McINTYRE. Mr. President, I move the adoption of the amendment.

The PRESIDING OFFICER. Is there objection?

Mr. GRAVEL. Yes, reserving the right to object, I ask the Senator to permit me to make the unanimous-consent request first.

Mr. McINTYRE. I am happy to hear the unanimous-consent request.

Mr. GRAVEL. Mr. President, I ask unanimous consent that the amendment of the Senator from New Hampshire when adopted be considered as original text.

The PRESIDING OFFICER. Wtihout objection, it is so ordered.

Mr. McINTYRE. Mr. President, I ask unanimous consent that I be added as a cosponsor.

Mr. McINTYRE. Mr. President, I ask unanimous consent that the distinguished Senator from Alaska be added as a cosponsor.

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

Mr. McINTYRE. Mr. President, I move adoption of the amendment.

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

The amendment was agreed to.

Mr. McINTYRE. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

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

The motion to lay on the table was agreed to.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that if a motion to recommit this bill is going to be made it be made at the close of business tomorrow, with a vote to occur thereon on Thursday.

Mr. GRAVEL. Mr. President, I reserve the right to object.

Thus far I have been handling the floor in opposition to the legislation. That kind of a motion certainly would come from those parties who are in opposition to the legislation. I know of no person yet who has indicated to me that he would be making a motion to recommit. With the differences we have in this legislation, I do not know if a motion to recommit would be the best way to approach the problem.

With that thought in mind, I object to the request.

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

Mr. GRAVEL. I am happy to yield, holding my right to object in reserve.

Mr. STEVENS. I made the request to the acting majority leader concerning this because there is, as the Senator knows, a rumor floating around that there will be a motion to recommit. We understand my colleague will not make such a motion. But it does seem that, if it is to be made, it ought to be made at the beginning of a bill like this before we get into the technical detailed amendments. I really think that it would be in order to set a time limit on the making of the motion to recommit. Then if someone wishes to make a motion to recommit, he can make it by tomorrow evening and we will know. When all of the Members are here on Thursday we can take it up. To have it made, say, on the following Monday, or Tuesday, after we have taken so much time on this bill I think would be in error.

I hope the Senator will allow us to set a time limit.

Mr. GRAVEL. I have never heard a unanimous-consent request made based on a rumor and on if someone is going to do something. We would have him locked in before that poor soul would know what he is going to do. So obviously this is so iffy and tenuous a proposal that I am surprised it comes from the proponents of the bill. This is the kind of action I would expect from our side of the aisle, but, no, the proponents wish to lock in a motion to recommit. I do not know as that is the best course of action.

We are sincerely trying to get the best legislation in the best interests of the country. So, with that in mind I feel constrained to object to that unanimous consent request.

The PRESIDING OFFICER. Objection is heard.

Mr. PACKWOOD. Mr. President, once again in the Senate we turn our attention toward the establishment of a coastal fisheries protection zone. As you recall, last year the Senate passed a 200-mile bill by a margin of 68 to 27, but similar legislation did not come up for a vote in the House. Now the House has passed 200-mile legislation of their own.

As we resume consideration of this measure in the Senate, it might be worthwhile to examine a few events which have transpired since we passed the bill 1 year ago:

First. Most significantly, the latest session of the Third Law of the Sea Conference held in Geneva adjourned last May without reaching a 200-mile accord. How this brings back memories of State Department officials who have implored Congress over the years not to act unilaterally on a 200-mile limit because a negotiated one was just around the corner. I can recall the litany all too well. We need to go back only a few short months prior to the Caracas session of the Law of the Sea Conference. The date is February 26, 1974, and Congressman DOWNING is questioning John Norton Moore, Deputy Special Representative for the Interagency Task Force on Law of the Sea, in proceedings before the House Merchant Marine and Fisheries Committee, Subcommittee on Oceanography on the prospect of achieving a negotiated 200-mile treaty at the upcoming Caracas session:

Mr. DOWNING. Now the Caracas conference will probably conclude when, in September?

Mr. DOWNING. Do you reasonably expect agreement at Caracus?

Mr. MOORE. August 29.

Mr. MOORE. The United States will be going to the session fully prepared to reach an international agreement, which we feel will be not only in our interest but one which will be in the interest of all nations. We hope very much that would be the outcome of Caracus. We would particularly expect at Caracus, at least, that there would be an outline or an agreed parameter of the out-

lines of the final agreement. For our part, we are going, prepared to reach that agreement at Caracus and will be negotiating accordingly.

Well, Mr. President, by the end of August 1974 the nations meeting in Caracas had not reached agreement on a 200-mile limit so Mr. Moore was back before the House Merchant Marine Committee on September 25, 1974, explaining why. This gave Congressman Kyros an opportunity to ask Mr. Moore about the prospects for a 200-mile treaty at the next Law of the Sea Session in Geneva:

Mr. KYROS. Let me ask you one question that you can perhaps answer categorically and it is simply this: By what date and in what year will we have a comprehensive Law of the Sea agreement on fisheries that will encompass every foreign nation fishing off our waters right now?

Just give me a figure—10 years, 15 years, 50 years?

Mr. MOORE. There is no reason that we cannot have that agreement within 1 year, that is on the General Assembly schedule of not later than 1975.

Mr. KYROS. A 200-mile fishing limit included within an economic zone, controlled by America, by the coast States within 1 year?

Mr. MOORE. That is correct. There is no reason we cannot have it on the General Assembly schedule which calls for any additional session or sessions of the Conference to be held no later than 1975 and if we can provisionally apply the treaty then provisional application would go into effect at that point.

Mr. KYROS. When is your meeting in Geneva?

Mr. MOORE. March 17 to May 10.

Mr. KYROS. Of what year?

Mr. MOORE. Next year.

Mr. KYROS. A year from now, 1975, is that right?

Mr. MOORE. This coming year.

Mr. KYROS. You mean to say you will have a treaty that the 37-odd nations that fish off the United States are going to sign?

Mr. MOORE. We very much hope it will be a much larger group than even those fishing off our coasts.

Mr. KYROS. In the whole history of the Law of the Sea Conference this has never happened before. You could not go amiss?

Mr. MOORE. Unlike 1958 and 1960 we genuinely have a unique opportunity because it is being approached in a package treaty. All of the nations of the international community that have an interest are involved in these negotiations. If we lose the opportunity now for a widely agreed treaty it may never return.

Mr. President, Geneva is history, as will soon be 1975, and the 200-mile limit is not among them. Thus even the most optimistic proponents of a negotiated 200-mile limit have turned to face the pessimistic realities. So Mr. Moore returned to the House this year after Geneva to report that 200 mile negotiations "cannot be completed before mid-1976 at the earliest and at this time it is not clear whether or not a treaty can be completed during 1976." At the same time, Under Secretary of State Maw announced that he could not say whether the Law of the Sea Conference would conclude negotiation of a 200-mile treaty within 3 to 5 years.

Second, Yet the failure of Geneva to achieve a 200-mile accord is not the only event which has taken place this past year which would increase the burden on Congress to make such a limit a reality through legislation. I would like to call attention to valuable surveillance of foreign fishing carried out on a year round basis by the National Marine Fisheries Service. The Service reports each month the number of foreign fishing vessels it observes operating off a given U.S. coastal area. On the west coast, I receive from NMFS reports covering foreign fishing activity in an area stretching generally from San Francisco north to the U.S./Canadian border. In this coastal area of the United States alone, NMFS has observed a dramatic increase in foreign fishing vessels for each of the first 10 months of 1975 over 1974 except September:

Month	Vessels, 1974	This year	Percent increase (1975 over 1974)
January	0	7	700
February	0	8	800
March	0	66	560
April	7	94	100
May	72	107	49
June	75	111	48
July	86	114	33
August	75	82	9
September	87	28	[1]68
October	13	23	76
Average percent increase (1975 over 1974)			60

[1] Decrease.

It is interesting to note that the only month which shows a decrease in foreign fishing activity is September. This decrease is due to the fact that the Soviet hake fishing fleet left the west coast and headed for home earlier this year. National Marine Fisheries Service estimates that the Soviet hake catch was down this year over last giving rise to speculation that the Soviets may have substantially depleted the west coast hake fishery.

Third. Of course, this year as last, the proposed unilateral establishment of a 200-mile zone brings with it fears that other countries will not respect the zone thereby causing a military confrontation. However, while we cannot cavalierly discard such fears, their credibility must be examined in the light of available evidence. For example, the Soviets have been extremely receptive to negotiations by U.S. private industry to a plan which would pay U.S. fishermen to fish for the Russians should a 200-mile zone be created. The existence of such negotiations indicates to me a certain willingness on the part of the Soviets to respect a 200-mile zone.

Fourth. Lastly, Mr. President, we cannot ignore the fact that other countries continue to move ahead on their own to protect their fisheries resources through the establishment of fishery protection zones. In the past year both Iceland and Mexico declared 200-mile zones joining a list of 36 other countries who have zones extended beyond the traditional territorial limits.

We are told by the State Department and others who oppose the unilateral establishment of fisheries protection zones that such actions are ill-considered and not in keeping with "international responsibilities." We are warned that others would not respect our zone if we went ahead on our own. The merits of recent international agreements are extolled as having a significant impact on reducing foreign fishing. And, as always, there is another session of the Law of the Sea Conference just around the corner upon which we can predicate rosy hopes for multilateral accord.

Mr. President, I am tired of indulging in these fantasies. I have taken some length in this statement to attempt to point out their weaknesses. I would prefer to see a 200-mile zone established in accord with the other countries of the world but I am not prepared to defer the matter indefinitely in favor of diplomatic niceties. When the Senate voted last year to approve a 200-mile zone it was our mandate for action—that we put this matter off long enough. It is time now to reaffirm that mandate. The events of the past year serve only to support our reasons for doing so.

Mr. HATHAWAY. Mr. President, in a recent article in a Wiscasset, Maine, newspaper, James Emerson of Maine Coast Seafoods poignantly posed the issue which we are in reality debating here today in connection with the 200-mile limit bill. Mr. Emerson said:

Fishing has got to be controlled. What happens if the day comes when there's nothing, nothing at all out there. Then what are we going to do.

This is the issue. That is what we are talking about in debating whether or not to extend the U.S. fisheries limits to 200 miles. What are we going to do if the day comes when we no longer have a viable commercial fishing industry? Will we reach that day soon if we do not take steps to enact effective fisheries management programs? As the article in the Wiscasset newspaper points out, limited steps in fisheries management can be taken now, but they are only a "step in the right direction." Stronger and more effective management and conservation efforts are needed and are needed soon.

That is why I am a long supporter of extended fisheries jurisdiction and of the Magnuson Fisheries Management and Conservation Act. As a Senator from a coastal State, and a former member of the House Merchant Marine and Fisheries Committee, I have seen only too clearly what serious overfishing off our coasts has done to the New England fisheries. The problem is not just that U.S. fishermen are at a competitive disadvantage with the heavily subsidized foreign fleets off our shores, but that the fisheries resources themselves are being depleted. The State Department recognizes this fact clearly; the first response in a list of talking points which they distributed to all Members begins, "It is true that many stocks off the United States have been depleted by foreign overfishing during the past 15 years." The supporters of extended jurisdiction legislation do not disagree with the State Department on this fundamental fact; it is rather on the most effective means of protecting our depleted stock on which disagreement exists.

The effects of foreign fishing have been especially acute off the New England

coast. In a particularly rich fisheries area—that of Georges Bank—88 percent of the total catch was taken by U.S. fishermen as recently as 1960. As of 1972, the figures were turned around and foreign fishing accounted for over 89 percent of the total catch from the Georges Bank area. In just 12 years the relative catch of U.S. and foreign fishermen was reversed. This statistic reflects untold economic disruption for our individual fishermen and, of course, an increasingly adverse balance of payments for the Nation as increasing market demand for fish products has been met by imports. Testifying before the Small Business Committee last spring at hearings on the "Economic and Loan Problems of the Fisheries Industry," Richard Reed of the Maine Sardine Council surveyed the damage done by foreign fishing to the sardine industry. He said that from 1941 to 1960, the sardine business had an average pack of about 2½ million cases a year. From 1962 to 1975, after foreign fishing started in earnest, the average pack was from 900,000 to 1 million per year. He felt that foreign fishing was resulting in the taking of the larger, strong fish and that a decline in the number of juveniles was taking place.

At these hearings, fisherman after fisherman stressed the need for extension of the fisheries limits as a necessary first step in correcting this situation: and significantly, they recognized that extended jurisdiction was not a complete or simple answer to a complex situation, but rather that each of them—and the industry as a whole—would have to cooperate in conservation efforts for the sake of the preservation of the industry itself.

It is obvious, however, that management of our fisheries resources is not a parochial issue; it is an issue in which there is an international stake which goes beyond State or national boundaries. And as I know others here have emphasized, S. 961 recognizes the international nature of the issue. It is an interim measure only, limited exclusively to jurisdiction over fisheries, and is designed to end when agreement is reached at the international level. In supporting this bill, I do not intend to denigrate the importance of the international negotiations which have been taking place over the past several years, but I do recognize the constraints that necessarily surround the achievement of a final international agreement. The most important of these constraints vis-a-vis our domestic fishing industry, is time. Now after 8 years of work, with prospects for agreement still not certain for the next Law of the Seas Conference, and with the prospect of several more years for ratification of any LOS agreement, the time constraint of doing nothing, pending successful international agreement, has become a critical factor for our fishing resources and industry.

Presiding at the small business committee hearings this past spring on the fisheries industry, the benign neglect of the Government toward this once thriving industry was again made apparent to me. Our one direct loan program for fishermen has been under a moratorium since 1973, and the Federal/State grant programs have been subject to attempted cutbacks. Fishermen have been denied relief from ravages such as the red tide phenomenon and no effective recourse is offered fishermen whose equipment is damaged or destroyed by foreign vessel operations. Once, the majority of fishermen might even have preferred this attitude of benign neglect on the part of the Federal Government. Now, however, over the past 15 years these people have seen the source of their livelihood, the fisheries resources, increasingly decimated by a force they necesarily cannot confront alone. Highly mechanized, heavily subsidized foreign fleets off our shores necessitate a change in our romanticized notions of the U.S. fishermen as successfully plying their trade against overwhelming odds. The industry is no longer successfully competing against these manmade odds: and in the end, the international community, as well as our domestic industry, will be the losers if effective management programs are not soon instituted.

Of equally significant international concern is the depletion of some species of fish beyond their optimal yields, even under existing bilateral and multilateral agreements. This is seriously threatening the ability of species to reproduce at harvestable rates. Other species are underutilized and need proper management and marketing support so that the resoures that we have may be more fully and beneficially utilized.

Finally, it should be emphasized that S. 961 requires the establishment of just such fisheries management programs, primarily through regional councils representing the States which have such a considerable stake in enactment of this bill. S. 961 is not a simple assertion of limited juridiction over our fisheries resources; enactment of the bill also requires that we assume the responsibility of managing and conserving those resources for the future. This responsibility is an important one, and one which is going to require the maximum cooperation of our fishermen, of other segments of the industry, and those involved at all government levels. That such cooperation can take place is again made apparent in the article which I cited earlier from the Wiscasset newspaper, and extended fisheries jurisdiction will give real force and effect to the limited management efforts now underway.

It will not be an easy task to fulfill the responsibilities assumed under this bill, nor do I expect it to be a noncontroversial effort. But it is a task which should begin now after the several years of delay and apparently unwarranted optimism as to the date of conclusion of international negotiations. I look forward to the expeditious passage of this measure.

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

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

SHRIMP FISHING CLOSURE SET FOR APRIL 15

(By Ted McClellan)

New England Marine Fisheries officials and scientists from Maine, Massachusetts, and New Hampshire are treading the delicate path between insuring that shrimp fishermen make a liveable income on the one hand and that on the other, the shrimp population can grow to provide a lasting resource for the area.

