

## AMENDMENTS

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

H.R. 10138

By Mr. PRESSLER:

(1) On page 11, line 22 after "," delete "and".

(2) On page 11 line 24 after "investments" insert "and private lands where publicly assisted conservation projects, such as shelterbelts, exist".

(3) On page 14 following line 18 insert "(F) shelterbelt maintenance".

(4) On page 14 line 19 change "(F) to (G)".

(5) On page 14 line 21, change "(G)" to "(H)".

(6) On page 14 line 22 following the word "lands" add "and private lands where publicly assisted conservation projects, such as shelterbelts, exist".

(7) On page 16 line 14 after "purposes" insert "and private lands where publicly assisted conservation projects, such as shelterbelts, exist".

(8) On page 19 line 10 after "fires," insert "shelterbelt maintenance".

## FACTUAL DESCRIPTIONS OF BILLS AND RESOLUTIONS INTRODUCED

Prepared by the Congressional Research Service pursuant to clause 5(d) of House rule X. Previous listing appeared in the CONGRESSIONAL RECORD of May 21, 1976, page 15098:

## HOUSE BILLS

H.R. 13541. May 4, 1976. Rules. Requires review of Federal programs to determine if they warrant continuation. Requires the President to conduct such review of the programs covered by the annual budget. Requires Congress to make such review every four years.

H.R. 13542. May 4, 1976. Ways and Means. Amends the Tariff Schedules of the United States to exempt specified textile, leather, rubber, and plastic products and wearing apparel from the duty imposed on articles assembled abroad from components produced in the United States.

H.R. 13543. May 4, 1976. Post Office and Civil Service. Prohibits the United States Postal Service from discontinuing or substantially reducing the services provided by, or from changing the name or ZIP code designation of, any post office unless the change is approved by a majority of persons served by such facility who respond to a referendum proposing such action.

H.R. 13544. May 4, 1976. Education and Labor. Makes Federal grants available to local educational agencies to reduce the average class size in schools.

H.R. 13545. May 4, 1976. Post Office and Civil Service. Revises the continuous service prerequisite for the continuation of the basic pay rate of Federal employees who are reduced in grade by disregarding periods of service in a different agency or in a lower grade caused by a reduction in force.

H.R. 13546. May 4, 1976. House Administration. Authorizes the Secretary of the Interior to accept as a Bicentennial celebration gift from the Government of the Republic of Venezuela a sculpture entitled "Delta Solar" to be erected on public grounds in the District of Columbia.

H.R. 13547. May 4, 1976. Standards of Official Conduct; Rules. Repeals the prohibition of the use of congressionally appropriated funds for lobbying purposes. Requires all employees or officers of Federal agencies to register as lobbyists under the Federal Regulation of Lobbying Act if such persons attempt to influence legislation. Prohibits lobbying in any room or corridor adjacent to the Hall of the House of Representatives by any person not registered as a lobbyist.

H.R. 13548 May 4, 1976. Government Operations. Amends the State and Local Fiscal Assistance Act of 1972 to take account of transfers of funds from publicly owned public utilities in computing State and local entitlements.

H.R. 13549. May 4, 1976. Armed Services. Directs the Board of Commissioners of the United States Soldiers' and Airmen's Home to collect a fee from each member of the Home. Increases the monthly deduction from the pay of enlisted Army personnel which goes into the Home's trust fund. Authorizes the use of funds received through military nonjudicial forfeitures for support of the Home.

H.R. 13550. May 4, 1976. Agriculture. Directs the Secretary of Agriculture to make loans available to agricultural producers who suffer losses as a result of having their agricultural commodities or livestock quarantined or condemned because such commodities or livestock have been found to contain toxic chemicals dangerous to the public health.

H.R. 13551. May 4, 1976. Judiciary. Authorizes classification of a certain individual as a child for purposes of the Immigration and Nationality Act.

H.R. 13552. May 4, 1976. Judiciary. Authorizes the issuance of a non-immigrant visa to a certain individual under the Immigration and Nationality Act.

H.R. 13553. May 5, 1976. Government Operations. Requires the President to create a Federal Program Information Center which shall establish a computerized information system which identifies all Federal domestic assistance programs in such a way as to enable any potential beneficiary of any such program to determine his or her eligibility for any such program by utilizing such system.

Requires the President to publish an annual catalog of Federal domestic assistance programs containing all information included in the Center's information system.

H.R. 13554. May 5, 1976. Government Operations. Amends the State and Local Fiscal Assistance Act of 1972 to increase the amount allocable to a State or local government by ten percent if such State or local government funds public education from sources other than the collection of property taxes.

H.R. 13555. May 5, 1976. Education and Labor. Revises the Federal Metal and Non-metallic Mine Safety Act to authorize addi-

tional standards to protect the health and safety of miners. Includes provisions to authorize inspections by Federal officials, to require reporting of major accidents, and to establish procedures for enforcement of standards and emergency relief.

Establishes the Office of Assistant Secretary for Mine Safety and Health in the Department of Labor. Transfers regulatory and enforcement authority from the Secretary of the Interior to the Secretary of Labor, to the Secretary of Health, Education, and Welfare, and to the newly-established Federal Metal and Nonmetallic Mine Safety and Health Commission.

H.R. 13556. May 5, 1976. Veterans' Affairs. Authorizes representatives of the Polish Legion of American Veterans to act as claims agents for claims arising under laws administered by the Veterans' Administration.

H.R. 13557. May 5, 1976. Interstate and Foreign Commerce. Reaffirms the intent of Congress with respect to the structure of the common carrier telecommunications industry rendering services in interstate and foreign commerce. Grants additional authority to the Federal Communications Commission to authorize mergers of carriers when deemed to be in the public interest. Reaffirms the authority of the States to regulate terminal and station equipment used for telephone exchange service. Requires the Federal Communications Commission to make specified findings in connection with Commission actions authorizing specialized carriers.

H.R. 13558. May 5, 1976. Interstate and Foreign Commerce. Reaffirms the intent of Congress with respect to the structure of the common carrier telecommunications industry rendering services in interstate and foreign commerce. Grants additional authority to the Federal Communications Commission to authorize mergers of carriers when deemed to be in the public interest. Reaffirms the authority of the States to regulate terminal and station equipment used for telephone exchange service. Requires the Federal Communications Commission to make specified findings in connection with Commission actions authorizing specialized carriers.

H.R. 13559. May 5, 1976. Post Office and Civil Service. Permits a former Federal employee or Member of Congress who elected at the time of retirement not to provide for a survivor annuity to his or her spouse to revoke such election upon depositing a sum equal to the amount which would have been deducted from such individual's retirement annuity had such individual elected to provide for a survivor annuity at retirement.

H.R. 13560. May 5, 1976. Interstate and Foreign Commerce. Reaffirms the intent of Congress with respect to the structure of the common carrier telecommunications industry rendering services in interstate and foreign commerce. Grants additional authority to the Federal Communications Commission to authorize mergers of carriers when deemed to be in the public interest. Reaffirms the authority of the States to regulate terminal and station equipment used for telephone exchange service. Requires the Federal Communications Commission to make specified findings in connection with Commission actions authorizing specialized carriers.

## SENATE—Monday, May 22, 1976

The Senate met at 12 noon and was called to order by Hon. ADLAI E. STEVENSON, a Senator from the State of Illinois.

## PRAYER

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

Almighty God, as our fathers prayed at the founding of our Nation so in this Legislative Hall we pause in Thy presence to listen before we speak. In Thee do we trust for today and for all the days which follow. In such a time as this, for our soul's sake and for the sake of the Nation, we need the quiet place, the still waters and the green pastures of Thy

grace and goodness. May we hear again Thy still small voice summoning us to deeds of greatness beyond our human strength and wisdom. Grant that the President and all our leaders may be guided by Thy spirit and nourished by Thy grace and truth.

We pray in His name who went about doing good. 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., May 24, 1976.

To the Senate:

Being temporarily absent from the Senate on official duties, I appoint Hon. ADLAI E. STEVENSON, a Senator from the State of Illinois, to perform the duties of the Chair during my absence.

JAMES O. EASTLAND,  
President pro tempore.

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

## THE JOURNAL

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the reading of the Journal of the proceedings of Friday, May 21, 1976, be dispensed with.

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

## WAIVER OF CALL OF THE CALENDAR

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the call of the legislative calendar under rule VIII be waived.

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

## COMMITTEE MEETINGS DURING SENATE SESSION

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that all committees be authorized to meet until 1 p.m. today, or until the end of the morning business, whichever comes later.

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

## EXTENSION OF TIME TO FILE WRITTEN REPORT ON S. 3422

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the previous unanimous consent for the Committee on Commerce to file the written report on S. 3422, the Natural Gas Act Amendments of 1976, by midnight, May 21, 1976, be vacated, and that the Committee on Commerce be given until midnight, May 26, 1976, to file its written report. By way of explanation, the person filing minority views has requested such an extension and the committee wishes to accede to that request.

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

## CONSIDERATION OF CERTAIN MEASURES ON THE CALENDAR

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar Order Nos. 856, 867, 868, 869, and 870.

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

## EARTHQUAKE HAZARD REDUCTION ACT

The Senate proceeded to consider the bill (S. 1174) to provide sound physical bases and operational systems for achieving major reductions in the earthquake hazards faced by the population living in regions of the United States of significant seismic risk and to amend the National Science Foundation Act of 1950 so as to provide for a research program relating to earthquake mitigation, and for other purposes, which had been reported from the Committee on Labor and Public Welfare with an amendment to strike out all after the enacting clause and insert:

That this Act may be cited as the "Earthquake Hazard Reduction Act".

### SEC. 2. FINDINGS.

The Congress finds and declares the following:

(1) All 50 States are vulnerable to the hazards of earthquake occurrence, and at least 39 of them are subject to major or moderate seismic risk, including Alaska, California, Hawaii, Illinois, Massachusetts, Missouri, Montana, Nevada, New Jersey, New York, South Carolina, Utah, and Washington. A large portion of the population of the United States lives in areas vulnerable to earthquake hazards.

(2) Earthquakes have caused, and can cause in the future, enormous loss of life, injury, destruction of property, and economic and social disruption. With respect to future earthquakes, such loss, destruction, and disruption can be substantially reduced through the development and implementation of earthquake hazard reduction measures, including (A) improved construction methods and practices, (B) land-use controls and redevelopment, (C) prediction techniques and early-warning systems, (D) coordinated emergency preparedness plans, and (E) public education and involvement programs.

(3) An expertly staffed and adequately financed earthquake hazard reduction program, based on Federal research and contributions and State, local, and private participation, would reduce the risk of such loss, destruction, and disruption in seismic areas by an amount far greater than the cost of such program.

(4) A well-funded seismological research program in earthquake prediction could provide data adequate for the design, within 10 years, of an operational capability that would be able to predict accurately the time, place, magnitude, and physical effects of earthquakes in selected areas of the United States.

(5) There is a scientific basis for hypothesizing that the risk to life and property from a major earthquake may be moderated, in at least some seismic areas, by application of the findings of earthquake control and seismological research.

(6) The implementation of earthquake hazard reduction measures would, as an added benefit, also reduce the risk of loss, destruction, and disruption from other natural hazards and manmade hazards, including hurricanes, tornados, accidents, explosions, landslides, building and structural cave-ins, and fires.

### SEC. 3. PURPOSE.

It is the purpose of the Congress in this Act to reduce the risks to life and property from future earthquakes in the United States through the establishment and maintenance of an effective earthquake hazard reduction program.

### SEC. 4. DEFINITIONS.

As used in this Act, unless the context otherwise requires:

(1) The term "Committee" means the National Advisory Committee on Earthquake Hazard Reduction established under section 6.

(2) The term "Director" means the Director of the United States Geological Survey in the Department of the Interior.

(3) The term "includes" and variants thereof should be read as if the phrase "but is not limited to" were also set forth.

(4) The term "program" means the earthquake hazard reduction program established under section 5.

(5) The term "seismic" and variants thereof mean having to do with, or caused by, earthquakes.

(6) The term "State" means each of the States of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, American Samoa, the Commonwealth of the Mariana Islands, and any other territory or possession of the United States.

(7) The term "United States" means, when used in a geographical sense, all of the States.

### SEC. 5. NATIONAL EARTHQUAKE HAZARD REDUCTION PROGRAM.

(a) ESTABLISHMENT.—The President shall establish and direct to be maintained, in accordance with the provisions of this Act, a coordinated earthquake hazard reduction program, in order to reduce the loss of life, property destruction, and economic and social disruption from future earthquakes. The program (1) shall be designed and administered to achieve the objectives set forth in subsection (b); (2) shall include where appropriate each of the agencies listed in subsection (c); (3) shall include each of the elements described in subsection (d); and (4) shall take into account the recommendations of the Committee established under section 6. The President shall, by rule, within 180 days after the date of enactment of this Act, (A) identify the department, agency, or interagency task force which shall have primary responsibility for the development and implementation of the earthquake hazard reduction program; (B) assign and specify the role and responsibility of each appropriate Federal department, agency, and entity with respect to each such object and element (to the extent not specified in this Act); (C) provide for cooperation and coordination with, and assistance (to the extent of available resources) to, interested governmental entities in all States, particularly those containing areas of high or moderate seismic risk; and (D) provide for qualified staffing of the program and its components.

(b) OBJECTIVES.—The objectives of the program shall include each of the following:

(1) The development of technologically and economically feasible design and construction methods and procedures to make new and existing structures, in areas of seismic risk, earthquake resistant.

(2) The implementation, in all areas of high or moderate seismic risk, of a system (including personnel, technology, and procedures) for predicting damaging earthquakes and for identifying, evaluating, and accurately characterizing seismic hazards.

(3) The development, publication, and promotion, in conjunction with State and local officials and professional organizations, of model codes and other means to coordinate information about seismic risk with land-use policy decisions and building activity.

(4) The development, in areas of seismic risk, of improved understanding of, and capability with respect to, earthquake-related issues, including risk control, pre-event plan-



ning, warning dissemination, emergency services, reconstruction, and redevelopment.

(5) The education of the public, including State and local officials, as to earthquake phenomena, the identification of locations and structures which are especially susceptible to earthquake damage, ways to reduce the adverse consequences of an earthquake, and related matters.

(6) Basic and applied research leading to a better understanding of the control or alteration of seismic phenomena.

(c) INVOLVEMENT.—The program shall, where appropriate, include each of the following Federal agencies: the United States Geological Survey, the National Science Foundation, the Department of Defense, the Department of Housing and Urban Development, the National Aeronautics and Space Administration, the National Oceanic and Atmospheric Administration, the National Bureau of Standards, the Energy Research and Development Administration, and the National Fire Prevention and Control Administration. The program shall also involve, and the Federal agencies shall seek the cooperation of, States and their political subdivisions, private organizations, and individuals in the development of plans, standards, procedures, and methods for reducing the risk to life and property from future earthquakes.

(d) ELEMENTS.—The program shall include each of the following elements:

(1) Research and the implementation of research findings in tectonics, seismology, and geology. Such research and implementation shall be supervised by the Director. Such research and implementation shall include—

(A) the development of an operational system for predicting damaging earthquakes in the seismically active areas of the United States;

(B) the development and placement of instruments and networks of instruments capable of collecting appropriate data;

(C) seismicity studies throughout the United States;

(D) the evaluation of methods that may lead to the development of a capability to modify or control earthquakes in certain regions;

(E) zonation and microzonation for seismic risk in all parts of the United States, taking into account tectonic environment; seismicity; fault location; and intensity, location, and return time of expectable earthquakes; and

(F) the preparation of seismic risk analyses useful for emergency planning and community preparedness.

The Director is authorized, in the performance of any such studies and activities, to utilize the services of qualified persons and governmental entities (other than the Geological Survey), including institutions of higher education and private entities or organizations concerned with seismic risk and seismic mitigation research. The Director shall expend, to such non-Federal entities, a significant portion of the funds appropriated pursuant to section 8(b) of this Act for research purposes.

(2) Basic and applied research activities in engineering, education, planning, and the social sciences. Such activities shall be supervised by the National Science Foundation. Such activities shall include—

(A) basic earthquake engineering research and earthquake hazard reduction research;

(B) the collection and analysis of engineering seismology information relating to destructive ground motion and associated risks to urban communities.

(C) efforts to develop more accurate and reliable methods of earthquake engineering

analysis for all types of structures and for a variety of ground conditions;

(D) efforts to develop improved methods of assessing the risk of earthquakes, with respect to high-density areas and other locations, based upon the seismological and geotechnical characteristics thereof;

(E) the development and application of methods, standards, and criteria for earthquake-resistant location, design, construction, and retrofitting;

(F) the development of ways to increase community consciousness and preparedness with respect to earthquakes; and

(G) the study of ways to facilitate the granting of relief to, and the rehabilitation of, earthquake-damaged areas.

The methods, standards, and criteria developed under subparagraph (E) shall be developed in order to increase the protection afforded by existing structures and to maximize the protection afforded by new structures, against earthquake hazards, at the most economical cost practicable. The cost of protection shall be measured against the benefits of reducing social and economic disruption and avoiding or minimizing damage and loss to life and property. Priority shall be given to the development of such standards for dams, hospitals, schools, public utilities, public safety structures, high-occupancy buildings, and other structures which are especially needed in time of disaster.

(3) Effective information dissemination and education: Such activities shall be supervised jointly by the Director and the National Science Foundation. Such activities shall include timely dissemination of—

(A) instrument-derived data of interest to other researchers;

(B) design and analysis data and procedures of interest to the design professions and to the construction industry; and

(C) other information and knowledge developed to reduce vulnerability to earthquake hazards.

Such data, information, and knowledge shall be made available to Federal, State, and local government officials and to other interested persons.

(4) An assistance program to aid the States in carrying out their responsibilities under section 201 of the Disaster Relief Act of 1974 (42 U.S.C. 5131), by making available the results of research and other activities undertaken under this Act.

#### SEC. 6. NATIONAL ADVISORY COMMITTEE ON EARTHQUAKE HAZARD REDUCTION.

(a) ESTABLISHMENT.—There is established a National Advisory Committee on Earthquake Hazard Reduction.

(b) MEMBERSHIP.—The Committee shall be composed of 15 members (one of whom shall be designated as Chairman) to be appointed by the President. The members shall include

(1) representatives of the research community (including the design professions) and of Federal, State, county, and local governmental entities concerned with the reduction of earthquake hazards, and (2) qualified individuals experienced in earthquake-hazard research, planning, implementation, or preparedness.

(c) DUTIES.—The Committee shall serve as an advisory body to the President, to review and advise on the progress, implementation, and coordination of the program and shall perform such other duties as the President may assign.

(d) COMPENSATION.—Members of the Committee shall be reimbursed for actual expenses incurred in the performance of such duties.

#### SEC. 7. ANNUAL REPORT.

The President shall, within 90 days after the end of each fiscal year, submit an annual

report to the Congress describing and evaluating progress achieved in reducing the risks of earthquake hazards. Each such report shall include any recommendations for legislative and other action.

#### SEC. 8. AUTHORIZATIONS FOR APPROPRIATIONS.

(a) IN GENERAL.—There are authorized to be appropriated to carry out the program (in addition to the authorizations set forth) in subsections (b) and (c), not to exceed \$5,000,000 for the fiscal year ending September 30, 1977; not to exceed \$5,000,000 for the fiscal year ending September 30, 1978; and not to exceed \$5,000,000 for the fiscal year ending September 30, 1979.

(b) GEOLOGICAL SURVEY.—There are authorized to be appropriated to the Secretary of the Interior for purposes of carrying out, through the Director, the responsibilities assigned to the Director under sections 5(d)(1) and 5(d)(3) not to exceed \$20,000,000 for the fiscal year ending September 30, 1977; not to exceed \$25,000,000 for the fiscal year ending September 30, 1978; and not to exceed \$30,000,000 for the fiscal year ending September 30, 1979.

(c) NATIONAL SCIENCE FOUNDATION.—Section 17 of the National Science Foundation Act of 1950 (42 U.S.C. 1875) is amended by adding at the end thereof the following new subsection:

"(c) To enable the Foundation to carry out its responsibilities under section 5(d) of the Earthquake Hazard Reduction Act, there are authorized to be appropriated to the Foundation not to exceed \$15,000,000 for the fiscal year ending September 30, 1977; not to exceed \$20,000,000 for the fiscal year ending September 30, 1978; and not to exceed \$25,000,000 for the fiscal year ending September 30, 1979."

Mr. ROBERT C. BYRD. Mr. President, I send a technical amendment to the desk, and ask that it be considered.

The ACTING PRESIDENT pro tempore. The clerk will state the amendment.

The legislative clerk read as follows:

On page 21, line 23, strike everything beginning with the word "section" down through "(c)" on line 3, page 22.

On page 22 strike the quotation marks and the period at the end of line 10.

The ACTING PRESIDENT pro tempore. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 94-862), explaining the purposes of the measure.

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

#### PURPOSE

The purpose of the Earthquake Hazard Reduction Act is to reduce the risks to life and property from future earthquakes in the United States. Future earthquakes can cause enormous loss of life, injury, destruction of property, and economic and social disruption. Such loss and disruption could be substantially reduced by a national earthquake hazard reduction program.

#### BRIEF DESCRIPTION

The bill would establish a national earthquake hazard reduction program, under the direction of the President, to minimize the loss and disruption resulting from future earthquakes. Future earthquakes in the United States are likely to be more destructive than past ones because of population

growth and concentration. The program has several objectives: the development of technologically and economically feasible design and construction methods to make new and existing structures earthquake resistant; the implementation of a system to predict earthquakes in areas of high or moderate seismic risk; the development of model codes to make information about seismic risk available for consideration in local land-use decisions; improving understanding of earthquake-related issues; the education of the public concerning earthquake hazard reduction measures; and the development of an improved understanding of earthquake control.

The program calls for cooperation among several Federal agencies, including the United States Geological Survey and the National Science Foundation. The President will be responsible for the multiorganizational response necessary to meet the objectives. The President would be required to report to the Congress annually on progress achieved in the program. To assist the President on the progress, implementation and coordination of the program, a national advisory committee is established.

The program would include four elements: research and implementation of findings in tectonics, seismology, and geology under the supervision of the Geological Survey; research in engineering, education, planning, and the social sciences under the supervision of the National Science Foundation; effective information dissemination and education activities; and assistance to the States (under the Disaster Relief Act of 1974) to make the results of research available.

This bill contains authorizations for appropriations totaling \$40,000,000, \$50,000,000, and \$60,000,000 over a 3-year period.

Mr. HOLLINGS. Mr. President, I rise in support of S. 1174, the Earthquake Hazard Reduction Act. The purpose of this bill is to reduce the enormous risks to human life and property from future earthquakes in the United States.

It is alarming to note how regularly damaging earthquakes occur. Just this year, we have had major earthquakes in Guatemala, Italy, and the Soviet Union. Tens of thousands of lives were lost, more than a million people were left homeless, and the economic damage was in the hundreds of millions. Future earthquakes in the United States are inevitable. The possibility of such losses is a distinct reality we must face.

This legislation is an important step to minimize future losses in the United States. S. 1174 calls for a balanced and comprehensive national program under the direction of the President. The program provides for the development of operational systems to predict the time, place, and magnitude of damaging earthquakes in certain areas. This program would result in improved design and construction standards that can be used in building codes. The program would also provide a public information and education activity to increase community preparedness.

S. 1174 is the culmination of efforts starting in the 92d Congress. This bill was introduced by Senator CRANSTON last year and is the product of various bills introduced by Senator CRANSTON and myself over the last several years. I would like to note and commend the leadership exerted by Senator CRANSTON

in behalf of this legislation. Through his efforts, this legislation has gained a wide base of support in the Senate. I hope for early and favorable action on the part of the House.

Mr. CRANSTON. Mr. President, this is a long-awaited moment as the Senate finally acts on S. 1174, the Earthquake Hazards Reduction Act.

This legislation had its genesis in two bills (S. 3173 and S. 3292) which I introduced in the 92d Congress in the spring of 1972. Similar bills were reintroduced in the 93d Congress in 1973 (S. 1473 and S. 1474). Several days of hearings were held in California during the 93d Congress, but no further action was taken and the bills died with the adjournment of the 93d Congress. Subsequently, I introduced S. 1174, a comprehensive revision of the earlier proposals, on March 13, 1975 with the cosponsorship of Senators HOLLINGS, EAGLETON, GRAVEL, HARTKE, HATFIELD, HUMPHREY, JAVITS, KENNEDY, MCGEE, MOSS, STEVENS, and TUNNEY. On February 19, 1976, the Subcommittee on Oceans and Atmosphere of the Commerce Committee conducted a hearing on S. 1174, and on May 13 the Commerce Committee favorably reported the bill to the Senate.

As reported by the committee, S. 1174 establishes a comprehensive national program to reduce the risks to life and property from future earthquakes in the United States. The bill authorizes appropriations for 3 years as follows: \$40 million for fiscal year 1977, \$50 million for fiscal year 1978, and \$60 million for fiscal year 1979.

Major program goals, to be carried out chiefly by the National Science Foundation and the U.S. Geological Survey, include, first, the development of economically feasible design and construction methods to make new and existing structures earthquake resistant; second, the implementation of a system to predict future damaging earthquakes and to issue public warnings prior to their occurrence; third, the identification of the extent and type of risk faced by local communities; fourth, the dissemination of information about earthquakes to local officials and to the general public so that appropriate precautions can be undertaken; and fifth, the development of an improved understanding of techniques for earthquake control.

The research and improved understanding of seismic phenomena that will result from the enactment of S. 1174 are critically needed. More than 70 million Americans live in areas of the United States that are expected to suffer moderate to major damage from future earthquakes. Contrary to the prevailing attitude about earthquakes, it is not just California or the Pacific coast States which face the likelihood of future damaging earthquakes. Indeed, some 39 States are wholly or partly in zones expected to suffer moderate to major damage from future earthquakes.

Moreover, the United States today faces a far greater potential risk of

earthquake damage and destruction than ever before. Because our population has grown and become concentrated along our most vulnerable coastal areas, earthquakes that strike in the future will wreak damage and cause life loss far surpassing anything this Nation has ever experienced as a result of earthquakes and related phenomena.

I discussed these points in greater detail on February 19, 1976, when I testified before the Subcommittee on Oceans and Atmosphere, and I ask unanimous consent that a portion of that testimony be printed in the RECORD at this point.

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

STATEMENT OF SENATOR ALAN CRANSTON ON S. 1174

Mr. Chairman, I want to express my appreciation for so generously giving of your time today and for scheduling this hearing on S. 1174, the Earthquake Disaster Mitigation Act. As the author of S. 1174, I am hopeful that this hearing will lead toward quick enactment of this important legislation.

The recent tragic earthquake in Guatemala could be the harbinger of our own future if the federal government—indeed government at all levels—does not begin to take preventive, life-saving measures now.

It is unfortunate that it takes a tragedy of the magnitude of Guatemala's to shake us out of our complacency. But we all suffer from that peculiar "earthquake mentality" which chooses not to think about the destructive earthquake that could mar our future. Perhaps it is just human nature to avoid unpleasant thoughts. But in siding with the fatalists, we are courting certain disaster.

I do not intend to make a lengthy statement today since we have here the experts who can tell the tale better than I. But I would touch on a few points that need emphasis.

First, the threat of future destructive earthquakes is a national problem. Certainly, the Pacific Coast states—principally Alaska and California—are especially vulnerable to earthquakes and related disasters. Yet nearly every state in the nation faces some degree of risk from future earthquakes, and some 70 million people live in the 39 states that are wholly or partly in areas facing a risk of moderate to major damage from future earthquakes. Earthquakes have occurred in our history all over the United States, with major earthquakes in Charleston, South Carolina (1886), New Madrid, Missouri (1811-1812), Cape Ann, Massachusetts (1755), Seattle, Washington (1949) and Hebgen Lake, Montana, (1959), and the terrible "Good Friday" earthquake in Alaska (1964).

Second, we must remember that despite a considerable seismic history, the United States has been extraordinarily lucky. Less than 1200 people have lost their lives in United States earthquakes so far. Compare this to the more than 20,000 Guatemalans who died earlier this month in a major earthquake and its after-shocks. Throughout history somewhere in the neighborhood of seventy-four million people have died in earthquakes. And in just the second quarter of the 20th Century, 350,000 people worldwide have lost their lives in earthquakes and related disasters.

Third, the United States today faces the greatest potential danger from earthquakes that we have ever faced before. It is only in



the last decade or so that our population has become concentrated in major cities and along our coastal regions, and major construction has occurred on land-fill and other unstable soils. Thus, it is only recently that the potential for great earthquake destruction in this country has existed. Indeed, if the San Andreas Fault were to give us an encore of the 1906 San Francisco earthquake, the deaths could number in the tens of thousands and the property damage could exceed \$20 billion. On top of this, we must consider the incalculable losses resulting from the loss of economic and social functioning. Such an earthquake would have a major impact on our national economy and our national psyche.

Mr. CRANSTON. Mr. President, earthquakes have been front page news frequently this year, beginning with the tragic Guatemalan earthquake on February 4 which claimed some 20,000 lives. More recently, northeastern Italy was hit by an earthquake of magnitude 6.5 which killed nearly 1,000 people and caused major damage in the epicentral region.

The U.S. Geological Survey has reported that despite the apparent increase in worldwide earthquake activity, in fact the number of major quakes is running behind the long-term yearly average. Although the world has experienced 5 significant earthquakes in the last 2 weeks, it is generally expected that an annual average of 16 to 18 major earthquakes—those with a Richter magnitude of 7.0 or greater—will occur.

According to the USGS, 11 major shocks were reported during 1973. In 1974, 12 major shocks were recorded, and in 1975, 13 shocks were reported along with the first "great" earthquake—one with a magnitude of 8.0 or greater—since 1971.

Five major earthquakes have been reported so far this year as follows: On January 14, two major shocks, a 7.7 followed within hours by one that ranged from 7.75 to 8.0, struck the Kermadec Islands in the Southwest Pacific. On January 21, a 7.0 quake occurred in the Kuril Island north of Tokyo. On February 4, the deadly 7.5 earthquake struck Guatemala; and on May 16—just a few days ago—a destructive 7.2 earthquake in Soviet Central Asia.

In addition to these major quakes, the world has so far this year experienced 12 earthquakes considered "significant"—quakes that have caused deaths or extensive damage or were 6.5 or stronger: A 6.9 on January 1 in the Tonga Islands; a 6.5 on January 13 that caused extensive damage in Iceland; a 6.0 on February 19 that caused at least one death in Cuba; a 6.9 on March 4 in the New Hebrides Islands; a 6.7 on March 24 in the Kermadec Islands; a 6.7 on March 29 in South Panama; a 6.9 in Soviet Central Asia on April 8 that is reported to have caused extensive damage; a 6.7 in Ecuador that took at least 10 lives on April 9; a 6.5 earthquake near the coast of New Zealand on May 4; a 6.7 quake in the Kermadec Islands in the Southwest Pacific on May 5; a deadly 6.5 quake that struck northeastern Italy on May 6; and a 6.5 in Northern Peru on May 15.

In short, earthquake activity tends to be episodic, with periods of relative quiet alternating with periods of activity. On a worldwide scale the overall low level of major earthquake activity during the last 3½ years is not necessarily unusual. On a local scale, however, long periods of dormant or low seismic activity along faults that are experiencing stress build-up, could indicate trouble ahead. The stresses building within the Earth could eventually exceed fault strength, resulting in a large earthquake.

In southern California, we are worried that such stresses may be reaching a breaking point. U.S. Geological Survey scientists have discovered a bulge in the Earth's crust astride the San Andreas fault that has, in the past 10 years, uplifted 4,500 square miles of mountainous terrain north of Los Angeles. This bulge, which has come to be known as the Palmdale uplift, runs along a 100-mile stretch of the San Andreas fault—a section of the fault that has not moved since a massive earthquake in 1857. While Earth scientists are quick to point out that we simply do not know what the uplift means, I am concerned that we may be courting certain disaster if we fail to take preventive measures now—before a major earthquake results. Uplifts have preceded major earthquakes in the past—including the destructive San Fernando earthquake in 1971 which claimed 65 lives and caused more than a half a billion dollars in damage. And while it is also true that uplifts have developed in the past without resulting in earthquakes, I am not willing to take the chance that this particular uplift is harmless. If we are to err, let us err on the side of caution.

At stake is the Los Angeles metropolitan area. The Federal Disaster Assistance Administration has estimated deaths and injuries which might result from a "great" earthquake along that section of the San Andreas which is now experiencing the uplift. Depending upon the time of day the earthquake strikes, it could result in as many as 12,000 deaths, 48,000 serious injuries and \$15 to \$25 billion in property damage.

Because of the tremendous risk involved, I recently made a personal appeal to President Ford to release additional money immediately to the U.S. Geological Survey so that appropriate monitoring and research could be implemented in the area affected by the uplift. This appeal resulted in meetings with OMB officials and others in the administration, but to date, while interest was expressed, no formal action has been taken in response.

Thus it is critical that S. 1174, the Earthquake Hazards Reduction Act, pass the Senate today and move toward favorable House action as rapidly as possible. The comprehensive research and implementation program envisioned by S. 1174, along with the substantial infusion of additional funds for the next 3 fiscal years, can get us on track toward reducing the hazards of future earthquakes.

I wish to commend Senator HOLLINGS, chairman of the Subcommittee on Oceans and Atmosphere, all members of the Commerce Committee and the able Commerce Committee staff for tremendous support and cooperative efforts which resulted in the bill before the Senate today. I urge the Senate to vote favorably on S. 1174.

Mr. MOSS. Mr. President, I am pleased to support passage of S. 1174, the Earthquake Hazard Reduction Act. This is a measure which has too long been ignored by the Congress of the United States. I would like to commend my colleague from South Carolina, Mr. HOLLINGS, for the fine work he did on this measure in the Commerce Committee.

Earthquake is a natural hazard which can strike at any time as was evidenced only 2 weeks ago in Europe when the disastrous earthquake struck Italy and surrounding countries and resulted in a death toll of more than 1,000 people. Since my earliest days in the Senate I have urged the enactment of legislation to protect against the hazards of earthquake. It is finally happening. Earthquakes can and will occur in densely populated areas. The past weeks in Italy and the recent disaster in Guatemala are clear evidence of that fact. Modern technology can minimize the danger of earthquake both to life and property. The passage of this bill will demonstrate our clear intention to begin to take advantage of that technology.

There are many preventative measures which can be taken by those communities which are highly susceptible to earthquake damage, such as Los Angeles, Boston, Seattle, Charleston, S.C., and my hometown of Salt Lake City. S. 1174 makes provision for the initial steps in taking these preventative measures. It is sorely needed.

As a Senator from the State of Utah I have been interested in reducing the hazards of earthquake since I was a young man—long before I was elected to the Senate. The major portion of my home State lies over many geological faults, and the State of Utah suffers minor earthquake tremors continuously. In April of last year a major earthquake occurred along the Utah-Idaho border. We were fortunate that the epicenter of the earthquake was in an area largely uninhabited. Such has been the case in most of the major earthquakes which have struck the United States in recent years.

However, everyone remembers the devastation in San Francisco in 1906 where more than 700 lives were lost and damage exceeded \$500,000,000. From 1865 through 1971 there occurred in the United States 36 major earthquakes which caused in excess of \$1.8 billion in damage. More than 85 percent of that damage was caused by only three of those quakes—the three that occurred in populated areas—the San Francisco earthquake of 1906, the Alaska earthquake of 1964, and the San Fernando earthquake of 1971, each of which caused more than \$500,000,000 in damage.

We have been fortunate in years past because earthquakes occurred in less populated areas. However, the extensive growth of population in the United States in recent years—which will surely increase in the future—means that we can no longer ignore protection against earthquake. Just as we have recognized the need for protection against the disasters of flood and abnormal weather, we must recognize the need for mitigation of earthquake damage.

The U.S. Geological Survey has classed areas of the United States according to seismic risk. Many of our major cities lie within those areas which are classified as high risk zones—those areas which can expect at some time to suffer earthquake damage. These include—as we all know—San Francisco, Los Angeles, Salt Lake City, Seattle, and Tacoma, but a quick glance at the seismic risk map will disclose—a lesser known fact—that there are other major metropolitan areas which lie within areas of high risk, such as Charleston, S.C.; Memphis, Tenn.; Boston, Mass.; and Buffalo, N.Y. These are cities which suffer a risk of major damage by earthquake. There are many more which are subject to moderate damage. As a matter of fact, only in the central plains States is there any relative safety from damage due to earthquake in the United States.

This natural disaster can strike at any time and with severe intensity; such intensity in fact, that in the last 500 years it has caused more than 2 million deaths in the world. We are fortunate in the United States that we have not had catastrophic loss of life from earthquakes, but that certainly does not mean that we are immune from such a possibility. There were 700 lives lost in San Francisco and only 5 years ago in the San Fernando Valley an earthquake took more than 60 lives.

It is common knowledge that Los Angeles and San Francisco are moving physically closer to each other as a result of movement of the tectonic plates which join at a location known as the San Andreas fault. Similarly, it is common knowledge that there is a fault lying in Utah and Idaho known as the Wasatch fault where there have been major earthquakes. But, it is not common knowledge that outside of the Rocky Mountains and the West, there are also zones of possible severe seismic activity in States such as: Kentucky, Arkansas, and Missouri. Safety from the disaster of earthquake certainly should be a concern of the people of the United States and of their Government. I hope that here today—without being alarmists—we can determine that there must be established some significant protections for ourselves.

The science of earthquake study is relatively new, both in the physical and social sciences. Only during this century has any real scientific understanding of the phenomenon of earthquakes been forthcoming and it really had not taken great strides until the last 15 years or so, but we can now take some steps for protection.

Mr. President, I would like to urge swift action on the part of the House of Representatives to insure that this measure becomes law before the conclusion of the 94th Congress.

The committee amendment, as amended, was agreed to.

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

The title was amended so as to read: A bill to reduce the hazards of earthquakes, and for other purposes.

#### SUBCOMMITTEE ON MULTINATIONAL CORPORATIONS

The concurrent resolution (S. Con. Res. 107) authorizing the printing of the following committee prints of the Committee on Foreign Relations Subcommittee on Multinational Corporations was considered and agreed to, as follows:

*Resolved by the Senate (the House of Representatives concurring), That there be printed for the use of the Committee on Foreign Relations five thousand copies each of the following hearings and committee prints entitled "Multinational Corporations and U.S. Foreign Policy" (volumes 1 and 2); "Multinational Oil Corporations and U.S. Foreign Policy, Report Together With Individual Views, January 2, 1976"; "Multinational Corporations in Brazil and Mexico: Structural Sources of Economic and Noneconomic Power, Report to the Subcommittee on Multinational Corporations", by Richard Newfarmer and Willard F. Mueller; "Direct Investment Abroad and the Multinationals: Effects on the United States Economy", prepared for the use of the Subcommittee on Multinational Corporations by Peggy B. Musgrave.*

#### BACKGROUND MATERIALS CONCERNING CHILD AND FAMILY SERVICES ACT

The concurrent resolution (S. Con. Res. 114) authorizing the printing of additional copies of Subcommittee on Children and Youth committee print titled "Background Materials Concerning Child and Family Services Act, 1975 (S. 626)" was considered and agreed to as follows:

*Resolved by the Senate (the House of Representatives concurring), That there be printed for the use of Senate Committee on Labor and Public Welfare, twenty-five thousand additional copies of its committee print compiled by its Subcommittee on Children and Youth entitled "Background Materials Concerning Child and Family Services Act, 1975 (S. 626)".*

#### RAILROAD CONSOLIDATION AND RELOCATION IN URBAN AREAS

The resolution (S. Res. 447) authorizing the printing of the report entitled "Railroad Consolidation and Relocation in Urban Areas" as a Senate document was considered and agreed to, as follows:

*Resolved, That the report of the Secretary of Transportation to the Congress of the United States (in compliance with section 163 of Public Law 93-87, the Federal-Aid Highway Act of 1973), entitled "Railroad Consolidation and Relocation in Urban*

*Areas", be printed, with illustrations, as a Senate document.*

SEC. 2. There shall be printed five hundred additional copies of such document for the use of the Committee on Public Works.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 94-913), explaining the purposes of the measure.

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

Senate Resolution 447 would provide (1) that the report of the Secretary of Transportation to the Congress of the United States (in compliance with section 163 of Public Law 93-87, the Federal-Aid Highway Act of 1973), entitled "Railroad Consolidation and Relocation in Urban Areas", be printed, with illustrations, as a Senate document; and (2) that there be printed 500 additional copies of such document for the use of the Committee on Public Works.

The printing-cost estimate, supplied by the Public Printer, is as follows:

|   |            |
|---|------------|
| <i>Printing-cost estimate</i>                         |            |
| To print as a document (1,500 copies) .....           | \$5,605.29 |
| 500 additional copies, at \$351.92 per thousand ..... | 175.96     |

|   |          |
|---|----------|
| Total estimated cost, S. Res. 447 ..... | 5,781.25 |
|---|----------|

A joint letter in support of Senate Resolution 447, addressed to Senator Howard W. Cannon, chairman of the Committee on Rules and Administration, by Senator Jennings Randolph and Senator Howard H. Baker, Jr., chairman and ranking minority member, respectively, of the Committee on Public Works, is as follows:

U.S. SENATE,  
COMMITTEE ON PUBLIC WORKS,  
Washington, D.C., May 13, 1976.

HON. HOWARD W. CANNON,  
Chairman, Committee on Rules and Administration, U.S. Senate, Washington, D.C.

DEAR MR. CHAIRMAN: Reference is made to Senate Resolution 447, which I introduced in the Senate on May 12, 1976.

Section 163 of Public Law 93-87, the Federal Aid Highway Act of 1973, which concerns itself with "Demonstration Project—Railroad-Highway Crossings" requires that the Secretary of Transportation make annual reports, and a final report, to the President and the Congress with respect to his activities pursuant to this section. This report, entitled "Railroad Consolidation and Relocation in Urban Areas", is submitted in accordance with this section.

This report details a study of the issues, and outlines the potential benefits to accrue from the relocation and consolidation of railroad lines in urban areas. With the continued emphasis in city areas on improved quality of life, increased attention is being given to the conflict between railroad and other urban activities. Concurrently, changes in urban area transportation needs, in the railroad industry structure, and in railroad operations are creating new opportunities for alleviating conflicts by urban railroad consolidation and relocation to serve better the needs of urban communities.

This is the first such study submitted under the provisions of this Public Law and it is felt that wide dissemination of this report to interested agencies, as well as Federal, State and local government officials will bring to their attention the program, its objectives, and the procedures to follow in implementing the recommendation contained herein.



We would deeply appreciate your early approval of this Resolution.

With kind personal regards,

Truly,

JENNINGS RANDOLPH,  
Chairman.

HOWARD H. BAKER, Jr.,  
Ranking Minority Member.

#### COURT PROCEEDINGS AND ACTIONS OF VITAL INTEREST TO CONGRESS

The concurrent resolution (H. Con. Res. 305) providing for the printing of additional copies of the committee print entitled "Court Proceedings and Actions of Vital Interest to the Congress, Final Report for the 93d Congress, December 1974" was considered and agreed to.

Mr. ROBERT C. BYRD, Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 94-914), explaining the purposes of the measure.

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

House Concurrent Resolution 305 would authorize the printing for the use of the Joint Committee on Congressional Operations of 500 additional copies of the committee on Congressional Operations of 500 additional copies of the committee print entitled "Court Proceedings and Actions of Vital Interest to the Congress, Final Report for the 93d Congress, December 1974".

The printing-cost estimate on House Concurrent Resolution 305, as agreed to by the House of Representatives, is as follows:

Printing-cost estimate

Back to press, 500 copies..... \$10,232.23

#### ORDER OF BUSINESS

The ACTING PRESIDENT pro tempore. Does the Senator from Michigan seek recognition?

Mr. GRIFFIN. No, Mr. President.

#### ROUTINE MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, there will now be a period for the transaction of routine morning business not to extend beyond the hour of 1 p.m.

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 CONSIDERATION TODAY OF NOMINATION OF S. JOHN BYINGTON

Mr. ROBERT C. BYRD, Mr. President, as in executive session, I ask unanimous consent that, beginning at the hour of 3:30 p.m. today, the Senate go into executive session for the consideration of the nomination of Mr. S. John Byington to be a Commissioner of the Consumer

Product Safety Commission, and that there be a time limitation of 30 minutes for debate, to be equally divided between Mr. MAGNUSON and Mr. PEARSON.

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

#### MESSAGES FROM THE PRESIDENT

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

#### EXECUTIVE MESSAGES REFERRED

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

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

#### MESSAGES FROM THE HOUSE

At 3:34 p.m., a message from the House of Representatives delivered by Mr. Berry, one of its reading clerks, announced that the House has passed the bill (S. 3184) to amend the Comprehensive Alcohol Abuse and Alcoholism Prevention, Treatment, and Rehabilitation Act of 1970, and for other purposes, with amendments in which it requests the concurrence of the Senate.

The message also announced that the House agrees to the amendment of the Senate to the bill (H.R. 8719) to provide for an amendment to the Washington Metropolitan Area Transit Regulation Compact to provide for the protection of the patrons, personnel, and property of the Washington Metropolitan Area Transit Authority.

The message further announced that the House has agreed to the resolution (H. Res. 1211) designating Hon. JOHN J. McFALL, a Representative from the State of California, Speaker pro tempore during the absence of the Speaker.

The message also announced that the House has agreed to the resolution (H. Res. 1212) relating to the death of the Hon. TORBERT H. MACDONALD, a Representative from the State of Massachusetts.

The message further announced that the House has passed the bill (H.R. 12679) to amend the Public Health Service Act to extend for 3 fiscal years assistance programs for health services research and statistics and programs for assistance to medical libraries, and for other purposes, in which it requests the concurrence of the Senate.

#### ENROLLED BILLS SIGNED

The message also announced that the Speaker pro tempore (Mr. McFALL) has signed the following enrolled bills:

S. 2129. An act to provide for the definition and punishment of certain crimes in accordance with the Federal laws in force within the special maritime and territorial jurisdiction of the United States when said crimes are committed by an Indian in order to in-

sure equal treatment for Indian and non-Indian offenders.

S. 2498. An act to amend the Small Business Act and Small Business Investment Act of 1958 to provide additional assistance under such Acts, to create a pollution control financing program for small business, and for other purposes.

S. 3399. An act to authorize and direct the Administrator of General Services to convey certain land in Cambridge, Massachusetts, to the Commonwealth of Massachusetts.

The enrolled bills were subsequently signed by the Acting President pro tempore (Mr. STEVENSON).

At 4:01 p.m., a message from the House of Representatives delivered by Mr. Berry announced that the House has passed the bill (H.R. 13350) to authorize appropriations to the Energy Research and Development Administration in accordance with section 261 of the Atomic Energy Act of 1954, as amended, section 305 of the Energy Reorganization Act of 1974, and section 16 of the Federal Non-nuclear Energy Research and Development Act of 1974, and for other purposes, in which it requests the concurrence of the Senate.

#### COMMUNICATIONS FROM EXECUTIVE DEPARTMENTS, ETC.

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

#### REPORT OF THE SECRETARY OF TRANSPORTATION

A letter from the Secretary of Transportation transmitting, pursuant to law, a report on activities carried out in the year ending September 30, 1975 on the railroad technology program (with an accompanying report); to the Committee on Commerce.

#### PROPOSED ACTS OF THE COUNCIL OF THE DISTRICT OF COLUMBIA

Two letters from the Chairman of the Council of the District of Columbia each transmitting, pursuant to law, a copy of a proposed act adopted by the Council (with accompanying papers); to the Committee on the District of Columbia.

#### REPORT OF THE AMERICAN SYMPHONY ORCHESTRA LEAGUE

A letter from a certified public accountant transmitting, pursuant to law, a copy of the audit report for the American Symphony Orchestra League, Inc., for the fiscal year March 31, 1976 (with an accompanying report); to the Committee on the Judiciary.

#### PUBLISHED REGULATIONS BY THE DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Two letters from the Acting Director of the Office of Regulatory Review of the Department of Health, Education, and Welfare transmitting, pursuant to law, copies of published regulations relating to the national reading improvement program and the public service education fellowships (with accompanying papers); to the Committee on Labor and Public Welfare.

#### PROSPECTUS OF THE GENERAL SERVICES ADMINISTRATION

A letter from the Administrator of General Services transmitting, pursuant to law, a prospectus proposing an extension to the present lease for a building in Honolulu, Hawaii (with accompanying papers); to the Committee on Public Works.

REPORT OF THE GENERAL SERVICES  
ADMINISTRATION

A letter from the Acting Administrator of General Services transmitting, pursuant to law, a report of a building project survey in Altoona, Pa. (with an accompanying report); to the Committee on Public Works.

PROPOSED LEGISLATION BY THE VETERANS'  
ADMINISTRATION

A letter from the Administrator of Veterans' Affairs transmitting a draft of proposed legislation to amend the Veterans' Administration Physician and Dentist Pay Comparability Act (with accompanying paper); to the Committee on Veterans' Affairs.

REPORT OF THE BOARD OF TRUSTEES OF THE  
FEDERAL HOSPITAL INSURANCE TRUST FUND

A letter from the Board of Trustees of the Federal Hospital Insurance Trust Fund transmitting, pursuant to law, the annual Trust Fund (with an accompanying report); to the Committee on Finance.

REPORT OF THE BOARD OF TRUSTEES OF THE  
FEDERAL SUPPLEMENTARY MEDICAL INSURANCE TRUST FUND

A letter from the Board of Trustees of the Federal Supplementary Medical Insurance Trust Fund transmitting, pursuant to law, the annual report of the fund (with an accompanying report); to the Committee on Finance.

REPORT OF THE BOARD OF TRUSTEES OF THE  
FEDERAL OLD-AGE AND SURVIVORS INSURANCE AND DISABILITY INSURANCE TRUST FUNDS

A letter from the Board of Trustees of the Federal Old-Age and Survivors Insurance Trust Fund and the Federal Disability Insurance Trust Fund transmitting, pursuant to law, the annual reports of both funds for the year 1976 (with accompanying reports); to the Committee on Finance.

## AMENDMENT TO BUDGET REQUEST FOR THE ENVIRONMENTAL PROTECTION AGENCY—(S. Doc. No. 94-197)

A communication from the President of the United States transmitting an amendment to the budget request for the fiscal year 1977 in the amount of \$11,300,000 for the Environmental Protection Agency (with accompanying papers); to the Committee on Appropriations, and ordered to be printed.

## AMENDMENT TO BUDGET REQUEST FOR THE DEPARTMENT OF THE INTERIOR—(S. Doc. No. 94-198)

A communication from the President of the United States transmitting an amendment to the budget request for the fiscal year 1977 in the amount of \$2.8 million for the Department of the Interior (with accompanying papers); to the Committee on Appropriations, and ordered to be printed.

## AMENDMENT TO BUDGET REQUEST FOR THE VETERANS' ADMINISTRATION—S. Doc. 94-199

A communication from the President of the United States transmitting an amendment to the budget request for the fiscal year 1977 in the amount of \$268,316,000 for the Veterans' Administration (with accompanying papers); to the Committee on Appropriations, and ordered to be printed.

## PETITIONS

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

A resolution adopted by the membership of the Southeastern Association of School Business Officials relating public employees engaging in collective bargaining; to the Committee on Labor and Public Welfare.

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## REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. SPARKMAN, from the Committee on Foreign Relations, without amendment: S. Con. Res. 105. A concurrent resolution expressing the sense of Congress regarding democracy in Italy and participation by Italy in North Atlantic Treaty Organization (Rept. No. 94-915).

## ALLOCATIONS UNDER THE CONGRESSIONAL BUDGET ACT (REPT. NO. 94-916)

Mr. MOSS, from the Committee on Aeronautical and Space Sciences submitted a report entitled "FY 1977 Allocations Under Section 302(b) Congressional Budget Act," which was ordered to be printed.

## ENROLLED BILLS PRESENTED

The Secretary of the Senate reported that today, May 24, 1976, he presented to the President of the United States the following enrolled bills:

S. 2129. An act to provide for the definition and punishment of certain crimes in accordance with the Federal laws in force within the special maritime and territorial jurisdiction of the United States when said crimes are committed by an Indian in order to insure equal treatment for Indian and non-Indian offenders.

S. 2498. An act to amend the Small Business Act and Small Business Investment Act of 1958 to provide additional assistance under such Acts, to create a pollution control financing programs for small business, and for other purposes.

S. 3399. An act to authorize and direct the Administrator of General Services to convey certain land in Cambridge, Massachusetts, to the Commonwealth of Massachusetts.

## APPROVAL OF BILLS

A message from the President of the United States announced that he had approved and signed the following enrolled bills:

On May 21, 1976:

S. 3031. An Act to authorize the erection of a statue of Bernardo de Galvez on public ground in the District of Columbia.

On May 22, 1976:

S. 2619. An Act to provide for adjusting the amount of interest paid on funds deposited with the Treasury of the United States by the Library of Congress Trust Fund Board.

S. 2620. An Act to provide for adjusting the amount of interest paid on funds deposited with the Treasury of the United States pursuant to the Act of August 20, 1912 (37 Stat. 319).

S. 3107. An Act to authorize appropriations to the Nuclear Regulatory Commission in accordance with section 261 of the Atomic Energy Act of 1954, as amended, and section 305 of the Energy Reorganization Act of 1974, as amended, and for other purposes.

## HOUSE BILL REFERRED

The bill (H.R. 12679) to amend the Public Health Service Act to extend for 3 fiscal years assistance programs for health services research and statistics

and programs for assistance to medical libraries, and for other purposes, was read twice by its title and referred to the Committee on Labor and Public Welfare.

## ORDER FOR STAR PRINT—S. 2661

Mr. CANNON. Mr. President, I ask unanimous consent that there be a star print of S. 2661, a bill to amend the Independent Safety Board Act of 1974 to authorize additional appropriations and for other purposes, to correct certain errors in the printing thereof, and I have a corrected copy which I send to the desk.

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

## INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

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

By Mr. MUSKIE (for himself and Mr. CHURCH):

S. 3481. A bill to provide that the Committee on Mental Health and Illness of the Elderly (established by Public Law 94-63) shall have an additional year in which to carry out its duties. Referred to the Committee on Labor and Public Welfare.

## STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. MUSKIE (for himself and Mr. CHURCH):

S. 3481. A bill to provide that the Committee on Mental Health and Illness of the Elderly (established by Public Law 94-63) shall have an additional year in which to carry out its duties. Referred to the Committee on Labor and Public Welfare.

## COMMITTEE ON MENTAL HEALTH AND ILLNESS OF THE ELDERLY

Mr. MUSKIE. Mr. President, I introduce for appropriate reference a bill to provide an additional year for the Committee on Mental Health and Illness of the Elderly to complete its study and recommendations.

This nine-member committee was created under the Health Revenue Sharing Act last July when the Congress decisively overrode President Ford's veto.

Public Law 94-63 directs the committee to submit a report by July 29, 1976, to the Congress on several important issues, including:

First. The future needs for mental health facilities, manpower, research, and training to meet the mental health care needs of the elderly.

Second. Appropriate care of aged persons in mental institutions.

Third. Proposals for implementing the recommendations of the 1971 White House Conference on Aging concerning mental health care of older Americans.

However, it will be impossible for the committee to meet this deadline because the Secretary of HEW has yet to name the nine members.



As the sponsor of the legislation that led to the establishment of this committee, I am deeply disturbed by the administration's foot dragging.

Recently, Senator CHURCH, chairman of the Committee on Aging, joined me in urging Secretary Mathews to name the nine members of the Committee on Mental Health and Illness of the Elderly. I wish our letter had not been necessary. Mental illness is a serious problem among our elderly.

The committee I proposed was charged with examining the problem and proposing solutions.

It was not intended to be a new bureaucratic entity. It was not supposed to keep studying the problem for the indefinite future. It was to report within a year.

But nothing has yet been done. Now, we are faced with letting the committee die without hearing its recommendations, or extending its life to make up for the inattention of those most responsible in government for caring for the needs of our elderly.

It is no wonder that people feel government does not care any more.

The purpose of this legislation is to grant a 1-year extension—until July 29, 1977—for the Committee on Mental Health and Illness of the Elderly to perform its functions.

This additional time is needed to permit a thorough, complete, and effective report on the issues the committee is charged by law to investigate.

The committee's report takes on added meaning because widespread confusion and contradictions now affect public policy concerning mental health care of the elderly.

This failure in public policy is causing heavy, social, and psychological costs among older Americans and their families.

Many elderly are "warehoused" in institutions when they could be returned to the community if proper services were available. Some are dumped into communities without adequate facilities and resources to assist them. Still others remain in their homes and apartments, cut off from the help they desperately need.

Our Nation can no longer turn its back on the serious mental health problems of older Americans. The Committee on Mental Health and Illness of the Elderly, however, can provide an important first step for the development of a national policy in this area.

Mr. President, I ask unanimous consent that the text of this bill be printed in the RECORD.

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

S. 3481

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 603 (b) of the Act of July 29, 1975 (Public Law 94-63, 42 U.S.C. 289K-2 Note) is amended by striking out "one year" and inserting in lieu thereof "two years".*

# ADDITIONAL COSPONSORS

S. 969

At the request of Mr. HARTKE, the Senator from Washington (Mr. JACKSON) was added as a cosponsor of S. 969, to amend chapter 34 of title 38, United States Code.

S. 2908

At the request of Mr. HARTKE, the Senator from Washington (Mr. JACKSON) was added as a cosponsor of S. 2908, to amend title 38, United States Code, to improve the quality of hospital care, medical services, and nursing home care in Veterans' Administration health care facilities; to require the availability of comprehensive treatment and rehabilitative services and programs for certain disabled veterans suffering from alcoholism, drug dependence or alcohol or drug abuse disabilities; to make certain technical and conforming amendments and for other purposes.

S. 2925

At the request of Mr. MUSKIE, the Senator from Alaska (Mr. STEVENS), the Senator from South Dakota (Mr. ABOWREK), the Senator from Connecticut (Mr. RIBICOFF), the Senator from Pennsylvania (Mr. SCHWEIKER), and the Senator from South Carolina (Mr. HOLLINGS) were added as cosponsors of S. 2925, the Government Economy and Spending Reform Act of 1976.

S. 3182

At the request of Mr. TAFT, the Senator from Kansas (Mr. DOLE) was added as a cosponsor of S. 3182, to amend the Occupational Safety and Health Act of 1970.

S. 3310 AND S. 3311

At the request of Mr. ROBERT C. BYRD (for Mr. MOSS), the Senator from Delaware (Mr. BIDEN) was added as a cosponsor of S. 3310, to conserve electric energy; and S. 3311, to amend the Federal Power Act.

S. 3317

At the request of Mr. TAFT, the Senator from Hawaii (Mr. INOUE) and the Senator from South Carolina (Mr. THURMOND) were added as cosponsors of S. 3317, to amend the Occupational Safety and Health Act of 1970.

S. 3451

At the request of Mr. MOSS, the Senator from Minnesota (Mr. HUMPHREY) was added as a cosponsor of S. 3451, to amend the Internal Revenue Code of 1954.

## SENATE JOINT RESOLUTION 176

At the request of Mr. ALLEN, the Senator from Georgia (Mr. TALMADGE) was added as a cosponsor of Senate Joint Resolution 176 prohibiting by constitutional amendment assignment to public schools on the basis of race.

## SENATE RESOLUTION 453—SUBMISSION OF A RESOLUTION RELATING TO THE INCLUSION OF UNITS OF THE METRIC SYSTEM IN CONGRESSIONAL PRINTS

(Referred to the Committee on Rules and Administration.)

Mr. PELL (for himself and Mr.

INOUE) submitted the following resolution:

S. RES. 453

Whereas, the United States was an original signatory party to the 1875 Treaty of the Meter (20 Stat. 709) which established the General Conference of Weights and Measures, the International Committee of Weights and Measures, and the International Bureau of Weights and Measures;

Whereas, the use of metric measurement standards in the United States has been authorized by law since 1866 (Act of July 28, 1866; 14 Stat. 339);

Whereas, the Metric Conversion Act of 1975 declared that the policy of the United States shall be to coordinate and plan the increasing use of the metric system in the United States and to establish a United States Metric Board to coordinate the voluntary conversion to the metric system;

Whereas, it is the aim of the Senate to assist the United States Metric Board in carrying out the policies of the Metric Conversion Act of 1975, particularly with regard to greater public understanding of and education about the metric system;

Whereas, a need currently exists for the Senate to participate in the Nation's conversion to the metric system: Now, therefore, be it

*Resolved*, That (a) units of weights and measures contained in all bills, resolutions, and amendments, and in all committee reports, shall be expressed in units of the metric system of measurement (as defined in section 4(4) of the Metric Conversion Act of 1975) either (1) as the sole or primary unit of measurement or (2) as an alternative unit of measurement to a non-metric unit of measurement.

(b) It shall not be in order to consider any bill, resolution, or amendment which does not comply with the provisions of subsection (a), and it shall not be in order to consider any bill or resolution reported by any committee unless the committee report accompanying that bill or resolution complies with the provisions of subsection (a).

Mr. PELL. Mr. President, I am pleased to submit, for myself and Senator INOUE, a resolution to require the inclusion of units of the metric system of measurement in all Senate bills, resolutions, amendments, and committee reports which contain references to units of weights and measures.

This Senate resolution serves as a necessary followup to recently completed congressional action on bills S. 100 and H.R. 8674, signed by the President on December 23, 1975, as Public Law 94-168, the Metric Conversion Act of 1975. As a sponsor of S. 100, and as the original Senate sponsor of metric conversion legislation in 1963, I believe that the Senate must now move to assist the soon-to-be-formed U.S. Metric Board in facilitating the Nation's switch to metric.

Hearings conducted by the distinguished Senator from Hawaii (Mr. INOUE) on metric conversion legislation revealed that our citizens have been ahead of their Government for some time in understanding the advantages of the metric system. Now that Congress has acknowledged the obvious in passing the Metric Conversion Act, it is time for the Senate to make its own procedures consistent with national policy.

There is no reason to fear confusion in the Senate due to the requirements of this resolution, nor should we be concerned about delays in the legislative

process. The timely flow of legislation will not be interrupted.

The great majority of Senate documents, Mr. President, will not be affected by this resolution, simply because they contain no references to units of weights and measures in the first place. For the ones that do, it is a simple matter for the drafters of the bill, report, amendment, or resolution to place in parentheses next to the unit its metric equivalent. For example if a highway bill refers to an additional 3,400 miles needed to complete the Interstate Highway System, the notation 5,440 kilometers must be placed immediately thereafter.

A point of order will lie for omission of this simple task. I believe that such a strict sanction is needed to put the Senate on record as being behind the move to metric. Yet even with a point of order, correction of any flaws will be an easy matter, so as not to disrupt the legislative process.

Mr. President, this Senate resolution serves to symbolize the Senate's continued commitment to our national policy, as stated in Public Law 94-168, of coordinating the increasing use of the metric system in the United States.

#### AMENDMENTS SUBMITTED FOR PRINTING

##### TAX REFORM ACT OF 1976—H.R. 10612

AMENDMENT NO. 1672

(Ordered to be printed and referred to the Committee on Finance.)

##### TAXATION OF MUSEUMS AND LIBRARIES

Mr. DOLE. Mr. President, today I am submitting an amendment which is vital to the continued financial vitality of some of America's most important educational institutions. This amendment will remove an inequity which adversely affects a small but important group of our country's leading museums and libraries under the Tax Reform Act of 1969, as interpreted by the Treasury Department in its revised regulations. Because they are wholly or mostly supported by private endowments, such outstanding museums as the Frick Collection in New York, the Winterthur Museum in Wilmington, and the Gardner Museum in Boston are being taxed as private foundations by the Internal Revenue Service even though they are not privately controlled by substantial contributors or members of the families of substantial contributors and offer cultural and educational services to the public comparable in kind and high quality to other leading museums that are publicly supported and thus not subject to the tax. I believe it is inequitable and contrary to the public interest to require such privately endowed museums, libraries, and similar educational institutions, such as arboreta and planetariums, to have to pay a tax on their investment income which thereby reduces their abilities to serve the public. I ask unanimous consent to have printed in the RECORD a recent communication addressed to the chairman of the Committee on Finance from Virginia H.

Knauer, Special Assistant to the President for Consumer Affairs, which emphasizes the detrimental effect that this tax is having on the public interest in causing these nonprofit institutions to have to consider imposing admission charges to make up for revenues taken away by the tax. I strongly urge favorable Senate action on this amendment.

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

MARCH 25, 1976.

HON. RUSSELL B. LONG,  
Chairman, Finance Committee, U.S. Senate,  
Russell Building, Washington, D.C.

DEAR SENATOR LONG: Now that the Senate Finance Committee has scheduled hearings on H.R. 10612 and other related Tax Revision matters, I would like to bring to your attention an inequity which affects a small number of libraries and museums under the Tax Reform Act of 1969 as interpreted by the Treasury Department in its revised regulations.

Generally, the libraries and museums facing this problem were established many years ago by wealthy donors who left them substantial endowments designed to meet their anticipated future needs. Over the years, control of these museums has passed beyond the families of the principal donors so that today their governing bodies are broadly representative of the interest of the general public. At the time the libraries and museums now classified as private operating foundations were created through substantial endowments from private contributors, the intention of the donors was that the use of the endowment would sustain the programs of the museum and make them available to the consuming public, in perpetuity, usually free from any admission cost.

The Tax Reform Act of 1969, as interpreted by the Treasury Department in its revised regulations, treats these libraries and museums as private "operating foundations" rather than "publicly supported" organizations.

After enactment of the 1969 Act, the Treasury Department revised its regulations defining publicly supported organizations to require that a library or a museum must receive at least 10% of its support from the general public before it can be considered as qualifying under the "facts and circumstances" test as a publicly supported organization. This change in the regulations was made even though there was no change by Congress in the statutory language of the pertinent provisions of the Internal Revenue Code.

What this amounts to is that a small number of libraries and museums must pay the 4% excise tax on their endowment income, and that the excise tax comes directly off the top of their operating income.

Representatives of the Frick Collection have sent me a letter from Dr. Woodworth, Chief of Staff of the Joint Committee on Internal Revenue Taxation, which estimates that the revenue loss to the Treasury for remedying this inequity would be small—in the order of one million dollars—but the effect, according to the Frick Collection, of paying this tax on the individual libraries and museums has been enormous.

Further, representatives of the Frick Museum have informed me that they are now being forced to consider an admission charge to their previously free galleries in that now, after the payment of the 4% excise tax, their annual expenditures exceed income. I further understand that the Gardner Museum in Boston has for the first time instituted a one dollar admission charge on Sunday afternoons, again due in part to the impact of the 4% excise tax.

I am especially concerned that this new

admission policy, which may spread to other institutions, is detrimental to those socioeconomic groups least capable of affording cultural opportunities.

Accredited private operating foundation libraries and museums are public charities in all their programs and activities and are in reality more of an educational institution (exempted by the 1969 Act) than they are the kind of foundation which gave rise to the abuses envisaged by the 1969 Act. It seems particularly inappropriate to penalize them with paying an excise tax for enforcing a law aimed at abuses these institutions have had nothing to do with and thereby to punish the cultural consuming public which is being, in effect, forced to share the burden of the tax.