To accomplish that, they've ordered a closure on shrimp fishing beginning April 15 after the normally good winter season ends. It is hoped by those involved that the fishermen can still meet their market demands, while also protecting the declining stocks of shrimp.

The species population has been declining ever since the "good days" back in the late sixties when over 31 million lbs. were caught in the Gulf of Maine area. Last year the catch was down to about 12 million lbs. and some experts predict that this year there are only 10 million lbs. of live shrimp in the entire population.

Biologist Ron Rinaldo of Boothbay Harbor's Bigelow Lab was one of several scientists, who warned if something wasn't done soon, shrimping would cease as an industry within three years.

Last summer an abbreviated closure lasted from June until September and received mixed reviews. Most agreed it was too short to have a lasting effect.

Rinaldo, who chairs the scientific advisory committee to the State-Federal Northern Shrimp Management Program, stated this week, that the forthcoming closure to last for an indefinite time possibly the rest of the year was a "good compromise agreement."

His committee had earlier recommended stronger measures including imposing a 5 million lb. yearly quota, a figure which would stabilize the shrimp population, but not necessarily let it grow. To do that, Rinaldo says, the quota figure would have to be even lower.

The plan was vetoed, however, because enforcement of a quota system is virtually impossible in the huge Gulf area. The three states marine resources departments don't have the manpower or the craft to do the job.

Rinaldo approves of the closure and commented, 'It's a step in the right direction'. There must be some form of management over the exploited species.

In an allied move, enforcement of new laws, that increased the mesh width on shrimp nets from 1½ inches to 1¾ inches, began January 1. The increase allows smaller shrimp to escape and thus helps in building up the stocks. The enforcement had been postponed since last year because that size mesh was scarce in some parts of New England. Many Maine shrimpers had already begun using the larger width mesh and the effect of the move here is minimal.

As the shrimp season progresses and the closure begins, the Department of Marine Resources 80 foot research vessel, the Challenge, will be taking samples from selected fishing spots and compiling a population index of the catch.

Shrimp after about 4 years turn, through a series of mutations, from male to female and then spawn. Scientists are concerned that if too many immature males are caught, as is the case now, the future for the fishery would remain in doubt.

The Bigelow Lab will also be checking the composition of catches at local processing plants.

Many area shrimp fishermen have indicated that because of the bleak prospects, they won't be going after shrimp at all this season.

Bob McLellan of Boothbay Harbor, captain of the 73 foot dragger, Miss Paula, is one of

these and has rigged his boat with special nets to pair trawl for herring.

At the Bay Fish Co., a local shirmp processor, owner James Genovese indicated that only one small boat from his dock was going out after shrimp. He described the catches thus far in the season as 'way below' previous years, adding that with some species of groundfish going for the high price of $1.10 a lb., fishermen have no incentive to catch shrimp, which earns them 26 cents a lb. (raw).

As far as the closure, Genovese feels it couldn't hurt things, because the catches are so bad now.

His opinion was matched by another processor, James Emerson of Maine Coast Seafoods.

'It's hard to say,' he noted, 'but I think it'll do some good.'

At the moment no boats from the MCSF dock are out after shrimp, but several will be as soon as the weather clears.

Emerson is not bitter about the closure and states, 'Fishing has got to be controlled. What happens if the day comes when there's nothing, nothing at all out there. Then what are we going to do.'

ORDER FOR CONVENING OF SENATE TOMORROW

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that, when the Senate completes its busines today, it stand in adjournment until the hour of 12 o'clock meridian tomorrow.

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

ORDER FOR RECOGNITION OF SENATOR KENNEDY TOMORROW

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that, after the two leaders or their designees have been recognized under the standing order on tomorrow, Mr. KENNEDY be recognized for not to exceed 15 minutes.

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

ORDER FOR RECOGNITION OF SENATOR ROBERT C. BYRD TOMORROW

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that on tomorrow, after the orders that have been previously entered have been consummated, the junior Senator from West Virginia (Mr. ROBERT C. BYRD) be recognized for not to exceed 15 minutes.

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

ORDER FOR A PERIOD FOR THE TRANSACTION OF ROUTINE MORNING BUSINESS AND RESUMPTION OF CONSIDERATION OF UNFINISHED BUSINESS

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that, after the orders for the recognition of Senators have been completed on tomorrow, there be a period for the transaction of routine morning business of not to exceed 30 minutes with statements limited therein to 5 minutes each, at the conclusion of which period the Senate resume consideration of the unfinished business, Calendar Order No. 498, S. 961.

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

ORDER FOR RECOGNITION OF SENATOR GOLDWATER TOMORROW IN LIEU OF SENATOR JAVITS

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the name of Mr. GOLDWATER be substituted in lieu of the name of Mr. JAVITS for the order for recognition on tomorrow which has been entered heretofore.

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

ORDER FOR NOMINATION OF BOB CASEY TO BE HELD AT DESK

Mr. MAGNUSON. Mr. President, as in executive session, I ask unanimous consent that the nomination of Bob Casey to be a member of the Federal Maritime Commission be held at the desk.

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

PROGRAM

Mr. ROBERT C. BYRD. Mr. President, the Senate will convene at 12 o'clock meridian tomorrow. After the two leaders or their designees have been recognized under the standing order, the following Senators will be recognized each for not to exceed 15 minutes and in the order stated: Senators KENNEDY, SYMINGTON, TUNNEY, GOLDWATER, and ROBERT C. BYRD.

There will then ensue a period for the transaction of routine morning business of not to exceed 30 minutes with statements limited therein to 5 minutes each, at the conclusion of which the Senate will resume the consideration of Calendar Order No. 498, S. 961, a bill to extend, pending international agreement, the fisheries management responsibility and authority of the United States.

Rollcall votes are expected on tomorrow on motions or amendments in relation to this bill. Rollcall votes could also occur on conference reports or on other measures.

ADJOURNMENT

Mr. ROBERT C. BYRD. Mr. President, if there be no further business to come before the Senate, I move, in accordance with the previous order, that the Senate stand in adjournment until the hour of 12 o'clock meridian tomorrow.

The motion was agreed to; and at 2:59 p.m., the Senate adjourned until Wednesday, January 21, 1976, at 12 o'clock meridian.

NOMINATIONS

Executive nominations received by the Senate January 20, 1976:

DEPARTMENT OF STATE

Joseph A. Greenwald, of Illinois, a Foreign Service officer of the class of Career Minister, to be an Assistant Secretary of State.

Robert Anderson, of the District of Columbia, a Foreign Service officer of class 1, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Kingdom of Morocco.

Anne Legendre Armstrong, of Texas, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the United Kingdom of Great Britain and Northern Ireland.

Willard A. De Pree, of Michigan, a Foreign Service officer of class 1, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the People's Republic of Mozambique.

Albert B. Fay, of Texas, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to Trinidad and Tobago.

James W. Hargroves, of Texas to be Ambassador Extraordinary and Plenipotentiary of the United States of America to Australia, and to serve concurrently and without additional compensation as Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Nauru.

Rozanne L. Ridgway, of the District of Columbia, Deputy Assistant Secretary of State for Oceans and Fisheries Affairs, for the rank of Ambassador.

INTERNATIONAL ATOMIC ENERGY AGENCY

Galen L. Stone, of the District of Columbia, a Foreign Service officer of class 1, to be the Deputy Representative of the United States of America to the International Atomic Energy Agency, with the rank of Ambassador.

DEPARTMENT OF DEFENSE

James Gordon Knapp, of California, to be an Assistant Secretary of the Air Force, vice Frank A. Shrontz.

UNIFORMED SERVICES UNIVERSITY OF THE HEALTH SCIENCES

The following-named persons to be Members of the Board of Regents of the Uniformed Services University of the Health Sciences for terms expiring May 1, 1981:

Lt. Gen. Leonard D. Heaton, U.S. Army, retired (reappointment).

David Packard, of California (reappointment).

Francis D. Moore, of Massachusetts, vice Malcolm C. Todd, term expired.

NATIONAL TRANSPORTATION SAFETY BOARD

Webster B. Todd, Jr., of New Jersey, to be a member of the National Transportation Safety Board for the term expiring December 31, 1980, vice John H. Reed, term expired.

Webster B. Todd, Jr., of New Jersey, to be Chairman of the National Transportation Safety Board for a term of 2 years (new position).

CONSUMER BROADCAST SAFETY COMMISSION

S. John Byington, of Virginia, to be a Commissioner of the Consumer Broadcast Safety Commission for a term of 7 years from October 27, 1975, vice Richard O. Simpson, term expired.

FEDERAL MARITIME COMMISSION

Bob Casey, of Texas, to be a Federal Maritime Commissioner for the remainder of the term expiring June 30, 1978, vice George Henry Hearn, resigned.

FEDERAL RESERVE SYSTEM

Stephen S. Gardner, of Pennsylvania, to be a member of the Board of Governors of the Federal Reserve System for a term of 14 years from February 1, 1976, vice George W. Mitchell, term expiring.

U.S. COAST GUARD

The following officers of the U.S. Coast Guard for promotion to the grade of rear admiral:

Wayne E. Caldwell
Anthony F. Fugaro
Charles E. Larkin, Jr.
Norman C. Venzke

U.S. AIR FORCE

The following officers for temporary appointment in the U.S. Air Force under the provisions of chapter 839, title 10 of the United States Code:

To be major general

Brig. Gen. Frank G. Barnes, xxx-xx-xxxx xxx-... FR, Regular Air Force.
Brig. Gen. James R. Brickel, xxx-xx-xxxx xxx-... FR, Regular Air Force.
Brig. Gen. Daniel L. Burkett, xxx-xx-xxxx xxx-... FR, Regular Air Force.
Brig. Gen. Rupert H. Burris, xxx-xx-xxxx xxx-... FR, Regular Air Force.
Brig. Gen. Lynwood E. Clark, xxx-xx-xxxx xxx-... FR, Regular Air Force.
Brig. Gen. Richard N. Cody, xxx-xx-xxxx xxx-... FR, Regular Air Force.
Brig. Gen. John W. Collens III, xxx-xx-x... xxx-... FR, Regular Air Force.
Brig. Gen. Richard B. Collins, xxx-xx-xxxx xxx-... FR, Regular Air Force.
Brig. Gen. George A. Edwards, Jr., xxx-... xxx-xx-xx... FR, Regular Air Force.
Brig. Gen. Andrew P. Iosue, xxx-xx-xxxx xxx-... FR, Regular Air Force.
Brig. Gen. John E. Kulpa, Jr., xxx-xx-xxxx xxx-... FR, Regular Air Force.
Brig. Gen. Howard W. Leaf, xxx-xx-xxxx xxx-... FR, Regular Air Force.
Brig. Gen. Louis G. Leiser, xxx-xx-xxxx xxx-... FR, Regular Air Force.
Brig. Gen. Dewey K. K. Lowe, xxx-xx-xx... xxx-... FR, Regular Air Force.
Brig. Gen. James E. McInerney, Jr., xxx-... xxx-xx-xx... FR, Regular Air Force.
Brig. Gen. Richard E. Merkling, xxx-xx-xx... xxx-... FR, Regular Air Force.
Brig. Gen. Kenneth P. Miles, xxx-xx-xxxx xxx-... FR, Regular Air Force.
Brig. Gen. Harry A. Morris, xxx-xx-xxxx xxx-... FR, Regular Air Force.
Brig. Gen. William R. Nelson, xxx-xx-xxxx xxx-... FR, Regular Air Force.
Brig. Gen. William C. Norris, xxx-xx-xxxx xxx-... FR, Regular Air Force.
Brig. Gen. Jack I. Posner, xxx-xx-xxxx xxx-... FR, Regular Air Force.
Brig. Gen. John S. Pustay, xxx-xx-xxxx FR, Regular Air Force.
Brig. Gen. Thomas F. Rew, xxx-xx-xxxx FR, Regular Air Force.
Brig. Gen. Carl G. Schneider, xxx-xx-xxxx xxx-... FR, Regular Air Force.
Brig. Gen. Lawrence A. Skantze, xxx-xx-x... xxx-... FR, Regular Air Force.
Brig. Gen. Henry B. Stelling, Jr., xxx-xx-xx... xxx-... FR, Regular Air Force.
Brig. Gen. John C. Toomay, xxx-xx-xxxx FR, Regular Air Force.
Brig. Gen. Stanley M. Umstead, Jr., xxx-... xxx-xx-x... FR, Regular Air Force.
Brig. Gen. Jasper A. Welch, Jr., xxx-xx-xx... xxx-... FR, Regular Air Force.
Brig. Gen. George M. Wentsch, xxx-xx-xx... xxx-... FR, Regular Air Force.

I nominate the following officers for appointment in the Regular Air Force to the grades indicated, under the provisions of chapter 835, title 10 of the United States Code:

To be major general

Lt. Gen. William Y. Smith, xxx-xx-xxxx FR (brigadier general, Regular Air Force), U.S. Air Force.
Lt. Gen. James A. Allen xxx-xx-xxxx FR (brigadier general, Regular Air Force), U.S. Air Force.
Lt. Gen. Eugene F. Tighe, Jr., xxx-xx-xxxx xxx-x... R (brigadier general, Regular Air Force), U.S. Air Force.
Maj. Gen. Lucius Theus xxx-xx-xxxx FR (brigadier general, Regular Air Force), U.S. Air Force.
Maj. Gen. Guy E. Hairston, Jr., xxx-xx-xxxx xxx-x... R (brigadier general, Regular Air Force), U.S. Air Force.
Maj. Gen. Charles F. Minter, Sr., xxx-xx-x... xxx-x... R (brigadier general, Regular Air Force), U.S. Air Force.
Maj. Gen. Robert C. Mathis, xxx-xx-xxxx xxx-x... R (brigadier general, Regular Air Force), U.S. Air Force.
Maj. Gen. Andrew B. Anderson, Jr., xxx-... xxx-xx-x... FR (brigadier general, Regular Air Force), U.S. Air Force.
Maj. Gen. Ranald T. Adams, Jr., xxx-xx-xx... xxx-x... R (brigadier general, Regular Air Force), U.S. Air Force.
Maj. Gen. William B. Yancey, Jr., xxx-xx-x... xxx-x... R (brigadier general, Regular Air Force), U.S. Air Force.
Maj. Gen. Edgar S. Harris, Jr., xxx-xx-xxxx FR (brigadier general, Regular Air Force), U.S. Air Force.
Maj. Gen. Robert L. Edge, xxx-xx-xxxx FR (brigadier general, Regular Air Force), U.S. Air Force.
Maj. Gen. Gerald J. Post xxx-xx-xxxx FR (brigadier general, Regular Air Force), U.S. Air Force.
Maj. Gen. James A. Young, xxx-xx-xxxx FR (brigadier general, Regular Air Force), U.S. Air Force.