Thanking you for your attention to this matter I am,

Sincerely,

VIRGINIA H. KNAUER,  
Special Assistant to the President for  
Consumer Affairs.

AMENDMENT NO. 1673

(Ordered to be printed in the RECORD and referred to the Committee on Finance.)

Mr. HARTKE. Mr. President, this spring we passed H.R. 12490, a bill designed to work out the tax problems associated with the creation of ConRail. Time was of the essence; certain matters that still needed to be dealt with were passed over in the interests of speed. We committed ourselves then to rectify these matters at the earliest opportunity. The present tax revision act, H.R. 10612, is, I believe, the proper vehicle to finish the unfinished tax business of ConRail.

Under present law, railroads have a 7-year carryover period for net operating losses. This was enacted in 1962 in recognition of the fact that railroads, because of their low rate of return, need a longer-than-normal carryover period to absorb losses when they occur. If a corporation ceases to qualify as a railroad, present law provides that the carryover period shall be only 5 years, even with respect to losses incurred while the corporation did qualify as a railroad. This "lapse-back" provision probably was based on the view that corporations going into nonrailroad businesses with higher rates of return would not need the longer carryover period.

Public Law 94-253—approved March 31, 1976—relating to the tax treatment for exchanges under the final system plan for ConRail, made no change in the "lapse-back" provision of present law. Thus, as a result of the ConRail takeover on April 1, 1976, the bankrupt Northeast railroads will have only 5 years following each loss year to use their prior railroad losses.

The situation of the bankrupt Northeast railroads was not foreseen in 1962. These railroads did not go out of the railroad business voluntarily with the encouraging prospect of absorbing their railroad losses within the shorter 5-year period. Rather, despite bankruptcy, they have been forced in the public interest to continue in the railroad business for several years, with continuing forced losses, until they have amassed losses that cannot possibly be absorbed even within the 7-year period, let alone within the shorter 5-year period.

The purpose of the 1962 amendment, including the lapse-back provision, was



to give railroads a reasonable period to absorb their losses. That same logic clearly requires that the code be amended to provide that the carryover period be maintained at 7 years in this situation.

During Finance Committee hearings on the present tax revision act, representatives of the bankrupt railroads gave testimony on the "lapse-back" problem which should now be resolved. I ask unanimous consent to have that testimony printed in the RECORD at this point.

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

STATEMENT OF TRUSTEES OF PCTC, DEBTOR ON TAX REVISION PROPOSALS SUBMITTED TO COMMITTEE ON FINANCE, U.S. SENATE, APRIL 9, 1976

#### SUMMARY

1. An important purpose of both the bankruptcy laws and the net operating loss provisions of the tax laws is to provide a means for the rehabilitation of distressed businesses.

2. Despite filing in bankruptcy in June of 1976, Penn Central was not permitted to make the adjustments in its railroad operations necessary to reduce or eliminate its losses. Rather, Penn Central was required in the public interest to continue in the railroad business for several years, with continuing forced losses, until it has amassed losses that cannot possibly be absorbed even within the 7-year carryover period normally available to railroad.

3. As a result of the ConRail takeover on April 1, 1976, the carryover period for these prior railroad losses will be reduced from 7 years to 5 years. This result, in the context of continued forced railroad operations, was not foreseen in 1962 when the 7-year carryover period was enacted, and it cannot be justified in terms of Congress's purpose at that time.

4. The Trustees of the Penn Central, in fulfilling their responsibilities under the bankruptcy laws, should have a reasonable amount of flexibility in implementing the long-delayed reorganization plan.

5. In these circumstances, the Code should be amended so that the carryover period for the bankrupt railroads will be maintained at 7 years and not be cut back to 5 years as a result of the ConRail transaction.

#### STATEMENT

Mr. Chairman and Members of the Committee:

My name is Robert W. Blanchette. I am Chairman of the Board of Trustees of Penn Central Transportation Company, Debtor, appointed by the United States District Court for the Eastern District of Pennsylvania. I am accompanied by Newman T. Halvorson, Jr., of the law firm of Covington & Burling, Washington, D.C., Special Counsel for the Trustees.

We appreciate this opportunity to present our views on a tax revision proposal that is important to us and to thousands of claimants against the Penn Central Estate. The proposal is that appropriate changes in the Code be made so that the recent ConRail takeover will not have the effect, as it would have under present law, of reducing from 7 years to 5 years the period within which the bankrupt estates may use the net operating losses incurred in railroad operations prior to the takeover.

#### BACKGROUND

At the outset of my remarks this morning, I should like to explain the philosophy underlying our position before this Committee. Basically, our position is rooted in the fundamental public policy, expressed in the bankruptcy and tax laws, that gives distressed companies some flexibility in rehabilitating their affairs. In large enterprises, such as the

Penn Central, this is of particular importance to the small investor and creditors; the large financial institutions are usually able to minimize the impact of bankruptcy by obtaining collateral in the form of mortgages, pledges and the like. The tax laws serve this same public policy when tax loss carryforwards are available to give a debtor some "breathing room" in restructuring and reorganizing its assets.

The bankruptcies of the Northeast railroads present a unique situation, created by the Government, to which our suggestions are addressed. Our proposal that an amendment be made in the loss carryover provisions, and our belief that such a change is required in the interests of fairness and sound tax policy, are based essentially on three facts, each of which reflects this unique situation in the form of government action affecting the Penn Central and the other debtors.

1. Despite bankruptcy, these debtors were not permitted to reorganize themselves by cutting the losses which were incurred in railroad operations and which led to their bankruptcies in the 1960's and 70's. Rather, PCTC and the other bankrupt railroads were required in the public interest to continue their loss-producing railroad operations without substantial change pending the resolution of the Northeast rail crisis. Congress as well as the executive and judicial branches of government imposed this requirement. This is seen, for example, in the Regional Rail Reorganization Act of 1973, effective January 2, 1974, and in the earlier Joint Resolution 59, enacted on February 8, 1973, both of which required the continuation of railroad operations. As a result, PCTC has been unable to make any use of the 7-year carryover period provided for railroads, and instead has been required to pile up additional losses.

2. Pending the legislative solution to the rail crisis, and the determination by ConRail of the assets it was going to take on April 1, PCTC has been unable to absorb any of such losses by rearranging or disposing of either rail or nonrail assets for the benefit of creditors.

3. The solution to the rail crisis adopted by Congress will have the effect of reducing the 7-year carryover period, already inadequate in the circumstances, to 5 years, because PCTC may not qualify as a "regulated transportation corporation" following the ConRail takeover. This is provided by Section 172(j)(3) of the Internal Revenue Code.

In these circumstances, our position basically seeks equitable relief so that the railroad debtors can be rehabilitated in a manner similar to that available under the tax laws in less unique circumstances. We recognize that the public interest required continuation of rail operations in the Northeast regardless of profitability. We also recognize that the public interest requires the protracted valuation proceedings contemplated in the Regional Rail Reorganization Act. We believe that the public interest is also served by an application of the tax laws which recognizes these facts and does not penalize the debtors because of their public utility status.

Congress frequently has recognized that tax changes may be appropriate for particular companies or industries severely affected by government regulation. This was recognized in our own industry, for example, in 1962 when the carryover period for railroads was extended to 7 years. In the present circumstances, the PCTC Trustees suggest that the carryover period should, at the very minimum, be maintained at 7 years. This will provide the railroads a fair opportunity to recoup at least part of the enormous operating losses that they have been forced to incur in the public interest for an extended period following bankruptcy. This proposal would not provide any windfall in the form of a

refund of taxes paid in prior years. There would be no effect on federal revenues before 1982 or 1983.

I should emphasize that the major beneficiaries of changes such as those I have outlined be low-ranking unsecured creditors of the Estate, such as suppliers and injured persons, who without legislation may receive little if any payment on their claims.

#### EFFECT OF H.R. 12490

As members of this Committee will recall, the Senate on March 25, 1976, passed H.R. 12490, relating to the income tax treatment of exchanges under the final system plan for ConRail, without consideration of certain amendments suggested by parties involved in the transfer of properties to ConRail. This bill was signed by the President on March 31, 1976, as Public Law 94-253. We did not oppose enactment of H.R. 12490 in its final form because, as a result of its consideration in the House Ways and Means Committee, important technical changes were made in its provisions relating to net operating loss carryovers and because we understood it was the sense of the Congress and of the bill's proponents that it not be delayed by consideration of further amendments. It was suggested by certain members of Congress, however, that further changes would be considered by this Committee in connection with the pending tax revision proposals.

In response to the unique situation faced by the Northeast railroads, as described above, H.R. 12490 made one important change in the loss carryover provisions. Under the newly enacted Section 374(e) of the Code, the bankrupt railroads will be permitted to use their prior railroad losses, to the extent they have not otherwise been used, to offset any income which is later received from the Government or from court awards under the Regional Rail Reorganization Act of 1973. Because of the severe time limitations imposed upon the Congress, however, H.R. 12490 failed to correct an anomalous and unjustifiable result under present law. As I have stated, the carryover period for railroads under present law generally is 7 years but, as a direct result of the ConRail transaction, it will be cut back to 5 years for the Penn Central. This result is contrary to Congress's original purpose in providing a 7-year carryover period.

Congress's purpose in 1962, in extending the carryover period for railroads to 7 years, was to recognize through a specific Code provision that railroads, because of their low rate of return, often need a longer-than-normal carryover period. At the same time, Congress specified that the 7-year period would apply only if the taxpayer qualified as a railroad not only in the loss year but also in the carryover year. Otherwise the carryovers would expire after 5 years. This "lapse-back" provision probably was based on the view that corporations going into nonrailroad businesses with higher rates of return would not need the longer carryover period.

H.R. 12490 made no change in the "lapse-back" provision of present law. Thus, as a result of the ConRail takeover on April 1, these debtor railroads will have only 5 years following each loss year to use their prior railroad losses.

The situation of the bankrupt Northeast railroads was not foreseen in 1962. These railroads did not quit the railroad business voluntarily with the encouraging prospect of absorbing their railroad losses within the shorter 5-year period. Rather, despite bankruptcy, they were forced in the public interest to continue in the railroad business for several years, piling one loss on top of another, until they have amassed losses that cannot possibly be absorbed even within the 7-year period, let alone within the shorter 5-year period.

The case would be different if, within a reasonable time after bankruptcy in mid-1970, PCTC had been allowed to adjust its

railroad operations so as to reduce or eliminate the losses, or had been allowed to go out of the railroad business entirely. This sort of adjustment is what the Bankruptcy Act is intended to permit. Had this been permitted in our case, the enormous post-bankruptcy losses of recent years would never have been incurred, and some portion of the earlier losses might have been utilized within the 7-year or 5-year period, whichever was applicable in light of the adjustments made. The history of our case, unfortunately, is otherwise.

Indeed, the result under present law may fairly be described as punitive. The Government, having kept the Penn Central in the railroad business for far more than two years longer than it wanted to stay in that business (at least under existing conditions), ought not in fairness cut back by two years the available period for using those involuntary losses.

Without regard to whether the Penn Central is awarded any additional compensation by the courts, reasonable tax policy in these circumstances requires that the previously available carryover period not be reduced as a result of the ConRail transaction. The purpose of the 1962 amendment, including the lapse-back provision, was to give railroads a reasonable period to absorb their losses. That same logic clearly requires that the Code be amended to provide that the carryover period be maintained at 7 years. We have prepared a draft of such an amendment, and I request that it be included in the record as part of my testimony and be given serious consideration by this Committee.

Mr. HARTKE. At this time, I submit an amendment to H.R. 10612, and I ask unanimous consent that it be printed in the RECORD, that would allow the bankrupt railroads to carry their losses for a period of 7 years, thus avoiding the unintended consequence of prior legislation that would restrict that period to 5 years.

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

On page 4, after the last line, insert the following:

"SEC. 1309. Net operating loss carryovers of bankrupt railroads."

On page 361, after line 17, insert the following new section:

"SEC. 1307. NET OPERATING LOSS CARRYOVERS OF BANKRUPT RAILROADS."

"(a) IN GENERAL.—Section 172 (relating to the net operating loss deduction) is amended by inserting after subsection (b) (1) (G) the following new subparagraph:

"(H) In the case of a taxpayer which is a regulated transportation corporation (as defined in subsection (j) (1) and which conveys (or which is a member of an affiliated group of corporations which conveys) rail properties pursuant to section 303 of the Regional Rail Reorganization Act of 1973, a net operating loss of such corporation which was a net operating loss carryover to, or arose in, the first taxable year of such corporation ending after March 31, 1976, shall be a net operating loss carryover to each of the seven taxable years following the taxable year of such loss. This subparagraph shall apply without regard to whether the taxpayer qualifies as a regulated transportation corporation for any period following such conveyance."

"(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall apply to taxable years beginning on or after January 1, 1976."

AMENDMENT NO. 1674

(Ordered to be printed and to lie on the table.)

Mr. BAYH. Mr. President, I am today submitting the Family Farm Inheritance Act as an amendment to H.R. 10612, a bill to reform the tax laws of the United States.

The purpose of this amendment is to stop the decline in the number of family farms in this country. For years I have been distressed by the steady drop in the number of family farms throughout our Nation. The disappearance of the family farm, long the backbone of American agriculture, has been fostered by high estate taxes. In fact, every week hundreds of farms in this country have to be sold in whole or in part by their owners because they cannot pay exorbitant estate taxes. Cumulatively, a million family-sized farms were consolidated out of existence in the 1950's and another million in the 1960's.

The legislation which I am submitting today can help solve this problem by excluding the first \$200,000 in the value of a family farm from the taxable estate of those farmers who have managed their own farms during their lives and have willed that farm to relatives who will carry on this treasured tradition.

All family farms benefiting from this measure, must be actively used to raise agricultural crops or livestock for profit rather than as a hobby. To be specific, in order to qualify for the exemption, the decedent must have exercised substantial management and control over the farm before he or she died. Those who inherit must not only continue to exercise substantial management and control over the farm, but also must maintain ownership. In the event that a farm is willed to several children, all inheritors are covered by the legislation if one of them meets the management qualifications set forth.

I want to emphasize that this proposal is not envisioned as a tax break for all farmers, but rather as a device to assist those farmers who are not likely to have sufficient liquid capital to meet the estate taxes. This measure will in no way benefit hobby farmers or corporate farms. Its purpose is clear and it is drawn in such a way to preclude opening any new tax loophole.

Estate tax relief is necessary to insure that no farms have to undergo forced sales to pay estate taxes. Unless we want to see a continuing decline in the number of family farmers and eventual domination of the farm industry by large corporate farms, it is essential to help family farmers meet what are now unbearably high estate taxes.

All Americans—whether rural, urban, or suburban should recognize that growth of corporate farms at the expense of the family farmer is a threat to the rural way of life as well as the consumer's pocketbook. Literally thousands of farmers have been driven off the land into the cities. Good, hard working people with dignity developed from years of self-sufficient have suddenly found themselves lost in big cities. The irony of all this is that there is no evidence that these giant corporate farms offer any productive advantages. To the contrary, it is the highly efficient family farmer

who remain the key to the vast productive capacity of American agriculture.

I submit this legislation now with the strong hope that affirmative action can come quickly and thus bring an abrupt halt to the pattern which has seen millions of family farms disappear from the American landscape since the end of World War II.

Mr. President, I ask unanimous consent that the text of this amendment be printed in the RECORD.

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

AMENDMENT NO. 1674

At the end of the bill add the following new title:

TITLE XX—ESTATE TAX PROVISIONS

SEC. 2001. INCREASE IN EXEMPTION; INTEREST IN FAMILY FARMING OPERATIONS.

(a) INCREASE IN EXEMPTION.—

(1) Section 2052 (relating to exemption) is amended by striking out "\$60,000" and inserting in lieu thereof "\$200,000".

(2) Section 6018(a) (1) (relating to estate tax returns) is amended by striking out "\$60,000" and inserting in lieu thereof "\$200,000".

(b) INTEREST IN FAMILY FARMING OPERATIONS.—

(1) Part IV of subchapter A of chapter 11 (relating to taxable estate) is amended by adding at the end thereof the following new section:

"SEC. 2057. INTEREST IN FAMILY FARMING OPERATIONS."

"(a) GENERAL RULE.—For purposes of the tax imposed by section 2001, at the election of the executor, the value of the taxable estate shall be determined by deducting from the value of the gross estate the value of the decedent's interest in a family farming operation if—

"(1) such interest was continuously owned by the decedent or his spouse during the 60 months preceding the date of his death, and

"(2) such interest passes, by devise or operation of law, to the decedent's spouse or to an individual related to the decedent or his spouse.

"(b) SUBSEQUENT DISQUALIFICATION RESULTS IN DEFICIENCY.—The difference between the tax paid under section 2001 on the transfer of the estate and the tax which would have been paid on that transfer if such tax had been determined without regard to subsection (a) shall be a deficiency in the payment of the tax assessed under such section on such transfer unless, for at least 60 months after the date of the decedent's death—

"(1) the interest taken into account for purposes of subsection (a) is retained by the individual to whom such interest passed,

"(2) the income from the operation of the farm to which such interest relates constitutes the principal source of income for the spouse of the decedent, the individual to whom such interest passed, or another heir of the decedent, and

"(3) such farming operation continues to be a family farming operation.

"(c) DEATH OF SUBSEQUENT HOLDER.—If the individual to whom the interest in a family farming operation passes dies, then the person to whom that individual's interest in such operation passes shall be treated, for purposes of this section, as if he were the individual to whom such interest originally passed from the decedent. In applying this subsection to subsection (b), there shall be substituted for the term '60 months' a number of months equal to 60 minus the number of months between the date of the decedent's death and the date on which the



individual to whom such interest originally passed died.

**"(d) DEFINITIONS.—"**

**"(1) FAMILY FARMING OPERATION.—**For purposes of this section, the term 'family farming operation' means a farm—

**"(A)** actively engaged in raising agricultural crops or livestock for profit, within the meaning of section 183, and

**"(B)** over which the owner or one of the owners exercises substantial personal control and supervision.

**"(2) RELATIVES OF THE DECEDENT.—**For purposes of this section, an individual is related to the decedent or his spouse if he is the father, mother, son, daughter, grandson, granddaughter, brother, sister, uncle, aunt, first cousin, nephew, niece, husband, wife, father-in-law, mother-in-law, son-in-law, daughter-in-law, brother-in-law, sister-in-law, stepfather, stepmother, stepson, stepdaughter, stepbrother, stepsister, half brother, or half sister of the decedent or his spouse."

(2) The table of sections for such part is amended by adding at the end thereof the following new item:

**"SEC. 2057. INTEREST IN FAMILY FARMING OPERATIONS."**

**(c) EFFECTIVE DATE.—**The amendments made by this section apply with respect to the estates of decedents dying after the date of enactment of this Act.

**ENERGY POLICY AND CONSERVATION ACT—S. 2872**

**AMENDMENTS NOS. 1675 AND 1676**

(Ordered to be printed and to lie on the table.)

**Mr. BARTLETT.** Mr. President, today I am submitting two separate amendments to the FEA extension bill S. 2872. The amendments apply to the crude oil pricing section of the Energy Policy and Conservation Act of 1975—EPCA. These changes in pricing procedure are necessary to prevent the shutting in or premature abandonment of marginal wells and to provide maximum incentives to increase domestic reserves and production.

One amendment would allow stripper production to receive the free market price and also exempts the volume of this stripper production from the calculation of the composite average price.

In the Emergency Petroleum Allocation Act of 1973—EPAA—Congress voted overwhelmingly to allow stripper production to receive free market prices. The new pricing provisions of the EPCA place stripper and other categories of production under price controls. In this amendment the definition of stripper production is expanded. Wells in these categories generally have high unit operating costs like the traditional stripper wells; and because of this might be shut in or plugged prior to reaching the 10 BPD stripper threshold rate if priced at the lower-tier price. To allow this production an uncontrolled price would greatly encourage continued operation of these wells.

It is necessary to exempt this production from the calculation of the composite price to avoid further reductions in the real prices of existing new and old crude oil.

The second amendment would allow incremental production from new secondary and tertiary recovery projects to

receive free market prices and to be exempt from the calculation of the composite average price.

A major fault of the EPCA pricing scheme is that the production of additional upper-tier oil could cause a reduction in the price of all other oil. Further, the controlled upper-tier price might not be high enough to encourage producers to initiate expensive enhanced recovery projects which could be feasible at an uncontrolled price. This provision would permit an uncontrolled price for new production from new enhanced recovery projects, or new expansions of existing projects, but simultaneously would prevent a reduction in the price of existing production because of the additional production from these projects. Because only new, incremental production would be decontrolled, existing oil prices would not increase and consumers would face no price increases unless new oil is produced.

I believe these amendments to the Energy Policy and Conservation Act of 1975 are absolutely essential to increase future production. I ask unanimous consent that the text of these amendments be printed in the RECORD.

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

**AMENDMENT No. 1675**

On page 4, line 22, insert the following new section at the end:

**SEC. 9.** That section 8 of the Emergency Petroleum Allocation Act of 1973 is amended by adding at the end thereof the following new subsection (1).

**"(1) (i)** Any regulation relating to crude oil prices, to crude oil ceiling prices, or to the weighted average first sale price for crude oil promulgated pursuant to subsection (a) of this section or section 4 of this Act shall not apply to the first sale of stripper well crude oil produced and sold in the United States. The first sale price and volume of such crude oil shall not be used in the computation of the 'maximum weighted average first sale price' as defined in subsection (a) of this section. Notwithstanding any other provision of this section, if the exemption provided by this subsection would cause a reduction in the ceiling prices of the crude oil produced in the United States not exempted by this subsection below the ceiling prices which would otherwise occur pursuant to the regulation under section 4(a) of this Act, as amended pursuant to subsection (a) of this section or by any subsequent amendment thereto, such ceiling prices shall be adjusted so that such reduction shall not occur.

**"(2)** For the purposes of this subsection, 'stripper well crude oil' is defined as crude oil (including condensate recovered in non-associated production) produced and sold from a property whose maximum average daily production of crude oil per well during any consecutive twelve-month period beginning after December 31, 1972, does not exceed ten barrels. For any consecutive twelve-month period beginning twelve months prior to the date of enactment of this subsection, the term 'well' shall mean both producing and injection wells.

**"(3)** To qualify for the exemption under this subsection, a property must be producing crude oil at the maximum feasible rate and in accordance with recognized conservation practices, and if injection wells are to be counted to determine the number of wells for a property, the injection wells must be injecting into the crude oil producing reservoir and the injection operations must have

been initiated according to sound engineering principles for the purpose of increasing ultimate recovery or the producing rate of crude oil from the property.

**"(4)** The agency designated by the President under section 5(b) of this Act for establishing and administering petroleum price controls shall, within thirty days of the date of enactment of this subsection, promulgate or cause to be published regulations implementing the provisions of this subsection and is authorized to conduct inspections to insure compliance with this subsection. If injection wells are to be counted to determine the number of wells for a property, such agency shall, to the maximum extent possible, consult with the United States Geological Survey or with the appropriate State regulatory agency to verify whether the injection wells and injection operations meet the requirements of paragraph (3) of this subsection."

**AMENDMENT No. 1676**

On page 4, line 22, insert the following new section at the end:

**SEC. 9.** That section 8 of the Emergency Petroleum Allocation Act of 1973 is amended by adding at the end thereof the following new subsection (k).

**"(k) (1)** Any regulation relating to crude oil prices, to crude oil ceiling prices, or to the weighted average first sale price for crude oil promulgated pursuant to subsection (a) of this section or section 4 of this Act shall not apply to the first sale of crude oil produced and sold from a property in the United States which production results from an enhanced recovery operation and which volume of production is in excess of the volume of production which would have been produced from the property in the absence of the enhanced recovery operation. The first sale price and volume of such crude oil shall not be used in the computation of the 'maximum weighted average first sale price' as defined in subsection (a) of this section.

**"(2)** For the purposes of this subsection, an 'enhanced recovery operation' is defined as an oilfield operation, or the expansion or modification of an existing enhanced recovery operation, which is initiated after February 1, 1976, and which is previously certified as an enhanced recovery operation, pursuant to the procedures specified in paragraph (3) of this subsection, and which, according to prudent engineering principles, is likely to increase the ultimate recovery of crude oil or the producing rate of crude oil from the property by the injection of liquids or gases from the surface including, but not limited to, pressure maintenance, water flooding, gas injection and cycling, miscible fluid injection, chemical flooding, microemulsion flooding, in situ combustion, cyclic steam injection, steam flooding, polymer flooding, caustic flooding, or variations of each of these methods or similar such methods, singularly or in combination.

**"(3) (A)** Prior to the commencement of the enhanced recovery operation to which the exemption provided by this subsection would apply, the producer shall submit his application for certification as an enhanced recovery operation, which application shall include his estimate of the future rate of crude oil production from the property which would occur in the absence of the enhanced recovery operation, and the necessary supporting data and calculations, as required by appropriate Federal or State regulation, to the Federal Energy Administration, and—

**"(i)** in the case of a property under State jurisdiction, to the appropriate State regulatory agency, or

**"(ii)** in the case of a property under Federal jurisdiction, to the United States Geological Survey.

"(B) (1) In the case of a property to which subparagraph (A) (1) applies, the State regulatory agency may act upon the application by granting certification or specifying in what material respects the application should be amended in order to become certifiable. If a State agency does not act on an application within ninety days, the producer may submit the application, estimate, and supporting data and calculations to the United States Geological Survey. The United States Geological Survey shall act upon the application, by granting certification or specifying in what material respects the application should be amended in order to become certifiable, within sixty days, and any failure to act within sixty days shall be conclusively presumed to constitute an approval.

"(1) In the case of a property to which subparagraph (A) (1) applies, the United States Geological Survey shall act upon the application by granting certification or specifying in what material respects the application should be amended in order to become certifiable, within sixty days, and any failure to act within sixty days shall be conclusively presumed to constitute an approval.

"(11) Following receipt of notice by the producer of any United States Geological Survey requirements regarding amendment of the application initially submitted pursuant to either subparagraph (A) (1) or (A) (11), and submission of required amendments to the United States Geological Survey by the producer, the United States Geological Survey shall act upon the amended application within thirty days. Action shall consist of granting certification without comment or specifying in what material respects the amended application failed to meet the earlier required amendment and then granting a certification which shall include an estimate of the rate, based upon the best judgment of the United States Geological Survey using information available to it, of crude oil production from the property which would occur in the absence of the enhanced recovery operation.

"(C) For the purposes of making the certification pursuant to the procedures specified in subparagraphs (A) and (B), the appropriate State regulatory agency or the United States Geological Survey (as the case may be) shall assure that the estimate of the rate of crude oil production from the property which would occur in the absence of the enhanced recovery operation accompanying the application for certification has been made in accordance with sound engineering and economic principles and using accepted techniques.

"(D) The appropriate State regulatory agency or the United States Geological Survey (as the case may be) shall immediately report its certification to the Federal Energy Administration. The certified estimate of the future rate of crude oil production from the property which would occur in the absence of the enhanced recovery operation shall thereafter be used by the Federal Energy Administration and the producer to determine the volume of crude oil to be exempted pursuant to this subsection.

"(4) The United States Geological Survey and the agency designated by the President under section 5(b) of this Act for establishing and administering petroleum price controls, after consultation with one another and with appropriate State agencies, shall each, within thirty days of the effective date of this subsection, promulgate or cause to be published regulations implementing the provisions of this subsection. Each agency shall be responsible for implementing the matters assigned to it. Each agency shall have the authority to conduct necessary inspections during the succeeding administrative process associated with granting the certification provided for in this subsection."

# DEPARTMENT OF DEFENSE APPROPRIATIONS AUTHORIZATION ACT, 1977—H.R. 12438

AMENDMENTS NOS. 1677 THROUGH 1688

(Ordered to be printed and to lie on the table.)

Mr. HATHAWAY (for himself and Mr. MUSKIE) submitted 12 amendments intended to be proposed by them, jointly, to the bill (H.R. 12438) to authorize appropriations during the fiscal year 1977, for procurement of aircraft, missiles, naval vessels, tracked combat vehicles, torpedoes, and other weapons, and research, development, test and evaluation for the Armed Forces, and to prescribe the authorized personnel strength for each active duty component and of the Selected Reserve of each Reserve component of the Armed Forces and of civilian personnel of the Department of Defense, and to authorize the military training student loads and for other purposes.

AMENDMENT NO. 1689

(Ordered to be printed and to lie on the table.)

Mr. BARTLETT submitted an amendment intended to be proposed by him to the bill (H.R. 12438), supra.

AMENDMENTS NOS. 1690 AND 1691

(Ordered to be printed and to lie on the table.)

Mr. GLENN submitted two amendments intended to be proposed by him to the bill (H.R. 12438), supra.

AMENDMENT NO. 1693

(Ordered to be printed and to lie on the table.)

Mr. TAFT (for himself and Mr. BARTLETT) submitted an amendment intended to be proposed by them jointly to the bill (H.R. 12438), supra.

AMENDMENT NO. 1694

(Ordered to be printed and to lie on the table.)

Mr. THURMOND submitted an amendment intended to be proposed by him to the bill (H.R. 12438), supra.

AMENDMENT NO. 1695

(Ordered to be printed and to lie on the table.)

Mr. TOWER submitted an amendment intended to be proposed by him to the bill (H.R. 12438), supra.

AMENDMENTS NOS. 1696, 1697, AND 1698

(Ordered to be printed and to lie on the table.)

Mr. KENNEDY submitted three amendments intended to be proposed by him to the bill (S. 12438), supra.

ARMED FORCES INSTITUTE OF PATHOLOGY

Mr. KENNEDY. Mr. President, the Armed Forces Institute of Pathology—AFIP—is a tri-service medical facility within the Department of Defense, administered by the Surgeon General of the Army. It represents a unique national resource which serves important functions in both civilian and military medicine. In the civilian sector, it is a world-famous reference center for pathologic diagnosis of disease, and its 26 registries of pathology are supported by some of the most prestigious medical academies,

colleges, and societies in the United States. It plays a very important role in research activities in cancer, heart, eye, and many other diseases in collaboration with the National Institutes of Health, the Veterans Administration, the Food and Drug Administration, and other agencies. In the military sector, it furnishes pathologic support and is the central pathology laboratory for all of the armed services. It also plays an important role in both the military and civilian medicine in its programs of advanced education in pathology. Its services are currently divided almost equally between the military and civilian sectors.

The Surgeon General of the Army has determined that there exists at the Institute a number of legal problems connected with the cooperative arrangements between the Institute and non-governmental professional societies and other organizations. These civilian groups sponsor registries of pathology and other activities and personnel at the Institute to advance medical, dental, and veterinary scientific knowledge. However, the changes instituted by the Surgeon General to correct these problems have appeared to pose significant threats to continuation of the important role of the Armed Forces of Pathology in support of civilian medicine. If the Institute stopped serving the civilian sector, it would be necessary to establish elsewhere a new National Institute of Pathology at great additional expense. Both military as well as civilian medicine would suffer by being deprived of the fruitful interchange which now exists between them at AFIP.

In a letter to Senators STENNIS and KENNEDY, the Secretary of Defense provided assurances that it was not the intention of the Department to interfere in any way with the civilian activities of the Institute of Pathology. He stated that efforts were under way to correct the problems which exist at the Institute in order to maintain its historic contribution to both military and civilian medicine.

## PURPOSE OF THE AMENDMENT

First. To recognize the important contributions of the Armed Forces Institute of Pathology to American medicine by granting it a legislative charter; and

Second. To assist the Department of Defense in solving the current problems of AFIP's cooperative arrangements with civilian medicine by legislating appropriate remedies.

## EXPLANATION OF THE AMENDMENT

The language of this amendment to H.R. 12438 follows verbatim the present charter of the Armed Forces Institute of Pathology as promulgated by the Department of Defense (AR40-29, BUMEDINST 6510.1B, and AFR160-38). Only three changes have been made in this language:

First. Sections 212 to 214 establish and define a separate corporate entity, the American Registry of Pathology, to serve as fiscal intermediary through which professional societies, universities, and private, nonprofit groups such as the American Cancer Society may sponsor individuals and activities at the Institute



in furtherance of its efforts in the medical sciences. Section 204(a) (7-9) defines the relationship of the Registry to AFIP.

Second, in order to meet the problem that distinguished nongovernmental scientists of international reputation are not now permitted by law to exercise all of the functions within the Institute that their knowledge and expertise would permit, section 204(b) authorizes the Director to appoint not more than six distinguished scientists to professional and administrative positions within the Institute notwithstanding other provisions of law.

Third, Section 203(b) of the amendment expands the present composition of the Board of Governors of the Institute to include the Assistant Secretary of Health in HEW; the Chief Medical Officer of the Veterans' Administration; and as Chairman, the Assistant Secretary for Health and Environment in the Department of Defense. A request has already been made by the Surgeon General to the Secretary of Defense for inclusion of the first two of these additional members, and it seems appropriate to further recognize the importance of the functions of the Institute by appointing a distinguished Chairman of its expanded Board of Governors.

Mr. President, this amendment—Amendment No. 1698—addresses and solves the problems which now exist at the Armed Forces Institute of Pathology, and should restore this important medical facility to its unique position in serving the best interests of both military and civilian medicine. I ask unanimous consent that the text of the amendment be printed in the RECORD.

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

#### AMENDMENT No. 1698

On page 29, insert between lines 19 and 20 the following:

#### TITLE VIII—THE ARMED FORCES INSTITUTE OF PATHOLOGY

##### PART A—INSTITUTE OF PATHOLOGY

##### FINDINGS AND DECLARATION OF POLICY

SEC. 801. (a) The Congress hereby finds and declares that—

(1) the Armed Forces Institute of Pathology is an internationally famous and highly respected medical establishment which offers unique pathologic support to national and international medicine;

(2) the Institute contains the nation's most comprehensive collection of pathologic specimens for study, and a staff of prestigious pathologists engaged in consultation, education, and research;

(3) the activities of the Institute are of unique and vital importance in support of the health care of the Armed Services of the United States;

(4) the activities of the Institute are also of unique and vital importance in support of the civilian health care system of the United States;

(5) the Institute provides an important focus for the exchange of information between civilian and military medicine, to the benefit of both.

(b) The Congress further finds and declares that—

(1) it is important to the health of the American people and of its Armed Services that the Institute continue its activities in serving both the military and civilian sectors in consultation, education, and research in the medical, dental, and veterinary sciences.

#### ESTABLISHMENT OF INSTITUTE

SEC. 802. There is hereby established within the Department of Defense the Armed Forces Institute of Pathology (hereinafter referred to as the Institute), with responsibilities, functions, and authority and relationships as set forth in this title. The Institute shall be a joint agency of the three military departments, subject to the authority, direction, and control of the Secretary of Defense and under the management control of the Secretary of the Army. The Institute shall serve as the Central Laboratory of Pathology for the Department of Defense and such other Federal agencies as may be agreed upon by the Secretary of Defense and the head of the agency concerned. It shall be self-contained and independent of other established activities which may be operating as integral parts of hospitals or which may be otherwise located in the vicinity.

#### ORGANIZATION

SEC. 803. (a) The Institute shall consist of a Board of Governors, a Director and two Deputy Directors, and a staff of such professional, technical and clerical personnel as may be required.

(b) The Board of Governors shall consist of the Assistant Secretary for Health and Environment in the Department of Defense as Chairman, the Assistant Secretary of Health in the Department of Health, Education, and Welfare, the Surgeons General of the Army, the Navy, and the Air Force, and the Chief Medical Officer of the Veterans' Administration, or their respectively designated representatives.

(c) The Director of the Institute shall be a medical officer of the Army, Navy, or Air Force, selected on the basis of high professional qualifications in the field of pathology and demonstrated medical administrative ability. The Director shall be appointed by the Secretary of the Army, subject to the approval of the Secretary of Defense based on the nominations received from the Board of Governors. He shall be appointed normally for a period of 4 years rotating in order among the Army, Navy, and Air Force, provided that the military department next in line has an individual who meets the qualifications of the position and is acceptable to the nominating and approving authorities. A Senator Pathologist from each of the other two military departments not represented by the Director will be appointed as a Deputy Director, on the same basis as the Director.

(d) The Director, in addition to the two Deputy Directors, shall be assisted by a professional, technical, and clerical staff consisting of such medical service or medical department officers and other military personnel of the Army, Navy, and Air Force and such civilian personnel, including consultants and experts, as he, with the approval of the Secretary of the Army, as management agent, determines is required. The Services of consultants or experts who are outstanding specialists in their respective fields and are appointed to serve varying periods of time within the Institute as resident consultants shall be made available to other Army, Navy, and Air Force medical installations by the Director of the Institute to the greatest extent practicable.

(e) Subject to the concurrence of the Board of Governors and the approval of the Secretary of the Army, the Director may be aided by a scientific advisory board of consultants appointed by the Secretary of the Army for a period of not to exceed 5 years. No member of the regular duty staff of the Institute may be appointed as a member of the scientific advisory board.

#### RESPONSIBILITIES AND FUNCTIONS

SEC. 804. (a) The Institute shall—

(1) maintain a consultation service for the diagnosis of pathologic tissue for the Department of Defense, other Federal agencies and for civilian pathologists, and serve as

the chief reviewing authority on the diagnosis of pathologic tissue to the Army, Navy, and Air Force and Veterans Administration;

(2) conduct experimental, statistical and morphological researches in the broad field of pathology, including correlation with such other medical specialties as will enable the Institute to effectively pursue its research projects;

(3) provide instruction in advanced pathology and related subjects to medical, dental, and veterinary officers of the Armed Forces and, based on availability of facilities, to such other qualified professional persons who are authorized to study or receive graduate instruction at the Institute;

(4) train qualified and approved enlisted personnel of the Armed Forces in pathologic techniques and in relevant medical photographic, medical arts and museum activities;

(5) prepare or otherwise procure and duplicate teaching aids such as microscopic slides, photographic material, medical visual aids, or other texts illustrating the pathology of the various special medical fields used in the training of Armed Forces personnel;

(6) donate or loan duplicate pathologic photographic and other educational material to other Federal medical services, museums, medical schools, scientific institutions, and to qualified individuals connected with medical, dental, or veterinary professions, when determined appropriate and practical;

(7) contract with the American Registry of Pathology (established under Part B of this title) for cooperative enterprises in medical consultation, research, and education between the Institute and the civilian medical profession under such conditions as may be agreed upon between the Board of Governors and the American Registry of Pathology;

(8) make available at no cost to the American Registry of Pathology such space, facilities, and equipment within the Institute as the Board of Governors deem necessary for the accomplishment of their mutual cooperative enterprises;

(9) contract with the American Registry of Pathology for the services of such professional, technical, or clerical personnel as are necessary to fulfill their cooperative enterprises;

(10) maintain a medical illustration service for the collection, preparation, duplication, publication, exhibition, reference, and file of medical illustrated material of medical military importance, except original motion picture footage, primarily for the support of programs of the Institute but which may be made available to the medical services of the armed forces, of the Federal agencies and qualified individuals, when determined appropriate and practicable;

(11) maintain museums for the instruction of qualified and authorized persons and display openly selected museum exhibits to the lay public;

(12) perform such other related functions as may be assigned from time to time.

(b) In addition to the personnel described in (a) (9) above, the Director is authorized, with the approval of the Board of Governors, to contract with the American Registry of Pathology for the services at any time of not more than six distinguished pathologists or scientists of demonstrated ability and experience, to enhance the activities of the Institute in consultation, education, and research. These distinguished scientists may be appointed by the director to administrative positions within the components or subcomponents of the Institute, and to the exercise of all professional duties within the Institute notwithstanding any other provision of law.

#### ADMINISTRATION

SEC. 805. (a) The Secretary of the Army, as management agent, shall be responsible for the determination and provision, within the limits of resources available to the De-

partment of the Army for such purposes, of adequate administrative support for the operation of the Institute. The term "administrative support" as used in this directive is defined to include budgeting, funding, fiscal control, manpower control and utilization, personnel administration, security administration, space, facilities, supplies, other administrative provisions and services, and mobilization planning relating thereto. The Secretary of the Army, as management agent, may redelegate his authority in connection with these responsibilities within the command structure of the Department of the Army.

(b) The Assistant Secretary of Defense (Comptroller) shall be responsible for arranging with the three military departments, and as appropriate, other Federal agencies for the financing of the Institute and its activities.

(c) Under established Department of Defense policies governing medical and allied activities, the Board of Governors shall be responsible for the day to day policy direction of the Institute on professional and related matters. Such matters which cannot readily be resolved by the Board of Governors will be referred promptly to the Secretary of the Army, as management agent, for resolution by the Secretaries of the three military departments or for presentation to the Secretary of Defense for decision.

(d) Under the policy direction of the Board of Governors for professional and related matters and the management control of the Secretary of the Army, the Director of the Institute shall be responsible for the organization and effective operation of the Institute, including the direction and supervision of its staff and activities.

(e) The facilities and materials of the Institute may be made available to qualified civilian physicians, dentists, veterinarians, and other scientists for study and research as appropriate and practical.

(f) Military personnel of the three military departments assigned to the Institute shall during such tours be responsible to the Director with the respect to the performance of duty.

#### STRUCTURE

SEC. 806. (a) The Institute shall be composed of the following components: The Department of Pathology, the Medical Illustration Service, and the Medical Museum.

(b) The Institute will be financed by the Department of the Army with its facilities available on a common service basis. No reimbursements or contributions from the Departments of the Navy or Air Force for services rendered will be required.

(c) The Institute shall coordinate its efforts with all Department of Defense agencies and appropriate subdivisions thereof other governmental agencies, and generally through the American Registry of Pathology, with private organizations, which have a mutual interest or responsibility with respect to the performance of any of its functions, and is expected to communicate directly therewith.

(d) The Director and the staff of the Institute are authorized and expected to communicate directly and expeditiously with the agencies listed above concerning technical matters within its jurisdiction in which there exists a mutual interest or responsibility.

#### PART B—AMERICAN REGISTRY OF PATHOLOGY CORPORATION

##### STATEMENT OF PURPOSE

SEC. 811. It is the purpose of this part to provide a mechanism for the establishment of desirable and beneficial cooperative enterprises between private individuals, professional societies, and other entities on the one hand, and the Armed Forces Institute of Pathology.

#### CREATION OF CORPORATION

SEC. 812. There is hereby authorized to be established a nonprofit corporation to be known as the American Registry of Pathology which shall not be an agency or establishment of the United States Government. The American Registry of Pathology shall be subject to the provisions of this title and, to the extent consistent with this title, to the District of Columbia Nonprofit Corporation Act.

#### MEMBERS AND OFFICERS

SEC. 813. (a) The American Registry of Pathology shall have a Board of Members of 26 individuals who are representatives of those professional societies and organizations which sponsor individual registries of pathology at the Institute, of whom one shall be elected annually by the Board to serve as chairman. Each sponsor shall appoint one Member of the Board for a term of four years.

(b) The corporation shall have a Director and such other officers as may be named and appointed by the Board of Members, at rates of compensation fixed by the Board, and serving at the pleasure of the Board. The Director of the American Registry of Pathology shall be appointed by the Board of Members with the concurrence of the Director of the Armed Forces Institute of Pathology.

(c) The Members of the initial Board shall serve as incorporators and shall take whatever actions are necessary to establish the Institution under the District of Columbia Nonprofit Corporation Act.

(d) The term of office of each Member of the Board shall be four years; except that (1) any Member appointed to fill a vacancy occurring prior to the expiration of the term for which his predecessor was appointed shall be appointed for the remainder of such term; (2) the terms of office Members first taking office shall begin on the date of incorporation and shall expire, as designated at the time of their appointment, nine at the end of one year, eight at the end of two years, and eight at the end of four years; and (3) a Member whose term has expired may serve until his successor has qualified. No Member shall be eligible to serve in excess of two consecutive terms of four years each.

(e) Any vacancy in the Board shall not affect its power, but shall be filled in the manner in which the original appointments were made.

#### FUNCTIONS

SEC. 814. (a) In order to carry out the purposes of this part, the American Registry of Pathology is authorized to—

(1) enter into contracts with the Armed Forces Institute of Pathology for the provision of such services and personnel as may be necessary to carry out their common purposes;

(2) enter into contracts with public and private organizations for writing, editing and publishing of fascicles of tumor pathology, atlases, and other material which is necessary to carry out the purposes of the American Registry of Pathology;

(3) receive gifts and grants from and enter into contracts with individuals, private foundations, professional societies, institutions and governmental agencies for the accomplishments of its purposes;

(4) establish contracts or agreements with professional societies for the establishment and maintenance of Registries of Pathology;

(5) Serve as a focus for the interchange between military and civilian pathology, and encourage the participation of medical, dental and veterinary sciences in pathology for the mutual benefit of military and civilian medicine.

(b) In the performance of the functions

set forth in subsection (a), the American Registry of Pathology is authorized to—

(1) enter into such other contracts, leases, cooperative agreements, or other transactions as the Board of Members deems appropriate to conduct the activities of the American Registry of Pathology; and

(2) charge such fees for professional services as the Board of Members deems reasonable and appropriate.

#### REPORTS

SEC. 815. The American Registry of Pathology shall transmit to the Director and the Board of Governors of the Institute and to the Sponsors, annually and at such other times as it deems desirable, a comprehensive and detailed report of its operations, activities, and accomplishments.

On page 29, line 20, strike "title VIII" and substitute "Title IX".

On page 29, line 21, strike "801" and substitute "901".

On page 3, line 17, strike "802" and substitute "902".

On page 31, line 25, strike "803" and substitute "903".

On page 34, line 6, strike "804" and substitute "904".

On page 34, line 21, strike "805" and substitute "905".

On page 36, line 9, strike "806" and substitute "906".

On page 36, line 12, strike "807" and substitute "907".

On page 37, line 3, strike "808" and substitute "908".

On page 37, line 18, strike "809" and substitute "909".

#### AMENDMENT NO. 1699

(Ordered to be printed and to lie on the table.)

#### NAVAL RESERVE AMENDMENT

Mr. DOLE. Mr. President, today I am submitting an amendment to the Defense authorization bill to authorize a Naval Reserve drill strength of 92,000. This is 10,000 less than the present strength authorization and is an increase from the committee recommendation of 79,500.

Last week the Senate voted on my amendment to keep the Naval Reserve authorization at the present level of 102,000. That amendment was narrowly defeated by a margin of three votes. Recalling that vote, it is clear that the Senate could very easily have gone the other way.

It just seems to the Senator from Kansas that the Naval Reserve strength is steadily being chipped away. Last year the Naval Reserve strength was reduced. This year, there is again an effort to reduce it further.

It is my understanding that the Secretary of the Navy, the Chief of Naval Operations, and the top naval leadership are committed to better utilizing the Naval Reserve. This is greatly needed and I support their efforts.

But it must be very difficult to fully utilize the Naval Reserve when the strength keeps declining. It seems to the Senator from Kansas that we need some stability in our Naval Reserve strength.

This amendment today is a compromise. It is an effort to stabilize Naval Reserve strength somewhere near the minimum level necessary for an emergency mobilization, according to the Navy and the Defense Manpower Commission.

Recognizing the narrow margin of the



vote in the Senate, it would be my expectation that a majority in the Senate might support this amendment. As I understand, there has previously been some support in the Department of the Navy for a strength level of 92,000.

I ask that my amendment be ordered to lie on the table and be printed.

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

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

#### AMENDMENT No. 1699

On page 17, line 4, strike out "533,700" and insert in lieu thereof "534,604".

On page 24, line 6, strike out "79,500" and insert in lieu thereof "92,000".

On page 25, line 18, strike out "318,400" and insert in lieu thereof "318,581".

#### NOTICE OF HEARINGS ON YOUNG FARMERS HOMESTEAD ACT

Mr. TALMADGE. Mr. President, on behalf of the Senator from South Dakota (Mr. McGOVERN), I wish to announce that his Subcommittee on Agricultural Credit and Rural Electrification will hold hearings June 10-11 on S. 2589, the Young Farmers' Homestead Act.

S. 2589 would create a new entity within the Department of Agriculture, to be called the Federal Farm Assistance Corporation, which would lease farmland to aspiring farmers and ranchers for a brief period before transferring the land to the new owners.

Assistance to young people seeking to get a foothold in agriculture these days is one of the most difficult challenges to rural America and indeed the Nation. Senator McGOVERN's bill proposes an innovative way to provide this necessary assistance.

Witnesses for this first round of hearings will be limited to those invited by the subcommittee. Public hearings will be scheduled later in the session to receive general testimony on the bill and the difficulties facing young people who are interested in agriculture as a career.

The hearings will begin each day, Thursday and Friday, June 10 and 11, at 10 a.m. in the hearing room of the Committee on Agriculture and Forestry, 324 Russell Office Building.

#### RESCHEDULED HEARINGS ON BASIC ISSUES IN BIOMEDICAL AND BEHAVIORAL RESEARCH

Mr. KENNEDY. Mr. President, the hearings of the Senate Subcommittee on Health on "Basic Issues in Biomedical and Behavioral Research" formerly scheduled for May 12 and 13, have been rescheduled for June 16 and 17. I ask unanimous consent to have printed in the RECORD the formal announcement and description of the purpose of these hearings, as well as the lists of witnesses from whom the subcommittee will hear testimony on these 2 days.

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

#### ANNOUNCEMENT OF PUBLIC HEARINGS (By Senator EDWARD M. KENNEDY, chairman, Senate Health Subcommittee)

On June 16, 1976, at 9 a.m., and on June 17, at 10:30 a.m., the Senate Health Subcommittee will hold hearings on "Basic Issues in Biomedical and Behavioral Research," in Room 4232 Dirksen Building. The hearings will begin with testimony by the President's Biomedical Research Panel, whose report was filed with the Subcommittee on April 30, and continue with other witnesses who can outline the major research policy issues which should be addressed over the next year.

By a combination of public support and private initiative, we have built in America the best research capability in the world. The long list of Nobel prizes we've won are testimony to this accomplishment. Measured in terms of numbers of researchers, quality of the effort and richness of the capacity for research, we have built a powerful tool for the conquest of disease and the enrichment of our lives. This research capacity has been built on a foundation of creative basic research, which has supported our clinical and developmental efforts. We have learned as a society that basic medical research, and the improved understanding of biological processes, are fundamental to the conquest of disease—and to the provision of the best health care possible to the American people.

This medical research effort currently expends over \$2 billion of public funds yearly. Public dollars support 65 percent of all biomedical and behavioral research in the country—primarily through the National Institutes of Health and Mental Health.

The Subcommittee on Health will review this research capacity in order to assume its strength—and also to determine whether, as a society, we are using this powerful tool to maximum benefit for the conquest of disease and the provision of improved health care.

There is little doubt that what the public wants from its investment in medical research is the conquest of diseases—starting with those that cause the most suffering and death, and most frighten us. This has always been the reason for Federal support of research—and every grant program at the National Institutes of Health is ultimately justifiable only because it is relevant to the conquest of diseases.

It is this human longing to be freed of the age-old threat of disease that led to formation of the cancer program, the heart program, and the other categorical disease programs at the National Institutes of Health. And medical research has responded to the availability of public funds for specific diseases by shaping their work to fit these categories. Even basic research has been largely funded within categorical programs—and we have fitted major applied and clinical programs into specific disease molds. But it has not always been an easy fit—and the public/private partnership has been often strained. At root, medical research is dedicated to uncovering new knowledge and relating it to the body of existing knowledge—for science's sake—not to the conquest of specific diseases or development of specific new technologies. This polarity of interest produces a continuing tension between the biomedical research community and the taxpaying public. It can be productive, or it can be counterproductive. If we push too far one way—it could mean loss of cherished scientific freedom, and overprogrammed, and unimaginative research. If we push too far the other way, it could mean investing billions of public dollars on research that remains irrelevant to fundamental human need.

In the months ahead, my Committee will examine the balance between the public and scientific interest in our vast medical re-

search effort to determine whether everything possible is being done to meet the public's desire for improved prevention, treatment and cure of disease. We will raise such questions as:

1. What, in fact, has been the payoff to the public of the last 2 decades of investment in medical science in terms of improved prevention, treatment, and cure of disease, and in terms of improved health care for Americans? How can we increase this payoff?

2. How responsive is the scientific community (and the individual scientist) to the public when it selects areas of research—or designs projects? Have the creation of categorical disease programs, advisory councils, and freedom of information legislation made research more responsive to public interest? How do we develop a mechanism to assure the public a role in the development of research? What is the role of the Congress in this regard—and has it played an adequate role given the open-ended and permanent legislative authority on which the National Institutes of Health is based—and which requires minimal congressional oversight?

3. What is the responsibility of the research community for going beyond the production of new knowledge to the development of new clinical tools, validating the effectiveness and usefulness of these tools, and assuring they are available to the health care community and to the public at large? If the research community accepts public dollars, for example, on the grounds that it ultimately can cure a particular disease—how much effort must it also devote to demonstrating the relevance of its work to this disease and to assuring its work gets to the public in the form of better health care? Should we not raise the stature and eminence of the Nation's clinical research effort to a par with the Nation's laboratory research effort?

4. How do researchers and research administrators feel the pressure of public interest and the need for better preventive or clinical tools in the day-to-day practice of medicine—especially in areas of primary care—when so many are insulated in research institutions and teaching hospitals. Indeed, if the research community separates itself too far from the vast majority of "routine" medical encounters, how are the nature and urgency of many day-to-day preventive and clinical needs that affect hundreds of thousands of patients to be weighed against those that affect only a few—and be translated into research proposals?

5. And finally, how much of the public's support should go to totally unprogrammed basic research—and where are the areas of our research where Congress and the public can legitimately expect a measurable product in return for its investment?

We need to consider at what point overly broad definitions of "basic research" remove the research community from healthy responsibility and accountability to the public—and serve as a mandate to pursue research agendas without regard to the public interest.

We also need to consider whether the organization of medical research should continue along categorical disease lines—or whether basic research can be defined and supported in its own right—and surrounded by a constellation of applied or categorical efforts.

I believe the research community today can do more to define the truly basic research and protect it, while using its best judgment to guide the rest of our vast investment into areas most likely to meet the public's most urgent needs.

Our Nation has matured in its public/private partnership in medical research to the point where the American public can support a solid unprogrammed basic research effort—but researchers and clinicians are

also obliged to struggle all the harder to apply this science to public need—and stretch their work from laboratory to bedside.

We are faced with grave economic realities in health.

Indeed, we may not be able to afford to regard all publicly supported medical research as basic—and to invest along the entire front of expanding medical science—not knowing or trying to wisely judge where the new important discovery will turn up. I don't believe we have the resources for that—and I don't believe the public has the will to be that generous or the patience to wait that long.

The research community and the public investment in it have reached the point where a careful examination of basic principles is in order. By such an examination, we can achieve better balanced more stable and better funding for medical research in this country—as well as more realistic expectations and better service to the public.

**TENTATIVE WITNESS LIST—JUNE 16, 1976**  
BASIC ISSUES IN BIOMEDICAL AND BEHAVIORAL  
RESEARCH SENATE HEALTH SUBCOMMITTEE  
PRESIDENT'S BIOMEDICAL RESEARCH PANEL

Robert H. Ebert, M.D., Dean, Harvard Medical School, 25 Shattuck Street, Boston, Mass. 02115

Paul A. Marks, M.D., Vice President for Health Sciences, Columbia University, New York, N.Y.

David B. Skinner, M.D., Professor and Chairman, Department of Surgery, University of Chicago, Chicago, Ill.

Atty. Benno C. Schmidt, Managing Partner, J. H. Whitney and Company, New York, N.Y.

Franklin D. Murphy, M.D., Chairman of the Board, Times Mirror, Times Mirror Square, Los Angeles, Calif.

Albert L. Lehninger, Ph. D., DeLamar Professor of Physiological Chemistry and Director of the Department, Johns Hopkins University, School of Medicine, Baltimore, Md.

**INDIVIDUALS**

Robert O. Marston, M.D., President, University of Florida, Gainesville, Fla.

Professor Walter Rosenblith, Provost, Massachusetts Institute of Technology, Cambridge, Mass.

R. Lee Clark, M.D., MD Anderson Hospital and Tumor Institute, University of Texas, Houston, Tex.

**TENTATIVE WITNESS LIST—JUNE 17, 1976**  
BASIC ISSUES IN BIOMEDICAL AND BEHAVIORAL  
RESEARCH

**SENATE HEALTH SUBCOMMITTEE  
ADMINISTRATION**

Theodore Cooper, M.D., Assistant Secretary for Health, Department of Health, Education and Welfare, Washington, D.C.

Mr. James D. Isbister, Director, Alcoholism and Drug Abuse and Mental Health Administration, Department of Health, Education and Welfare, Rockville, Md.

Ernest P. Noble, Ph. D., M.D., Director, National Institute on Alcohol Abuse and Alcoholism, Parklawn Building, Room 16-105, 5600 Fishers Lane, Rockville, Md. 20852

Donald S. Frederickson, M.D., Director, National Institutes of Health, Bethesda, Md.  
Mr. Gene R. Halslip, Deputy Assistant Secretary for Health Legislation, Department of Health, Education and Welfare, Washington, D.C.

**INDIVIDUALS**

Kerr White, M.D., The Johns Hopkins University, Baltimore, Md.

Lester Breslow, M.D., Dean, U.C.L.A., School of Public Health, Los Angeles, Calif.

Dean Howard H. Haitt, Harvard University, Cambridge, Mass.

**ADDITIONAL STATEMENTS**

**CARDINAL BAUM**

Mr. MATHIAS. Mr. President, Archbishop Baum has received his red hat in Rome today. The word has flashed around the globe that the ceremonies in St. Peter's have been completed and that the Archbishop, like his distinguished predecessor, has become a cardinal.

The College of Cardinals is one of the most remarkable institutions existing in the world today. Its long history has at times been obscured by the particular brilliance of its individual members. Its functions span many duties—spiritual, electoral, and legislative. Elevation to the College of Cardinals and investiture with its traditional red hat constituted at one time the imposition of one of the greatest burdens of responsibility and the conferring of one of the greatest honors within the purview of the Catholic Church.

All of us in the National Capital area rejoice, but are not surprised, that the Most Reverend William Wakefield Baum, Archbishop of Washington, has received this honor. We congratulate him on this affirmation by his church of his rare and extraordinary qualities of mind and heart. Cardinal Baum is a man of such unusual moral and intellectual stature that he will bear the burdens of his new responsibilities lightly. The honors are richly deserved.

I ask unanimous consent that an article which appeared in the Washington Post on April 28 be printed in the RECORD.

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

[From the Washington Post, Apr. 28, 1976]

**ARCHBISHOP BAUM NAMED CARDINAL**

(By Marjorie Hyer)

The Most Rev. William Wakefield Baum, archbishop of Washington, was named a cardinal yesterday by Pope Paul VI. At 49, the cardinal-designate is one of the youngest prelates in the recent history of Catholicism to be named a prince of the church.

The archbishop marked his elevation by offering the noon mass at St. Matthew's Cathedral, where a joyous congregation greeted the announcement of his selection with applause. Archbishop Baum himself appeared to be in an uncharacteristically somber mood.

Among those who joined in acclaiming the new cardinal at the mass was the man whom he succeeded as archbishop nearly three years ago—Patrick Cardinal O'Boyle, now retired.

The Washington prelate was the only American on the list of 19 new cardinals, and he will be the 12th living prince of the church in this country.

All 19 will be installed in the Sacred College of Cardinals in a solemn convocation, or consistory, at the Vatican on May 24.

Two other prelates also were designated cardinals by the pope, but their names were not disclosed. They were named "in pectore," or "within the breast," by the pope, a practice usually invoked when public disclosure in certain parts of the world would be hazardous to them or the church.

The cardinals named yesterday will bring to 138 the membership of the College of Cardinals, whose principal function now is the election of a pope.

Only 118 of the members of the college

are under the age of 80, and thus eligible to take part in such an election.

Archbishop Baum, who said he had known of his elevation since Friday, asked for the prayers of the congregation at yesterday's mass on his selection "by the Holy Father to assist him in his mission of confirming the faith of the universal church."

The congregation of about 300 worshippers was slightly larger than the usual attendance at midday mass at the cathedral. Their spontaneous applause at the announcement was unusual at a Catholic service.

Of the 12 American cardinals, eight prelate over dioceses. Three, including Cardinal O'Boyle, are retired, and one—John Cardinal Wright—is attached to the Vatican.

Although Pope Paul has ordered church prelates to retire at 75, he has remained active despite the fact that he will be 79 on Sept. 26.

He is afflicted with an obviously painful arthritic condition. He has recognized the deterioration of his health, remarking in March to a crowd gathered in St. Peter's square in Rome that his death "cannot be distant."

If this occurs, the probability is that the new cardinals named yesterday will participate in the election of a successor, and the nationalities of those named suggested the possibility of a break in the long tradition of electing only Italian popes.

Only two Italians were included in yesterday's list, which will bring that nation's membership in the College of Cardinals to 36. The 12 Americans outnumber every other national group.

Others in the college include 34 other Europeans, 26 other North and South Americans, 12 Africans, 11 Asians, five from Oceania and the two whose names were withheld by the pope.

The new cardinals include four Africans, two Asians, three Latin Americans, two from eastern Europe, four from western Europe and one from New Zealand.

Archbishop Baum, a native of Texas, has risen quickly in the church hierarchy. He was ordained a priest in 1951, and was named a monsignor only 10 years later.

He came to national and international attention within the church as the first ecumenical officer of the U.S. Catholic hierarchy from 1964 to 1967. These were the years when centuries-old antagonisms between Catholics and Protestants began to abate under the influences of the Second Vatican Council.

Archbishop Baum subsequently served as chancellor of the Diocese of Kansas City-St. Joseph, then as bishop of the small Diocese of Springfield-Cape Girardeau (Missouri) and in 1973 was named archbishop of Washington.

Recognized as a theologian and scholar, Archbishop Baum's administrative style here is in sharp contrast to that of his predecessor, Cardinal O'Boyle, a forthright plain-spoken Irishman, who had headed the Washington diocese from its founding in 1947, and whose word was law.

Archbishop Baum, on the other hand, quickly reversed himself when he was criticized for buying for \$525,000 the Chase mansion here for his official residence. He subsequently sold the mansion and purchased a more modest house in Spring Valley.

He has had differences, too, with black Catholics, who make up nearly 20 per cent of the 396,000 members of the Washington archdiocese. Twice he withdrew publicly announced appointments of black leaders who were not acceptable to the rank and file of the elected Black Secretariat. The withdrawals came after prolonged and sometimes stormy meetings with the secretariat's board.

Archbishop Baum's continuing concern for better relations with persons of other faiths



was reflected in his brief statement yesterday in which he paid tribute to "Christians of other communions, who together with us wait faithfully for the Lord . . . I unite with them, as well as all believers in the God of Abraham, Isaac and Jacob in my prayer today."

A deeply evangelistic theme has marked Archbishop Baum's sermons and pastoral letters to his flock.

Following yesterday's mass, the cardinal-designate stood at the main door of the cathedral and assumed the role that seems second nature to him—that of the pastor—as he accepted the congratulations of the congregation.

He spoke softly and personally with each worshipper, his head bent in a characteristic attitude to catch each word. "I pray for you every day," an elderly woman told him as she kissed his episcopal ring. Others presented crosses or religious medals for him to bless.

In an impromptu press conference after the service, Archbishop Baum expressed great optimism for the Church.

"I see a great flowering of faith," he said, "a deepening of spirituality. I see everywhere signs of a second spring (for the Church)."

Among others named to the College of Cardinals were the recently named successor to Jozsef Cardinal Mindszenty, Archbishop Laszlo Lékai and former Abbot Basil Hume, installed two weeks ago as Catholic archbishop of Canterbury.

The other new cardinals are:

Octavio Antonio Beras Rojas, 69, archbishop of Santo Domingo. Opilio Rossi, 65, apostolic nuncio in Austria. Giuseppe Maria Senel, 69, apostolic nuncio in Portugal. Juan Carlos Aramburu, 64, archbishop of Buenos Aires. Corrado Bafie, 72, acting prefect of the Sacred Congregation for the Causes of Saints. Hyacinthe Thlandoum, 55, archbishop of Dakar. Emmanuel Nsubuga, 61, archbishop of Kampala. Joseph Schroeffer, 73, secretary of the Sacred Congregation for Catholic Education. Lawrence Trevor Piacchi, 59, archbishop of Calcutta. Jaime L. Sin, 47, archbishop of Manila. Aloisio Lorscheider, 51, archbishop of Fortaleza, Brazil. Reginald John Delargey, 61, archbishop of Wellington. Eduardo Pironio, 55, acting prefect of the Sacred Congregation for Religious and Secular Institutions. Victor Razafimahatratra, 54, archbishop of Tananarive. Dominic Eknem, 59, bishop of Ikot Ekpene, Uganda. Boleslaw Filiplak, 74, dean of the Tribunal of the Sacred Roman Rota.

#### CLEAN AIR AMENDMENTS

Mr. MOSS. Mr. President, I wish to add the name of the Senator from Alabama, Mr. SPARKMAN, to the list of those cosponsoring my amendments to the Clean Air Act amendments (S. 3219). I thank my colleague for his support in this critically important national issue.

As many of my colleagues know, the policy of nondeterioration called for by S. 3219 has generated some of the most extensive debate of any legislation before Congress this year. Though the issue is often couched in environmental terminology I see it principally as a question of economics. My concern is that Congress has not received sufficient information regarding the effects on the economy of implementing the nondeterioration policy at this time.

In this context, it is important to realize that the provision of S. 3219 dealing with nondeterioration were formulated for the most part from data which initially implemented existing EPA regulations. In looking through the informa-

tion that went into EPA's rulemaking of December 5, 1974, it is immediately obvious that we are dealing with an issue about which great uncertainty exists. Nowhere do we find the hard data, cross-verifications and exactness of computation, justifying the argument for mandating nondeterioration.

In a recent study series on socioeconomic and the environment, "First Year Work Plan for a Technology Assessment of Western Energy Resource Development," the Office of Energy, Minerals, and Industry of the EPA, left the question of the validity of air quality monitoring, considerably undecided. The study discusses problems involved in the distances between meteorological stations gathering the data, and concludes that considerable extrapolation is required to transform existing climatological data into a state useful for individual project monitoring. Of particular difficulty are those locations in regions of complex terrain—a situation drastically affects the meteorology.

For example, studies that have been made—Heimbacks, Super, and McPartland, "Dispersion from an Elevated Source," 1975—indicate that dispersion coefficients normally used in Gaussian dispersion models may not be applicable for rough terrain. This EPA sponsored report concludes that if this is the case, further studies are necessary.

Additionally, models and data needed for quantitative treatment of secondary pollutants and long-range visibility are not available. While models do exist, they have not, according to the EPA report, been validated, or, at least, validated only for a specific region—such as Los Angeles.

In the case of long-range visibility, the lack of data on particle size distribution—again, according to the EPA report—is particularly acute, since even if concentrations of fine particulates could be predicted, their size distribution would not be known. Equally strong data inadequacies appear in indices of refraction of various particulates.

These findings would not be nearly so significant if it were not for the fact that their gathering was EPA sponsored and reported. As such they avoid the alleged in-house bias attributed to industry studies of the same phenomenon.