To be brigadier general

Maj. Gen. Benjamin R. Baker, xxx-xx-xxxx FR (colonel, Regular Air Force, Medical), U.S. Air Force.
Maj. Gen. Jesse M. Allen, xxx-xx-xxxx FR (colonel, Regular Air Force), U.S. Air Force.
Maj. Gen. Lincoln D. Faurer, xxx-xx-xxxx FR (colonel, Regular Air Force), U.S. Air Force.
Maj. Gen. Charles A. Gabriel, xxx-xx-xxxx FR (colonel, Regular Air Force), U.S. Air Force.
Maj. Gen. Lloyd R. Leavitt, Jr., xxx-xx-xxxx xxx-x... R (colonel, Regular Air Force), U.S. Air Force.
Maj. Gen. Winfield W. Scott, Jr., xxx-xx-x... xxx-... R (colonel, Regular Air Force), U.S. Air Force.
Maj. Gen. Lovic P. Hodnette, Jr., xxx-xx-x... xxx-x... R (colonel, Regular Air Force), U.S. Air Force.
Maj. Gen. Bennie L. Davis, xxx-xx-xxxx FR (colonel, Regular Air Force), U.S. Air Force.
Maj. Gen. Ralph J. Maglione, Jr., xxx-xx-x... xxx-... FR (colonel, Regular Air Force), U.S. Air Force.
Maj. Gen. Robert A. Rushworth, xxx-xx-xx... xxx-... FR (colonel, Regular Air Force), U.S. Air Force.
Maj. Gen. Thomas M. Ryan, Jr., xxx-xx-x... xxx-... FR (colonel, Regular Air Force), U.S. Air Force.
Brig. Gen. Anderson W. Atkinson, xxx-xx-x... xxx-... FR (colonel, Regular Air Force), U.S. Air Force.
Brig. Gen. William J. Kelly, xxx-xx-xxxx FR (colonel, Regular Air Force, Judge Advocate General), U.S. Air Force.
Brig. Gen. George W. Rutter, xxx-xx-xxxx FR (colonel, Regular Air Force), U.S. Air Force.
Brig. Gen. Edward J. Nash, xxx-xx-xxxx FR (colonel, Regular Air Force), U.S. Air Force.
Brig. Gen. John W. Collens III, xxx-xx-xxxx FR (colonel, Regular Air Force), U.S. Air Force.
Brig. Gen. William R. Nelson, xxx-xx-xxxx FR (colonel, Regular Air Force), U.S. Air Force.
Brig. Gen. Jack W. Waters, xxx-xx-xxxx FR (colonel, Regular Air Force), U.S. Air Force.
Brig. Gen. Billy M. Minter, xxx-xx-xxxx FR (colonel, Regular Air Force), U.S. Air Force.
Brig. Gen. Kenneth P. Miles, xxx-xx-xxxx FR (colonel, Regular Air Force), U.S. Air Force.
Brig. Gen. Louis G. Leiser, xxx-xx-xxxx FR (colonel, Regular Air Force), U.S. Air Force.
Brig. Gen. Richard N. Cody, xxx-xx-xxxx FR (colonel, Regular Air Force), U.S. Air Force.
Brig. Gen. John E. Kulpa, Jr. xxx-xx-xxxx FR (colonel, Regular Air Force), U.S. Air Force.
Brig. Gen. Charles F. G. Kuyk, Jr., xxx-xx-x... xxx-... FR (colonel, Regular Air Force), U.S. Air Force.
Brig. Gen. Richard E. Merkling, xxx-xx-x... xxx-... FR (colonel, Regular Air Force), U.S. Air Force.
Brig. Gen. David B. Easson, xxx-xx-xxxx FR (colonel, Regular Air Force), U.S. Air Force.
Brig. Gen. William L. Nicholson III, xxx-... xxx-xx-x... FR (colonel, Regular Air Force), U.S. Air Force.
Brig. Gen. William D. Gilbert, xxx-xx-xxxx FR (colonel, Regular Air Force), U.S. Air Force.
Brig. Gen. Lynwood E. Clark, xxx-xx-xxxx FR (colonel, Regular Air Force), U.S. Air Force.

IN THE ARMY

The following-named officers for appointment in the Regular Army of the United States to the grade indicated under the provisions of title 10, United States Code, sections 3284 and 3307:

To be major general

Maj. Gen. James Cliffton Smith, xxx-xx-xxxx xxx-... Army of the United States (brigadier general, U.S. Army).
Maj. Gen. James Joseph Ursano, xxx-xx-x... xxx-... Army of the United States (brigadier general, U.S. Army).
Maj. Gen. Patrick William Powers, xxx-xx-x... xxx-... Army of the United States (brigadier general, U.S. Army).
Maj. Gen. George Magoun Wallace II, xxx-... xxx-xx-x... Army of the United States (brigadier general, U.S. Army).
Maj. Gen. Charles Echols Spragins, xxx-xx-x... xxx-... Army of the United States (brigadier general, U.S. Army).
Maj. Gen. Oliver Day Street III, xxx-xx-xx... xxx-x... Army of the United States (brigadier general, U.S. Army).
Maj. Gen. Hal Edward Hallgren, xxx-xx-x... xxx-... Army of the United States (brigadier general, U.S. Army).
Maj. Gen. Pat William Crizer, xxx-xx-xxxx, Army of the United States (brigadier general, U.S. Army).
Maj. Gen. Bert Alison David, xxx-xx-xxxx, Army of the United States (brigadier general, U.S. Army).
Maj. Gen. Bates Cavanaugh Burnell, xxx-... xxx-xx-x... Army of the United States (brigadier general, U.S. Army).
Maj. Gen. Lawrence Edward VanBuskirk, xxx-xx-xxxx Army of the United States (brigadier general, U.S. Army).
Maj. Gen. Charles Raymond Sniffin, xxx-xx-x... xxx-x... Army of the United States (brigadier general, U.S. Army).
Maj. Gen. John Calvin McWhorter, Jr., xxx-... xxx-xx-x... Army of the United States (brigadier general, U.S. Army).
Maj. Gen. Calvert Potter Benedict, xxx-xx-x... xxx-x... Army of the United States (brigadier general, U.S. Army).
Maj. Gen. John Alan Hoefling, xxx-xx-xxxx, Army of the United States (brigadier general, U.S. Army).
Maj. Gen. John Elwood Hoover, xxx-xx-xx... xxx-x... Army of the United States (brigadier general, U.S. Army).
Maj. Gen. William Loyd Webb, Jr., xxx-xx-x... xxx-... Army of the United States (brigadier general, U.S. Army).
Maj. Gen. Robert Jacob Baer, xxx-xx-xxxx, Army of the United States (brigadier general, U.S. Army).
Maj. Gen. Rolland Valentine Heiser, xxx-xx-... xxx-... Army of the United States (brigadier general, U.S. Army).
Maj. Gen. Robert Haldane xxx-xx-xxxx, Army of the United States (brigadier general, U.S. Army).
Lt. Gen. Henry Everett Emerson, xxx-xx-xx... xxx-... Army of the United States (brigadier general, U.S. Army).

Maj. Gen. Stan Leon McClellan, xxx-xx-xx... xxx-x... Army of the United States (brigadier general, U.S. Army).

Maj. Gen. John Rutherford McGiffert II, xxx-xx-xxxx Army of the United States (brigadier general, U.S. Army).

Maj. Gen. Thomas Howard Tackaberry, 555–26–9701, Army of the United States (brigadier general, U.S. Army).

Lt. Gen. John William Vessey, Jr., xxx-xx-x... xxx-x... Army of the United States (brigadier general, U.S. Army).

The U.S. Army Reserve officers named herein for promotion as Reserve Commissioned Officers of the Army, under the provisions of title 10, United States Code, sections 593(a), 3371 and 3384:

To be major general

Brig. Gen. William Henry Ecker, Jr., xxx-... xxx-xx-x...

Brig. Gen. Marvin Herman Knoll, xxx-xx-x... xxx...

Brig. Gen. Franklin Lane McKean, xxx-xx-x... xxx...

Brig. Gen. Harry Stott Parmelee, xxx-xx-xx... xxx-...

Brig. Gen. Harold Newton Read, xxx-xx-x... xxx...

Brig. Gen. Lawrence Drew Redden, xxx-xx-x... xxx-...

Brig Gen. Walter Livingston Starks, xxx-... xxx-xx-x...

Brig. Gen. Robert Murray Sutton, xxx-xx-x... xxx...

To be brigadier general

Col. William Roger Berkman, xxx-xx-xxxx

Col. Wilber James Bunting, xxx-xx-xxxx

Col. Robert Lorenzo Lane, xxx-xx-xxxx

Col. Henry Watts Meetze, xxx-xx-xxxx

Col. Lawrence Wilford Morris, xxx-xx-xxxx

Col. Berlyn Keasler Sutton, xxx-xx-xxxx

The Army National Guard of the United States officers named herein for promotion as Reserve Commissioned officers of the Army under the provisions of title 10, United States Code, sections 593(a) and 3385:

To be major general

Brig Gen. Henry Hammond Cobb, Jr., xxx-... xxx-xx-x...

Brig. Gen. Nicholas Joseph Del Torto, xxx-... xxx-xx-...

Brig. Gen. Robert Earl Johnson, Jr., xxx-... xxx-xx-x...

To be brigadier general

Col. Edward Donald Bangs, xxx-xx-xxxx

Col. Jean Beem, xxx-xx-xxxx

Col. Robert Julian Bradshaw, xxx-xx-xxxx

Col. John Joseph Dillon, xxx-xx-xxxx

Col. Raymond Eugene Grant, xxx-xx-xxxx

Col. William Walton Gresham, Jr., xxx-xx-x... xxx...

Col. Charles Edward Lamoreaux, xxx-xx-x... xxx...

Col. James Ray Owen, xxx-xx-xxxx

Col. Robert Darrell Weliver, xxx-xx-xxxx

The Army National Guard of the United States officer named herein for appointment as a Reserve Commissioned officer of the Army under the provisions of title 10, United States Code, sections 593(a) and 3392:

To be brigadier general

Col. Richmond Lindley Vaughan, xxx-xx-x... xxx...

The Army National Guard of the United States officers named herein for appointment as Reserve Commissioned officers of the Army under the provisions of title 10, United States Code, sections 593(a) and 3392:

To be brigadier general

Col. Charles Emerson Murry, xxx-xx-xxxx

Col. John Grady Smith, Jr., xxx-xx-xxxx

IN THE NAVY

Vice Adm. Earl F. Rectanus, U.S. Navy, for appointment to the grade of vice admiral on the retired list, pursuant to the provisions of title 10, United States Code, section 5233.

IN THE AIR FORCE

The following Air Force officers for reappointment to the active list of the Regular Air Force in the grade indicated, under the provisions of sections 1210 and 1211, title 10, United States Code:

LINE OF THE AIR FORCE

To be colonel

Greene, Julius P., xxx-xx-xxxx

To be lieutenant colonel

Carney, Gilbert J., xxx-xx-xxxx

The following officers for appointment in the Regular Air Force, in the grade indicated, under the provisions of section 8284, title 10, United States Code, with a view to designation under the provisions of section 8067, title 10, United States Code, to perform the duty indicated, and with dates of rank to be determined by the Secretary of the Air Force:

DENTAL CORPS

To be captain

Kaplan, Gerald F., xxx-xx-xxxx

Stewart, Edward A., xxx-xx-xxxx

The following-named persons for appointment as a Reserve of the Air Force in the grade indicated, under the provisions of section 593, title 10, United States Code, with a view to designation under the provisions of section 8067, United States Code, to perform the duties indicated:

MEDICAL CORPS

To be lieutenant colonel

Bargatze, Fred O., xxx-xx-xxxx

Berrick, William H., xxx-xx-xxxx

Bioletti, John J., xxx-xx-xxxx

Bogard, Dorr E., xxx-xx-xxxx

Carlson, Mary N. S., xxx-xx-xxxx

Fredd, Sumner G., xxx-xx-xxxx

Himelberger, Corydon G., xxx-xx-xxxx

Morgan, Charles J., xxx-xx-xxxx

Petersen, Dean A., xxx-xx-xxxx

Pile, Duane F., xxx-xx-xxxx

Rennebohm, John A., xxx-xx-xxxx

Richards, Warren L., xxx-xx-xxxx

Rose, Donald E., xxx-xx-xxxx

Semler, Leonard, xxx-xx-xxxx

Soman, Howard, xxx-xx-xxxx

Swensen, Alan D., xxx-xx-xxxx

Thesing, Thomas A., xxx-xx-xxxx

The following officer for appointment as a Reserve of the Air Force, in the grade indicated under the provisions of section 593, title 10, United States Code:

LINE OF THE AIR FORCE

To be colonel

Duke, Charles M., Jr., xxx-xx-xxxx

The following-named persons for appointment as temporary officers in the United States Air Force, in the grade indicated, under the provisions of sections 8444 and 8447, title 10, United States Code, with a view to designation under the provisions of section 8067, title 10, United States Code, to perform the duties indicated:

MEDICAL CORPS

To be lieutenant colonel

Balais, Miguel F., xxx-xx-xxxx

Barbour, Neil G., xxx-xx-xxxx

Bargatze, Fred O., xxx-xx-xxxx

Baser, Ali N., xxx-xx-xxxx

Berrick, William H., xxx-xx-xxxx

Bioletti, John J., xxx-xx-xxxx

Bogard, Dorr E., xxx-xx-xxxx

Carlson, Mary N. S., xxx-xx-xxxx

Dattilo, Frank S., xxx-xx-xxxx

Domingo, Juanito L., xxx-xx-xxxx

Dunn, Joseph P., xxx-xx-xxxx

Felactu, James O., xxx-xx-xxxx

Fredd, Sumner G., xxx-xx-xxxx

Himelberger, Corydon G., xxx-xx-xxxx

Maddiwar, Gangadhar L., xxx-xx-xxxx

Malabanan, Francisco L., xxx-xx-xxxx

Martinez, Manuel R., xxx-xx-xxxx

Morgan, Charles J., xxx-xx-xxxx

Muzac, Andre, xxx-xx-xxxx

Patrick, Robert G., xxx-xx-xxxx

Payne, James E., Jr., xxx-xx-xxxx

Petersen, Deane A., xxx-xx-xxxx

Pile, Duane F., xxx-xx-xxxx

Rennebohm, John A., xxx-xx-xxxx

Richards, Warren L., xxx-xx-xxxx

Rose, Donald E., xxx-xx-xxxx

Semler, Leonard, xxx-xx-xxxx

Soman, Howard, xxx-xx-xxxx

Swensen, Alan D., xxx-xx-xxxx

Thesing, Thomas A., xxx-xx-xxxx

The following officers for promotion in the Air Force Reserve, under the provisions of sections 8376 and 593, title 10, United States Code:

Major to lieutenant colonel

LINE OF THE AIR FORCE

Tyson, Norman P., xxx-xx-xxxx

MEDICAL CORPS

Bass, Dwight R., xxx-xx-xxxx

Hoche, Georges A., xxx-xx-xxxx

Taylor, Gilbert W., xxx-xx-xxxx

BIOMEDICAL SCIENCES CORPS

Dubose, William P., III, xxx-xx-xxxx

IN THE ARMY

The following-named persons for reappointment in the active list of the Regular Army of the United States, from the temporary disability retired list, under the provisions of title 10, United States Code, section 1211:

To be colonel, Regular Army and colonel, Army of the United States

Kaplan, Clarence, xxx-xx-xxxx

Cogswell, David G., xxx-xx-xxxx

The following-named persons for appointment in the Regular Army, by transfer in the grade specified, under the provisions of title 10, United States Code, sections 3283 through 3294:

To be major

Armstrong, Chalmers, xxx-xx-xxxx

Bugay, Glenn L., xxx-xx-xxxx

Connolly, James C., xxx-xx-xxxx

Mayer, Henry A., Jr., xxx-xx-xxxx

To be captain

Barnes, Holman J., xxx-xx-xxxx

Blaney, Thomas D., xxx-xx-xxxx

Copley, John B., xxx-xx-xxxx

Cummings, Douglas M., xxx-xx-xxxx

Eckert, Richard E., xxx-xx-xxxx

Ewart, Thomas W., xxx-xx-xxxx

Freccia, William T., xxx-xx-xxxx

Gandy, Charles L., III, xxx-xx-xxxx

Gonzalez, John J., xxx-xx-xxxx

Guinn, John W., III, xxx-xx-xxxx

Hansen, Mark F., xxx-xx-xxxx

Hayes, Brian E., xxx-xx-xxxx

Illingworth, William H., xxx-xx-xxxx

Jones, Robert P., xxx-xx-xxxx

Lascher, Michael F., xxx-xx-xxxx

Lupton, George P., xxx-xx-xxxx

Pope, John, Jr., xxx-xx-xxxx

Pryor, James E., xxx-xx-xxxx

Rollow, John A., IV, xxx-xx-xxxx

Rucker, Tinsley W., xxx-xx-xxxx

Smith, David S., xxx-xx-xxxx

Traylor, John A., xxx-xx-xxxx

Warncke, Ronald M., xxx-xx-xxxx

Wheeler, Bruce R., xxx-xx-xxxx

Young, Timothy R., xxx-xx-xxxx

To be first lieutenant

Barnhill, Danny R., xxx-xx-xxxx

Blakeslee, Don B., xxx-xx-xxxx

Bressler, Stephen A., xxx-xx-xxxx

Galehouse, Lawrence xxx-xx-xxxx

Gatrell, Cloyd B., xxx-xx-xxxx

Gordon, Maurice K., xxx-xx-xxxx

Harper, Michael G., xxx-xx-xxxx

Hollis, Harris W., Jr., xxx-xx-xxxx

Jones, Robert E., xxx-xx-xxxx

Kaup, Danny P., xxx-xx-xxxx

McCarthy, Joseph P., Jr., xxx-xx-xxxx

McGuinness, John P., xxx-xx-xxxx

McMurdo, Strathmore K. Jr., xxx-xx-xxxx
Moore, John W. M., xxx-xx-xxxx
Moser, Richard P., Jr., xxx-xx-xxxx
Prier, Ronald E., xxx-xx-xxxx
Redd, Richard A., xxx-xx-xxxx
Roberts, Herbert R., xxx-xx-xxxx
Roden, William C., xxx-xx-xxxx
Ryan, John B., xxx-xx-xxxx
Schroeder, David E., xxx-xx-xxxx
Skoog, Steven J., xxx-xx-xxxx
Vaccaro, John A., xxx-xx-xxxx
Van Dam, Bruce E., xxx-xx-xxxx
Wells, James R., xxx-xx-xxxx
West, Sterling G., xxx-xx-xxxx
Whitehead, Myron E., xxx-xx-xxxx

The following-named persons for appointment in the Regular Army of the United States, in the grade specified, under the provision of title 10, United States Code, sections 3283 through 3294 and 3311:

To be lieutenant colonel

Blom, John O., xxx-xx-xxxx

To be captain

Carano, James C., xxx-xx-xxxx
Clark, Royce E. S., xxx-xx-xxxx
Kelley, John A., xxx-xx-xxxx
Sirsi, David D., xxx-xx-xxxx

To be first lieutenant

Charlesworth, James, xxx-xx-xxxx
Clarke, Willie M., Jr., xxx-xx-xxxx
Drury, Gary L., xxx-xx-xxxx
Falk, Wonney, xxx-xx-xxxx
Isaac, Carol A., xxx-xx-xxxx
Patterson, Richard F., xxx-xx-xxxx
Rajniak, John D., xxx-xx-xxxx
Rambo, Janice A., xxx-xx-xxxx
Rose, Joseph P., xxx-xx-xxxx
Sculley, Patrick D., xxx-xx-xxxx

To be second lieutenant

Deback, Allyn G., xxx-xx-xxxx
Saye, Jackie W., xxx-xx-xxxx

IN THE ARMY

The following-named officers in the Army of the United States, under the provisions of title 10, United States Code, section 3447.

To be colonel

Adams, James W., xxx-xx-xxxx
Addison, Richard L., xxx-xx-xxxx
Aleong, Fletcher A., xxx-xx-xxxx
Alexander, Lyle K., xxx-xx-xxxx
Allanson, Will B., xxx-xx-xxxx
Andrews, Donald A., xxx-xx-xxxx
Andrews, Donald G., xxx-xx-xxxx
Andrews, William G., xxx-xx-xxxx
Annette, Robert W., xxx-xx-xxxx
Apperson, Jack A., xxx-xx-xxxx
Arnecke, Charles O., xxx-xx-xxxx
Austin, Clinton W., xxx-xx-xxxx
Austin, Kenneth B., xxx-xx-xxxx
Bahnsen, John C., xxx-xx-xxxx
Barry, Joseph A., xxx-xx-xxxx
Basil, Benjamin J., xxx-xx-xxxx
Bass, Robert L., xxx-xx-xxxx
Bassham, Archie F., xxx-xx-xxxx
Bauer, Philip O., xxx-xx-xxxx
Beaumont, Charles D., xxx-xx-xxxx
Beck, Buddy G., xxx-xx-xxxx
Becker, Donald L., xxx-xx-xxxx
Belcher, Eugene R., xxx-xx-xxxx
Bell, James F., xxx-xx-xxxx
Bell, Joel H., xxx-xx-xxxx
Benoit, William R., xxx-xx-xxxx
Benson, Frederick S., xxx-xx-xxxx
Bergen, James P., xxx-xx-xxxx
Bettinger, Francis, xxx-xx-xxxx
Bittl, Frederick E., xxx-xx-xxxx
Blake, Richard J., xxx-xx-xxxx
Bliss, Donald E., xxx-xx-xxxx
Bonito, Louis J., xxx-xx-xxxx
Booras, Peter D., xxx-xx-xxxx
Borris, Roger J., xxx-xx-xxxx
Branscum, Billy R., xxx-xx-xxxx
Brockway, Lawrence, xxx-xx-xxxx
Brokenshire, James, xxx-xx-xxxx
Brown, George A., xxx-xx-xxxx
Brown, James E., xxx-xx-xxxx
Brumback, Robert M., xxx-xx-xxxx
Bryan, Clyde M., xxx-xx-xxxx
Buchwald, Donald M., xxx-xx-xxxx
Buckard, Danny J., xxx-xx-xxxx
Burke, William M., xxx-xx-xxxx
Burnette, Sheldon J., xxx-xx-xxxx
Burns, Joseph C., xxx-xx-xxxx
Burns, Paul P., xxx-xx-xxxx
Cameron, Duane G., xxx-xx-xxxx
Cardillo, Richard G., xxx-xx-xxxx
Carpenter, Robert D., xxx-xx-xxxx
Cataldo, Fulvio J., xxx-xx-xxxx
Cathcart, James E., xxx-xx-xxxx
Chapman, Charles W., xxx-xx-xxxx
Chapman, Robert B., xxx-xx-xxxx
Child, Paul W., xxx-xx-xxxx
Childs, Wendall A., xxx-xx-xxxx
Cipriano, Alexander, xxx-xx-xxxx
Clemmons, Robert H., xxx-xx-xxxx
Cody, William F., xxx-xx-xxxx
Cole, Raymond F., xxx-xx-xxxx
Coleman, Willie A., xxx-xx-xxxx
Collins, William O., xxx-xx-xxxx
Comeau, Robert F., xxx-xx-xxxx
Condry, Willie J., xxx-xx-xxxx
Conner, Donald H., xxx-xx-xxxx
Cook, John J., xxx-xx-xxxx
Cook, John J., xxx-xx-xxxx
Corley, William L., xxx-xx-xxxx
Cornell, Robert K., xxx-xx-xxxx
Cottrell, Walter A., xxx-xx-xxxx
Courtney, Clemon G., xxx-xx-xxxx
Couvillion, Herbert, xxx-xx-xxxx
Cowan, Donnely G., xxx-xx-xxxx
Crawford, William R., xxx-xx-xxxx
Crawley, Paul K., xxx-xx-xxxx
Creel, Tilford C., xxx-xx-xxxx
Cunniff, Roy A., xxx-xx-xxxx
Currey, Charles E., xxx-xx-xxxx
Deberardino, Anthony, xxx-xx-xxxx
Demoss, James R., xxx-xx-xxxx
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Dowdy, Harry K., Jr., xxx-xx-xxxx
Draper, Leo, xxx-xx-xxxx
Dreher, Henry E., xxx-xx-xxxx
Drummond, James E., xxx-xx-xxxx
Dubose, Perryman F., xxx-xx-xxxx
Dugan, Daniel C., xxx-xx-xxxx
Dunn, James H., xxx-xx-xxxx
Durbin, James J., xxx-xx-xxxx
Durkee, Richard Y., xxx-xx-xxxx
Dyer, Howard B., xxx-xx-xxxx
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Elam, Fred E., xxx-xx-xxxx
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Elliott, Bernard V., xxx-xx-xxxx
Falbo, John J., xxx-xx-xxxx
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Fitzgerald, Richard, xxx-xx-xxxx
Fleming, Norwood W., xxx-xx-xxxx
Folta, Russell J., xxx-xx-xxxx
Fugitt, Billy W., xxx-xx-xxxx
Fulp, Charles A., xxx-xx-xxxx
Furlong, George P., xxx-xx-xxxx
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Gannon, James V., xxx-xx-xxxx
Gates, Kermit H., xxx-xx-xxxx
George, James R., xxx-xx-xxxx
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Goodwin, Robert E., xxx-xx-xxxx
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Grimes, Donald B., xxx-xx-xxxx
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Stewart, John P., xxx-xx-xxxx
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Valz, Donald J., xxx-xx-xxxx
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Walker, Travis L., xxx-xx-xxxx
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CHAPLAIN CORPS

To be colonel

Allen, Eugene E., xxx-xx-xxxx
Anderson, Alister C., xxx-xx-xxxx
Barry, Raymond E., xxx-xx-xxxx
Cox, Billy H., xxx-xx-xxxx
Craig, Arthur P., xxx-xx-xxxx
Cunniffe, John J., xxx-xx-xxxx
Diaz, Herminio, xxx-xx-xxxx
Dolan, James F., xxx-xx-xxxx
Foley, Raymond J., xxx-xx-xxxx
Forsythe, Walter D., xxx-xx-xxxx
Gibbs, Charles R., xxx-xx-xxxx
Gremmels, Delbert W., xxx-xx-xxxx
Harding, Richard M., xxx-xx-xxxx
Kovacic, Francis, xxx-xx-xxxx
Lapp, Ernest D., xxx-xx-xxxx
Logan, John D., xxx-xx-xxxx
Magalee, John E., xxx-xx-xxxx
McInnes, Thomas J., xxx-xx-xxxx
McMillan, Whitfield, xxx-xx-xxxx
Moss, Ira G., xxx-xx-xxxx
Nagata, William M., xxx-xx-xxxx
Ouzts, Paul D., xxx-xx-xxxx
Polhemus, David W., xxx-xx-xxxx
Reaser, Clarence L., xxx-xx-xxxx
Stover, Earl F., xxx-xx-xxxx
Tibbetts, Alan C., xxx-xx-xxxx
Walker, Conrad N., xxx-xx-xxxx
Wright, Wendell T., xxx-xx-xxxx
Yarbrough, Jimie W., xxx-xx-xxxx

MEDICAL SERVICE CORPS

To be colonel

Allen, Harold E., xxx-xx-xxxx
Brown, Joseph I., xxx-xx-xxxx
Clark, Scott W., xxx-xx-xxxx
Conselman, Charles, xxx-xx-xxxx
Ebner, Donald G., xxx-xx-xxxx
Gulevich, Wladimir, xxx-xx-xxxx
Herman, David E., xxx-xx-xxxx
Hoyt, Max E., xxx-xx-xxxx
Irons, Ernest M., xxx-xx-xxxx
Kennedy, Bruce, xxx-xx-xxxx
Marsh, Raymond M., xxx-xx-xxxx
Midkiff, John L., xxx-xx-xxxx
Miner, Lewis C., xxx-xx-xxxx
Muzzio, Robert J., xxx-xx-xxxx
Piercy, John P., xxx-xx-xxxx
Sommers, George A., xxx-xx-xxxx
Stocks, Harold W., xxx-xx-xxxx
Temperilli, John Jr., xxx-xx-xxxx
Walker, James F., xxx-xx-xxxx

ARMY MEDICAL SPECIALISTS CORPS

To be colonel

Baggan, Mary V., xxx-xx-xxxx
Hamilton, Elizabeth, xxx-xx-xxxx
Metcalf, Virginia A., xxx-xx-xxxx
Vanharn, Mary A., xxx-xx-xxxx

VETERINARY CORPS

To be colonel

Anderson, Ronald D., xxx-xx-xxxx
Chandler, Harold K., xxx-xx-xxxx
Florine, Thomas E., xxx-xx-xxxx

ARMY NURSE CORPS

To be colonel

Antonicci, Anna E., xxx-xx-xxxx
Atchison, Juanita M., xxx-xx-xxxx
Bader, Madelaine A., xxx-xx-xxxx
Baker, Evaline R., xxx-xx-xxxx
Baskfield, Margaret, xxx-xx-xxxx
Bosch, Lila J., xxx-xx-xxxx
Carr, Mary J., xxx-xx-xxxx
Davis, Marion J., xxx-xx-xxxx
Foley, Mary A., xxx-xx-xxxx
Galloway, Katherine, xxx-xx-xxxx
Gehringer, John, xxx-xx-xxxx
Geissinger, Amy D., xxx-xx-xxxx
Glisson, Bessie R., xxx-xx-xxxx
Greene, Patricia A., xxx-xx-xxxx
Hensley, Maurice H., xxx-xx-xxxx
Johns, Lois A., xxx-xx-xxxx
Johnson, Martha E., xxx-xx-xxxx
Keneson, Lorene F., xxx-xx-xxxx

Kuehn, Dorothy M., xxx-xx-xxxx
Labbe, Elizabeth A., xxx-xx-xxxx
Lillard, Callista J., xxx-xx-xxxx
Mackey, Helen J., xxx-xx-xxxx
Mahoney, Rosemarie, xxx-xx-xxxx
McCarthy, Rosemary, xxx-xx-xxxx
Miller, Patricia M., xxx-xx-xxxx
Mulqueen, Mary G., xxx-xx-xxxx
Reddy, Charles J., xxx-xx-xxxx
Rodgers, Elizabeth, xxx-xx-xxxx
Rodgers, Marie, xxx-xx-xxxx
Slewitzke, Connie L., xxx-xx-xxxx
Smith, Cassandra, xxx-xx-xxxx
Sowa, Helen B., xxx-xx-xxxx
Wilson, Essie M., xxx-xx-xxxx
Wisler, Marie G., xxx-xx-xxxx
Young, Mary G., xxx-xx-xxxx

IN THE NAVY

The following-named officers of the U.S. Navy and Naval Reserve for temporary promotion to the grade indicated in the staff corps as indicated subject to qualification therefore as provided by law:

Captain

MEDICAL CORPS

Anderson, Robert Lee
Aubrey, Royal Grover
Boorstin, James Ben
Broussard, Nicholas D.
Byrd, Thomas Raymond
Carson, William Edgar J.
Cassells, Joseph S.
Caudill, Robert Paul, Jr.
Copman, Louis
Cordray, Douglas Roy
Crawford, William Roder
Crosson, Robert Charles
Davis, David Richard, II
Deignan, William Edward
Draper, Wilmot Strathy
Fornes, Michael F.
Gee, William
Harkins, Hugh Harrison
Hutcheson, Janet R.
Johnson, Walter Taylor
Johnson, William Waldo
Larsen, Reynold Thorval
Letourneau, David J.
Ling, Shun Hung
MacLeod, William Asa J.
Mangold, Harry A.
McGlamory, James Clayton
McGrail, John Francis
McMahon, David
Morgan, James Dayle
O'Donnell, Joseph Edward
Oldershaw, John Bramley
Olsen, James Arlen
Pedersen, Carl Marvin
Perlin, Elliott
Powers, Samuel Adam
Rack, Robert Vincent
Rogers, Albert Kandle
Sablan, Ralph Guerrero
Schillaci, Richard F.
Sears, Henry James Tipp
Senn, James Philip
Skinner, Wendell Lawrence
Spaur, William Hamilton
Sphar, Raymond Leslie J.
Stoop, David Roger
Strom, Clarence Gordon
Sturtz, Donald Lee
Thomas, Jackson Walden
Thompson, Robert Leslie
Urbanc, Andrew Neal
Vanburen, William Edward
Vorosmarti, James, Jr.
Wall, Norman Ray
Wenger, James E.
Yon, Joseph Langham, Jr.
Zelles, Gary Warren

SUPPLY CORPS

Biddison, Ted Allen
Blake, James Fred, Jr.
Beuhler, Cyril Henry
David, Robert Wythe
Dolloff, Robert Henry
Douglass, Jerry Burdette
Fidd, Joseph Adam
Flach, Lynn Roger
French, Robert Torbet
Fulks, Logan Gerald
Graessle, Ernest Joseph
Guffy, Wellard Raymond
Hamilton, John Francis
Higgins, Ernest Carter M.
Hines, Duane Eldred
Holder, James Rearick
Jones, Rial Cooper
Kalafut, George Wendell
Killoran, Joel David
Lampton, George Harold
Mead, George Whitefield, III
Newcomb, Frank Norman
Platt, Stuart Franklin
Ruehlin, John Henry
Sojka, Casimir Emil
Speer, John Warren
Sullivan, Patrick Daniel
Tauriello, Frank Sebastian
Vanvalkenburg, Max Weldon
Virden, Frank Stanley
Vogel, Carl Philip, Jr.
Washburne, William Kendall
Webb, Carl Ray, Jr.
Wright, Walter Frederick, Jr.