Further problems with EPA's original formulation of regulations appear in a letter I recently received from Kennecott Copper Corp. I ask unanimous consent that it be printed in the RECORD.

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

KENNECOTT COPPER CORP.,  
New York, N.Y., May 11, 1976.

Hon. FRANK E. MOSS,  
U.S. Senate,  
Dirksen Senate Office Building,  
Washington, D.C.

DEAR SENATOR MOSS: I have read with great interest your proposed amendment to the Senate Clean Air Act bill and your speech about this to the Senate. Some few months ago I was reviewing the non-degradation proposals being made by the subcommittee in the Senate and I tried to trace back the various reports or papers that were the bases for the EPA's rulemaking of December 5, 1974 on non-degradation. I found that a

report prepared by Harbridge House, under a contract to Cheryl Wasserman in the Policy Planning Division of EPA, was a principal resource for that rulemaking. Harbridge House and its subcontractor, Environmental Research & Technology, Inc., submitted its three volume report "The Impact of Proposed Non-Degradation Regulations on Economic Growth" to EPA in November, 1973.

I won't burden you with the whole report in this letter. I am sending you under separate cover Volumes I and III which I have. I would like to point out for your possible use, however, that this study, which was a principal resource for non-degradation rulemaking included a number of qualifying statements which to me are frightening. Let me quote several as follows:

"Most often, data limitations prove to be the major stumbling block to air quality evaluation studies. This study is no exception. Time and budgetary constraints prohibited an intensive search for and evaluation of meteorological, emissions, and air quality data. The information actually used was, for the most part, provided by either EPA or Harbridge House and was accepted as the best information currently available. While it is not the intent of this document to assail the need for more accurate data, shortcomings of the information used in this study are considered significant enough to warrant closer examination."

With regard to the data used and the procedure by which it was handled, I offer the following quoted excerpts.

"For the Boston area, observations taken at Logan airport were used as the basis for this compilation. Observations recorded at Farmington, New Mexico airport were taken as being representative of the Four Corners area. In neither case was the influence of either natural or man-made topographic features taken into account.

"Baseline emissions for the Four Corners area were taken from the NEDS data bank. Generally, these consisted of large individual point sources, physically separated by great distances, along with several weak area sources dispersed throughout the region. Conversations with personnel in regional EPA offices having jurisdiction over the Four Corners AQCR, have indicated that this data may be suspect in terms of accuracy, consistency, and completeness. In addition, because the area considered is so large (approximately 103,000 mi.<sup>2</sup>), complete geographical coverage was not possible.

"As indicated previously, this study was performed within rather severe time and budgetary constraints. While it is understood that the allocation of available funds for examining environmental problems must necessarily be tightly controlled, it should be recognized that the implications of the proposed regulations are both far reaching and highly complex. It is therefore considered desirable that some of the more outstanding limitations of the study—fostered by imposed time and budgetary constraints—be presented here.

"First and foremost of the limitations to the study is to be found in the general approach to evaluating the proposed regulations. As defined in Section 1.3, the approach focuses on answering the following question: 'Are the proposed strategies compatible with anticipated economic growth?' Given that severe pressure for economic development exists, and given the reliance on a fossil fuel energy supply, coupled with an imperfect emission control technology, it would seem that perhaps a more realistic approach to an evaluation of non-degradation control strategies is to be found by answering the question 'Can anticipated economic growth be managed so as to comply with the requirements of the proposed regulations?' This latter approach has two very significant advantages over the former:

1. It places the impetus for air resource management on a selective process of land use control (as is implied by the proposed regulations), and

2. It offers a more definitive indication of the viability of the proposed regulations within the existing national economic structure.

"Despite these advantages, this latter approach was abandoned because both the scope of work and level of detail required by a study of this type were considered prohibitive in the face of imposed constraints.

"Another major limitation to the study is the omission of consideration and of the 'transportation' pollutants (CO, NO<sub>x</sub>, and HC). As economic development proceeds, transportation demand will undoubtedly increase. Inasmuch as the major air pollution problem in many areas of the country is due to transportation activity, the most significant aspect of industrial development may be its effect on transportation demand. Despite the fact that the proposed regulations do not address the question of increased concentrations of the transportation pollutants, limits set by existing federal and state standards could easily provide a very real constraint to industrial development by limiting mobility.

"A third major limitation stems from consideration of the various time averaging periods for which pollutant concentrations are specified. The most limiting averaging time for a given pollutant within a given source configuration is very strongly dependent on the strength and proximal locations of individual sources. This makes determination of the most limiting time averaging period a necessary first step in defining air quality limitations to growth for specific regional configurations. Ideally, this determination is made through a detailed analysis of either ambient air quality data, or dispersion model results. As indicated previously, this was not done for either the Boston or Four Corners area.

"The final outstanding limitation to the study is the lack of a thorough evaluation of the data used. Any analytical study is only as good as the data permits, and obtaining good emissions and air quality data is a universal problem. However, bad data can be compensated for, only if it is recognized as inadequate or inaccurate. In either case, a reasonably comprehensive evaluation of the data is always in order. Time constraints simply did not allow this evaluation to be made."

It seems to me that this is another instance in which EPA could be said to have used as the principal resource for rulemaking of far reaching significance, a report which within itself cautions against such use. It would seem that a thoroughgoing investigation of the technical support document and of the reports on which it was based would be in order before Congress considers non-degradation laws which may be based on a series of documents, each in its own way sufficiently suspect to cause grave concern.

Yours very truly,

I. G. PICKERING.

Mr. MOSS. Mr. President, the message is clear that our knowledge and interpretation of monitored pollution data is unclear. We simply do not have sufficient information in this important area to justify the kind of all-encompassing economic overhauling that S. 3219 will entail. If the point has been made that large gathering and interpretative gaps appear in the initial EPA regulations, then surely further study is justified by the national effort called for by the committee bill. If the regulations are suspect then the committee policy of further ex-

pansion of the policy of nondeterioration is also suspect. Such being the case, the Congress would be well advised to take the 1-year last look my amendments call for.

#### OLD NINETY SIX AND STAR FORT NATIONAL HISTORIC SITE

Mr. THURMOND. Mr. President, on May 13, 1976, the Senate passed S. 2642, a bill I sponsored to authorize the establishment of the Ninety Six-Star Fort National Historic Site in South Carolina. I was pleased that my distinguished colleague in the Senate from South Carolina, Mr. HOLLINGS, and eight other Senators joined with me as cosponsors in support of this very worthwhile proposal.

Naturally, I am gratified that the Senate gave its unanimous approval to this bill, and I hope the House will soon do likewise. Similar legislation, introduced by Congressman BUTLER DERRICK, in whose district the site is located, has been favorably reported from the House Interior Committee and is pending on the House Calendar.

Mr. President, Ninety Six was one of the focal points of the American Revolutionary War in the South, as well as being the cultural, trade, and judicial center of the Carolina frontier in the 1800's. The site embodies numerous unique and nationally significant historic resources. I am convinced that it will be a meaningful, valuable addition to the national park system, which will be enjoyed and cherished by many visitors in the future.

Recently, the Honorable Sam P. Manning, a member of the South Carolina House of Representatives from Spartanburg County, and a respected, knowledgeable historian, prepared a resolution in support of the Ninety Six National Historic Site proposal. This resolution has been adopted by the State American Revolution Bicentennial Commission and the South Carolina General Assembly. I commend it to my colleagues as an excellently written, scholarly presentation, which summarizes the importance of Ninety Six and Star Fort in the American Revolutionary War.

Mr. President, in behalf of Senator HOLLINGS and myself, I ask unanimous consent that this resolution be printed in the RECORD.

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

#### A CONCURRENT RESOLUTION

Expressing support of the South Carolina General Assembly for the approval and development of the "Old Ninety Six and Star Fort National and Historical Park"

Whereas, the South Carolina American Revolution Bicentennial Commission has passed the following resolution:

Whereas, Ninety Six, South Carolina, is one of the historic site of the nation; and

Whereas, to understand the American Revolution it is important to be aware that the scene of battle moved from New England to the Middle Atlantic States in 1776 and to Georgia and the Carolinas in 1779 and that the great battles at Kings Mountain, Cowpens, Guilford Court House, Ninety Six and Eutaw Springs led to the victory at Yorktown, Virginia, and independence; and

Whereas, two quotes are appropriate to remember: General Cornwallis who commanded in South Carolina an invading and conquering army of over 6,000 British regulars, a regiment of German Jagers and loyalist regiments from several other states admonished one of his officers;

"You know the importance of Ninety Six. Let that place be in your constant care."

At the Centennial ceremony for the Battle of Cowpens sponsored by the thirteen original states and Tennessee the following quote from the great American historian George Bancroft of Massachusetts is given from his speech at the 75th anniversary at Kings Mountain:

"The victory gained at the Palmetto Fort by Moultrie was the bright and the morning star, which went before the declaration of American independence. Wherever the campfires of the emigrant shall light up the forest of the West, wherever the history of our country is honestly told, wherever the struggles of brave men in the cause of humanity are respected, high honor will be rendered to the triumph at King's Mountain and at Cowpens, and to that sad victory at Eutaw Springs, where the voice of exultation is chastened by sorrow for the brave who fell."

Whereas, Ninety Six was the British Gibraltar on the southern frontier, its famous commanders included Lord Rawdon, later the Viceroy of India, Colonel Nisbet Balfour of Scotland who was elected to Parliament in 1790 and in 1803 was promoted to full General in the British Army, and the famous loyalist leader, Colonel John Harris Cruger of New York City who commanded during the epic siege of 1781. The battles and victories before Yorktown strongly relate to it, particularly Kings Mountain, Cowpens, Augusta and Eutaw Springs. The siege of Ninety Six was an epic battle of great courage on both sides.

Whereas, Cowpens and Eutaw Springs were among the six battles of the Revolution for which the Continental Congress authorized a gold medal in honor of the victor. For the victory at Eutaw Springs the presentation of a gold medal, a British standard captured at the battle and a British cannon captured either at Cowpens or Augusta with proper inscription were to be given to General Greene.

Whereas, Augusta, Georgia, was also the scene of an epic siege the area is now covered by homes and buildings of the City of Augusta. In contrast Ninety Six retains its wilderness appearance. The Star Fort at Ninety Six is the best preserved earthen Fort of the American Revolution period; and

Whereas, in the Colonial period Ninety Six provided protection for the frontier and such interesting and heroic figures as Abraham, a slave who was offered his freedom in 1761 if he would carry the message to Charleston of an Indian attack which he did and his freedom was awarded him by the General Assembly; and

Whereas, in 1775 the first members of the Provincial Congress from Ninety Six who lived nearby included Patrick Calhoun, the father of John C. Calhoun, and Francis Salvador whose home was within five miles of Ninety Six who was the first member of the Jewish faith elected to a parliamentary body in the western world and the first to give his life in the Revolution; and

Whereas, in November, 1775, at Ninety Six in a pitched engagement between Tories and patriots James Birmingham was the American to die in the cause of national independence in battle south of Boston, Massachusetts; and

Whereas, Ninety Six relates strongly to the historic period of 1780-81 in which such legendary figures as General Nathaniel Greene, the "Fighting Quaker" from Rhode Island, Count Kosciuszko, the Polish Patriot, Colonel John Eager Howard and 431 members of the Maryland and Delaware Line and Conti-



mental Troops from Virginia and North Carolina and State Militia from South Carolina and Georgia participated in the epic siege of 1781. Lieutenant Colonel "Light Horse Harry" Lee, father of General Robert E. Lee, General Andrew Pickens and many others gained lasting fame, including the grandfather of Alexander Stephens of Georgia who had his hand cut off by a tory in the battle; and

Whereas, in the epic siege of Ninety Six the patriot attackers and the British and loyalist defenders fought with great courage. The Americans were under the command of Major General Nathanael Greene of Rhode Island and the loyalist or British defenders were under the command of Colonel John Harris Cruger who was a member of one of the famous families of New York State that sided with the King. Both his grandfather and uncle served as Mayor of New York City and his brother, Henry, served as a member of Parliament who after the Revolution returned to America and was elected to the New York State Senate. Colonel Cruger's wife was a member of the famous Delancey family of New York. Cruger's command consisted of 150 men who were members of the Second Battalion of the New York Volunteers, 200 veterans of Allen's New Jersey Volunteers, and 200 Royal Militia recruited from South Carolina. The loyalist volunteers from New York and New Jersey had served their King for over five years and were among the most experienced soldiers of the Revolution. They qualified as experienced veterans of war.

Whereas, the development of the historic Ninety Six Star Fort area is deserving of national interest and the support of the American people because it relates not only to the heritage of one state or region but to the nation; and

Whereas, The South Carolina American Revolution Bicentennial Commission is pleased to hear that the members of the Star Fort Historical Commission who presently own 700 acres of this beautiful and historic area are desirous of donating it to the Federal Government so that it may be developed as a national historic park; and

Whereas, the Advisory Board on National Parks, Historical Sites, Buildings and Monuments which is composed of distinguished citizens from across this nation has formally recommended to the Secretary of Interior that the 700 acres at historic Ninety Six become part of our national park system; and

Whereas, Senator Strom Thurmond and Senator Ernest F. Hollings of South Carolina and Congressman Butler Derrick of South Carolina have introduced appropriate legislation both in the United States Senate and in the United States House of Representatives which would achieve these purposes and would formally create the "Old Ninety Six and Star Fort National Historical Park." Now, therefore,

Be it resolved by the South Carolina American Revolution Bicentennial Commission that it does formally express its active support for such legislation which would provide for the development of the historic Ninety Six area as a national park which would be designated as the "Old Ninety Six and Star Fort National and Historical Park." Now, therefore,

Be it resolved by the House of Representatives, the Senate concurring:

That the General Assembly does hereby express approval of the Resolution of the South Carolina American Revolution Bicentennial Commission and that the General Assembly does hereby endorse the approval and development of "The Old Ninety Six and Star Fort National and Historical Park."

Be it further resolved that duplicate originals of this resolution be mailed to the President of the United States, the members of South Carolina's Congressional Delegation, the Secretary of Interior and to such

other distinguished Americans as may be deemed appropriate.

### CONSERVATION PROGRAMS

Mr. HUMPHREY. Mr. President, I had the honor of appearing before a Minnesota Energy Agency hearing, May 10, 1976, in St. Paul. This hearing was one of five held across the State in Detroit Lakes, Duluth, Mankato, St. Cloud, and St. Paul, to review the energy outlook for the upper Midwest.

It gave me the opportunity to address a number of my own concerns with our energy situation—particularly our growing reliance, nationally, on imported oil. I also summarized the results of Minnesota's very aggressive initiatives in energy conservation. Quite frankly, the Minnesota legislature can take a lot more credit for developing innovative, successful conservation programs than either Congress or the administration. This is particularly true in the area of natural gas conservation. Despite facing very mild shortages—much less than most areas of the Nation—Minnesota is phasing out the use of natural gas as a boiler fuel by utilities and in decorative lawn lamps.

The hearing was chaired by Mr. John Millhone, director of the State energy agency.

Mr. President, I ask unanimous consent that my testimony before the Minnesota Energy Agency hearing on May 10 be printed in the RECORD.

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

#### STATEMENT BY SENATOR HUBERT H. HUMPHREY

Mr. Millhone and other panel members: I want to first congratulate Mr. Millhone and his staff at the Minnesota Energy Agency. They have put together an excellent Report on our State energy situation. This is, I understand, the first of a biennial series of such reports designed to help the Governor, the legislature, consumers and the Congressional Delegation identify and deal with emerging energy problems before they become serious.

This report bears out the great hopes which Governor Anderson and the legislature held for our new Energy Agency when established during the 1974 Session.

The report focuses quite clearly on the two realities of our current energy situation—the accelerating demand for energy and the diminishing security of supplies to satisfy that demand.

In a true sense, Minnesota's energy demand and supply situation mirrors our National circumstance.

Nationally, the Federal Energy Administration projects a 40 percent rise in energy demand over the next decade. Much of this increase will occur in the commercial and industrial sectors, in part due to our continued economic recovery.

In Minnesota, Mr. Millhone's staff projects a 42 percent rise in demand over this same period. Similarly, the leading sectors will be commercial and, especially, industrial energy end-users.

Nationally, the FEA projects a continued reliance on oil and natural gas as primary energy sources—with coal, however rising in importance at the expense of natural gas. Much of this coal will produce electricity which will be increasingly used by industry in place of primary fossil fuels.

In Minnesota we see similar projections

with one minor exception. In 1985, a slightly greater portion of our energy will be in the form of electricity. And that electricity will be produced with a greater than average contribution from coal.

Minnesota and the entire Nation also share another characteristic—a heavy dependence on imported energy. And in each case, locating secure energy supplies is the single most important energy issue we face.

Nationally, we now import almost 40 percent of our petroleum; and a good portion of this is from relatively insecure middle-eastern OPEC sources. Here in Minnesota, about one-half of our oil, and 25 percent of all our energy is from Canada; we, too, are in the midst of seeking new, secure sources for that oil.

My good friend, Senator Mondale, and I have been working closely with the four Minnesota-area refineries to develop a new supply mechanism. They, in conjunction with several Canadian pipeline companies, are aggressively exploring construction of a link from Prince Rupert, B.C. to Edmonton—enabling Minnesota to receive Alaskan or other, foreign, oil in place of Canadian oil.

A major hurdle which the refiners must deal with, is bridging any shortfall before the Prince Rupert line is completed. As you know, our refineries are first priority. Despite that status, however, they could experience shortfalls from 1978 on, until the new line is completed, due to declining Canadian exports. A variety of alternatives exist to cover that shortfall—including extensive swaps with Canadian oil companies, and adjustments in Canada's oil export schedule to reflect progress towards a permanent solution. Discussions of these alternatives are underway by the refiners and Canadian officials now.

Turning to natural gas, we face permanently tight supplies. Canadian reserves are not being fully renewed, and the best we can expect is for Canada to honor existing gas supply contracts.

By curtailing powerplant use of natural gas, Minnesota has taken an extremely potent conservation step. We will benefit, also, from the very aggressive past activities of Northern Natural Gas Company in acquiring new interstate supplies.

The net effect on our gas supplies is, that existing gas customers will not face curtailment through 1980—but few new customers will be able to acquire natural gas hookups in Minnesota.

Nationally, the gas supply situation is much worse. Curtailments could run as much as 10 percent this next winter, and total supplies could be off 25 percent by 1980. One solution to these impending shortages is for Congress to raise prices just for new natural gas supplies. This would eliminate distortions now caused by varying inter- and intrastate prices, and increase the financial incentives for successful gas exploration.

Now natural gas prices could be increased in a variety of ways short of deregulation—ways designed in particular to minimize the financial impact on consumers. For example, Congress could link new gas prices on a B.T.U. basis to the average price of oil—with provisions to hold down residential gas rates.

Other alternatives exist, too, for avoiding serious gas shortages.

Senator Mondale and I, for example, are sponsoring legislation to bring North Slope gas across Canada to Minnesota and the midwest. This new line, which could be in place by 1982, would supply up to 1.2 trillion cubic feet of gas annually to the "lower 48", predicts the FEA.

This pipeline, however, will not be a substitute for somewhat higher gas prices as a stimulus to supply. It will, in fact, provide only 5 percent of our estimated 1982 demand.

And it will be 5 or 6 times more expensive than current interstate natural gas.

The emerging natural gas shortage here, and nationally, is a major concern. But I am even more concerned with Congressional inaction on natural gas. We have now spent a year seeking to resolve the natural gas pricing issue without success. I sometimes have the feeling that it is Congress, and not OPEC or our own wasteful use of gas, which is the real culprit in our natural gas situation.

Before moving on, I want to note that I am seeking to have milk drying's natural gas priority increased by the FPC. It is now natural gas priority #7—and will face curtailed supplies with even a mild shortage. Milk drying should be in priority class 2—the category presently assigned to other, similar agricultural processes. The FPC is deliberating on my request to increase milk drying's priority. We may hear their decision shortly.

Members of the panel here and the entire Legislature deserve congratulations for the excellent energy conservation legislation you passed recently. Minnesota showed itself a leader in conservation by including insulation standards in our building code over a year ago—the first State to do so.

And to my knowledge, we are also the first State to ban decorative gas lamps and to establish standards for solar devices.

In passing the Energy Policy and Conservation Act in December, Congress mandated auto and appliance efficiency standards. We established programs to cut oil imports by up to one-third by 1980. Other legislation requiring additional coal conversions by utilities, and better building insulation, should be passed this session. And there are many other conservation proposals being seriously considered too, including an accelerated waste recycling program as called for in S. 2439, which I authored.

What Congress sought to do last December in the Energy Policy and Conservation Act was build flexibility into our National conservation effort. I'm delighted with our progress here in carrying out the intent of that bill.

I am not happy, however, with the hard-and-fast 5 percent conservation target. This figure will have to be interpreted with flexibility in Washington.

It is simply unrealistic to expect an expanding Minnesota with its energy-intensive taconite industry and agriculture to meet the same relative target as a State like Massachusetts, which is losing jobs and workers to the rest of our Nation. They can easily meet what may be an impossible target for Minnesota, and that should be recognized in Washington.

It is my hope, incidentally, that the states be permitted to conduct all energy outreach activities. We are starting to see a proliferation of consumer energy conservation programs by ERDA, the FEA and the Departments of Commerce and Agriculture.

This duplication is unnecessary. Energy outreach activities—like the successful agriculture outreach program—can best be funded from Washington, but conducted from the State level.

Let me, finally, turn to solar energy for a moment.

You know of my strong conviction that solar energy can play a large role as a future energy source. The Administration has projected a funding approach designed to have solar energy provide only two-tenths of one percent of our 1985 energy supply.

We can do better.

Last month, I introduced the Solar Energy Act of 1976, drafted to provide for a 5-fold increase in this contribution of solar power to our energy needs in 1985. Twenty-seven Senators cosponsored this legislation and last Wednesday, the Senate Interior Committee unanimously approved it.

The bill provides some \$280 million in research funds during fiscal year 1977 for solar energy. More importantly, it establishes a program to reduce the price of electricity produced with solar power by 1986 to comparability with household electricity. This program is based on extensive work by Cal Tech's Jet Propulsion Lab, by NASA and by ERDA on the so-called solar cell. If their time table is correct, we are only a decade away from true energy independence.

Let me review briefly our efforts to locate the Solar Energy Research Institute here. I met two weeks ago with representatives of the State, private industry and the University of Minnesota who will be developing our SERI proposal. If we can strike the proper balance between State and National and corporate interests—and I think we can—we have a good chance of landing SERI.

In summary, let me emphasize several points for you.

First, it is vital that discussions between our oil refiners and Canadian officials be undertaken now to ensure Minnesota a continued supply of oil until a permanent solution to the Canadian oil cutoff is formed. Equally important, our refiners must continue evaluating other solutions even as they proceed with further study of the Prince Rupert proposal.

#### VALENTYN MOROZ

Mr. BUCKLEY. Mr. President, during the past 6 years, many of my colleagues have called our attention to the case of Valentyn Moroz, the Ukrainian historian imprisoned in the Soviet Union. Senator TAFT has introduced Senate Resolution 67, which is cosponsored by myself and 10 other Senators, calling for "the freedom and safety of Valentyn Moroz." Similar resolutions in the House of Representatives have the support and cosponsorship of over 80 House Members.

Last week it was learned that Valentyn Moroz has been transferred to Moscow's Serbsky Institute of Forensic Psychiatry. Moroz who was convicted of "anti-Soviet propaganda and agitation" in 1970, was originally sentenced to 6 years in prison, 3 years in a labor camp, and 5 years of exile. He has spent the 6 years in Vladimir Prison, claimed by many dissidents to be the worst prison in the Soviet Union. In protest of some of the conditions that have earned Vladimir Prison its reputation, Moroz undertook a 145-day hunger strike in 1974. He was scheduled to be transferred to a labor camp on June 1.

This latest action by Soviet authorities seems to indicate that they plan to have Moroz declared criminally insane and committed indefinitely to a psychiatric prison "hospital" where he will be subject to drugging and the other horrors of psychiatric "hospitals" in the Soviet Union. In March, Leonid Plyushch, the Ukrainian mathematician who himself spent 2½ years in a psychiatric hospital, testified before the House Subcommittee on International Organizations about the horrors and treatments in these hospitals.

Harvard University has offered Valentyn Moroz a position as lecturer. President Derek C. Bok of Harvard has written to Mr. Moroz on two occasions informing him of this offer.

I have joined with three of my colleagues in circulating a "Dear Colleague" letter asking for cosigners of a letter

to Secretary Brezhnev protesting this treatment of Moroz and asking that Moroz be released and allowed to take the position at Harvard University.

The seriousness of the situation is beyond question. I am confident that my colleagues and the Senate will express their concern and disapproval of this latest violation of human rights by Soviet authorities.

I ask unanimous consent that the text of the Reuters report concerning Valentyn Moroz be printed in the RECORD.

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

#### REUTERS' REPORT

Moscow, May 18, Reuter.—Dissident Ukrainian Historian Valentyn Moroz has been moved to the Soviet Union's leading institute of criminal psychiatry after spending nearly six years in jail, his wife said today.

Moroz, 39, was accused of Ukrainian nationalism and sentenced in 1970 to six years in prison, three in a labor camp and five in internal exile. He was due to complete the prison term at Vladimir, east of Moscow, on June 1.

Mrs. Raisa Moroz told Western correspondents here that officials of the Interior Ministry's medical service informed her today that her husband had been transferred to Moscow's Serbsky Institute of Forensic Psychiatry.

The Serbsky Institute has been frequently accused by dissidents of declaring critics of the regime to be insane, and several prominent dissenters have passed through its doors at various times.

The move could mean that Moroz, whose mental health has not previously been questioned, could be committed indefinitely to a psychiatric prison hospital instead of going to a labor camp, which is considered more lenient than prison.

Mrs. Moroz told a press conference here that her husband last wrote to her from Vladimir in March.

She came to Moscow yesterday from her home town of Ivano-Frankovsk in the Ukraine to find out here he was, after being told earlier this month that he was in an unspecified medical institution.

#### GENOCIDE IS AN INTERNATIONAL CRIME

Mr. PROXMIER. Mr. President, genocide is a crime punishable under international law. This is the basic statement of the first article of the Genocide Convention and one that many people believe is not true. I contend that the only suitable place to combat this unjustifiable crime is on an international level.

Genocide is a concern of not one nation as an individual entity, but the community of all nations. This crime involves the senseless slaughter of masses of people. It is a threat to all society and should be dealt with severely. When will the United States see that to join with the other 82 nations in signing this treaty is the only way to effectively prevent genocide?

Some people feel that such a treaty will sap the rights of the State and merely add more power to the Federal Government. This is not true. Like other treaties it would be signed on the advice and consent of the Senate, giving each State the voice that it constitutionally deserves in deciding the policy of our Nation. The United States has



freely signed many international treaties—one being to protect seals from being slaughtered in our seas. Surely human beings deserve the same protection.

Mr. President 82 nations have attested to the fact that genocide is an international crime by signing this treaty. The United States can still redeem itself if it moves quickly and ratifies the Genocide Convention now.

#### MEXICO PROMISING LONG-TERM ECONOMIC OUTLOOK

Mr. PERCY. Mr. President, our economic relations with Mexico are among the most important to our country.

Mexico and the United States not only share a common border; we also share common problems and common prospects.

It is, therefore, particularly gratifying to take note of several recent reports of the extraordinarily promising long-term economic outlook for Mexico. I should also like to point out in this connection that the administration of President Echeverria is pursuing a policy of encouraging foreign investment and that Jose Lopez Portillo, who will succeed President Echeverria in December, has announced that he will follow the same policy.

I ask unanimous consent that there be printed in the RECORD two speeches by Mexico's outstanding Ambassador to the United States, His Excellency Jose Juan de Olloqui, as well as four articles from the Journal of Commerce.

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

ADDRESS BY HIS EXCELLENCY THE AMBASSADOR OF MEXICO JOSE JUAN DE OLLOQUI BEFORE THE UNITED STATES NAVAL ACADEMY, ANNAPOLIS, MD. APRIL 21, 1976

Gentlemen, I am pleased for the opportunity to visit this institution which is so rich in tradition and history, and to be able to address today those who represent its most prized product. Indeed, it is in this academy where an important part of the past and of the future of the United States comes together in the present.

I can think of no better topic to speak of, where we also will find a rich past being today structured into a hopeful future, than of my country: Mexico.

The history of Mexico is the history of a people who have continuously struggled to achieve dignity. Mexico has had a turbulent past which it has derived its unique sense of history.

Which other country can claim the two most important prehispanic empires: The Mayan and the Aztec. We were the most powerful colony in the Americas: The New Spain.

Mexico was the colony from which the Philippines and Puerto Rico were colonized. We have, however, had some sad moments in our history as well.

We fought for eleven years in order to achieve independence. What followed was a relentless striving to find an appropriate form of government, that unfortunately instead of coming to fruition, evolved into a dictatorship.

We had not resolved this affair when we suffered an American invasion in 1846 and the loss of half of our territory. With this behind us we set out to write a liberal constitution, that would clearly define the manner in which the nation would govern itself.

However, we had barely begun to build the structure of the nation when we suffered a second invasion by the troops of Napoleon III and a new empire was established in Mexico. With an Austrian archduke imposed as ruler. Incidentally the two emperors we have had, we have executed.

A struggle ensued to defeat the empire and to continue the work of constructing a sovereign nation with freedom and opportunity for all, however, once again the reactionary forces would have their last attempt to prevent this goal of the Mexican people and helped to sustain in power Porfirio Diaz who ruled our nation for 30 years.

When the people of a nation decide that their moment of liberation has arrived, nothing can prevent its fulfillment and so it happened in Mexico in 1910, year when the revolution began. The Mexican revolution was bitterly fought for eleven years at a human cost of more than one million lives out of a population of 15 million. It represented the revindication of just demands and aspirations of all the Mexicans.

In 1917 the people of Mexico gave themselves a social document (the first in modern times of this nature) which defined and guaranteed our most precious values, both as a nation and as individuals, this vital document is still our most important achievement: The Mexican constitution.

At this point in our history we had finally acquired a sense of identity; we knew more clearly who we were as a people, and where we stood as a nation. We earned at a dear price the right to be sovereign.

We have institutionalized our achievements by establishing the necessary organizations which are required to become a modern nation; in such a manner that it would reflect our own customs and values. It is from this point on that the governments of the revolution have governed in peace for the people.

We have developed our nation and our sense of nationality. As far as land mass we are the 13th biggest Nation on the earth; we boast all kinds of climates. Our geography is varied: snow peaks; mountains; deserts and jungles. We possess most mineral resources.

We do not imitate anyone. We are 62 million Mexicans; we will be 115 in 25 years and more than 200 before we can reverse the trend, although we had begun a very successful planned parenthood program where each couple decides the size of their family. We are a homogeneous population within our own diversity, in effect racial discrimination is alien to us.

In the field of health, we have devised a system of social medicine to provide hospitals, medicine and doctors to Mexican citizens. Just to quote some statistics, in the period from 1945-48 the overall death rate was 17.8; in the period from 1965 to 1969 this rate had decreased to 8.9 and in 1972 it stood at 8.2. Water sewage as well as drinking water has been assured for all but the remotest villages. Vaccination campaigns are undertaken every year. Every aspect of preventive and curative medicine has been given the fullest attention. The results are twofold: The number of children who survive has increased, and life expectancy has risen to 62 years, compared to 66 for men in the United States and 38 in many nations of Asia.

In the field of welfare, legislation has been enacted to assure all workers a decent wage and reasonable working conditions. Under a housing program established in Mexico we are nearing the goal of building 100,000 homes for workers every year. The social security system in Mexico is probably the most comprehensive and cheapest of any society, without infringing on the freedom and rights of the individual.

In the field of education the governments of the revolution have spent many of the

scarce resources of the nation, such that the budget for the armed forces, (army, navy and air force) is less than 30 percent of the budget of the department of education alone. The results are a dramatic decrease in the rate of illiteracy from over 60 percent in 1930 to about 20 percent in 1975; we have trained at present close to 400 thousand teachers and we are building new school rooms at the rate of two every hour.

Today Mexico is the 15th nation in the world in area; the 13th in population; 13th in gross national product; Mexican production of goods and services exceeds that of Sweden, Holland and Switzerland, among others; the largest Spanish speaking nation in the world. We are the first world producers of silver; we export more than three billion dollars of goods every year, to 100 countries, and 50% of our exports are manufactured goods; we are 5th among the nations with the largest artificially irrigated area; 14th in extension of roads; we have come in one single year from being an importer of oil to an exporter and we are the 13th producer of this product in the world. Oil will not be a constraint on our development. This I can assure you.

Today Mexico is firmly united as a people and as a nation. We are more respected and more respectable than ever. Our moral stature is known and recognized in all international institutions and conferences.

Mexico's voice has always reflected its own historical quest for social justice and freedom, and therefore it is heard through the third world.

The relations between Mexico and the nations of the world have evolved along with our national experience, and in a historical context they have been dialectical. For more than a century we suffered the political and economic designs of the great powers of the world. We now demand respect for our sovereignty and we wish to share with all countries justice, equity and peace. We sustain in the international arena, without any reservations, the principles of the Mexican revolution: judicial equality of all nations, non-intervention in the internal affairs of nations, and self-determination of peoples.

In the international field Mexico has been very active in the construction of a new international economic order; in the development of autonomous programs for family planning, as a mean to achieve population control without loss of liberty or dignity; we have proposed the establishment of an international food bank; we have suggested reforms in the monetary, agricultural, industrial and trade fields. And reforms accompanied by action to accelerate disarmament and present the possibility of a nuclear tragedy.