CHAPLAIN CORPS

Black, Richard David
Bond, Hollis Harold
Brasley, Lucian Roger
Brudzynski, Peter Ferdinand
Cortney, Kevin James
Eller, Max Alfred
Fallon, Edward Francis
Goffrier, Robert Read
Haney, John Clifford, Jr.
Howland, Joseph Albert
Kelley, Thomas William
Kelly, Henry Thornton
Lecky, Hugh Franklin, Jr.
Lemasters, Clarence Edward
Murphy, Michael Andrew
Newman, William Warren
Norton, Lawrence Edward
Parker, Joe Howard
Paulson, Gordon Earl
Riggs, Adna Wayne
Snyder, Marvin Ellsworth, Jr.
Wetzel, Oliver Hugo
Willson, William George

CIVIL ENGINEER CORPS

Auerbach, Ralph William, Jr.
Connor, Donald Lee
Crosson, William Edward
Donaldson, Jacques Edward
Mlekush, Matt Clarence
Oliver, Philip, Jr.
Phenix, Robert Preston
Ruff, Lowell Howard, Jr.
Shafer, Willard George
Skrinak, Vincent Michael
Smith, Ralph Aubery, III
Stallman, Thomas Frank
Weir, James Weldon, Jr.
Weis, John Maximilian

JUDGE ADVOCATE GENERAL'S CORPS

Ake, Charles Paul
Fulton, Elbert Martin, Jr.
Gregory, John Joseph
Lohrey, Thomas Edwin, Jr.
McCarthy, Richard John

DENTAL CORPS

Annis, Robert Blake
Ballard, Gerald T.
Batenhorst, Kenneth Frank
Bloch, George Alfred
Bowen, Lathe Lamon
Box, John Marvin
Callihan, Michael Down
Cassidy, Robert E.
Clegg, Milton Chipman
Cowen, Carlton Roy
Crawford, John Daniel
Cushing, John Renouard
Douglas, Robert Jones
Ebert, Walter, H.
Eklind, Ronald Russell
Esposito, Richard A.
Fishel, David Leslie
Fitzgerald, Donald Edward
Foley, John Morrison
Hudson, Elmer Raymond
Huelster, Peter Charles
Huttula, Charles S.
Kelly, James Charles
Kravets, Thomas Francis
Krzeminski, Arthur Edward
Lekas, James S.
Linkenbach, Charles Russell
Lowe, Cameron Anderson
McCall, Frank James
McMahon, Joseph Patrick
McWalter, George Michael
Mosby, Edward Lee
Nissenson, Marvin
Pedrick, George R.
Scott, Gale Lee
Selby, Vernice Boyd
Shelin, Ronald Albert
Stout, William Andrew
Terhune, Raymond Carey
Trainor, John Edward
Vernino, Arthur Robert
Watkins, Owen Terence
Werning, John Thomas
Williams, Robert Edward
Wingard, Charles Earl
Yeager, James Edward

MEDICAL SERVICE CORPS

Barker, Samuel Dorris
Coulson, Harold Harvey
Hockstein, Edwin Stanley
Lane, Jack Richard
Miller, Harry Philip
Oleson, Russell Herman
Passaglia, Martin, Jr.
Pribnow, James Frederick
Stallings, Orlando
Tanner, Millard Franklin
Whitlock, William Ellis

NURSE CORPS

Conley, Mary Lewis
Effner, Dorothy Jane
Elsass, Phyllis Jean
Ferguson, Miriam M.
Howard, Katherine Alice
MacDowell, Nancy Ann
Merritt, Patricia Ann
Perreault, Madelon Miller
Portz, Patricia Jean
Slater, Beverly Jean
Spencer, Lelah Emma
Walker, Helen Jean
Zigovsky, Bernice Jones

The following-named officers of the U.S. Navy for temporary promotion to the grade of commander in the staff corps of the United States Navy, as indicated, subject to qualification therefor as provided by law:

MEDICAL CORPS

Donaldson, Robert Carter
Hallenbeck, John M.

Comdr. Rafael Roure for temporary promotion to the grade of commander in the Medical Corps of the Reserve of the U.S. Navy, subject to qualification therefor as provided by law.

The following-named officers of the U.S. Navy for temporary promotion to the grade of lieutenant commander in the staff corps of the U.S. Navy, as indicated, subject to qualification therefor as provided by law:

MEDICAL CORPS

Drake, Terrance S.
Fillmore, Ralph S.
McReynolds, John W.
Rish, Ronald L., Jr.

DENTAL CORPS

Hall, Ellis H., Jr.
Linville, Robert B.

The following-named officers of the U.S. Navy for temporary promotion to the grade of lieutenant in the line and staff corps of the U.S. Navy, as indicated, subject to qualification therefor as provided by law:

LINE

Aller, Bernard Morris
Boaz, Steven Alan
Bostick, Robert A.
Chambers, Regan Scott
Dick, Reay Stewart, Jr.
Duncan, Stephen Van
Droz, Charles Albert, III
File, Gary Lee
Gibney, William James
Hatfield Douglas Philip
Heuer, Edward David
Howell, Wayne Morris
Ische, Larry C., Jr.
Jackson, Jimmie Ray
Mattingly, Lloyd Walter
McCamy Steven Ray
Mills, Dennis Reginald
Nichols, Raymond John, Jr.
Ouitmet, James H.
Robert, Leon Emile, III
Robinson, Frederick Thomas, II
Ruggles, Clifford L.
Stevenson, Charles A.
Walker, John B.
Watson, Gregory Harriss

CIVIL ENGINEER CORPS

Campbell, Gordon Moore
Smithey, George W.

MEDICAL SERVICE CORPS

Anderson, Charles Lawson
Beatty, Earl, III
Cline, Ferdinand Charles
Grissom, Michael Philip
Kramer, Jeffrey Allan
Murphy, Patrick Edmond
Parks, Jackie Howard

NURSE CORPS

Burks, Teressa Olivia
Christman, Patricia K.
Franzee, Daniel Clark
George, Melissa Ann
Clenewinkel, Gloria Susan
Iverson, Halvor Edward, Jr.
Paul, John Charles
Ring, Rita Ruth
Spandau, Maritza M.
Stoessel, Kathleen Barbara
Thompson, Thomas Neil
Watson, Patricia Elaine

Lt. Comdr. George D. Ord, Jr., for permanent promotion to the grade of lieutenant commander in the line of the U.S. Navy, subject to qualification therefor as provided by law.

The following-named officers for permanent promotion to the grade of lieutenant (junior grade) in the line and staff corps of the U.S. Navy, as indicated, subject to qualification therefor as provided by law:

LINE

Brinkman, Thomas Franklyn, Jr.
Danforth, Lawrence Wayne
Falten, Victoria Lee
Flood, John Thomas, Jr.
Jackson, William Pierce, Jr.
Jolley, Marilyn K.
Jorvig, Daniel Alden
Marcinizyn, Margaret L.
Marshall, William James
Ransbotham, James Irvine, Jr.
Rush, Robert Jacque
Wagner, Charles Steven
Westfall, Susan J.
Woodall, James Mead

SUPPLY CORPS

Herbert, Raymond John
Ishiguro, Steven Edward Susu
McKenna, Kathleen Ann
Westlake, Thomas Edward

CIVIL ENGINEER CORPS

Clark, David J.
Kennedy, Michael G.

MEDICAL SERVICE CORPS

Heisler, Robert P.

NURSE CORPS

Chapman, Gayland J.

The following-named officers in the line of the United States Navy for transfer to the staff corps indicated, in the permanent grade of lieutenant (junior grade) and temporary grade of lieutenant:

CIVIL ENGINEER CORPS

Setzekorn, Robert R.

JUDGE ADVOCATE GENERAL'S CORPS

Scranton, Joseph D.

The following-named officers in the line of the United States Navy for transfer to the staff corps indicated, in the permanent grade of ensign and temporary grade of lieutenant:

SUPPLY CORPS

Grimes, Gary C.

CIVIL ENGINEER CORPS

Campbell, Gary L.

The following-named officer of the line of the United States Navy for transfer to the Judge Advocate General's Corps in the permanent grade of lieutenant (junior grade):

Benton, William D.
Cattanach, Robert E., Jr.
Fayle, Patrick A.
Holt, John B.
Jacobsen, Walter L.
John, Edmund K.

The following-named officers in the line of the United States Navy for transfer to the staff corps indicated, in the permanent grade of ensign:

SUPPLY CORPS

Bunker, Thomas A.
Edelman, Bradley T.
Knaggs, Christopher D.
Poston, Cary D.

CIVIL ENGINEER CORPS

Eckhart, Andrew J.
Peck, Dale W.
Taylor, Chris A.

The following-named officers of the U.S. Navy for temporary promotion to the grade of lieutenant commander in the line subject to qualification therefor as provided by law:

Abel, Arthur Philip
Abel, Ernest Walter
Alderink, James Wesley
Allison, Daniel Henry
Alvarez, Joseph Albert
Ambrose, Isaiah Hammack, III
Andersen, Harold
Anderson, Gerald Barrett
Anderson, Richard Lester
Anderson, Terrance Edwards
Andres, Stephen Michael
Andrews, Roger Marshall
Angstead, Donald Eugene
Arbini, Jerrold Ernest
Arcari, Joseph Peter
Arendt, Steven Maurice
Arluck, Richard Michael
Armstrong, Robert John
Arsuaga, Miguel Jose
Ashby, Gary Lee
Atchison, Thomas Ludwell
Atkinson, Harvey Eugene, III
Austin, Gary Lee
Awood, Michael
Bailie, James Matthew
Baker, Robert William
Bakkala, Eugene John
Baldwin, Dan William, Jr.
Balovich, Nicholas Michael, Jr.
Bardsley, George Paul
Barker, Joseph Henry, III
Barkley, Stephen John
Barnes, John Winthrop, Jr.
Barr, Richard Wendell
Barr, Richard Conklin, Jr.
Barrett, James Lyall
Bartholomew, James Clayton
Batcheller, Oliver Alden
Bates, Billy Gene
Bates, John C., Jr.
Bates, Kenneth Scott, Jr.
Bauer, William Timmons
Beacham, Richard Frank
Beavers, Ashley Jerome
Bechtel, Donald Gene, Sr.
Beck, Melvin Dewayne
Becker, Frederick Joseph, Jr.
Beckham, Jerry
Beers, Charles Joseph, Jr.
Beers, Lawrence Stanley
Beinbrink, Jeffrey Robert
Beliech, Dewey Eldridge, Jr.
Bell, James Keith
Bell, William Farmer
Bellamy, David B.
Bellew, Patrick Harry
Benzin, Robert William
Berryman, James Charles
Bielicki, Dennis James
Bier, Gary Lanar
Biggerstaff, Ronald Owen
Biller, Charles John
Birchmier, Charles Orland
Bird, Walter Dennis
Bishop, Ernest Frank
Blair, Thomas James
Blanchard, Frank Medford, Jr.
Blankinship, Leslie Scott
Boaz, Lowell David
Bodie, Jeffrey George
Boggio, John Martin
Bond, William Douglas
Bouck, Dudley Charles
Boudreaux, Numa A, III
Bourland, Harry Raymond, II
Bowen, James Leroy
Bowers, William Raymond
Bowler, Roland Tomlin E., III
Boyce, Brian Francis
Boyd, Gerald Glenn
Boynton, Robert William, Jr.
Branum, Richard Cline
Breagy, Thomas Joseph
Breslin, John William
Bridges, Wilmer E., II
Bright, Philip Graham
Broderick, Thomas Powell
Broome, Norval Lagier
Broome, William H
Brown, Carl Ronald
Brown, John Edward
Brown, Michael Eugene
Brown, Oval Dwight
Brown, Patrick Joseph
Brown, Robert Douglas
Brown, Robert Mackenzie
Brown, Stanley Morton, III
Browne, Thomas Cleage
Brownley, Lawrence Leroy
Brunson, Richard Alan
Bulson, Marvin James
Bunch, Gerald Douglas
Bunton, Ray Lincoln
Burch, John Charles
Burchell, Charles Richard
Burck, Clarence William
Burger, James Carl
Burggren, Peter Charles
Burke, Robert Gifford
Burkhart, Alan Douglas
Burkhart, Daniel Willis, Jr.
Burnett, Robert Vernon
Burnett, William Howard
Burns, Richard, Francis, Jr.
Burns, William Robert, Jr.
Burton, Herbert Walker, Jr.
Bush, Harold Samuel
Butler, George William
Buttinger, James David
Byard, Larry Frederick
Cahill, David Blake
Cahill, William Henry
Calaway, Arvid M.
Callaghan, James Michael
Calvert, Eric Scott
Cameron, John Frederick
Campbell, James Graham
Campbell, Thomas Robertson
Candler, David William
Carbone, Nicholas Daniel
Carlson, James Robert
Carnley, Beauron LaVelle
Carpenter, Melvin James, Jr.
Caruso, Michael Jerome
Carver, William Earnest, Jr.
Casey, Glenn Alton
Cash, Ted E.