In the law of the sea conference we have played an important role, which reflects our interest and natural situation. Mexico has 6,250 miles of coastline which represent one of its most precious natural resources. We believe that as such it is the legitimate patrimony of the people of Mexico and it is therefore the function of the government to assure its preservation and careful exploitation.

Mexico looks out to the Pacific, to the Atlantic and has a tip in the Caribbean, this is a unique situation. The oceans do not separate us from other nations, rather they constitute a common element which unites us with other peoples and nations.

We have had 30 years of uninterrupted economic growth, a record yet to be surpassed by a developing country. We are recognized around the world as a nation with a strong economy which is reflected in its excellent credit rating. We are one of the very few countries in the world that has no exchange controls. The currency exchange rate has not been modified in 22 years vis

a vis the dollar, and the peso continues to have an unlimited convertibility, as well as considered a strong currency. Our reserves, our economy and the bright prospects ahead, are the best assurances that the peso will not be devalued.

Mexico has been a leader in many fields, suffice it to say that the denuclearization treaty of Latin America bears the name of the location of our department of foreign affairs: Tratado de Tlatelolco. We believe in the integration of the Latin American region; we are founding members of the Latin American free trade organization; we participate in the Andean group, and we believe in the inevitability of Simon Bolivar's dream.

Our good relations with the United States are the result of a long journey filled with changes and adjustments. We wish to maintain this spirit of cordiality and to improve upon it. Mexico aspires in its relations with the United States to satisfy its legitimate aspirations; we wish a more balanced relationship. Mexico as a foreign nation has developed its own mechanisms of negotiation which should not be mistaken as mechanisms of confrontation.

Today Mexico, as a result of its social revolution and the work of its people, has both pride and hope: We look upon our accomplishments with pride and face the future with great expectations. Furthermore, we have the most important element: the will to grow and we are going to grow. We are going to grow with social justice and liberty.

Together the people and the government of Mexico, have solved difficult problems in the past. We shall continue to do so in the future.

We believe in the destiny of Mexico, and we work towards it. We believe that we will have a Mexico in which wealth will be better distributed; a Mexico in which every child will have a home; a school; food, and the hope to grow up to fulfill his wishes and contribute to society; we like to think of a Mexico that will employ all of its resources towards the achievement of a just society; we like to think of a Mexico united by strong bonds to its brothers in Latin America; we like to think of Mexico as a good friend to all the nations of the world; we like to think of a Mexico that although pursuing economic development, reaffirms in unequivocal terms that it aspires to preserve its political sovereignty and to maintain its cultural heritage above and beyond any material progress; finally, we like to think of a Mexico that can say to its neighbor to the north, on the occasion of its two hundred years of independence, that in a spirit of mutual respect and understanding of our aspirations, as well as our desires to be free to determine our own future, that we are friends of the United States, that we are good friends and sincere friends of the American people.

Thank you.

#### SOME CONSIDERATIONS ON MEXICO-UNITED STATES RELATIONS

Ladies and gentlemen, historically the relations between Mexico and the United States have been based upon inequality and myth.

It is therefore appropriate that on the occasion of the 200th anniversary of the independence of this great Nation, we review the relations between our two countries in the hope that the dialectic process which has taken place will be accelerated by a greater understanding and a more active role played by you as future diplomats.

That is one of the challenges for American diplomats in the next 200 years: to work toward the elimination of gross inequalities among the nations of the world, and to destroy the myths, which have served as assumptions for ill fated policies: equal partners dealing with realities will assure a more stable world order conducive to peace.

The examination of some historical facts I believe will throw some light as to the origin of these myths.

Let us now present both parties in the dialog and to present them in their historical context.

On the one hand we have a newly born country: Mexico that has just broken its bonds, after three centuries of colonial domain, from Spain. The independence movement was finally attained due to the fact that several favorable circumstances, both external and internal, coincided to make this movement possible.

Before analyzing the peculiar circumstances, political and ideological that prevailed before independence, it is also necessary to briefly summarize the colonial heritage of both peoples. Mexico was first conquered and then colonized by a group of hardy and impetuous soldiers of fortune that came from Spain. However, one must also bear in mind that Spain, at the time of the Mexican conquest, was not a modern nation in the full sense of the word, but a mosaic of small and feudal kingdoms, duchies and countries.

This explains partly the very different characters of various regions of Mexico, that are not only separated by climate and geography, but by the cultural heritage derived from the region of Spain whence their forebears came from and from the traits of the natives.

One must also remember that the Spaniards had just expelled the Arabs from their own territory in 1492, when America was discovered by Christopher Columbus. This long war, 700 years, to reconquer their territory provided them with the political background to institutionalize the recently acquired territory overseas. All of them felt themselves to be of noble ancestry and they had war as their main occupation. What they had conquered was theirs to use and abuse. America was El Dorado; the land where one could get rich easily and fast, naturally if one could survive.

In the Continent, and particularly in Mexico, the Spaniards found a large group of tribes, highly organized and fairly advanced, from the political and social point of view, but backward in their technological achievements. Therefore, the conquest of Mexico was made possible by the superior technology of the Spanish conquerors. The colonial economy was based upon the Indian tribes which provided an almost inexhaustible source of cheap labor used to exploit the rich silver mines, and the vast haciendas that were given to the Spanish conquerors by imperial grant. They brought with them, from the peninsula, the absolutistic conception of political and social institutions. Authority derived from God himself, the king and his commands were sacred and not to be discussed; one owed allegiance to his majesty and gladly sent  $\frac{1}{5}$  of one's income of the land, mines and property that one had as a royalty owed to the king. Only those born in the Spanish peninsula usually occupied political positions of responsibility; power always rested in the throne itself.

This system, as old fashioned and rigid as it sounds, was, nevertheless, realistic enough to function for three hundred years, during which time it dominated the institutions of the territory that was known as New Spain, I emphasize the New Spain.

On the other hand, the British parliamentary tradition was brought with the colonizers of the northern portion of the hemisphere, the Indian tribes of these regions did not have either the numbers of the organization to prove advantageous to the colonizers so, instead of using them and mixing with them as the Spaniards did, they were expelled from their lands and, eventually annihilated. The Spanish conquerors did not question the king's right to rule; the English colonizers knew their rights, orga-

nized themselves following the democratic tradition of England, established popular assemblies and resisted taxation without representation. The American colonists created a new concept of political institution and eventually achieved nationhood in such a fashion that, henceforth, it became an example for many countries of the world.

One must bear these facts and differences in mind throughout my brief intervention. They explain many of the events that followed.

In fact, we can say that the legacy of Spanish colonialism was a society organized to facilitate the extraction of precious metals, creating an imbalance in the inner economic structures, because it was oriented for export.

With independence, the illustrated despotism of the Spanish government was merely substituted by dictatorships of regional leaders known as Caudillos. General Antonio Lopez De Santa Anna, who lost the Mexican-American War and who signed the transfer of the Gadsden Strip, portrays very clearly the image of the local Caudillo. He was President of the Republic of Mexico eleven times, I repeat eleven times between the years of 1832 and the year of 1855. During the first fifty years of independent life Mexico had fifty governments, most of them having claimed power by way of coups d'etat. In total: from the period of independent life Mexico has had 89 presidents. They have been aided from 1821 to 1976 by 188 secretaries of foreign relations.

It would be out of the question to go into detail about the political transformation of Mexico and its relations with the United States at the beginning of Mexico's independent life. However, it is important to point out that Mexico's struggle for independence lasted eleven years and that of the United States lasted two years.

The structure of the economy of Mexico was totally disrupted after independence. The production of minerals, particularly silver, was reduced in half and foreign trade suffered a similar decline. The decline of the mining centers was accompanied by a decline in the trade between the cities of Mexico; the atmosphere of uncertainty and of danger to individuals that afflicted large portions of the Mexican countryside after 1810 drastically reduced the profits of agriculture and its output.

Economic decline and social violence in the countryside were the main factors that contributed to political instability. And this phenomena in its own terms intensified the economic and social problems thus creating a vicious circle.

This framework of political instability was not conducive to fundamental changes in the institutional and juridical structures inherited from Spain. In fact, the courts kept functioning as they did during the colonial period. Both the military and the church groups kept their privileges and the hated taxes of Indian villages (tributo indigena) continued to be the main source of revenue of the central government. In politics, as well as in the economic and social institutions the breakdown of the old system was not replaced by new institutions that could take their place but, on the contrary, the old vices were inherited and the old virtues were forgotten.

This weakness, the political and economic chaos, was fully realized by the Government of the United States who took advantage of the situation and the relations between both countries became increasingly sour, terminating in the Mexican-American War of 1846 to 1848. The Treaty of Guadalupe-Hidalgo signed on the second day of February of 1848 gave the United States, the victor, more than half of the Mexican territory. In fact, the territories of what was then known as Texas, New Mexico, and California were 2,400,000 square kilometers, I might mention that the



present area of the Mexican territory is only two million square kilometers.

From the territory taken from Mexico the modern States of Texas, New Mexico, Colorado, Arizona, California, Utah, part of Oregon, and part of Wyoming, were carved.

This sobering experience and the French invasion with Maximilian's short lived empire from 1862 to 1867, brought about fundamental changes to the Mexican institutions. A bureaucracy was developed; new economic policies were devised; the tax and revenue systems were revamped; the relations between government and other sectors of the nation were altered. A profound transformation in the way in which political authority responded to social conflict was introduced with the movement known as the reform, where the figure of President Juarez was dominant.

Later on and on the economic side, under the dictatorship of General Porfirio Diaz, a fundamental change in the entire policy of the government took place. For example, to stimulate the modernization of the national economy, a change was made from using foreign capital directly in the form of credit, which had increased the public debt to very high levels, to a new policy of directing more efforts to attract foreign capital directly toward productive activities in the form of foreign investment.

The great structural changes brought about by these investments were the creation of a national railway and railroad system. The railroads encouraged new agricultural activity. Cheap transportation was a good incentive to foreign investment, particularly in the northern portion of Mexico where mines could now be economically exploited. The railroads gave the central government the military capacity to enforce its decisions and to improve communications between the various regions of the nation, as well as creating among the elite a cohesive sense of nationality.

In fact, the prestige within the armed forces of General Porfirio Diaz who ruled Mexico for 30 years, from 1880 to 1910, was the best disuasive to avoid armed rebellion. In this manner the incentives for political conflict were considerably reduced and political stability was achieved.

Mexico, at the end of the XIX century did not have enough capital resources, due to the political instability which existed, to carry forth a program of fast modernization without foreign assistance. Under these circumstances of instability, centralization was inevitable, and it led to a dictatorship. Foreign investors required peace and assurances in exchange for their participation in the growth of the country. A strong national government was the best guarantee for their investments; and the military establishment as well as the rural police were effective means to exercise political power. They discouraged democratic activity and even the slightest manifestation by worker movements, particularly in the new industries that were financed by foreign capital, were repressed.

Thus, by 1911 the United States had direct investments amounting to 616 million dollars in Mexico, and 29 million in indirect investment. Of these, by far, the heaviest investments had been in the railroads, as had been the case in the United States, and in the mines and smelting installations: 41% of the American capital had poured into railroads and 38% into the mines. Before the revolution, the United States had 65% of the total foreign capital in Mexico, followed by Great Britain which at the time had 19%. In this there was a parallel with the situation of the United States and Great Britain.

The conditions and concessions made to foreign capital had been so generous that they created serious difficulties for new foreign investors, not only that, but several high officials of the Mexican Government,

expressed publicly and privately that the dominance of American capital in the Mexican economy was beginning to limit dangerously the capacity of the government to freely set forth economic policies, as well as affecting the political and social institutions of the country.

Foreign investments and principally American capital along with the privileged groups, created the basis for a cohesive Mexican elite, and created at the same time the conditions for social and political conflict. Particularly Aggarian conflict, since the new incentives for agriculture had made possible a revival of the haciendas as economically feasible units based upon large tracts of lands and the exploitation of the peasants.

The revolution of 1910 once again disrupted the economic, social and political structure of the nation creating a chaos not unlike that of the first years of independence. However, the constitution of 1917, written by the victorious revolutionary factions, did in fact provide the legal framework in which social justice and equality could be dispensed for all Mexicans. It was upon this most modern, most flexible, and socially advanced legal instrument that modern Mexico was founded. Modern communications and the non-interference of foreign powers—who were occupied elsewhere fighting a war in Europe—gave the Mexican people the chance to attain national unity and to devise their own political institutions, created by Mexicans themselves and responding to their own realities.

In a general way we can divide the process of the Mexican revolution into four periods: the first period, which takes place between 1910 and 1925 was that of the epic years of the armed struggle of social change and of the enactment of the constitution. In this period a great effort in the international field was carried out to achieve the recognition by the foreign governments and to avoid the intervention by the great powers which claimed that their interests and those of its nationals had been damaged. In this period Mexico-United States relations again reach a critical situation, the most important participants in this revolutionary process perished in a violent way and became a part of history and legend, Francisco Madero, Emiliano Zapata, Venustiano Carranza, Alvaro Obregon and others.

If at the beginning it could be thought that the Mexican revolution was a merely political movement, directed to establish formal systems or institutions of a representative democracy, which had not been carried out during the past 30 years, it was found-out very soon that the causes were deeper, that the liberal systems or institutions were not enough, even if they were capable of producing economic growth, they were not adequate to distribute in an equitable way the wealth obtained. Particularly in the rural areas the conditions were deplorable.

After the death of Madero in 1913, by the hands of disloyal military men supported by national and foreign groups interested in preventing the change, the revolution under Venustiano Carranza changed its ways. It not only tried to obtain justice, but it went farther in its ideas and objectives. In 1917 the constitution gave to Mexico the necessary framework for its present development. The Agrarian reform was launched, the labor unions were strengthened and an ambitious educational effort was started.

At the same time the era of the great Mexican mural painters began to flourish.

The second period or stage of the revolution can be placed in 1925 when President Plutarco Elias Calles launched the era of social and economic reforms which made possible, among other things, to create the infrastructure for our development.

Among other things, a sanitary campaign

was launched, as well as vigorous educational reforms; the Central Bank was founded; a political party was formed which under various names developed into the present Institutional Revolutionary Party, which I consider to be the backbone of our political life. The policy established by General Obregon, to consolidate in the international field the principle that Mexico was and planned to remain the master of its own destiny, was affirmed.

When General Cardenas became President, during his term from 1934 to 1940, the economic and social reforms reached an accelerated rhythm. Great importance was given to the distribution of land and to the strengthening of labor unions. The social conquests and Mexico's direction towards a more just society were firmly established. The reforms followed a spirit of justice and not of demagogism and they accomplished their goals, and as in other cases, they became irreversible.

It was during this period of the depression of the 1930's that foreign investors chose to defy the decisions of the Mexican courts, even ignoring the Supreme Court, especially in the oil industry and was conducive to full nationalization by the Mexicans.

With nationalization of the oil industry in 1938 Mexico became a truly modern nation. The government proved to the world powers that it had the will and the national support to carry out drastic measures to reaffirm its national sovereignty. These actions emphasized that the revolutionary governments had adopted the policy to see that national interests prevailed over all other considerations. At that time the United States had as its Ambassador to Mexico, Mr. Josephus Daniels and as its President Mr. Franklin D. Roosevelt. Both statesmen realized that it was in the best interest of the United States to have a neighbor with internal stability and good will, especially because of the upcoming world war. It was probably a very important element which deterred many American politicians from requesting an invasion of Mexico by the United States. Up to this time Mexico had received the unwarranted visit of American troops in its territory on three occasions.

In the international field, Mexico defended with great energy at the League of Nations, and within the limits of its resources, those countries which at that time suffered from the Nazi-Fascist aggression.

The third stage or period of the revolution can be placed starting with the election of President Avila Camacho in 1940. It is the beginning of today's Mexico. International disputes were settled, which improved our foreign financial credit; the reconstruction of our railways was launched together with an ambitious agricultural program directed to make Mexico self-sufficient in the production of foodstuffs. People became conscious of the need to industrialize the country in a large scale as a means of solving its most serious economic problems. These convictions were embraced by President Aleman, Ruiz Cortines, Lopez Mateos and Diaz Ordaz, who gave a strong momentum to industrialization based on an adequate infrastructure. On the other hand, tourism became an important factor in our economy.

All our Presidents have tried to combine social reforms in the cities and in the rural areas along with the promotion of fast economic progress. They have differed in means and economic policies, but not in the final goals. Also in the international area, Mexico continued to maintain its unchangeable position of non-intervention in internal affairs of other countries and the support of the general principles contained in the charter of the United Nations.

I believe that the fourth period or stage started with the Government of President

Echeverria, because there is no doubt that after five years of government, a definite change in the structures of the country are evident. Although the present government clearly maintains that the economic progress must continue at an accelerated rhythm, it has emphasized even more the effort towards qualitative progress. That is to say, we want a more just society and to that end we are putting our best efforts so that the benefits from progress may be shared by the majority of the people. This is the beginning of a new stage in our goal to have a greater and better Mexico. It is evident that in the internal area there is a climate of open dialogue, the opening to different streams of thought, a desire for a society in which their members truly participate not only in the political process but in the enjoyment of the results of our economic policies, which have allowed us to maintain a constant growth index in our gross national product for a number of decades of almost 7% in real terms; and that education be available to everybody; at the same time avoiding large foreign debts which could mortgage Mexico's future. In brief, we seek a formula of development with liberty and social justice within which all Mexicans may attain their goals.

Mexico has maintained an exemplary political stability precisely from the regime of President Cardenas to the present. We have now enjoyed more than 50 years of uninterrupted internal peace, and sustained economic growth.

At present relations between Mexico and the United States are good and harmonious. These relations have continuously improved as Mexico has solidified its internal structure and as the United States has come to realize that a strong and independent neighbor is a better friend than a weak and dependent one.

The relations between Mexico and the world powers in a historical context have been dialectical. For more than a century we suffered the political and economic ambitions of the great powers of the world. We now demand respect for our independence and we want for all countries justice and peace. We maintain without modification in the international arena the principles of the Mexican revolution: Juridical equality of all nations, non-intervention in the internal affairs of nations, and self-determination of peoples.

As the relations between Mexico and the United States evolve in a cordial atmosphere, which we wish to maintain, we adopt and accept our international responsibilities. For example, in 1972 Mexican President Luis Echeverria pointed out to the United States Government in a speech before a joint session of Congress, referring to the illegal immigrant worker problem, "we want to export merchandise to the United States, not social problems". In this manner Mexico accepts the responsibility for creating adequate employment within our own borders in order to eliminate this problem.

In this spirit of mutual respect and consequent good relations between our two countries we have been able to solve problems such as the salinity of Mexican land in the Mexicali valley, caused by the great content of salt in the waters of the Colorado River received by Mexico. Also, in this manner we have solved boundary questions.

We recognize that serious difficulties between nations arise from the different levels of economic development, however we postulate that, as the great man Benito Juarez once stated, "Among men as among nations the respect for the rights of others is the formula to peaceful coexistence".

At present, the relations between Mexico and the United States take place on two levels: Bilateral and multilateral. In this last area I wish to point out that Mexico main-

tains its basic principles, which are applied on the bilateral level.

At the level of bilateral relations we are closely linked with the United States, mainly through economic and technological aspects. This closeness seems to disappear as we move to organizations which have a wider participation and are more political, this increases as the political means and the ends of these institutions increases. This explains the close cooperation between Mexico and the United States on a bilateral basis and the disagreements we have sometimes with the United States in international fora. Mexico considers itself among the countries of the third world and sympathizes with the non-aligned. As a consequence of the above, it can be inferred that our foreign policy does not coincide necessarily with that of the United States, because the degree of development of the United States and its historical experiences lead its people to choose different means than those of the Mexican people, which have yet to exercise many other possibilities of economic development. It is in this manner that Mexico pursues its goals by different means.

However, Mexico and the United States share many economic interests, we have a large and common border; there is a substantial and growing population of Mexican origin in the United States. Both countries believe in democracy as a way to achieve a system that will enhance human values, that we must build upon in order to create a closer and better understanding.

The United States must give Mexico the importance it deserves as its fourth customer; as an important supplier to the United States, as a neighbor, and as a country among the fifteen most important nations in the world in terms of area, population and gross national product. Mexico will never accept to be a medium size economic power, and a lightweight political power.

Mexico on the other hand cannot divorce itself from the effect its actions in the field of foreign policy produce in the United States.

For the future, I believe the problems between Mexico and the United States will be more and more in the economic arena. The balance of payments of Mexico and the United States will be more and more in the economic arena. The balance of payments of Mexico and the United States will be in the future a barometer of our relations. This is to say, that eliminating the imponderables that may arise between any two nations, even more so among neighbors, our relations will tend to focus more on economics. However, to the degree that the political aspects are solved in the international fora, and to the degree that the mechanisms put into process by developed countries are attained, there will be less possibilities for conflict, including bilateral conflicts.

It is because of this importance of the economic aspects in the future of our relations and because the international economic structure will play an important role in the relations between developing and developed countries that I wish to examine the international economic system.

The present international economic order is the result of a series of agreements undertaken by the major powers of the western world, after the second World War.

Bretton Woods and the institutions born at this summit meeting reflect the interests of the major trading powers in a free-trade, international capitalist framework. It visualized the creation of structures that would lead towards the creation of an enlarged volume of trade, free of interference from tariff and non-tariff restrictions, in a world with fixed exchange-rates and no monetary restrictions for the free flow of foreign exchange.

There is no question that this concept of an international economic system was

created by the wealthy nations to suit their particular conditions, and therefore led to an atmosphere which promoted the accumulation of capital by these nations.

In addition to what has been mentioned, there is a real transfer of resources from developing to developed countries. That is, the poor countries pay for the growth of the rich countries.

This takes place in the form of a chronic decrease in the relative price of primary goods versus the price of manufactured goods. That is to say, that over a period of time, the prices of manufactured goods rise faster than the prices of primary goods. The effect of this is that developing countries must continually export more and more primary goods in order to finance the same amount of imported manufactured goods.

As a result of this process, a developing country can not finance its growing capital import requirements and is forced to go into debt.

I have tried to sketch in a very rough manner the way in which the international economic order is set-up in favor of developed nations, and the reason: it was set-up by developed nations.

However, the consequences are even deeper, as the present international order creates a system of dependency for the developing nations.

As the developed world is forced to reach out for capital, it is boxed into a system of exporting primary goods to developing countries; importing vitally important machinery from developing countries; acting as a host for larger and larger amounts of foreign investment coming from developed countries which acquire the most dynamic sectors of the economy; creating the infrastructure to attract more and more tourists from developed nations, and borrowing larger and larger amounts from developed countries. This creates the basis for an economic dependency. However, the importance of this lies not only on the factor of dependence that has been established at the economic level, it is the fact that the economic system creates the structure of a nation and that the superstructure is based on this structure, that is vitally important. If the structure upon which society is built is a dependent one, the rest of the superstructure is also dependent.

It is with this conception of the world, that the developing countries which form the third world have come out to propose the creation of objective and subjective conditions which will allow the restructuring of the world to a more equitable and just system.

We cannot wait until these objective and subjective conditions appear. If they don't exist we must create them.

The objective and subjective conditions must be changed on two-planes: Internal or domestic, and external or international.

Mexico in the past five years in the domestic arena has revised its educational, political, agrarian, fiscal and administrative reforms and has created legislation to regulate foreign investment, transfer of technology, and the use of trade marks and patents. In the international field, Mexico has undertaken steps to establish diplomatic relations with almost all the nations of the world; we have increased our ties, both commercial and cultural, with all the nations; we have created the Latin American economic system; we are participating in the Andean group; we created the Caribbean multinational shipping company; we are very active in every forum, (population, food, women's rights, etcetera), however, it is with the charter of economic rights and duties that we place the first stone towards the building of a new international economic order.



The new economic order can not and will not reflect the interests of a minority, a rich minority. It must, and it will, reflect the situation, needs and requirements of all nations. It will recognize that trade is not a one-way street; it will affirm the right of every nation to control its natural resources; it shall provide for reasonable access to the most adequate technology for all nations; it shall look towards achieving a world growth in which all nations will share in the benefits. It shall no longer provide the structure that promotes world income to concentrate in a few hands. It is in essence a means towards achieving a more just and equitable distribution of world income.

This action on the part of Mexico is congruent with our domestic policy. We are searching internationally for a system that will give us what we are trying to achieve internally: economic development with social justice and liberty.

The concrete recommendations made by Mexico refer to international trade; resource transfer; the international monetary system; industrialization and investment; technology; food and agriculture; and other institutional arrangements.

In the area of trade we have recommended lower tariff and non-tariff barriers to trade from developing countries, and a greater access for manufactured goods in order to earn more foreign exchange for developing countries; we have also recommended mechanisms to expand automatic forms of real resource transfer including increased access to capital markets, and better debt conditions. In the International monetary system we are proposing a mechanism to tie special drawing rights (SDR) to development needs and to make the process of decision making in the system more equitable. We are proposing the expansion of industrial capacity in developing countries using the most appropriate technology on accessible terms. We are also strongly active in the elaboration of a code of conduct for transnational enterprises. We are for increasing agricultural production in developing countries, and establishing an international food bank. Finally we are actively engaged in the reforms of all international organizations: in this manner we have proposed, along with other nations, a new United Nations structure for coordination of economic issues within the United Nations which will be capable of implementing the necessary measures adopted in a new international economic order.

We hope the United States will contribute greatly to this process by initiating concrete negotiations along the lines of the resolution adopted at the seventh special session on development and international economic cooperation expressed at the United Nations in September of 1975, as Dr. Henry Kissinger has proposed at the above mentioned meeting.

Let us keep in mind that the United States, late in the 18th century triggered a "new international economic order". Which consisted of no taxation without representation; and end to mercantilism; and end to captive markets; free trade and industrialization. Let us hope that 200 years later the United States will not stand idle in the building of a new order.

In this new set of conditions both for Mexico and for the United States, and in the spirit and cordiality which prevails in our relations, and which has been as I have tried to demonstrate, the result of a hard and long journey, we must attempt to solve our problems in the future. I have said many times and I will repeat it once more, Mexico as a sovereign nation has developed its mechanisms of negotiation which should not be mistaken by the United States as mechanisms of confrontation. Mexico aspires, in its relations with the United States, to satisfy its legitimate economic aspirations, and

hopes to see the day when economic pressure is never again used by any nation as an instrument of foreign policy; we wish a more balanced trade relationship, and an understanding on the part of the United States for the solidarity that must exist between countries in the process of becoming a developed nation.

Nobody criticized the strongest nations of the world for grouping under the OECD, or coming together under the name of the "Group of 10". So it is that developing nations must unite in general, and as a regional group in Latin America, especially. Integration in some form in Latin America is not only necessary but also inevitable. Any attempt to prevent Bolivar's dream from coming true can only be self-defeating. Treaties cannot replace common interests.

To attempt to summarize, I would like to point out that Mexico and the United States were two different areas inhabited by different peoples, conquered by the Spaniards in one case and colonized by the British in the other. What followed was a struggle for both peoples to constitute an independent nation and consequently to form a strong and stable union, able to provide opportunities for all of its citizens. It is on this process that our historical experiences become different and hence our attitudes. It is also during this process that the relations become established upon the inequality or different degree of economic development, and the myths created by changing times and, or, ignorance.

History has shown us that the most common myths upon which Mexico-United States policies have been built are the following: the belief that Mexico's goals and means are similar to those of the United States without taking into consideration the different degrees of economic development and the different means available to us; the belief that the good relations which exist today appeared spontaneously, rather than examining the evolution of these relations and the important role played by Mexican pragmatism; the belief that what is good for the United States, or to the eyes of the United States, is necessarily good for Mexico, and finally the belief that relations are immutable.

I would like to point out, and I think that it is very appropriate before this audience, that just as there are forces of change in the United States, with strong nationalistic aspects, in Latin America there is a numerous generations of young men and women—just in Mexico over half of the population is under 20 years of age—with a new scale of values, which are desirous or already actively engaged in politics, and they are not concerned with traditional policies or politics. This younger generation, in spite of living on the same continent as the United States and sharing many things in common with the United States, is more closely identified with the third world because it no longer accepts social Darwinism. It will require for the future relations of the United States and Latin America, that your generation find common ground with them, this is a challenge to both generations.

Mexico and the United States have travelled a long road from conflict to friendship, and must still travel a long way. Let us work together to complete this journey in understanding and full cooperation. I can tell you that Mexico is willing, and also that Mexico is able.

Mexico is a nation with difficult problems which it must resolve; yes, our population grows very fast; our wealth is badly distributed 50 years after the end of the military phase of the revolution, there is still much to be done in order to accomplish its principles. However, we Mexicans believe in the destiny of Mexico, and we work towards it; we believe that we will have a Mexico in which wealth will be better distributed; a

Mexico in which every child will have a home; a school; food, and the hope to grow up to fulfill his wishes and contribute to society; we like to think of a Mexico that will employ all of its resources towards the achievement of a just society; we like to think of a Mexico united by strong bonds to its brothers in Latin America; we like to think of a Mexico who is a good friend to all the nations of the world; we like to think of a Mexico actively engaged in achieving economic development with social justice and full liberty; we like to think of a Mexico that although pursuing economic development, reaffirms in unequivocal terms that it aspires to preserve its political sovereignty and to maintain its cultural heritage above and beyond any material progress; finally, we like to think of a Mexico that can say to its neighbor to the north, on the occasion of its two hundred years of independence, that in a spirit of mutual respect and understanding of our aspirations, as well as our desires to be free to determine our own future, that we are friends of the United States; that we are good friends and sincere friends of the American people.

Thank you.

[From the New York Journal of Commerce and Commercial, May 3, 1976]

#### MEXICAN TRADE, RESERVES DATA USED TO AID PESO

(By George F. W. Telfer)

Mexican central bank and treasury officials are backing up their determination to maintain the long-standing exchange rate of 12.5 pesos to \$1 with the latest data on the nation's trade and international currency reserves.

The peso has been buffeted by selling during recent weeks in New York, Chicago and other money centers as speculation rose that a devaluation might take place. The peso has traded at around 14 to \$1 recently in these markets.

#### INT'L RESERVES SWELL

However, Mexico's gross international reserves rose by \$35 million to \$1,645 million as of March 26, and its exports increased during the first quarter as the United States economy recovered. These figures were disclosed on March 29 by Ernesto Fernandez Hurtado, director general (equivalent to governor) of the Banco Central de Mexico, at a meeting of Mexican financial leaders and businessmen as well as the local press.

#### TO ADDRESS MARKETTERS

Presumably, Mr. Fernandez Hurtado will update this data when he addresses the Money Marketters, an organization of money managers, here on May 26. The dinner meeting will be held at the City Midway Club.

These plans were revealed at the 18th Annual Forecasting Conference of the New York Chapter of the American Statistical Association, at the closing session Friday.

Forecasters in the ASA's annual survey who did well last year and the year before revealed their forecasts for 1976 to The Journal of Commerce. They were somewhat higher on the rate of inflation than the composite ASA forecast which was disclosed a day earlier.

Susan Saxer, banking officer at the Girard Bank, Philadelphia, who had the most accurate overall forecast for last year, said she expects an increase of between 6¼ and 6½ per cent in gross national product, adjusted for price changes by the fourth quarter of this year.

The consumer price index at Sept. 30 will be 6 per cent higher than on Sept. 30, 1975, and on Dec. 31 it will be 6¼ per cent above the end of 1975, she said.

This would make the GNP rise in current dollars just below 13 per cent by the end of this year.

She put the Dow-Jones industrial index

at between 975 and 1050 by September and the same by year-end, compared with 996.65 at the close Friday. Miss Saxer declined to forecast the industrial production index, the other component of the four-part ASA forecast.

Dr. William B. Sweeney of Bryant College in Smithfield, R.I., who received an honorable mention, put the current GNP rise at just under 13 per cent, with inflation as measured by the Consumer Price Index (CPI) at 7 per cent, making for real GNP growth of 6 per cent.

He put industrial production ahead by 9 per cent, and said the stock market would move slightly down to 950 from 975 by year-end.

Last year's winner for the most accurate forecast for 1974, Robert E. Lewis, vice president at Citibank, put current GNP up 11.5 per cent for the full year, consisting of 6 per cent real growth and a 5.2 per cent rise in the GNP deflator. The CPI would rise 5.8 per cent during the year.

He put industrial production ahead by only 6.5 per cent by September and by 6.9 per cent by year-end compared with the year-earlier periods. However, the Dow-Jones index is estimated by him to reach 1066 by Sept. 30 and 1125 by Dec. 31.

The composite ASA forecast indicates GNP rising by \$186 billion to a seasonally adjusted annual rate of \$1,759 billion by the fourth quarter of 1976, an increase of nearly 12 per cent. But the CPI is expected to increase by 5.2 per cent over the year, according to this forecast.

Industrial production is seen rising by 9 per cent, while the Dow-Jones index is expected to break new ground and to be above 1050 at the end of the year, or some 25 per cent higher than a year earlier.

Another forecaster who received honorable mention for his 1975 forecast, Howard Ellenberg of Frederick Atkins, Inc., could not be reached.

Although the stock market may mark time for awhile, "if the news on inflation remains positive, share prices could increase significantly over the next six to 12 months—perhaps by as much as 20 to 25 per cent, if earnings stay as strong as most analysts are forecasting," said M. Kisor, Jr., director of research, Paine, Webber, Jackson & Curtis, Inc., in an address.

Mexico's balance of payments and trade deteriorated last year, and there is some question whether it will exploit its oil reserves fast enough to help its payments soon enough. But the recent overall improvement in its trade and reserves will be taken into account by the banking community.

Aida Pardee, economist with Bankers Trust Co., who recently visited Mexico, points out that devaluation would not help the country's balance of payments, "because demand for its exports is inelastic."

However, in his address to the ASA meeting, Tilford Gaines, Hanover Trust Co., said that he expects that "the peso will be devalued." He later put the devaluation at a "nominal amount," which would bring the new rate to about 14 pesos to the dollar. But he did not seem to be aware that Mexico had become a net exporter of oil when he said the country had been hit very hard by the oil price rises.

However, he noted, Mexico is "second only to Japan in its ability to manage its international affairs."

[From the New York Journal of Commerce, Mar. 1, 1976]

**US INVESTMENT SEEN RISING—MEXICO'S ADVANTAGES SET AGAINST PROBLEMS AS 5.5 PC GROWTH EXPECTED IN 1976**

(By C. Conrad Manley)

**MEXICO CTRY.**—The Mexican economy comes into 1976 with three major advantages assisting its dynamic development: a better-than-average agricultural growth rate, recuperation of the economies of the indus-

trialized nations which buy its products, and a general feeling of optimism sparked by the presidential candidacy of former Treasury Secretary Jose Lopez Portillo.

On the negative side, Mexico faces critical problems in relation to otherwise favorable prospects for 1976—its rate of inflation, trimmed somewhat last year, appears to be rising once more, and a high rate of unemployment and under-employment, due in part to its steep population growth rate.

#### OUTPUT UP 4-5 PC

Although official data were not expected to be available until early this month, economic forecasts indicate that Mexico's GDP (gross domestic product) achieved a real gain of 4.5 per cent and that inflation was reduced to about 16 per cent during 1975.

In general, Mexico's economic growth has been stable for more than a decade with its real GDP rising at an annual rate of 7 per cent. However, worldwide inflation and recession in industrialized nations have had their effects in this country during the past two years, pulling the real GDP growth down to 6.4 per cent in 1974 and to 4.5 per cent last year.

On the brighter side, Mexico has been able to avoid the negative growth rates of such developed countries as Great Britain and Italy and the triple-digit inflation of nations such as Chile and Argentina.

On the basis of a 15 per cent increase in private-sector investments and a 10 per cent increase in the federal budget, predictions are that Mexico's real GDP will rise by 5.5 per cent this year.

Another forecast is that direct investment in the Mexican economy by United States-owned or affiliated firms will amount to approximately \$630 million, up by 37 per cent from last year, to bring the American commitment here up to 1.7 per cent of all U.S. direct investments abroad.

The new federal budget, described by Treasury Secretary Mario Ramon Beteta as both "austere and realistic," calls for the expenditure of \$31,391 million—up by only 10 per cent over the planned outlays of 1975. However, actual spending last year exceeded its original budgeted total by 16.3 per cent; consequently, Mexico's fiscal performance in 1976 will depend to a great extent on how rigidly the government and its decentralized agencies and state-owned corporations follow established guidelines.

The federal government is scheduled to use 53.4 per cent of the total budget with the remainder assigned to its autonomous agencies such as the Federal Electricity Commission, Petroleos Mexicanos, Aeronaves de Mexico, the Social Security Institute, etc.

Broken down by programs, the industrial sector will spend 29.7 per cent of the total; social development, 22.9 per cent; agriculture and livestock, 20 per cent; administration, 16.8 per cent; transport and communications, 10.2 per cent, and tourism, 0.4 per cent.

The public debt, according to Secretary Beteta, will be serviced with slightly more than \$3.6 billion, an increase of 30.6 per cent over last year's cost. Another major item is education, which is scheduled to get more than \$3 billion, a 19.2 per cent increase over 1975.

According to Treasury sources, government expenditures are to be financed 90 per cent by domestic sources and 10 per cent by foreign loans, a formula generally followed in recent years. It has been announced that there will be no major changes in the national tax system nor any "generalized" tax increases although soft drink bottlers were hit with a 68.5 per cent hike late in January. But the administration plans to crack down hard on tax evasion. Estimates have been published stating that only 2.5 per cent of the population pays all of the taxes.

The fact that 1976 is an election year—with the candidate of the government's Partido Revolucionario Institucional a certain win-

ner in July—mitigates against strict economy; it has been customary for the incumbent in the past to wind up his final year of office with a burst of public spending, leaving the incoming administration short of funds and with the private sector nervously awaiting the development of new governmental and fiscal policies.

#### UNEMPLOYMENT ATTACKED

The problem of unemployment and under-employment, particularly in Mexico's rural areas, has been endemic for years; it is being attacked by a \$788 million agricultural aid program and through continuation of a \$4 billion administration program to provide more jobs by establishing industrial and tourism centers throughout the nation.

In order to reduce Mexico's foreign debt, Mr. Beteta has developed a special program "to establish a closer control and relationship between income and expenses" and the government has clamped down hard on "unnecessary and sumptuary" imports, strictly limiting the importation of foreign goods and services. Emphasis is being put on the manufacture of many items which can be produced in Mexico, both to substitute for imports and to earn foreign exchange to reduce the trade deficit which amounted to an estimated \$4 billion in 1975.

As part of the overall program to slow down the population explosion, with estimates of Mexico's current birth rate at 3.5 per cent a year, the administration of President Luis Echeverria plans to continue its low-key campaign of "responsible parenthood," urging Mexicans to have only the children they can properly feed, clothe, educate and shelter and for whom jobs will be available.

Major expenditures by the public sector are planned during 1976 to expand all of the nation's basic industries, among them petroleum and petrochemicals, generation of electricity, steel production, mining, fisheries and other activities.

#### PETROLEUM STEEL

Petroleos Mexicanos alone will invest an estimated \$936 million in searching for new oil deposits and developing, processing and transporting the increasing volume of crude flowing from known fields. While national production is expected to reach a million barrels a day during the year, exports at \$12.32 a barrel are scheduled to total 230,000 barrels daily by the end of 1976.

The new oil refinery at Tula, Hidalgo, and Latin America's largest petrochemical complex at La Cangrejera, Veracruz, will be earning additional foreign exchange with the export of finished petroleum products.

Also in a major stage of expansion is Mexico's steel industry with overall investment in 1976 of approximately \$1.6 billion. Among expansion programs are those of Altos Hornos de Mexico, amounting to \$562 million, and that of Fundidora de Monterrey totaling \$128 million; when the billion-dollar initial phase of the Lazaro Cardenas-Las Truchas steel complex is completed this year, work will begin on its multi-million dollar second phase. Steel output in 1976 is expected to increase from about 5.6 million to 6.5 million tons a year.

In the field of agriculture, Mexico's last two harvests have been particularly good and the nation now claims self-sufficiency in all basic crops except corn—and authorities assert that corn will be in surplus by the end of 1977. Agriculture and livestock are scheduled to receive 20 per cent of the national budget and an additional 531,000 hectares (1,311.6 million acres) of farm land have been brought under cultivation since 1972. Agricultural growth last year was an estimated 4 per cent, surpassing the birth rate for the first time in a decade.

The agricultural sector will receive credits of some \$2.1 billion—about \$320 million more than in 1975—preliminary for the benefit of 1,860,000 rural families which are



farming 13,832,000 acres. The National Bank of Rural Credit, created last year, will be operating with five times the volume of credit available in 1971.

#### TOURISM PROJECTS

Tourism also is slated for a potent shot in the arm this year with state agencies spending millions on new developments and encouraging private enterprises to participate as well with government guarantees providing additional incentives.

In addition to the multi-million tourism projects at Cancun, in the state of Quintana Roo, and Ixtapa, in Guerrero, whose rapid development is continuing, other new resorts are in the planning stages for the Baja California peninsula and along the Gulf of California coast of the mainland, particularly in the area adjoining Puerto Vallarta in the state of Nayarit where close to \$40 million have been committed for infrastructure alone.

In summary, Mexico confronts its problems and obstacles in 1976 with a generally favorable posture, the most worrisome factor in sight being the strong possibility of continuing and even rising inflation, now rated at about 16 per cent.

The government, in its current budget, has taken steps to lessen its upward pressure on the economy; much now depends on the response of Mexico's businessmen and industrialists and their expression of confidence in the future in terms of investments.

[From the New York Journal of Commerce, Nov. 24, 1975]

#### REGULATION SPELLED OUT FOR FOREIGN INVESTORS

(By Stanley Mantrop)

MEXICO CITY.—Planning to do business in Mexico? If so the Mexican Government has compiled a list of regulations aimed at helping out, indicating the areas in which foreign investment is possible, and others which are still restricted to the Government sector.

However, the Government's restrictive list shrinks regularly as the Republic moves closer to its goal of self-sufficiency. Over the past few months the Government has taken steps to make investment attractive to foreign plant operators seeking to locate plants or to join with Mexican operators in joint ventures.

For example, under the Government's industrial investment program, foreign investors who locate plants in areas outside the urban region, obtain special tax breaks.

Because of the mass movement of Mexicans to the cities with higher paying employment in industry, the Government has been compelled to zone highly industrialized areas like Mexico City, Guadalajara, and Monterrey, while opening up other regions in the interior with many special benefits.

Mexico's classification of new and necessary industries, including those turning out goods not being manufactured locally, get tax concessions.

The beneficiaries of the tax concessions also include manufacturers of products to be produced in sufficient quantities to meet domestic consumption, provided this deficit is at least 20 per cent and not resulting from transitory reasons.

#### LIBERAL EXEMPTIONS

Investors in these industries can expect up to 100 per cent exemption of the general and additional import taxes on machinery equipment and raw materials.

They also get up to 100 per cent on the general and additional export taxes; 100 per cent on the stamp tax, plus up to 100 per cent on the net Federal portion of mercantile tax.

Another benefit is an up to 40 per cent exemption in income taxes, for periods up to

10 years, depending on whether the industry has been declared as basic, semi-basic or secondary.

In an effort to decentralize industry throughout Mexico, President Luis Echeverria also provided other incentives for investors.

The law governing decentralized industries, now three years old, divided the country into three zones. Tax benefits are based on the location of the new plants.

Zone 1 includes, among many municipalities, the industrialized cities of Guadalajara, several municipalities in the state of Nuevo Leon, including Monterrey, and the Federal District (Mexico City).

Zone 2 includes Puebla and several municipalities in the state of Mexico and Jalisco.

Zone 3 is classified as the "rest of the country", and is the area that Mexico would like to see industrialized.

The tax exemptions and other reductions depend on the zone in which the new industry locates and could run from 50 to 100 per cent, up to 100 per cent in the other taxes, and from 10 to 40 per cent in income tax reductions, based on the global income of the firms.

#### OTHER CONCESSIONS OFFERED

It's possible, depending on the zone, to obtain from 60 to 100 per cent exemptions or reductions on income taxes on earnings derived from the properties from the company's fixed assets.

These concessions are possible from periods ranging from three to 10 years, depending on the zone, and the importance to the national and regional economies.

For in-bond plant locations, similar to the border twin-plant projects, it is also possible to obtain certain benefits from the Mexican Government.

Some of these benefits include temporary import exemption from payment of taxes on raw materials, tools, or any item regarded as necessary to carry on assembly and finishing of products.

The in-bond program over the past 10-years has helped industrialize portions of the U.S.-Mexican border, and has attracted several hundred large and small industries into the region.

One of the stipulations set forth by the Mexican Government regarding foreign investment is that foreigners, who acquire property of any kind in Mexico, agree to consider themselves Mexican nationals with regard to these properties and not to invoke the protection of their governments with respect to such properties, under penalty, in the event of violation, of forfeiting to Mexico the properties acquired.

Under the Mexican investment regulations, the list of restricted investment areas include petroleum and other carbohydrates, basic petrochemicals, exploration of radioactive minerals and generation of nuclear energy, mining activities, electricity, railroads, telegraphic and wireless communications.

#### FOREIGN TIES PROHIBITED

Industries reserved exclusively for Mexican nationals and companies without foreign ties include radio and television, urban and inter-urban, automotive transportation, including Federal highway transit, domestic air and maritime operations, forest resources, and gas distribution.

Limited foreign investment is possible in secondary petrochemicals (up to 40 per cent); and up to the same amount for mineral use and exploitation.

"Traditionally," said a Government economic spokesman, "it has been Government policy not to grant foreigners any more favorable treatment under Mexican law than granted national investors, but, over the last 30 years, a series of laws and decrees have

evolved which limit capital participation by foreign investors in specific areas of the Mexican economy.

"Probably more than at any time in recent years, new investment programs in Mexico are assured full Government support."

[From the New York Journal of Commerce, Nov. 24, 1975]

#### LOPEZ PORTILLO TO ENCOURAGE FOREIGN INVESTMENT IN MEXICO (By C. Conrad Manley)

MEXICO CITY.—Jose Lopez Portillo, presidential candidate of the Government's Institutional Revolutionary Party (PRI)—and unquestionably Mexico's next president barring an act of God—is now engaged in a strenuous, nine-month effort to visit every remote corner of this nation.

There's no real need for such intensive campaigning for votes since the monolithic PRI has made a clean sweep of every presidential race since its founding as the Partido Nacional Revolucionario in 1929, racking up totals of 80 per cent and more in national elections, only occasionally losing a state or municipal office to its principal opposition, the National Action Party (PAN).

#### NO OPPOSITION SO FAR

Not only is the preponderance of the PRI a certain guarantee of election for Mr. Lopez Portillo—famously known as "Don Pepe"—but so far he has no opposition in the contest. Mexico's two other recognized political parties, the Partido Popular Socialista and the Partido Autentico de la Revolucion Mexicana, have both endorsed the PRI candidate as their own while the PAN failed in its annual convention in October to agree on a candidate.

Although the PAN probably will select a presidential contender at another convention scheduled in December, in reality he can only carry out its party's traditional role in Mexico's unique political system, that of attracting "protest" votes and of questioning government policies and actions. Potential PAN candidates are Pablo Emilio Madero, a nephew of Mexico's martyred President Francisco Madero, and Salvador Rosas Magallon.

Meanwhile, as if his election really depended on it, Mr. Lopez Portillo is covering Mexico state by state, conferring with party leaders, exchanging views with businessmen and industrialists, talking to chiefs of the PRI's three main sectors—organized labor, campesinos and popular, including middle class and professional groups—receiving innumerable delegations of workers and farmers, and visiting scores of public works projects, communal farms, indigenous villages and assemblies of government workers and employees brought in from outlying areas in trucks and buses.

#### INTENSIVE EFFORTS

Although the pattern of his nationwide campaign was established by Mexico's current president, Luis Echeverria Alvarez, who traveled some 35,000 miles around the country following his nomination in 1969, Mr. Lopez Portillo has created his own system of campaigning. Traveling in a caravan of 17 chartered buses, including two kitchens on wheels to feed the campaign entourage, he first establishes a base in a state capital and proceeds to cover that entity completely before moving on to another state.

At times the caravan will precede him to the next state operation, and he catches up in his party's airplane, "El Politico" (The Politician).

Although he acknowledges that such campaigning is not required to assure his election next July 4—he will take office on Dec. 1, 1976, for a six-year term—Mr. Lopez Portillo feels that such intensive efforts are useful

and desirable from the standpoint of knowing, from first-hand observation and from the lips of those directly involved, the nation's most pressing problems and possible solutions.

#### POPULAR CAMPAIGNER

"Don Pepe" is a popular campaigner, drawing, with the aid of efficient local and state PRI organizations, large crowds wherever he is scheduled to appear. Taller than the majority of his countrymen, he presents a distinguished appearance, his balding head framed by graying bushy sideburns and his friendly eyes set off by jet black eyebrows. A lawyer and university professor before he entered political life 16 years ago, Mr. Lopez Portillo affects dark double-breasted suits with one earpiece of his eyeglasses hanging out of the breast pocket—an idiosyncrasy now adopted by many of his adherents.

Apparently in excellent health—an athlete in his youth, he still exercises regularly—Mr. Lopez Portillo appears much younger than his 55 years. And he seems to enjoy his strenuous campaigning, ending days of 14 and 16 hours of speaking, conferences and traveling seemingly as fresh as when he began them.

He shakes thousands of hands daily, although he greets closer associates and friends with the traditional Mexican "abrazo," and he exhibits with some pride a hard callous on the lower side of his right palm he has developed since his selection as the PRI's presidential candidate on Sept. 22.

#### "THE LEAST POLITICAL"

Characterized as "the least political" of the seven potential candidates of the party before his nomination, Mr. Lopez Portillo has said that his administration, "if I am elected," will be neither "leftist" nor "rightist" but will strictly follow Mexico's Constitution of 1917. Refusing to be classified politically, he declared in an interview that "I do not believe that geometry, which is an exact science is a classifying index of the social sciences . . . I strongly resist falling into the trap of revolutionary geometry."

A close friend since boyhood of President Echeverria—they traveled together by ship to Chile in 1941 to study political science on scholarships at the University of Santiago—he has made it clear that he is committed to carrying on the domestic and foreign programs initiated by the present administration.

He also recognizes the basic government program put together by his party following a series of conferences throughout Mexico and the study of some 7,000 "position papers" as a base on which to build his own program of economic, political and social activity once he has assumed the presidency.

#### RESPONSE TO QUESTIONS

During a luncheon meeting with a group of foreign correspondents assigned to Mexico, Mr. Lopez Portillo made the following statements in response to questions put to him by the journalists:

On private initiative: "Mexico is a country of mixed economy which requires that all of its participants comply with their obligations . . . In reality, the private sector never before has received as great a stimulus as that provided by this administration in the way of fiscal encouragement of production and exportation."

On wealthy classes: "The rules of the game are that the powerful do not abuse those who are not, and that we really are going to produce. It is not producing for the rich to become richer but rather than there be more wealth and that we make, legitimately and honestly, an effort to better distribute our production."

On agricultural improvement: "Through a system of establishing goals, regionalization of the country, organization of producers, resolution of problems of land ownership and

an entire range of stimulative actions and promotion by the government—including credit, technical assistance, extension work, provisions of materials, scientific and technological research and marketing."

On freedom of information: "The channels of information will remain open to the press and public. This is one of the structural advances of our democratic system . . . a fundamental advance which has no point of return."

#### ON FOREIGN INVESTMENT

On foreign investment: "For the first time in Mexico's history the rules on investment—which had been dispensed and which were arbitrary and sometimes capricious—have been codified . . . We need foreign investment which obeys our laws and which helps us in our development, which may be good business (for investors) but which considers us as partners, not as servants nor employees nor subjects for exploitation."

On foreign relations: "The coming administration will be one which will consolidate much which has been done in the international area by the present regime. Of course, we have the traditional positions of Mexico in foreign affairs . . . we have been consistent on matters of self-determination of peoples, respect for the rights of others and non-intervention in the internal affairs of other nations."

"I share the attitude of President Echeverria in seeking a new economic order and I believe that the Charter of Economic Rights and Duties of States, the Latin American Economic System (SELA), bilateral and multilateral agreements and his position toward the Third World are efforts which require consolidation."

On Socialist country relations: "This administration has done much to establish relations with the Socialist nations, with monarchies such as England, with empires such as Iran, with nations of the Third World. . . . The following administration will have the same characteristics: totally open, because we have a system in which we believe . . . With countries with which we don't want to have relations, we just won't have them."

#### ON U.S.-MEXICAN RELATIONS

On U.S.-Mexican relations:

"With the United States our geographically obligatory relationship is historically maintained. I believe we are getting to know each other more and more and, consequently, we respect each other more. We both know our very unequal situations and what each may expect from the other . . . The fundamental problem we have with the United States is the barbarous disproportion we have in our commercial balance with them."

On Mexico's foreign debt: "Our foreign obligations are proportioned to our capacity of exportation; service of the debt has been improved by the extension of the periods of payment and in conditions of interest . . . I believe that Mexico should participate in the GATT in the next few years and aid in efforts to liberalize conditions of trade."

Mr. Lopez Portillo made clear, however, that details of his platform and policies as Mexico's next president will be evolving during the months he travels the country on his political campaign and on circumstances and events which now may be unforeseen.

A devoted husband and father, he regrets that his time at home will be strictly limited by the obligations he has assumed by accepting his party's nomination. Married to the former Carmen Romano of Jalisco, they have three children: Jose 21, an economics student who is his father's campaign aide and severest critic; Carmen, 18, and Paulina, 16.

After a public school education, Mr. Lopez Portillo entered the National Autonomous University of Mexico here, being graduated

with a degree in law—in the same class with President Echeverria—in 1946. After studying political science in Chile, he took up the private practice of law in Mexico City and, at the same time, began teaching political science at the university.

The presidential candidate entered government service in 1960 through an appointment to the National Properties secretariat in which he participated in planning federal urban development projects in border cities and ports. In 1965 he transferred to the Secretariat of the Presidency and was undersecretary until 1970 during the presidency of Gustavo Diaz Ordaz.

In August of 1972, he was appointed director general of the Federal Electricity Commission, a post he held until he was chosen in May of 1973 to succeed Hugo Margain as Secretary of the Treasury.

Widely known in financial and banking circles, in Mexico and abroad, he is also an author. Among the published works are "State Value," "Genesis and General Theory of the Modern State," "Quetzalcoatl and 'Don Q.'"

#### MINNESOTA FARM INCOME DROPS

Mr. HUMPHREY. Mr. President, I wish to share with the Senate a release prepared by the Minnesota Department of Agriculture indicating a drop of 167 million, or 10 percent, from the sale of grain by State farmers in 1975, in spite of a 10-percent increase in grain production in 1975.

Mr. President, the figures contained in this report point up the sharp drops which have taken place in crop prices during the past year.

The total in Minnesota gross sales from farm marketing of grains in 1975 was \$1,432,520,000 as opposed to \$1,599,356,000 in 1974.

The drop in grain prices ranged from 3 percent for oats to as much as 34 percent for flax seed. The pattern was the same for most grains with production increasing, but the price per bushel decreasing.

Mr. President, this information again points up the vulnerability of our farm producers to sharp price fluctuations and the need for a more adequate food and agricultural policy. I ask unanimous consent that the release be printed in the RECORD.

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

#### RELEASE OF THE MINNESOTA DEPARTMENT OF AGRICULTURE

Although Minnesota farmers sold 11 per cent more grain in 1975 their gross income dropped by \$167-million or 10 per cent, Agriculture Commissioner Jon Wefald reported today.

Gross sales last year from farm marketings of 468.9-million bushels of corn, wheat, soybeans, oats, barley, rye and flaxseed, are estimated at \$1,432,520,000.

In 1974 according to the State-Federal Crop and Livestock Reporting Service, Minnesota farmers sold 423.1-million bushels of these grains for a gross of \$1,599,356,000.

Commissioner Wefald said that this serious loss of gross farm income demonstrates again the impact of farm grain prices that were depressed by from 3 percent for oats to as much as 34 per cent for flaxseed, below the 1974 price averages in Minnesota.

Soybeans, under still mounting pressure from unrestricted palm oil imports and increased soybean production in Brazil, took the worst beating. Farmers sold 90.9-million



bushels, 11 per cent more than in 1974, at an average price of \$4.60, down 27 per cent, to gross \$418,117,000. That was nearly \$95-million less than the gross from 1974 marketings.

Corn, Minnesota's most important cash field crop, grossed farmers \$527,990,000 from the sale of 220-million bushels in 1975, at an average price of \$2.40. That was 13 per cent more corn than they sold for 52 cents more per bushel in 1974, and a \$39.5-million cut in gross income.

Flaxseed experienced the most severe price cut, from \$9.90 per bushel in 1974 to only \$6.55 in 1975, a drop of \$3.35 per bushel or 34 per cent. Minnesota farmers sold 2.5-million bushels to gross \$16,526,000 last year, compared to 1974 sales of 3-million bushels for a gross of \$29,928,000, or a drop of \$13.4-million.

Wheat prices averaged 3.92 per bushel last year, down 53 cents. Minnesota farmers sold 85.2-million bushels, 9 per cent more than in 1974, and grossed \$333,975,000, down \$14.2-million.

Farmers also sold 26.8-million bushels of barley, 3 per cent more, at \$2.65, down 14 per cent, for a gross of \$70,954,000, down \$9.4-million; 41.4-million bushels of oats, 10 per cent more, for \$1.45, down 3 per cent, for a gross of \$60,043,000, up \$3.7-million; 2-million bushels of rye, 24 per cent more, for \$2.40, down 6 per cent, for a gross of \$4,913,000, up \$0.7-million.

#### A NATIONAL NONDEGRADATION POLICY

Mr. DOMENICI. Mr. President, next week the Senate will begin deliberations on the Clean Air Act Amendments of 1976. The most controversial provision of these amendments is the nondegradation provisions which provide statutory protection for areas of the country where air is cleaner than the present national standards.

The attack on the nondegradation provisions has proceeded along several fronts. Previous statements in the RECORD by Senators MUSKIE—April 29, page 11761 and BAKER—May 19, page 14583—have responded in depth to the substantive opposition arguments concerning the economic consequences of a national non-degradation policy.

To supplement these prior statements, I would like to enter into the RECORD materials that belie the claim that somehow the committee is "imposing" its views on the States. First, I would like to submit a telegram from Governor Ray of Iowa, who is chairman of the National Governors' Conference. Speaking for the National Governors' Conference, Governor Ray urges prompt congressional action on the issue of nondegradation. The telegram also states the conference's opposition to the Moss amendment as an obstacle to establishment of a reasonable national policy on non-degradation.

Second, I would like to submit a letter from the Governor of New Mexico, Jerry Apodaca, who has written in support of the present committee bill, S. 3219. I commend Governor Apodaca's letter as an excellent summation of the rationale that has led me to be a firm supporter of the nondegradation concept.

I would trust that this correspondence, along with the materials submitted by Senators MUSKIE and BAKER, would offer some solace to my colleagues who fear that the nondegradation provisions of

S. 3219 are a committee creation without State support. In fact, I believe the record shows that the nondegradation provisions of S. 3219 are a response of the Public Works Committee to repeated entreaties from States, industry, and the executive branch for a congressional response to the nondegradation issues.

I ask unanimous consent that a copy of Governor Ray's telegram and Governor Apodaca's letter be printed in the RECORD.

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

DES MOINES, IA.,  
May 13, 1976.

HON. JENNINGS RANDOLPH,  
Chairman, Senate Public Works Committee,  
Washington, D.C.:

With regard to the non-significant deterioration of air quality as related to the Clean Air Act amendments, I would like to advise that the policy of the National Governors' Conference (NGC) calls for a decision by Congress to allow each State maximum flexibility to incorporate local values in its decision making, an amendment to be offered by Senator Moss to S. 3219 would put off congressional action on this issue. Many States are concerned that the passage of such an amendment would result in continuing litigation over present court ordered Federal regulations and bring about uncertainties among the States and other interested parties in planning for orderly development in clean air areas.

Therefore, I urge you and your colleagues to insure that the vital issue of prevention of significant deterioration is settled now by Congress. No action by the Senate should allow the State decision making authority to be abrogated, such action would represent a severe setback to our efforts to formulate a reasonable national policy on prevention of significant deterioration of air quality, we are concerned that the Moss amendment will provide an obstacle to this goal.

Gov. ROBERT D. RAY,  
Chairman, National Governor's Conference.

STATE OF NEW MEXICO,  
Sante Fe, N. Mex., May 14, 1976.

HON. PETE V. DOMENICI,  
U.S. Senate,  
Washington, D.C.

DEAR PETE: Within the next few weeks, the Senate will be voting on the "no significant deterioration" amendments to the Clean Air Act. Adoption of these amendments is essential to the maintenance of the pristine air quality of New Mexico and the West.

Court rulings and EPA regulations have confused the issue to the point of preempting the authority of Congress and the States to establish clean air policy—particularly in the yet unpolluted West. It is vital that Congress reassert itself this year by adopting the "no significant deterioration" amendments contained in S. 3219.

Failure to act this year would result in: continuation of confusing federal requirements and permits for the siting of new facilities; continuation of federal preemption in the designation of Class I areas; retention of unrealistic and unworkable buffer zones; and continuation of the policy of excluding the states from a significant role in determining their needs and their future.

Adoption of the "no significant deterioration" amendments would end the judicial-bureaucratic confusion brought about by EPA's challenged and unwise regulations and would allow the Congress and the States to establish workable and necessary clean air standards.

Adoption of the "no significant deterioration" amendments would go a long way in

protecting the pristine air quality in the West which is necessary to maintain and enhance our unique quality of life. Our important tourism industry would be protected while giving us the means to develop wisely new industry without destroying our great natural heritage.

The proposed "no significant deterioration" amendments would effectively eliminate air quality as a competitive factor for attracting new industry to the West. These amendments would be preventive in nature, thus allowing us to plan for our future rather than undertake the extremely difficult task of correcting past mistakes.

The prevention of "no significant deterioration" is a very important and complex problem. In my judgment the committee has produced a sound and workable solution in S. 3219. I, therefore, urge you to oppose the Moss amendment to delete "no significant deterioration" and to support final passage of the bill.

Sincerely,

JERRY APODACA,  
Governor.

#### EDITORIAL EXPOSING UNFORTUNATE WASHINGTON STAR ARTICLE WINS VIRGINIA AWARD

Mr. ALLEN. Mr. President, I was interested to learn that an editorial commentary exposing the various inaccuracies in an article printed on page 1 of the Washington Star several months ago about our distinguished colleague from Virginia (Mr. WILLIAM L. SCOTT) recently was awarded first-place recognition for the best radio editorial in the State of Virginia during 1975 by the Virginia Associated Press Broadcasters.

It is my understanding that Mr. Les Kinsolving who investigated a number of the allegations and determined their inaccuracy, aired the editorial for his "Capital Commentary" program on Radio Station WAVA in Arlington, Va. He was selected as recipient of the annual statewide award for having brought to public attention the falseness of the front-page story in the Star last September regarding a fact-finding trip Senator SCOTT made on behalf of the Senate Armed Services Committee.

Mr. Kinsolving's editorial concluded that there was no basis in fact for the Star article, although it had been picked up by the wire services and published throughout the country.

Certainly it is good to see a colleague vindicated through the enterprising efforts of a radio commentator. I should add, the Star did print a partial retraction some weeks after the original story on page 18 not page 1 where the bylined article originally appeared.

More important is that Virginia's Associated Press Broadcasters at their annual meeting in Virginia Beach have now selected the Kinsolving commentary for the annual award for the best radio editorial in the State of Virginia during 1975.

Perhaps, Mr. President, this illustrates the wisdom of our Founding Fathers in providing for freedom of the press, but I believe it also illustrates a corresponding duty of the press to be accurate and fair. Exposés of this nature by media personnel should help to discourage others in the news media from making false and defamatory statements against public officials.

Mr. President, since the original false article received widespread attention it would appear reasonable to expect that the honor bestowed upon a commentator by his peers for exposing its falseness should receive equal publicity. Yet, it does not appear to be the case. It causes one to wonder if truth is as newsworthy as fiction.

I ask unanimous consent that Mr. Kinsolving's award-winning radio editorial be printed in the RECORD.

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

WASHINGTON STAR "EXPOSES" VIRGINIA'S JUNIOR SENATOR: THE ANATOMY OF A SMEAR

"Senator William O. Scott on Tour" was the Washington Star's Banner above its page one story headlined: "It was a Diplomat's Nightmare," by Lisa Myers.

There is no William O. Scott in the U.S. Senate and there is nobody by the name of Lisa Myers employed on the reportorial staff of the Star.

Miss Myers is a stringer, two years out of journalism school. She works for an organization called "Bureau of National Affairs" which she says used to be connected with U.S. News and World Report.

Miss Myers began her "expose" by getting Senator Scott's name wrong (William L.—not William O.).

Investigative reporter Myers proceeded directly to eclipse this minor misuse by reporting that "On his 24 day junket through ten countries during the August recess the Virginia Senator took 'a jetliner the size of a Boeing 707 . . .'"

In point of fact during most of his travel in the Middle East Scott flew in an eight-seater with propellers not jet. He flew—with a number of other Congressmen—on the jetliner to Rome and then changed planes.

Miss Myers admitted to WAVA News that she knew this, but "I didn't feel it merited the space."

"The Diplomat's Nightmare" headline was motivated by Miss Myers' quoting of "one State Department official who insisted on anonymity."

"It was a diplomat's nightmare" according to Miss Myers' hidden source "Scott managed to insult almost every country."

In order to believe this alleged contention from an unidentified source one must conclude that last August a United States Senator managed to insult such countries as Iran, Jordan, Egypt, Syria and Saudi Arabia—none of whom have said anything about any insults. These are nations whose temperaments have not been given to suffering insults patiently—or to being restrained when inclined to criticize the United States.

Miss Myers' anonymous sources does not even specify the nature of the alleged insults. None of the wire services or numerous news bureaus in the Middle East have reported any such insults. Neither the Congressional Liaison Desk at the State Department or the Senate Armed Services Committee have received any such complaints. Only a stringer named Lisa Myers, and this one month after the fact.

How in the hell does a United States Senator defend himself from such phantom accusations? Such accusations that stink strongly of the tactics of the late Senator from Wisconsin?

Miss Myers also reported that Senator Scott:

"Thanked Egyptian President Anwar Sadat while overlooking the Suez Canal. 'This is beautiful. I've always wanted to see the Persian Gulf.'"

Sounds ludicrous, doesn't it? In point of fact, however, when Scott visited the Suez

Canal. Sadat was hundreds of miles away, on a Mediterranean villa near the Libyan border.

This has been verified by two men who accompanied the Senator, Charles Connelly and Gordon Thorpe. Connelly also denies that Scott ever made such absurd statements about Gaza and a mosque as reported by Miss Myers. But because one man works for the Senate Armed Services Committee and the other for the Department of Defense, Miss Myers can neatly smear their integrity by quoting her anonymous sources as saying "Scott has a reputation for rolling heads".

If Senator Scott had managed to insult ten countries, would such Senators as Jackson, Symington, Goldwater and Stennis permit him to cause the firing of anyone reporting such massive misconduct?

It was Senator Stennis who described Scott's tour as "complete dedication and perseverance" and "an asset to the Committee".