Casmer, Stephen Bruce
Castle, William Kenneth, Jr.
Castor, Ralph Johnson, Jr.
Caudill, Garland Wayne
Cegler, Edmund Carl
Chance, Logan Orin
Charest, Jerry Russell
Chase, Robert Winslow
Chatellier, Richard Townley
Chehansky, John Charles
Cherry, Michael Everett
Cherry, Robert William
Chown, Donn Melvin, II
Christianson, Richard Alan
Clapper, Richard Frank
Clark, Bartlett Lee
Clark, Richard Allen
Clark, Robert Joseph
Clarke, Wayne A.
Clinton, John William
Cloyes, Robert Dagwell, Jr.
Cobb, Robert Merton
Cocci, James Alfred
Cochran, Deford Eugene
Cody, Edward Joseph
Cohen, Jay Martin
Colburn, Herbert Temple
Colley, Donald Vernon
Collins, James Patrick
Collins, Wendell Roy
Collins, William Vivian, Jr.
Coltrane, Glenn Gray
Combs, Robert Meredith
Conn, James Loren
Connor, James Vincent
Cook, Bruce Littleton
Cook, Larry Larue
Coon, James Maynard
Cooper, Bruce Paul
Coovrey, Donald Paul
Copeland, William Winston, Jr.
Cordell, Jeryl William
Cornwall, Orville L., Jr.
Corry, Vincent Henry
Coumatos, Michael James
Courts, David Paul
Coven, Richard Allen
Cover, Martin Luther, III
Covington, Donald K., III
Cowgill, Curtis James, III
Cox, Mariner Garnett
Crabtree, Carlton Pierce
Crahan, Gary Michael
Craig, Billy Jack, Jr.
Craighill, John St. Clair
Criss, Nicholas R., III
Crosby, George Robert
Cross, William V., II
Croteau, Gary Howard
Cruser, Peter Jesse
Cumbie, James Billie
Cummings, David Lee
Current, Max Christian
Currie, Michael Patteson
Cwiklinski, Stanley Francis
Dahlinger, Frank W., III
Dail, James Allen
Darnell, Donald Lee
Davie, Clinton William
Davis, Charles John, Jr.
Davis, Joseph Warren
Davis, Kenneth James, Jr.
Dawson, Larry Eugene
Dawson, Wilbert Elwood, Jr.
Deal, Leonard Joseph, Jr.
Dearth, Lawrence Charles
Decker, Peter Brennan
Deemie, William Harold
Degruy, Charles Monroe
Delgado, Robert Edward
Demarest, Harold Raymond, Jr.
Denigro, Joseph Richard
Dennis, John Carlisle, III
Densmore, Dean William
Dentremont, Albert George
Derocher, Paul Joseph, Jr.
Detter, Gary Lee
Devall, Roger Ronald
Devinny, Richard Arthur
Dewar, Dorel James, Jr.
Diel, Harry Allen
Diller, Marion Hale, II
Dillon, James Patrick
Diman, William Louis
Dinsmore, Edmund Keating
Dobscha, Frank John, Jr.
Dolan, Harold Alvin
Dollar, Stephen Edward
Dolson, Richard Charles
Donaldson, William S.
Donnelly, Ambrose Thomas
Donnelly, Robert Jennings
Donnelly, William Michael
Doran, Walter Francis
Doryland, Adrian Tracy
Dose, Curtis Richard
Downing, Edward Converse, Jr.
Drager, James Michael
Drake, Keland Lawton, Jr.
Dreyer, Gregory Frank
Driesbach, Ronald Eugene
Driscoll, John Robert, Jr.
Driscoll, Robert George
Dryer, Ross E.
Dubois, Vern Allen
Dulin, James Evans
Duncan, Robert Nelson
Dvorak, James Anthony
Eaton, Paul Nealon
Eckhoff, Clarence Joseph, Jr.
Eckler, Joseph Francis
Edmondson, Gary Duane
Ehrig, William Albert
Eicens, Imants Dzintars
Ellington, James David
Elliott, David Floyd
Elliott, Larry Roscoe
Elliott, Walter Michael
Ellis, Michael Alden
Ellis, Thomas Christopher
Emerson, George Allen, Jr.
Engel, Ronald Allen
English, Robert Hugh
Erickson, John Michael
Erickson, Paul Robert
Erskine, John Roger
Erwin, Arthur Robert
Evans, Floyd
Evans, Howard Charles
Evans, William Ashley, IV
Everett, Richard Allan
Ewing, Ward Hubert
Eysenbach, Karl
Faber, Douglas Everett
Fallen, David Lee
Fallon, William Joseph
Falls, James Sidney
Farrell, Patrick Francis
Farver, Richard Kevin
Fears, John Aaron
Fee, James William
Feeback, Ralph Stanley
Feichtinger, William Michael
Felt, Robert Yocum
Fenn, Richard George
Ferdon, Frank Charles
Ferguson, James Theodore
Ferrell, William Morgan
Field, Michael Lee
Field, Richard Johns
Fielder, John Randolph, Jr.
Fifer, Richard Michael
Finch, David Charles
Fitzpatrick, John Louis
Flanagan, Richard James
Fletcher, Bennie Lyle, III
Flowers, Gerald Ectlis
Foltz, Stanley Charles
Foote, David Arthur
Foote, Jerry Lynn
Foster, William Irving
Foxwell, Robert Everett
France, Robert Timothy
Fraser, Donald Ross
Frick, Kenneth Edwin
Fritsch, Curtis Paul, III
Froggett, Stephan John
Fuller, Robert Thorpe
Fullerton, William Ross
Galbraith, Donald Edward, II
Galloway, James Bruce
Garcia, Juan Manuel, Jr.
Garcia, Larkin Enos
Gary, Ronald Darrell
Garza, Jose Eulalio
Gates, Christopher Gleason
Gautier, William Kirten
Gay, Robert George
Gehr, Thomas Rue
Gehrman, Fred Herman, Jr.
Gentile, David Louis
Giardina, Thomas Joseph, II
Giles, Donald Allen
Gilluly, Christopher William
Givens, Gomer T., Jr.
Clerum, Michel Dennis
Godfrey, William Bret
Godwin, Ronald Howard
Goedjen, Russell Clarence, Jr.
Goff, Jerry Duane
Gooding, Leroy Alvert
Goodrich, William Angier
Goodwin, Richard James
Gorla, Thomas W.
Gorman, Joseph Daniel
Gouslin, William Adelbert
Gragg, Richard Vernon
Grandon, Raymond Arthur, Jr.
Granger, William Ernest
Gravatt, Brent Leigh
Gray, Stephen Vern
Green, George William
Green, Michael Pruette
Gregory, Cletis, Jr.
Griffin, David Moss
Grofcsik, Garry Victor
Grove, John Axtell, II
Grutzius, Charles Robert
Guarino, Kenneth Robert
Guilfoil, Thomas Patrick
Gumbert, Ronald Derwood, Jr.
Gunkel, William Alois
Hack, Theodore Walter
Hagen, James Burgess
Haggerty, Daniel Benedict, Jr.
Hahn, Richard A.
Haley, Mark Christopher
Hall, Ronald Eugene
Halley, Elmer John, Jr.
Hallinan, Thomas Joseph
Ham, Edward Everett, Jr.
Hancock, Thomas William
Hanley, Paul Windsor
Hanratty, William John
Hansell, Paul Jerome
Hansen, Frederick Douglas
Harbeson, Richard Finucan
Harnes, James Joseph, Jr.
Harp, Jerry Wayne
Harrison, Chester Flynn
Harsanyi, William Stewart
Hartnett, James Thomas
Hartung, Timothy Ryan
Harvey, Phillip Ivan
Hawk, William Howard
Hawthorne, Robert Earle, Jr.
Hayes, Timothy James
Healy, Martin Joseph
Hearn, Robert Vernon
Heaton, Joel Brion
Hefkin, Donald Clark
Hefty, William Alton
Heinemann, Alfred George, III
Heisig, Alan Louis
Helgeson, James Daniel
Helm, Richard Eugene
Hendrickson, James
Henry, Gary Roy
Hensley, James Maurice
Herr, Marshall Fredrick
Herrington, David Lynn
Herrmann, Robert Herbert
Hershberger, John Louis
Heschl, William Charles
Hess, James Donald
Hester, William Glen
Heustis, Robert Leroy
Hewett, Leslie Wilsdon, Jr.
Hiatt, Douglas Grant
Hickok, John Howard
Hickox, Gary Dee
Hight, Jimmy Frank
Hildebrand, Charles Louis
Hill, William Frederick
Hill, William McDowell, Jr.
Hoffman, Phillip Stewart

Holden, Harry Franklin, Jr.
Holl, Stephen Trygve
Holland, William Eugene
Holt, James Stephen
Holzapfel, Jon David
Horn, Maurice Darnell, Jr.
Horn, Noel Paul
Horne, Robert Jackson
Horst, Gary L.
Hoskins, Robert Anthony
Hotalen, Robert James
Houser, Robert Edward
Howard, Stephen Thomas
Howe, Daniel Bo
Howick, James Francis
Hudson, Charles Edward
Hudson, Gerald Peter
Hughes, Dwight Sturtevant
Hughes, James Leonard
Hughes, Robert Garfield
Hulsey, William Jamie
Hunt, Edmund Joseph, Jr.
Hutchinson, Thomas Gerald
Hyde, John Wendell
Idsinga, William
Ihlenfeld, David Lawrence
Irelan, Dennis Wayne
Irvine, Pickens William
Isban, Michael Andrew
Jacka, Alan Wayne
Jackson, Earl Joseph
Jacobs, Gerald Keith
Janes, James Bernard
January, Paskell Dean, Jr.
Jaros, Joseph M.
Jensen, Robert James
Johnson, Douglas John
Johnson, Golden Harold
Johnston, Bruce Alan
Johnston, Thomas David
Jones, Arthur Dewayne, III
Jones, George Robert
Jones, James William
Jones, John Patrick
Joransen, William Stuart
Jordan, Ronald Robert
Joslin, Leslie Allen
Judd, Steven Edward
Julihn, Lawrence Sumner
Junker, Allan Ernest
Kapernick, Robert Edwin
Kappell, Leslie George
Kauffman, Gordon Eddie
Keegan, Lawrence Thomas
Keeley, Robert Martin
Keiser, Ronald Lee
Keith, Larry Brian
Keller, David Brooks
Kelley, Michael Bernard
Kelly, Harold Wayne
Kelly, Robert Bolling, Jr.
Kelsey, Robert Joe
Kent, Thomas Richard
Kidd, James Stark L., Jr.
Kilgore, Sidney Johnson, III
Kinard, Edgar Carlysle, Jr.
Kincaid, James Edward
Kincaid, Joseph Durward
Kingsley, John Francis
Kish, Robert Alan
Klimchak, Andrew John, Jr.
Kline, Edward Marvin, Jr.
Knappe, Douglas George
Knobloch, Earle William
Kobylk, Nickolai Slate
Koehler, Richard Keith
Koopman, Theodore
Krick, Richard Arlen
Krol, Joseph John, Jr.
Krubsack, Robert Louis
Kuhn, Richard Charles
Labo, Larry Glynn
Lackey, Terry Carter
Lajoie, Oliver Michael
Land, Stephen Ross
Lareau, Jerome Philip
Larkin, James Jay
Larson, Richard Mason
Lash, William Joseph
Lasswell, John Deane
Lauzon, Gilbert Paul
Lavelle, Donald Lewis
Lawhorn, Robert Martin
Lawson, Dunbar, Jr.
Lawver, Allen Eugene
Leach, George William
Lear, George Barrett, Jr.
Lee, Lynden D.
Letter, Stephen Paul
Leum, Peter Lauritz
Leverette, Ronald Stewart
Lewis, Charles Herbert
Lewis, Ralph Warren
Lindfors, Bo Gottfrid
Lindquist, Douglas Wayne
Linzay, Herman Allen
Lium, Rolf R.
Lockwood, Bruce William
Lopez, Joseph Delbert
Loveless, Sheldon Leroy
Lowell, Robert Leroy, Jr.
Loy, Marvel Henry, Jr.
Lubenow, Richard John
Luckman, Thomas George
MacDonald, Douglas Murray
Mackenzie, Donald Kenneth
MacPherson, George William
Madden, Lewis Dot
Madden, Thomas Francis
Mail, Alan Davison
Malloch, Douglas Clark
Mandeville, Donald Ernest
Maniscalco, James Andrew
Mann, John Edwin
Marks, Norman Alfred
Marks, William Leon
Marnane, Michael Joseph
Maroon, Jerry Wayne
Marsh, Walter Crask
Marsh, William Thomas, Jr.
Marshall, Gregory Sarver
Martin, Michael Dean
Martin, Michael Louis
Martin, Thomas Gordon
Martinsen, Larry Gene
Mason, James Rutledge, Jr.
Mate, Stanley Sykes
Materna, David Alan
Mattioda, Ronald Lee
Maxwell, John Scott
Maxwell, William Haskew
Mayer, Martin J.
Mazza, Joseph Dennis
McArthur, Donald Mack, Jr.
McCarthy, Dana Garrett
McComas, John Philip
McConathy, Donald Reed, Jr.
McConnell, William Spear
McCracken, William Lowell
McCrary, Michael Shannon
McCurdy, Philip Dean
McDaniel, Edwin Ralph
McDonald, Gerald Warner
McDonald, Raymond A.
McDowell, Elmer Jay
McGaughey, James Wilbur, Jr.
McGinlay, Thomas Charles Joh
McGinnis, Stephen Jack
McGuffey, Artie Taft, Jr.
McKay, Ludwell Howard
McKinney, James Aloysius, II
McMahon, John Patrick
McMahon, John Sherman, Jr.
McMahon, Thomas William
McMenimen, Lawrence Leroy
McPherson, Thomas Lee
McQuiston, Michael Kerry
McWhorter, John Douglas
Meier, Michael Arthur
Meintzer, Robert Ells
Mero, Kenneth
Messina, Edward Frederick
Miles, Robert James
Miller, Bruce Martin
Miller, Gary Wayne
Miller, Randall Harold
Miller, Roger Lee
Miller, Ronald Dean
Miller, William Cole, III
Miller, William Pearcy
Mitchell, Anthony Edward
Mitchell, Daniel Benjamin
Mockford, Martin David
Moore, Gregory Rayfield
Moore, Richard Warren
Moore, Springer H., III
Moore, Thomas Weller
Moore, Timothy Blair
Moran, Michael Charles
Morgan, Benny Mount
Moriarty, Richard William
Morrison, Virgil Eugene
Moser, Robert Dayman
Moses, Donald Albert
Moss, Dennis Ray
Moynihan, Patrick Joseph, Jr.
Muccia, Daniel Richard
Muller, Richard Arnold
Mumford, Thomas Frederick
Murrell, Douglas Monroe
Mushen, Robert Linton, II
Myers, Henry Benjamin, Jr.
Naile, Thomas Clinton
Nanos, George Peter, Jr.
Nebiker, Ralph Robert
Nekomoto, David Seiji
Nelson, Robert Edward
Nesbitt, Howard Wayne
Neville, William Joseph, Jr.
Newkirk, Schirrell Richard
Newton, William John
Nick, John Irvin
Nisbet, Robert Earl
Noel, Raymond J., Jr.
Nordgren, Robert Carl
Nordman, Robert William
Norelius, Allen Jay
Norman, Ronald Wayne
Norrell, Billy Edgar
Norris, William Leland
Norton, Arthur Easton
Nosco, Robert Gene
Nutt, Forrest Ray
Oates, John Scott
O'Brien, John Laurence
O'Connell, Michael Keith
O'Connor, Dennis Joseph
O'Connor, Joseph Michael
Ogar, Walter Thomas, III
O'Grady, James W., Jr.
Olbert, Donald Ernest
Oldach, Robert Dorr
Olden, Irvin Leon
Olsen, Arthur Emanuel
Olsen, Sven Ivar
Olsen, Wayne Lewis
Olshinski, John Albert
Orvis, James Worthington
Osborn, Kenneth Eugene
Oser, Eric Leroy
Osiecki, Arthur Eugene
Osterhoudt, Robert Russell
Ostheimer, William L.
Othic, Francis Eugene
Ott, Christopher Stephen
Overgaard, Raymond Melvin
Overson, Claude Lemaun
Overton, Christopher Grasett
Owens, Gregg Ouray
Palmer, Burdette Allan, III
Parish, Philip Walter
Parker, Edward William
Passmore, Leonard Harrison
Patten, Freddie Joe
Patton, Bernard Warren
Paul, Thomas Walder
Payne, John Scott
Peirce, Gregory Neil
Perkins, Thomas William
Perry, Albert Kevin
Pester, James Leroy
Peszko, David Adam
Peter, Leo Edwin, Jr.
Peters, Robert K.
Pfeiffer, John Francis
Pfitzenmaier, Larry David
Phillips, Glenn Patrick
Phipps, Jeffrey Richard
Phoebus, Ronald Wayne
Piehl, James William
Pieper, Bruce Allen
Pillsbury, Seth Clinton
Pinz, Bradley Adkins
Piper, Jack Lee
Piwowar, Thomas Michael

Plante, Robert John
Ploeger, Robert Bowers
Plummer, David Morris
Pocklington, Thomas Philip
Poiencot, Glenn Paul
Porter, Charles Wayne
Porter, Joel Alan
Powell, Richard Allen
Powers, James Arthur, Jr.
Pribula, Stephen Matthew
Price, Leland Herbert
Pugh, Jon Gilbert
Queen, Stephen J.
Quigley, Michael Dennis
Qurollo, James Victor, Jr.
Raaz, Richard Dean
Rabb, Michael Tribble
Radford, David Alvin
Ralston, Gene Duain
Rankin, Robert Eugene
Raysbrook, Charles Frank
Razzetti, Eugene Anthony
Recknor, Robert Bruce
Reinauer, James Richard
Reissig, Harold Leroy
Revenaugh, John Timothy
Reynolds, Felix Michael
Reynolds, Richard Byron
Rhamy, Thomas Lee
Rheinstrom, Gordon Harkness
Rhoades, Alan Sherburne
Rice, Marvin R.
Rice, Theodore Lee
Richard, Jeffrey Luke
Richards, Robert Roger
Richardson, Robert Lamar
Richardson, Arthur Fields
Richmond, Steven Allen
Richt, Harvey Francis
Riley, Charles William
Rinehart, Robert Coleman
Ringwood, Paul
Ritz, Richard Wilfred
Rivers, Almon Duncan
Robb, William Stewart, Jr.
Roberts, Frank Stewart, II
Roberts, Malcolm William
Roberts, William Albert
Robertson, William Clark
Robertson, Terry Gene
Robinson, Charles Leon
Roesh, Donald Richard
Roffey, Robert Charles
Rogers, George Charles, Jr.
Rogers, Stephen H.
Rollen, Claude Terence
Rollins, Richard Edward
Romanski, Paul Arthur
Roop, William Arthur
Rosedale, Burgess Eugene
Ross, Alan Lawrence
Roth, Milton Dudley, Jr.
Rowney, John Victor
Rubel, Carl McHenry
Rueger, Walter Conrad
Rump, Richard Bryant, Jr.
Ruppel, Jack Clyde Louis
Ryan, Norbert Robert, Jr.
Sabatini, Joseph Francis
Sadauskas, Leonard
Sadlier, Richard Thomas
Sage, David Morlan, Jr.
Sager, Harold Eugene
Samuels, Michael William
Sansom, Edward Lee
Sappington, Merrill Arthur
Sargent, David Putnam, Jr.
Savage, Wayne Franklin
Scalzo, John Carmine
Schalk, William Henry
Scheber, Thomas Keith
Schissler, Paul Frederick, Jr.
Schmidt, William Wallace
Schottle, Robert Allan
Schranz, Peter Allen
Schultz, Dale Edward
Schuster, Michael Anthony
Schwendinger, Ronald George
Scott, Gary Everett
Scott, Jerry Lee
Scott, Robert Peter
Scott, William Robert
Scrivener, Orlin Robert
Sego, Thomas Edward
Seiden, Steven Samuel Sutton
Sexton, Theodore Covert
Shapiro, Alan Jay
Shaw, Herbert Bramwell, III
Shaw, Laroyce
Shearer, Richard P.
Sheehan, Daniel Brace, Jr.
Sheeley, Royal Edwin
Sheffield, Terry Randolph
Shellenberger, Wilmont N.
Shelton, John Robert
Sherlock, James Carter
Sherman, Michael Terry
Shond, John William, Jr.
Shultz, Robert Joseph, II
Shumadine, William Albert
Signorelli, Ignatius Anthony
Simkins, Kenneth Ray
Simmons, Donald Kent
Simoneaux, Donald Carlton
Sims, James Hubert
Singler, Charles Walter
Sinness, Kenneth Robert
Siverling, Robert Charles
Skaar, Gerhard Erling
Skinner, Thomas R.
Skjei, Sidney Minard, Jr.
Sloat, Gordon Richard
Smedley, Grant William, III
Smith, Billy Joe
Smith, Donald Lloyd, Jr.
Smith, Douglas Edwin
Smith, James Lawrence
Smith, James Cornelious
Smith, Michael John
Smith, Robert Wayne
Smith, Ronald Ernest
Smith, Thomas H.
Snead, Thomas Shockley
Soares, Paul Louis
Sollenberger, Robert Travis
Solomon, William Emert, Jr.
Spahr, John Franklin III
Spayd, Steven Howard
Specht, Harry Frederick, Jr.
Speed, James Guy
Speidel, David Poor
Stabb, John Albin
Standley, Cecil Edmond
Stanley, Harold Gene
Stanley, Robert Ray, Jr.
Staples, Patrick Ryan
Staudte, Paul Vincent
Steenburgh, Charles Joseph
Stevens, Larry James
Stevenson, Robert William
Stewart, Joseph Stanley, II
Stewart, William Cole
Stillinger, James Morris
Stillmaker, William James
Stolt, Robert Dean
Storaasli, Leroy Oscar
Story, Robert Garner
Stout, Charles Lawrence, Jr.
Strada, Joseph Anthony
Stratton, Phil Zeh
Strausbaugh, Thomas Ligore
Struble, Arthur Dewey, III
Stuart, Jay Clyde
Stumm, Albert Francis, Jr.
Sturm, William Philip
Sullivan, Donald Lee
Sullivan, George Thomas, Jr.
Sullivan, Jourdan T., Jr.
Sullivan, Timothy John
Svendsen, Michael Roy
Swientek, Francis Martin
Tanber, Terry Neal
Taylor, Billy Byron
Taylor, Edward J.
Taylor, Kermit Allen
Taylor, Richard Howard
Tennant, Donald Alan
Terrill, Thomas Joseph
Tessada, Enrique Augusto, IV
Tetrick, Edward Leslie
Thomas, William Newton
Thompson, Ronald Melvin
Thompson, Vernon Ross
Thurman, Ronald Jack
Tickle, Harold Joseph
Tighe, Glen Edward
Tincher, Edward Sheridan
Tobin, Roy W.
Torgerson, Larry Peter
Tosspon, Maurice Clyde
Touve, Bruce Norman
Tow, James Dewane
Transue, Michael John
Trautman, Kurt MacGregor
Tritten, James John
Trotter, Timothy Adron
Troy, Thomas Gerald, Jr.
Truesdell, William Clare, Jr.
Tuck, Charles Marion
Tucker, Roger William
Tulloch, Allan Wiley
Turner, Dean
Turner, Guy Foster, Jr.
Turner, James Frederick
Tuthill, James Erwin
Tye, James Milton, Jr.
Uelses, John Hans
Uhrie, Richard James, Jr.
Urbik, Lawrence Walter
Vandivner, Clifford Leroy
Vandivort, Walter Derris
Vanrenselaar, Larry Jack
Vansaun, David
Vansickle, Garth Allan
Vazquez, Frank Xavier
Verhoef, Thomas Tymen
Villanueva, Zali G., Jr.
Vinson, John Emmanuel
Vion, Charles P.
Vivian, William Charles
Voight, Thomas Charles
Volkman, George Charles, II
Vonsuskil, James David
Voorheis, Gary Martin
Voshell, John Eugene
Wagner, Robert Joseph
Wainwright, Stanley Dean, Jr.
Waite, Robert Clark
Waldron, Michael Lewis
Walker, Bill
Walker, Robert Joseph
Wallen, William Elbert
Walt, Charles Edward III
Walter, Steven G.
Ward, Chester Douglas
Ward, Douglas Earl
Ward, Paul Charles
Wasowski, Walter Michael
Wasson, Gary Clinton
Waterman, Steven George
Waterman, William Lloyd
Watson, Alva David, Jr.
Webb, Stephen Louis
Webster, Kirwin Shedd
Weigand, Garry Lee
Weir, Marshall Ray
Welch, Daniel Francis
Welch, James Taylor
Wells, Kent William
Wells, Linton, II
Welsh, James Edward
Welsh, Walter Lee
Welton, Donald Ernest
Welty, Robert William
Wendt, Terrill Jay
Wesh, Francis Reid
West, William Robert
Westerbuhr, Norman Lee
Westfall, John Charles
Whalen, Daniel Patrick
Wheeler, Howard Alvin
White, David O.
White, Peter Leroy
White, Robert Dale
Whitehead, Robert Clifford
Whitehouse, Theodore Wayne
Wied, Edwin Milton, Jr.
Wilks, Robert Edgar
Willan, Robert Freter
Williams, David Michael
Williams, John William, Jr.
Williams, Robert Milo
Williams, Thomas Ryland
Williamson, Terrence Lyle
Williamson, Francis T., Jr.

Williamson, Robert Charles, Jr.
Wilson, Martin Bernard
Wilson, Wayne Bruce
Windle, Ralph Edward
Wise, Billy Butch
Wise, Bobby Gene
Witt, George S.
Wolcott, Hugh Dixon
Wolf, Edward James
Wolf, Robert William
Wolfgang, Earl Dale
Wolford, Norman Henry
Womack, Jack Edward, Jr.
Wood, Bruce V.
Wood, Gordon Leo, Jr.
Wood, Kenneth Arthur, Jr.
Wood, Stephen Carl
Woodall, Stephen Russell
Woodfield, Jeffrey Reynolds
Woodson, Walter Browne, III
Woolard, Richard Trusty P.
Worthington, Richard Ogle
Wozniak, John Frederick
Wright, Clinton Ernest
Wright, James Earl
Yakeley, Jay Bradford, III
Yarbrough, Earl C.
Yenzer, Ronald Dean
Zacharias, Bernard Louis
Zahalka, Joseph Harold, Jr.
Zuga, Leonard Francis

The following named women officers of the United States Navy, for permanent promotions to the grade of lieutenant commander in the line subject to qualifications as provided by law:

Anderson, Betty Sue
Apfel, Christine Reilly
Byerly, Kathleen Donahue
Gabryshak, Betty Jane
Haynes, Edith Elaine
Kazanowska, Marie
Kilmer, Joyce Elizabeth
Kummer, Sandra Ilene
Lee, Patricia Ann
McBride, Mary Lou
Paryz, Ellen Ann
Prose, Dorothy Anne
Reid, Heather Margaret
Wilson, Mary Faye
Yont, Mary Pauline

IN THE MARINE CORPS

The following-named (Navy enlisted scientific education program) graduates for permanent appointment to the grade of second lieutenant in the Marine Corps, subject to the qualifications therefor as provided by law:

Bearce, Maynard P.
Courson, Leonard A.
Held, Raymond B.
Jenkins, Luther B.
Lott, Joseph N.
Lowery, Steven M.
McCarty, Robert T.
Perry, Michael F.
Wallander, Paul H.
Washington, William G., Jr.

The following-named (Marine Corps enlisted commissioning education program) graduates for permanent appointment to the grade of second lieutenant in the Marine Corps, subject to the qualifications therefor as provided by law:

Clark, Barry H.
Dawson, Kerry B.
Harraman, William L.
Miller, Edward L.
Neathery, James E., III
Pierce, Merrill L.
Price, Charles R.
Sizemore, Neil R.
Stoker, Glenn D.
Terry, Kenneth W.
Tretter, Dennis F.
Vanderburg, Jackson M.

The following-named (Naval Reserve Officer Training Corps) graduates for permanent appointment to the grade of second lieutenant in the Marine Corps, subject to the qualifications therefor as provided by law:

Adams, James E.
Aguilar, Daniel
Allegro, Donald B.
Andrus, James C.
Atkisson, Richard A.
Auston, Leroy
Barger, Terry L.
Barthel, Mark P.
Bean, Ronald D.
Behnke, Patrick J.
Bergmeister, Francis X.
Betros, Raymond L.
Beverly, Brent J.
Bickham, Eddie
Blasiol, Leonard A.
Bott, Steven C.
Bower, Terry R.
Boykin, Calvin C., III
Brandt, Edward A., Jr.
Brown, Larry K., Jr.
Rabusin, Mario T.
Radtke, William A.
Ramik, Edward J.
Randall, Stephen W.
Reagan, Franklin V.
Recoppa, Lawrence J.
Reynolds, Steven A.
Ryan, Brendan P.
Sarnes, Michael W.
Salzman, David A.
Sanderson, William A.
Schattle, Duane E.
Schneider, Paul A.
Schoelwer, Michael H.
Schwenn, Robert M., Jr.
Seifert, Thomas M.
Shaw, Michael T.
Shihata, Karim
Shy, Patrick K.
Smythe, Douglas L.
Souza, Paul F.
Sparks, Jack K., Jr.
Spiese, Melvin G.
Spooner, Edward J.
Stanley, Paul T.
Taylor, Jonathan M.
Taylor, Michael E.
Thompson, Dennis C.
Todsen, Peter B., II
Torres, Randall G.
Trout, Danny K.
Troy, Robert P., Jr.
Urban, Robert L.
Wade, Derrell E.
Wallace, Joseph A.
Walls, David W.
Warkentin, Kevin L.
Warrick, Charles V.
Waters, Raymond F., III
Watson, Paul W.
Weiss, Richard E.
Wende, Stanley W.
Wescoat, Rodney E.
White, Jonathan C.
White, Steven E.
Wilkinson, Robert J.
Williams, Michael V.
Winters, Kevin H.
Worden, Dale D.
Wyatt, Benjamin G.
Young, Robert W., Jr.
Zobel, Robert H., Jr.
Brown, Terrence D.
Busch, Steven
Bushee, James M.
Byrd, Roy R.
Campbell, Mitsunori M.
Campbell, Robert I.
Campbell, William O.
Carrabus, Andrew J.
Case, David W.
Casey, Mark E.
Casey, Michael J.
Caslin, Michael W.
Chwalisz, Daniel F.
Clark, Michael E.
Cody, John J.
Conlan, Christopher J.
Cornelius, George R.
Crites, James M.
Curry, John P.
Cuva, Roger T.
Dammer, Michael L.
David, Robert G., Jr.
Davis, Lester B.
Davis, Thomas M.
Dempster, Dymond R.
Devers, Bruce D.
Dickerson, Joe W., Jr.
Dorsett, Stephen C.
Evans, Mark C.
Fennell, Kevin P.
Fields, Paul C.
Forrester, Michael F.
Foster, Preston H.
Fredericks, William F.
Friday, Michael L.
Friedman, Mark L.
Fris, Steven A.
Furlong, Myles W.
Gelsomino, Joseph A.
Gibson, Mark J.
Golson, Richard L., Jr.
Gose, Robert W.
Guenzler, Leon D.
Gurganus, Charles M.
Hamilton, Larry K.
Harris, Charles R.
Hemleben, John F.
Hendricks, Mark L.
Higgins, James M.
Hoffman, William M.
Hommer, Jay W.
Hutchinson, Maurice B.
Jannell, Richard E.
Jennings, Harold L., Jr.
Johnson, Gary
Johnston, Jere J.
Jones, Susie K.
Knobel, Philip E.
Kozlusky, Gary R.
Krigbaum, Mark L.
Larsen, Randall W.
Lederman, Marc D.
Lindsey, James E.
Lowe, James M.
Mariani, Joel R.
Matteson, Richard J.
McAvoy, Kelly J.
McClain, Charles B.
McClelland, Tommy B., Jr.
McCleskey, Howell G.
McDole, Harry F., Jr.
McGuire, Peter S.
McIlhinney, Joseph V.
McKain, Keith D.
McKenzie, William T.
Miles, John R.
Misiewicz, John M.
Moriarty, Michael T.
Murray, Robert B.
Nans, Clayton F.
Neu, Kenneth E., Jr.
Norris, David B.
O'Connor, John P., Jr.
Olson, Nancy J.
Page, Roy F.
Perry, Ronald C.
Pike, Bruce G.
Pliska, Robert J.
Pratt, Dennis C.
Rabickow, Carl M., Jr.

The following-named officers of the U.S. Marine Corps for appointment to the grade of chief warrant officer W-4:

William T. Adams
David G. Albizo, Jr.
Frank A. Alexander
Ronald H. Alnutt
George L. Alvarez
William D. Amberson
Ronald S. Ambrose
Valentine P. Amico
Robert D. Amos, Jr.
Byron A. Anderson
Wenceslao U. Aquino
Raymond F. Asselin
George F. Aylward
Donald G. Baldwin
Ronald A. Balius
John C. Bardon
Boyd B. Bare
James W. Barotti
Odis L. Barrett
Daniel D. Barth
Bernard R. Barton
Salvatore A. Battista
Rodney A. Beal
Kenneth W. Berkey
Edward H. Bell
Raymond L. Bernard
Lois J. Bertram
Homer E. Bever
Raymond R. Bickel III
John A. Binder
Thomas W. Bland
Philip W. Blaylock
Gary M. Boggess
Lee A. Boise
Jackson D. Boley
George P. Bond
David I. Boyd II
Edward B. Boyle
Jerry J. Briggs
Charles H. Brittain
Austin W. Bromley
Garold N. Brooks
John V. Brooks, Sr.
Palmer Brown
James H. Buchholz
Delbert A. Bullock
William F. Campbell, Jr.
Robert H. Canning
Charles E. Cannon
Joseph A. Canonico
Floyd A. Carlson, Jr.
William R. Carr
Thomas L. Carroll
Russell C. Cedoz
James F. Chapman
Norman F. Charboneau
Marshall C. Chase
Larry D. Choate
Kenneth R. Clark
Leonard T. Clark
John P. Clelland, Jr.
Edgar L. Clemons
Gerald R. Clifford
Robert S. Collins
Frank J. Conti
Anthony J. Cotterell
David G. Cotton
Billy J. Cox
Leon R. Coxe
Larry G. Cravens
Charles R. Craynon
Charles E. Creamer
Keith D. Creech
Robert Crosby
Charles F. Cross
John T. Crowe
John M. Culver
Wayne R. Dale
Robert K. Davis
Samuel L. Dawson
David W. Decherd
James W. Defrank
Herman W. Dial
Kenneth R. Diana
Donald L. Dickerson
Don E. Diederich
Henry E. Dill
Robert J. Dolman
Thomas L. Doss
Jerome Drucker
Donald L. Dugan
Sidney E. Durham
Bobby E. Dusek
George H. Dustman, Jr.
Robert E. Ecklund
William A. Eichholz
James L. Eure
William L. Eveland
Frank H. Falkson R.
Robert C. Farrand
William T. Farrow
Francis P. Faubion
Donald W. Felty, Jr.
William J. Ferral
Richard L. Ferris
Bobby J. Fields
William J. Fitzgibbons
Jerry D. Floe
Raymond O. Florence
Arturo Flores
Johnny M. Floyd
Edwin C. Ford, Jr.
John H. Fraser
Ray Fritz
Leo P. Gagnon
Michael P. Galasky
Craig D. Gallan
Lawrence R. Gardner
Robert L. Garoutte
Joe D. Garrett
Earl E. Giles
Joseph A. Gorzynski
Ronald W. Gould
Norbert B. Grabowski
Frank N. Green
Ray H. Green
Leroy R. Greth
Philip A. Grazanich
James F. Guenther
Charles K. Haley
Walter D. Hamelback
Thomas E. Hamic
Robert E. Hamilton
Edwin A. Hamlin
Martin H. Handelsman
James F. Hansen
Joseph B. Harbin
Leonard J. Harrison
William H. Harris
Berne C. Hart
Orville L. Hastie
Emerson W. Hawkins
Thomas E. Hayward
Robert C. Hitte III
Jack Hofstra
James N. Holk
William C. Howey
Carl L. Huddleson
James W. Ivey
Walter L. Jabs
Buddy K. Jackson
James W. Jackson
Charles R. Jernigan
Joseph M. Jewett
Herman H. John
Arney M. Johnson, Jr.
John L. Johnson
Vernon J. Johnson
Bobbie J. Johnston
John A. Jones
Leonard P. Juck
George P. Kasson
Gary S. Kee
Charles R. Kellison
Peter C. Kendall III
Clyde W. Keniston
Mark M. Kenney
Richard J. Kerch
James Kight
John D. Kimberl
Elmer R. Kimbro
Joseph G. Knagge
Harold D. Klein
William L. Kroelinger
Martin Kusturin
Neil B. Labelle
Don C. Lacey
Robert P. Lacoursiere
Michael S. Lainhart
Michael R. Lamb
Robert B. Lambdin
Scott M. Lamberth
Benny W. Lane
Gerald S. Lane
Albert L. Larson
John H. Larson
Donald E. Laughner
Alfred H. Legere
Richard A. Lenhart
Larry G. Lephart
James W. Lewallen
John A. Lidyard
Regenald F. Lightsey
John M. Lilley
Warren G. Litzburg

Arron K. Lockyer
Leonard A. Long
William N. Lowe
Troy A. Lucas
David A. Luke
Allen J. Luma
David G. Mackey
Tommy E. Manry
Frank G. Markowski
Daniel Marland, Jr.
Bobby O. Martin
Kenneth W. Martin
Travis E. Martin
Michael P. Mastroberti
Joseph G. Mates
Peter J. Matthews
Philip S. Mayo
William L. Mazourek
Wiliam T. McAuley II
Alonzo B. McCall
William D. McCall, Jr.
John E. McCarthy, Jr.
William S. McClenithan
Francis McCombs
Richard G. McCord
Richard L. McDeavitt
Mack L. McGlumphy
Jack McKee, Jr.
Bert L. McSpadden
George B. Meegan
James M. Meehleder
Edmund M. Mello
Walter M. Mielnicki
Anthony F. Milavic
Ashby R. Miller
Thomas J. Miller
Stanley S. Minatogawa
Michael J. Mino
Frank G. Misemer
John M. Mitchell
Donald E. Monnot
Edward L. Moore II
Robert D. Moorhead
Grover K. Morgan, Jr.
William P. Moriarity
Bobby J. Morton
Don E. Mosley
Harry D. Moss
Donald J. Mossey
Timothy J. Murphy
Roy L. Myers, Jr.
Arthur G. Nadeau
David E. Nelson
John N. Newman
Richard J. O'Brien
Charles W. Occhipinti
Robert F. Okamoto
Almart H. Olsen, Jr.
John O. Olsen
Robert D. Olson
Bobby L. Osborne
Robert H. Page
Robert T. Paris
Robert H. Pendarvis
Edmund T. Peregoy
Carl E. Peterson
Clark A. Peterson
Douglas R. Phelps
Lloyd G. Phillips
Kenneth W. Phipps
Arthur A. Pierce
Len E. Pierce
Kenneth E. Pitcher
Lawrence D. Poling
Carl N. Ponder
Lynn M. Porter
William H. Powers, Jr.
Michael E. Rafferty
Jerry A. Raley
Frederick A. Randlett
Virgil Rankin
Donald Ratcliffe
Robert E. Ray
Walter J. Ray
Bobby D. Redic
William A. Reitmeister
Edward T. Richards
Herbert C. Richardson
Thomas F. Roberson
John E. Robertson
Neil H. Robinson
James J. Roche
Lyonel K. Roepke
William P. Rohleder
Edward P. Rolita, Jr.
Warren H. Rooks
John W. Roth
Hugh T. Rowe, Jr.
Charles B. Russell
Vincent B. Russell, Jr.
William C. Russell, Jr.
Billy C. Sanders, Jr.
Theodore W. Schauer
Clifford C. Scheck, Jr.
Clifford G. Schleusner
Leonard L. Schlitz
Robert L. Schlott
Charles W. Schmidt
Bill M. Schooler
Donald W. Schwanke
Stephen G. Seman
Louis E. Sergeant, Jr.
Jerry M. Shelton
Thomas R. Shine
Warren A. Singer
George T. Singleton
Robert M. Slater
Charles R. Slavens
Robert J. Smethrust
Dever W. Smith, Jr.
Frank R. Smith
Herbert S. Smith, Jr.
James C. Smith
James L. Smith
Joseph Smith
Frank M. Spady
James A. Spalsbury
Billy R. Sparks
Roger V. Speeg
Philip S. Speliopoulos
Jack G. Spence
Robert R. Spitze
Dennis E. Springer
James E. Stant, Jr.
Lloyd E. Stanton, Jr.
Robert E. Stewart
Frederick C. Stilson
Donald E. Strassenberg
Raymond P. Sturza
Kenneth C. Sullivan
Robert P. Sullivan
James D. Svitak
David O. Swaney
Allen M. Sweeney
Eugene Swidonovich
Thomas E. Swindell
James D. Taylor, Jr.
Thomas W. Taylor
Bobby A. Templeton
J. T. Tenpenny
William E. Thomas, Jr.
Richard A. Thome
Kenneth E. Thorn
Joseph Thurmond
Richard E. Toepfer
Ralph E. Toholsky
Jerry L. Tomlinson
Eugene M. Trippleton
Richard D. Twiford
Leonard D. Tygart
Robert J. Underwood
Michael D. Villarreal
Richard L. Vincent
Larry F. Wahlers
Jerry E. Walker
William D. Walkup, Jr.
John R. Waterbury
Carl V. Watts
Fred L. Weaver
James P. Weaver
Patrick J. Webb
Robert W. Weeks
Lloyd J. Wengeler
Lloyd M. Wentworth, Jr.
Kenneth L. Werbinski
James M. Wheatley
William A. Whiting
Charles E. Whitaker
Bruce M. Wincentsen
Hershel E. Wisdom
William J. Witt
Charles F. Wolverton
Charles W. Woods
Robert L. Woodward
Peter A. Woog
Eddie B. Wright
Leslie Yancy
Jere W. Yost
Edward M. Zerbe
Dennis R. Zoerb
Roger D. Zorens

The following-named officers of the U.S. Marine Corps for appointment to the grade of chief warrant officer W–3:

Curtis E. Anderson
Willie A. Armstead
Lorenza T. Baker
Bonnie H. Bass
Richard J. Beatty
Thomas J. Berryhill
Ronald C. Biggs
Archie G. Bobo
Victor H. Bode
Luther A. Bolenbarker
Robert L. Bowen
Reganold A. Bowser
Dennis A. Braund
Albert K. Britton
Charles J. Bruce
Ben W. Caesar
Robert L. Caldwell
James E. Carter
Donnie E. Cavinder
Jackie E. Certain
George C. Cleveland
John H. Cole, Jr.
Gregory Connor
Rex L. Curtis
Eldon L. Dodson
Arthur J. Douglas
Terrell L. Dulaney
James M. Edgerton
Dennis Egan
Robert R. Epps
Donald T. Eskam
Charles A. Fitzgerald
Sandra L. Furber
Earl G. Gale III
William M. Grant
Jesse E. Giles
Leon E. Gingras, Jr.
Philip E. Goble
Richard L. Gregg
William L. Grinnell
James W. Grooms
Hubert A. Grummer
Charles W. Hahne
Henry D. Holloway
Frank R. Hart
Albert L. Hayes
Harold S. Heinbaugh
David M. Highwarden
William J. Hisle III
Raymond L. Hug
Guy L. Hunter, Jr.
Robert R. Irvine
Raymond T. Jackson
Harold R. Jacobs
William R. Johnson
Allen F. Kent
Joe Killebrew
Leslie C. King
Chester C. Kinsey
Charles E. Lambert
Albert R. Lary
Philip D. Leslie
John E. Lewis
John W. Loynes
Raymond J. Main
John P. Marlowe
Barry E. Marsh
Benjamin A. Marsh
Charles P. McCormick
Howard McDonald
William L. McGinn
Larry G. Merrifield
John Molko
Allen R. Morris
James T. Morris
Lawrence T. Mullin
Nicholas P. Nester
Hillman R. Odom, Jr.
William D. Penn
Walter D. Perry
Jimmie F. Peters
Charles T. Pettigrew, Sr.
Robert P. Phillips
Alfred M. Pitcher
Wilfred, Puumala
William C. Riddle, Jr.
Richard A. Rossi
Michael J. Schulke
John D. Scroggins
John C. Seig
Albert W. Sheldon
William F. Shidal, Jr.
Charles R. Shoemaker
Dan W. Showalter, Jr.
David E. Shumpert
Wilbert O. Sisson
Robert M. Skidmore
Charles G. Skinner
Minter C. Skipper, Jr.
Isaac A. Snipes
Jeffrey J. Snyder
Elias J. Soliz
Ronald J. Stopka
Joseph J. Stours C.
George B. Strickroth
Michael E. Thomas
Paul W. Thomas
Joseph Thorpe
Paul R. Tippy
Louis G. Troutman
Bennie R. Walker
William T. White
Arthur P. Williams
Jerome K. Williams
Richard K. Wolfe
Charles E. Young
Arthur Yow, Jr.

The following-named officers of the U.S. Marine Corps for appointment to the grade of chief warrant officer W–2:

Joe W. Arnett
Joseph E. Ashton
Lauren D. Ayres, Jr.
David B. Bartz
Jon C. Benrud
Richard J. Bessette
Ronald M. Brahmer
Ronald G. Brogdon
William L. Burke
Robert C. Burlingame
Douglas M. Catlett
Joseph C. Chiles
Richard W. Christiansen
John C. Clark
Ronald E. Clemons
Gerald L. Colby
Larry A. Cowart
William T. Cumbie
Cecil R. Delarosa
Robert N. Diab
Ronald T. Dudley
Kelly R. Edwards
Charles A. Fields, Jr.
Carmelo A. Finocchiaro
Harold A. Gawerecki
Sylvester Graves
Thomas M. Grenier
Gary R. Grothe
William R. Hayes
Gerald T. Janda
Marcus W. Johns
Joe V. Johnson
Charles J. Kathrein
Frederick J. Keegan
John J. Kenney
Ronald A. Koren
Larry G. Lawson
Curtis A. Leslie
Larry D. Logsdon
Tommy L. Lopez
Darrell F. Martin
Joseph A. McDonald
Paul A. McInerney
Raymond E. McNeal
Richard L. Meeker
Marlen B. Meierdierks
Leslie A. Meyer
Vernon J. Meyer
Fredrick M. Morrone
Leonard A. Mueller
John L. Owens
Lance E. Parker
Teddy H. Perrodin
Paul J. Prevost
Daniel B. Pickens
Loren D. Primmer, Jr.
Jerry R. Prince
Edward Richey, Jr.
Carl Romero
Larry R. Rudolf
Ronald G. Ruppelt
Daniel W. Sable
Winston J. Scott
John R. Seay
John D. Self
Robert L. Sessions
Cathy J. Sieber
Charles C. Simpson
Richard M. Speidel
Ryan E. Stafford
Robert T. Stockman
Robert D. Stride
Ralph Sturgeon, Jr.
Peter W. Tallman
Teodoro R. Tenorio
Lyndon F. Vrooman
Dean A. Waller
Richard J. Walter
James C. Wheeler, Jr.
Anthony W. Williams
Cecil E. Wilson
Robert F. Zurface

EXTENSIONS OF REMARKS

ADVICE TO GOURMETS ON THE WING

HON. WILLIAM L. HUNGATE

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Monday, January 19, 1976

Mr. HUNGATE. Mr. Speaker, since this is an election year, Members of Congress will be spending more time in the air on the way home. They may find the enclosed article useful:

ADVICE TO GOURMETS ON THE WING

(By Sam Goldberg)

At its conception, this column was planned as a set of guidelines for the successful interviewee. It was felt that those still looking for a job after December 15 would probably not have had the opportunity to do enough travelling to fully appreciate our remarks.

However, this year's free trips have come and gone, and where guidelines once were needed, reminiscences are perhaps more in order. In other words, our review of the fare of various airlines is too late.

Planning ahead, then, and with the hope that we will all in the future be as successful as some of us have been in the recent past, we offer a few tips on whose skies offer the friendliest service to our collective digestive tracts.

Fear of flying? You should have. Not because your destiny is totally out of your own hands and you know that the pilots are talking about the virtues of "that nice one in the third row" rather than watching their control panel. No, we're all aware that flying is safer than driving a car down Mass. Ave.

At least in your car you can hit your neighborhood McDonald's and wind up, if not nourished, at least satisfied. Well, McDonald's may be opening new stands in