Senator Sparkman also commended the Virginia Senator for "a tremendous presentation", while Senator Percy told the Senate:

"Anyone who characterizes these trips as junkets has no concept of the responsibilities of a Senator. Many times legislation is decided by one vote. We vote on billions of dollars and the potential loss of tens of thousands of lives in this area. . . . The Senator from Virginia will be far better equipped".

Senator Percy joined Senators Stennis, Sparkman and Thurmond in commending Scott—which commendations Miss Myers failed to report. The Washington Star's "world editor", Jack Cassidy, when asked about Miss Myers' desperately dirty smear, said the newspaper stands behind it.

He then added a dirty smear of his own. "Are you working for Scott's office?" He then said "Would you like to come down here and run this paper?"

"No thank you," I replied, "that's being done by a Texas banker".

Admittedly, I am unqualified for such a post at the Star—among other reasons because I don't know how to go about running a newspaper so that it loses one million dollars a month.

Les Kinsolving, special report on the "Anatomy of a Smear."

#### WILLIAM CARDINAL BAUM OF WASHINGTON, D.C.

Mr. KENNEDY. Mr. President, William W. Baum of Washington, D.C. was installed as a cardinal of the Roman Catholic Church by Pope Paul VI in Rome today. On behalf of myself and my colleagues in the U.S. Senate, I want to extend best wishes to Cardinal Baum and our prayers for his success as a new cardinal.

The installation of William Baum as cardinal signals a renewed commitment to bring a young and vigorous, imaginative approach to the relationship between the community and the activities of the church. William Cardinal Baum represents that commitment for the residents of the Washington area. He recognized early the needs of our community and the potential for a role by all the religious leaders in Washington for solving those problems. He has brought a new vigor and leadership in uniting the efforts by the various religious groups in Washington to effectively deal with the enormous difficulties of urban life in this decade.

The people of Washington, members of all religions, are proud of Cardinal Baum today, proud of the role he has played in

improving the quality of our lives, proud of his personal achievement which has inspired us all. He has reminded us that decency and compassion are still the bulwarks of a cooperative and vigorous society. He has taught our children that religious belief and church attendance can add a great deal to our daily lives. He stands as living proof that courage and energy can make a difference in our individual lives, in the life of our community, and in shaping our future.

We congratulate Cardinal Baum and we join with all the residents of Washington, the members of all churches and synagogues, in expressing to him our hope for his continued success, and in renewing our own commitment to work with him and the other leaders of our community to bring hope and peace and understanding to our city and our country.

#### IS 5 MINUTES TOO MUCH OR TOO LITTLE?

Mr. PROXMIRE. Mr. President, the Federal Communications Commission does not seem to like 5-minute political broadcasts. They are either too long or too short.

The latest incident involves the Senator from Idaho (Mr. CHURCH). He complained to the FCC that a Portland, Oreg., television station refused to sell him a half hour in prime time for a political speech. The station, KGW-TV, said it would sell Senator CHURCH only two 5-minute prime-time slots.

Acting quickly on Thursday, May 20, the FCC held that 5 minutes did not constitute reasonable access, as required by the Communications Act for candidates for Federal office. The Senator from Idaho, of course, is seeking the Democratic nomination for President.

It was just in March that the FCC decided that WGN and WGN-TV was wrong in its 20-year-old policy of selling political advertising in no less than 5-minute segments. It ruled that those Chicago stations must sell President Ford's advertising agency the same length spots as those used to hawk soap.

The same section of the law was cited. That law says in effect that the candidate knows best. It says, in effect, that the candidate may some day be part of the Government and as such he has power over the press—despite what the first amendment to the Constitution forbids.

In the Miami Herald case of 2 years ago—the one that ruled unconstitutional a Florida law requiring newspapers to permit candidates to reply to editorials—the Supreme Court held that only editors can control what goes into their newspapers.

And, of course, the 1913 Florida law that was stricken down by the Supreme Court represented an exact parallel to the personal attack corollary of the FCC's fairness doctrine. And, of course, the Supreme Court in 1969 upheld in the Red Lion case the constitutionality of the personal attack rule and rules on political editorializing for broadcasting.

There we have it: a double standard. And both standards are said to be constitutional.

The free press rights of the graphic



media are upheld; the free press rights of the electronics media are ignored, on grounds of the so-called scarcity of space on the electromagnetic spectrum.

Supporters of thought control for broadcasters blithely state that the public owns the airwaves, when that is patently untrue. That public ownership argument, called a fantasy by a law professor who now serves as a Federal Communications Commissioner—Glen O. Robinson—has even crept into some court decisions in an offhanded manner.

And yet, few seem willing to discuss the first amendment problem that arises with governmental control of the electronic press.

Red Lion did not settle the question. A careful reading of that case will show that.

Also, "the Congress can undo what is done" by the Supreme Court, as even those on the other side will admit.

The real problem is that a clear-cut constitutional challenge to governmental controls over broadcasting has never been presented to the Supreme Court.

Broadcasters should be able to control what goes out over their channels in exactly the same way that editors and publishers may control what goes into their newspapers. Both broadcasters and editors should have equality in that control, not because they are so intelligent and wise—for they are not—but because otherwise the control rests in the Government. And the authors of the first amendment wanted to prevent that for the protection of the other rights of citizens. They knew that a government has no right to control the marketplace of ideas.

The real point to the first amendment is not the protection of the people who run the press. But, the point is that the people who run the press must have freedom if the citizens are to escape oppression from their government. Both the Declaration of Independence and the Constitution make it clear that the Government has only the powers given to it by the people.

When the Government can dictate what goes into or stays out of a newspaper, when the Government can dictate what goes on or stays off the air, then the first amendment is rendered meaningless; the Constitution is rendered meaningless.

Protecting our rights—all of our rights including that of a free press—is more important than whether a candidate, any candidate, gets to buy the amount of air time he wishes.

That may sound harsh. But it is true.

I want a public discussion of that aspect of the first amendment. That is why I introduced S. 2 on January 15, 1975. The bill had a hearing; but I am still waiting for the basic constitutional question to be addressed head on.

This FCC case is a good opportunity for such a discussion.

Mr. President, I ask unanimous consent that the FCC's news release on the KGW-TV case be printed in the RECORD.

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

#### FCC RULES ON AIR TIME COMPLAINT BY SENATOR CHURCH

In response to a complaint by Senator Frank Church involving his attempt to purchase time for a political broadcast in Oregon, the Commission has ruled that a station's offer to sell time in prime time for programming no more than 5 minutes long did not constitute reasonable access.

The decision, in an oral ruling to the parties, stemmed from Senator Church's request to buy, before the May 25 Oregon primary election, a half-hour in prime time to present a political broadcast as part of his campaign for the Democratic Presidential nomination.

The Commission said the facts before it indicated KGW-TV, Portland, had turned down efforts by the Idaho Senator to purchase the half-hour and instead had offered a 5-minute slot in prime time on Saturday, May 22, and a similar time on Sunday, May 23.

The limitation to 5 minutes did not constitute reasonable access under Section 312(a) (7) of the Communications Act, the Commission said. That section provides that the Commission may revoke a station license "for willful or repeated failure to allow reasonable access or to permit purchase of reasonable amounts of time for the use of a broadcasting station by a legally qualified candidate for Federal elective office on behalf of his candidacy."

Action by the Commission May 19, 1976. Commissioners Lee, Hooks, Washburn and Robinson with Commissioner Quello concurring and Commissioners Wiley (Chairman) and Reid dissenting.

#### THE IMPORTANCE OF AGRICULTURE IN THE UNITED STATES

Mr. HUMPHREY. Mr. President, I wish to share with the Senate a recent statement by the Honorable Jon Wefald, commissioner of agriculture for the State of Minnesota. His remarks were presented at the Minnesota World Trade Agribusiness Conference on May 18.

In his remarks, Commissioner Wefald pointed out what a growing number of Americans are beginning to realize: the major significance of agriculture not only in terms of our balance of payments but the U.S. economy at large.

The statement points out the fact that the American food and fiber industry employs nearly 17 million people in the total production and distribution system. While less than 5 percent of our people are directly involved in agricultural production itself, many more are involved in the processing and distribution system.

Commissioner Wefald points out a number of significant facts regarding the awesome story of this country's great agricultural productivity. He points out that this year the United States has sold 16 million metric tons of grain to the Soviet Union but that this represents only about 7 percent of 242 million metric tons of grain. He further indicates that in less than a decade agriculture has increased its total field crop production by about one-fourth or upward of 107 million metric tons greater than the total output in 1965.

The United States also produces a wide variety of agricultural products as well as a major portion of the world's export supplies. This includes products such as cotton, eggs, milk, and various kinds

of meats. Our farmers produced approximately 65 percent of the world's soybeans in 1975 and 30 percent of the world's feed grains.

We all know how important these exports are in terms of supporting our economy and balancing our vital petroleum imports. At present our gross agricultural exports are running at around \$22 billion per year.

The Commissioner projects that each \$100 million in agricultural export sales creates from 4,200 to 5,000 new jobs in our domestic economy. At this rate, our agricultural exports might well be responsible for upward of 1 million American jobs.

Minnesota's role in this success story is a very significant one, and, in addition, our State has an awesome list of major companies engaged in various steps of production, processing, and distribution.

Mr. President, the story of America's agricultural system and its great productivity is one which needs to be told and understood by our people. It is a record in which we can and should take great pride. I ask unanimous consent that this very compelling statement be printed in the RECORD.

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

#### PRESENTATION BY MINNESOTA COMMISSIONER OF AGRICULTURE JON WEFALD

Agriculture is America's largest industry. Agriculture is our nation's most valuable resource . . . not oil, not gold, not platinum, not even uranium.

Agriculture is the greatest single contributor of new wealth and earned income for our national economy.

American agriculture is the world's most efficient and most productive.

Indeed, achievements by American agriculture are both the goal and envy of the rest of the world.

Importantly, a large part of the world today, including some of the most powerful military nations, remain dependent upon the efficiency, the productivity, and the unparalleled quality of the products of American agriculture.

American agriculture in turn, because it produces more food and fiber than any other nation on earth, has become dependent to a significant degree upon the world for an increasing volume of sales of what otherwise would be domestic surplus.

The truth is that the economy of the United States itself is becoming increasingly dependent upon the productivity and the export sales of agricultural food and fiber.

Agriculture is America's greatest growth industry, and that growth for benefit to our domestic economy must come from the international marketplace.

Agriculture is America's greatest employer. Farming alone employs some 4.4-million workers. That by itself equals the combined payrolls of the nation's transportation, steel and auto industries.

The production phase of agriculture is only one part of the great American food and fiber industry that employs nearly 17-million men and women on the world's most efficient and economical farm-to-consumer assembly line.

Between the farmer and the dining table, this nation's agricultural industries require the services of nearly 10-million workers to store, transport, process and merchandise the food and fiber products from fewer than 3-million American farms.

Another 2-million workers are engaged in providing the basic inputs for farm production of food and fiber, including the seeds, fertilizers, chemicals, and other supplies.

Millions of additional jobs in our industrial and business economy are dependent upon the new wealth generated by agriculture.

Agriculture is America's biggest industry, in part, because it sets the pace for world production of food and fiber.

No other nation on earth annually produces the volume of food and fiber that we do here in the United States.

Annual food and fiber production by America's fantastic industry of agriculture now is approaching three-quarters of one-billion metric tons annually.

In 1975, according to published federal estimates, American farmers produced over 534-million metric tons of field crops and nearly 94-million metric tons of meat animals, poultry, milk, eggs and wool.

That represented nearly 3 metric tons of food and fiber for every American!

Amazingly America last year produced 242-million metric tons of wheat and feed grains. Again that is 242-million metric tons of wheat and feed grains alone. This has to be emphasized in the light of criticism of recent grain sales to Russia . . . with some published newspaper reports implying that we should not sell any more grain to the Soviet Union . . . because such export grain sales "of that magnitude" will raise consumer prices at home.

In fact, in the current export marketing year, the United States has sold for export only some 16-million metric tons of grain out of the record 1975 crop of corn and wheat—or less than 7 percent of last year's wheat and feed grain production of 242-million metric tons.

The truth is that America can afford to sell upwards of 25 to 30-million metric tons of grain to the Soviet Union out of the 1975 crop. This was true in August of 1975 as well.

In addition to the 242-million metric tons of wheat and feed grains produced in 1975, American farmers produced 41-million metric tons of soybeans. This aggregate of over 280-million metric tons of wheat, feed grains and soybeans does not include additional millions of metric tons of sunflower seeds, cottonseed, peanuts, rice, potatoes, sugarbeets, sugarcane, honey, maple syrup, vegetables, fruits and tobacco, also produced each and every year by American farmers.

Total crop production in the United States in 1975 was the largest in this nation's 200-year history. Farmers have an outstanding record of annually producing more . . . In less than a decade American agriculture has increased its total field crops production by about one-fourth, or upwards of 107-million metric tons greater than the total output of American agriculture in 1965.

American agriculture leads the world in the production of red meats, milk, eggs, turkey, chicken, total poultry meat, processing vegetables, feed grains, soybeans, citrus fruits and tobacco, and is second only to Russia in wheat among the major agricultural commodities in world commerce.

It is important to note that while Russia is the world's leading wheat producer, it cannot produce enough to meet its domestic requirements, and must make up its deficiency by buying on the world market. America is the number one supplier of wheat and feed grains for export because we are traditionally a surplus producer . . . the breadbasket for the world.

In 1975, according to latest federal estimates, American agriculture produced:

1. 65 percent of the world soybeans (41-million metric tons out of 63-million);
2. 30 percent of the world feed grains (184-million metric tons of corn, oats, barley, grain sorghum and rye out of 632-million);

3. 17 percent of the world wheat (58-million metric tons out of 344-million);

4. 15 percent of the world cotton;
5. 17 percent of the world pork;
6. 60 percent of the world turkey meat;
7. 33 percent of the world chicken meat;
8. 30 percent of the world beef and veal;
9. 18 percent of the world eggs; and
10. 14 percent of the world milk.

We normally export well over half of our wheat and domestic rice production, about half of our soybeans, one-fourth or more of our feed grains, one-third of our cotton and tobacco, and one-fifth or more of countless other crops.

Just how important are our agricultural exports?

There is no single answer because agricultural export sales are vital not only for our farmers, and for the vast complex of supply, service, processing, marketing and distribution industries, but our food and fiber exports are equally vital to the national economy itself.

Given the productivity and importance of American agriculture, we need full and complete access to all cash markets overseas.

According to former U.S. Agriculture Undersecretary Phil Campbell, if American farmers were denied access to export markets, they would have to cut their wheat, soybean and tobacco production in half, rice production by two-thirds, and cotton production by one-third.

Currently, agricultural export sales are priming our national economy annually with \$22-billion in new wealth and earned income from overseas.

During the decades of the 1970's, the revenue from agricultural export sales has been the brightest spot—indeed the economic lifesaver for the nation in the balance of payments problems caused by the energy crisis and the attendant impact of sharply increased cash outflow for imported petroleum and automobiles.

The fact is that one job out of every four in America, as well as every consumer, is dependent upon this nation's total food and fiber industry.

A healthy agriculture industry creates new jobs in the food and fiber industry.

Each \$100-million in agricultural export sales creates from 4,200 to 5,000 new jobs in our domestic economy.

In fiscal year 1973, U.S. agricultural export sales produced a then all-time high of \$12.9-billion. That was a 60 per cent increase over the export sales for fiscal year 1972.

In fiscal year 1974, U.S. agricultural export sales were a new record \$21.3-billion.

In fiscal year 1975, U.S. agricultural export sales again were a record \$21.6-billion.

Agricultural export sales for 1976 are forecast at close to \$22-billion.

When we began this decade, U.S. agricultural export sales were only \$6.7-billion.

In other words, in just five years the nation has far more than tripled agricultural export sales, pumping an aggregate of \$78.3-billion back into our economy.

When we began this decade, our nation was in a deficit position in the international balance of trade.

Agricultural export sales, during the first half of the decade, have provided a \$28.2-billion favorable balance in the total import-export trade of this nation.

Using the federal ratio estimate for new jobs created, agricultural export sales in fiscal year 1969 represented the establishment of 250,000 new jobs. . . . By 1975, export sales represented one-million U.S. jobs.

We are proud of the tremendous role that Minnesota is playing in this economic growth. Since 1970, the growth of our agricultural export sales has helped create over 51,000 new jobs.

Minnesota is the nation's leading supplier of dairy exports, nearly 24 per cent of the

1975 total. We also supplied nearly 24 per cent of the flaxseed exports, ranking third only behind the Dakotas. Minnesota ranks sixth and exports nearly 7 per cent of the nation's total exports of feed grains and soybean products, also sixth with over 5 per cent of the total red meat exports, and sixth in total agricultural export sales with nearly 5 per cent of the U.S. grand total last year.

It took two of the most adverse crop producing years in recent history to deny Minnesota record agricultural export sales and fifth ranking among all states last year.

Minnesota is normally one of the five most productive agricultural states in the nation.

Minnesota is the nation's champion producer of turkeys, butter, oats, non-fat dry milk, sweet corn and wild rice. . . . We rank second in total cheese and whey, processed eggs, sunflower seed, navy beans and mink fur. . . . Minnesota is third in sugarbeets, green peas, total vegetables for processing, wheat flour milled and rye. We are fourth in total milk production . . . fifth in corn and barley grains, honey, and pork production.

Minnesota also ranks in the top ten states for the production of beef and total red meats, soybeans, kidney beans, pinto beans, wheat, potatoes, eggs, chickens and summer carrots.

The truth is Minnesota is one of the most diverse and self-sufficient food-producing states in the country.

Minnesota also has one of the greatest stakes in agricultural export sales. . . . to gain with new and increased opportunities . . . and to lose if those opportunities are diminished or denied . . . as our farmers did experience repeatedly these past three years by both adverse weather and export embargoes.

Our stake in Minnesota is greater, proportionately, than for the five states that rank ahead of us—Illinois, Iowa, Kansas, Texas and California—because of the sheer volume of our agricultural production at least ten times greater than our domestic needs for a state population of less than 4-million, because we are a major food processing state—probably one of the top three overall, and because we are at the end of the supply line for this nation's major consumer markets.

Food and fiber processing is a mighty companion industry to Minnesota agriculture, annually adding upward of \$3-billion to the value of our farm products.

Upward of 500 processing firms, including virtually every giant in the food industry, are currently operating in Minnesota.

These are important middlemen in the total food and fiber system. Processors have a tremendous stake in the export market. So do nearly 300,000 people employed in firms geared to processing and marketing of agricultural products.

A substantial portion of Minnesota's total economic complex relates significantly to the food and fiber industry.

A list of the Upper Midwest's top 100 corporations compiled last year by Corporate Report Magazine reported 11 companies in Minnesota with annual sales exceeding \$1-billion. Five of these are directly engaged in food and fiber processing and marketing . . . Cargill, Land O' Lakes, General Mills, Pillsbury and Geo. A. Hormel and Company. Two others, Super Valu and Dayton Hudson Corporation (including Target Stores) are involved in retail food marketing.

Other famous agri-business firms that operate in Minnesota include International Multifoods, Peavey Company, Farmers Union Grain Terminal Association, CENEX, Associated Milk Producers, Inc. (AMPI), Mid-America Dairymen, Inc., Libby, Stokely-Van Camp, Jennie-O Foods, Del Monte, Chun King, American Crystal, Armour and Company, Wilson, Treasure Cave Cheese, Beatrice Foods, Butter Kernel, Creamettes, Fisher Nuts, Shari Candy, Hamms, Schmidt, Grain Belt, Home Brands, Foremost, Jeno's, Kraft.



John Morrell and Company, Norbest (turkeys), Old Dutch, Ralston-Purina, Sather (cookies), Sweden House, Tony Downs, Watkins, Green Giant, Applebaums, Northrup King, Domain Industries, International Dairy Queen, Cornelius, Webb Publishing Company, Sunstar Foods, Coca-Cola Bottling Midwest, Marshall Foods and Robel Beef Packers.

Many other corporations among the top 100 also are involved in a variety of agricultural input and service businesses . . . lumber, containers, packaging, transportation, energy, textile manufacture, tools and component parts for farm equipment, finance and insurance.

New success stories are being written continuously by Minnesota's agriculturally based and aggressive food and fiber processing and marketing industries, and by this state's dynamic farm cooperatives, all expanding their services, products and markets . . . just two of the most recently publicized examples are the phenomenal achievements of the Totino family in pizza, and the Vitale family in Italian food products.

Minnesota is the North Star State of the Midwest breadbasket of the nation . . . a 12-state breadbasket that is the world's leading export supplier of food and fiber.

In fiscal year 1975, the Midwest breadbasket states accounted for nearly \$10.5-billion in agricultural export sales, or over half of the national total. Minnesota's \$938.5-million share, drought-depressed from the record \$1-billion-\$85-million level of 1974, represented nearly 9 per cent of the Midwest exports and over 4 per cent of the national export value.

Every statistic that I have recited dramatizes the enormous importance of American agriculture, to the farmer, to millions of urban workers, to consumers, to the state and national economy, and to the cause of minimizing hunger and malnutrition on a global basis.

Increasingly, agricultural export sales are more vital to the American economy.

Agriculture, which responded, as it always has, to national appeals for full production, must have free and unimpeded access to world markets.

Adequate energy and transportation resources to sustain agriculture and the total complex of food and fiber industries are companion concerns.

Of these two, transportation is perhaps the most urgent concern.

A recent minor incident at Lock and Dam No. 26 on the Mississippi River near Alton, Illinois, dramatized the inadequacy and vulnerability of our national transportation system.

Accidental damage to a guide wall of Lock and Dam No. 26 shut down the main lock for one week and resulted in the worst commercial traffic tie-up in river shipping history. Nearly 1,000 barges were stacked up, delaying delivery of fuel and fertilizer needed to sustain Upper Midwest Industries and delaying export grain sale deliveries via the Port of New Orleans.

Tens of millions of dollars in economic loss resulted from that river tie-up. In Minnesota alone, grain trade spokesmen estimated the loss of \$31-million in export grain sales opportunities.

The fact is that Lock and Dam No. 26 controls not only the biggest volume of domestic grain moving into export commerce that is so vital to our entire Upper Midwest economy, but it moves a significant volume of the essential production supplies needed to sustain agricultural and industrial productivity.

Over 54 per cent of Upper Midwest grain production moved by Mississippi River barge for export via the port of New Orleans.

New Orleans is one of the world's greatest international grain terminals. But don't look for huge concrete silos that it would require

to handle the amazing volume of grain that is moved through that Port.

In the main, the New Orleans grain terminal is a floating one, comprised of some 2,000 to 3,000 Mississippi River barges, continuously recycling some 3.4-million metric tons of grain onto foreign ships in the New Orleans Harbor.

The fleet of filled barges in the New Orleans Harbor represent only 8 to 10 per cent of the more than 20,000 barges in the fleet currently operating on the Mississippi, moving grain, fertilizer, coal, petroleum, salt, sand, steel and cement.

Replacement of the deteriorating and obsolete Lock and Dam No. 26 on the Mississippi River has been recommended by the Army Corps of Engineers for the past eight years, but a final and positive federal decision on this most important national artery of commerce is still pending. The sooner the decision is made for a new Lock and Dam at Alton, Illinois the better off the food and agricultural industry in the state will be.

Lock and Dam No. 26 can and should be the first major resolution in the many problems that have to be solved in setting up a balanced, efficient, sound transportation system that is worthy of America's world leadership in agriculture.

We need a total transportation system that can keep pace with the logistical requirements of the world's leading agricultural and industrial nation and a population that enjoys the highest living standard on earth.

We need to maintain the Mississippi Waterway. We need to improve the railroads. We need more and better highways. We need more and better highways. We need improved farm-to-market roads.

We need a national commitment to a total, integrated, improved transportation system.

Minnesota's and this nation's ability to continue to produce ever increasing quantities of food, fiber and industrial goods for domestic and export markets very definitely depends upon the capability of our national transportation system.

This year, according to current forecasts, notwithstanding the drought problem again confronting Minnesota farmers, American agriculture intends to produce the biggest acreage of field crops in history. This year's potential production represents a staggering transportation and storage logistic.

The truth is we in America's food and agricultural industry need to act. We need to act in establishing a unified, efficient, balanced transportation system. We need to lead in explaining to the American people the importance of agricultural exports to our nation's balance of trade and balance of payments.

A sound, efficient transportation system keyed to maximum agricultural exports to international markets is good not only for our food and fiber industry but it is good for America itself.

#### ALASKA GAS PIPELINE

Mr. MOSS. Mr. President, to date three routes have been proposed to bring the gas discovered at Prudhoe Bay in Alaska to the lower 48 States.

First, the route of the Alaskan and Canadian Gas Pipeline—Arctic Gas—is simply the most direct route between the producing area and existing gas transmission facilities in Canada and the United States. This route had been discussed as resulting in a minimum total capital cost for ultimate volumes. I co-sponsored this bill as a possible method to get needed additional gas supplies for the country. The cross-delta route, however, takes the pipeline through the Arctic National Wildlife Range, one of the last large, truly pristine wildlife refuge

and wilderness areas remaining. Canadian native claims in Yukon Province also offer major time impediments.

Second. The proposed El Paso Gas route involves the use of LNG tankers. This route would take the pipeline across the rugged Alaska Range near the south terminus. El Paso cites the advantages of their "All American" system as benefiting the economic growth of Alaska and improving overall U.S. balance of payments. This route would probably utilize facilities already in place due to Alyeska's pipeline.

Third. A third proposal is a relatively new one and came about as an attempt to overcome some of the problems generated by the other two routes. This new route is proposed by Northwest Pipeline—NWP—and calls for a routing through the Fairbanks Corridor. It was proposed by the Department of the Interior in their draft Environment Impact Statement as one having the least environment impact. This is accomplished by the routing through established highway and utility corridors. All but about 200 miles of the pipeline would follow these corridors and no undisturbed wilderness areas would be affected.

By following the trans-Alaska oil pipeline route to a point south of Fairbanks, it would be feasible to divert the State of Alaska's share of gas to the population and industrial areas of the south coast in addition to establishing an industrial base in the Fairbanks region. This route proceeds southeasterly along the Alaskan Highway from Fairbanks past Whitehorse and would connect either to the northern extremities of the West-coast Transmission line at Ft. Nelson and Alberta Gas Trunk Line at Zama or the Canadian Arctic Gas Pipeline in the event it is constructed.

The NWP route has the support of all major environmentalist groups. It is also the most cost-effective route because it uses existing pipelines in Canada, and the Alyeska road and camps in Alaska. It also avoids the native claims problem in Yukon Province.

For these reasons, the NWP proposal appears best both from an economic and environmental viewpoint and this fact has influenced several Senators and Representatives in Washington to take a good look at the Alcan Highway route. It's looking better all the time.

Preliminary studies indicate that this route is the most feasible one for transporting vital gas reserves from the North Slope of Alaska to markets in the contiguous 48 States. Therefore, it is essential that the Federal Power Commission grant Northwest Pipeline a comparative hearing on its proposal.

#### HONORARY DEGREE FROM YALE FOR JOURNALIST ELIZABETH DREW

Mr. KENNEDY. Mr. President, honorary university degrees for journalists are relatively rare events, and so I think it is significant that last Monday Yale University bestowed an honorary degree on Journalist Elizabeth Drew.

Ms. Drew's work is familiar to most of us through her television commentaries

and her periodic New Yorker articles. Her recent book, "Watergate Journal," received outstanding reviews as a perceptive chronicle of those years, and her current analysis of the 1976 primary season is now being serialized in the New Yorker.

Mr. President, I congratulate Ms. Drew on her honor, and I ask unanimous consent that her citation from Yale may be printed in the RECORD.

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

ELIZABETH BRENNER DREW, DOCTOR OF HUMANE LETTERS, YALE UNIVERSITY, MAY 17, 1976

Almost alone among political commentators, you have avoided being pitched into hyperbolic rhetoric by the rude jolts and wild careening of our battered ship of state. Your exposition of people, issues and events has a literary quality not often found in public journals. Your broadcasts have shunned the oversimplification which is television's most dangerous temptation. Whatever the medium, it does not seem to get in the way of your message. Understanding remains your goal, undistracted by dramatic cleverness, undiluted by concessions to the popular. Yale honors a thoughtful and literate journalist as it confers upon you the degree of Doctor of Humane Letters.

#### MOST CONSEQUENTIAL LEGISLATION: THE FULL EMPLOYMENT AND BALANCED GROWTH ACT

Mr. HUMPHREY. Mr. President, the fate of a proposed new framework within which the administration and Congress can work together to achieve and sustain a climate of maximum employment and price stability—the Full Employment and Balanced Growth Act of 1976—will be decided by Congress during the next several months.

A large body of support, both inside Congress and in the private sector, has developed for the bill since it was introduced in revised form March 16. The original bill had been introduced in 1975 in the House as H.R. 50 by Representative AUGUSTUS HAWKINS, chairman of the Equal Opportunities Subcommittee of the Education and Labor Committee, and in the Senate, at S. 50, by me. The revised bill we have again jointly introduced is an amendment in the nature of a substitute—amendment No. 1468 to 550.

On May 4, the Full House Education and Labor Committee approved the measure by a vote of 25 to 10. The bill will soon be taken up by the Senate Committees on Banking, Housing and Urban Affairs, and on Labor and Public Welfare.

One of the most recent endorsements of the bill has come from Challenge magazine, a leading journal for economists.

In its May-June issue, Challenge devoted 30 percent of its page space to an editorial in support of the Full Employment and Balanced Growth Act of 1976, an interview with me discussing major changes in it and the scope and function of the bill, and presentation of the complete text of the bill itself.

The editor and publisher of Challenge, Myron E. Sharpe, stated in the magazine's editorial that—

The Full Employment and Balanced Growth Act of 1976 is the most consequential social legislation to come along since the Employment Act of 1946. The bill is a plan for planning, and first of all, for planning full employment without inflation.

Mr. President, in essence, the Full Employment and Balanced Growth Act is a blueprint to coordinate the development and implementation of economic policy and program planning by the administration and Congress to get the people of our Nation back to work while safeguarding them against inflation.

Its primary aim is to permanently set the economic stage for business and industry to reach utilization of full capacity and job creating potential. This is how most of the measure's mandated goal of 3 percent adult unemployment within 4 years following enactment is to be achieved. Any gap between private sector performance and the employment goal set in the bill would be eliminated through coordinated Federal, State, and local government programs recommended by the President and established by Congress.

Among other things, the Full Employment and Balanced Growth Act is a legislative acknowledgement that the failure of the administration and Congress to develop and coordinate comprehensive economic policy and program planning efforts is directly reflected in the recessions that have repeatedly thrown millions of people out of work since 1969. The thought that the Nation will continue to drift into one recession after another is intolerable, a point that the Challenge editorial addresses in this way:

There is no need to rehearse the old arguments about how much easier it is to arrange to have unemployment, inflation or both. . . . The costs are intolerably high. The Joint Economic Committee has supplied us with some disquieting new figures. We have lost \$500 billion in potential income and production in the late recession. We will lose another \$800 billion to \$900 billion between now and 1980. Federal, State and local governments will have lost \$400 billion by then—if we fail to do better.

Mr. President, we must not fail to do better. The Congress and the President must not fail to enact the Full Employment and Balanced Growth Act as soon as possible.

Mr. President, so that Members of Congress may have a better understanding of what the bill is designed to do and how it will function, I ask unanimous consent that the Challenge magazine interview regarding the provisions of the measure be printed in the RECORD.

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

DO ECONOMISTS DISCOVER ECONOMIC LAWS OR ARE THEY PASSED BY CONGRESS?

Not wishing to prejudice anyone for or against the Humphrey-Hawkins bill, I will limit myself to a few casual remarks.

The reader will find the complete text and an interpretive interview with Senator Humphrey in this issue. It will be evident that the "Full Employment and Balanced Growth Act of 1976" is the most consequential social legislation to come along since the Employment Act of 1946. The bill is a plan for planning, and first of all, for planning full employment without inflation. It is a large

generalization about the objectives of this country and how to reach them. If it becomes law, we will, in effect, have reached agreement on an experiment and a compact that will take us on a long journey into uncharted territory. This will give economists plenty to do even though they may think the doing of it is impossible.

There is no need to rehearse the old arguments about how much easier it is to arrange to have unemployment, inflation or both. Economists are past masters at these things. But it is always worth a reminder that the costs are intolerably high. The Joint Economic Committee has supplied us with some disquieting new figures. We have lost \$500 billion in potential income and production in the late recession. We will lose another \$800 to \$900 billion between now and 1980. Federal, state and local governments will have lost \$400 billion by then—if we fail to do better. You don't have to be a great champion of growthmanship to recognize how devastating all this is. It is small comfort that 90 percent of the labor force is still employed. We have turned onto a high cost road. It we cannot or will not get off it, that is an admission of failure. The price will become higher, not lower, as we go on.

You cannot legislate intelligence, of course. But you can legislate objectives, and a framework and a procedure for reaching them. This is how the bill should be viewed. The vast reservoir of intellect among economists can then be tapped to make sure that the provisions are applied wisely.

It will be a great tonic to the morale of the reader to know that the AFL-CIO is supporting the Humphrey-Hawkins bill. I hope that George Meany will not be embarrassed if I paraphrase Marx. Economists have interpreted the economy long enough. The point is to change it. That means less forecasting and more planning. This is the answer to the riddle in the title.

#### THE NEW HUMPHREY-HAWKINS BILL

Q. In March, a new draft of the Humphrey-Hawkins bill, "The Full Employment and Balanced Growth Act," was introduced in the Senate and House. Why do we have a new version now?

A. The original bill was always viewed as preliminary vehicle for focusing discussion on full employment. In the course of hearings around the country, which Congressman Hawkins and I conducted, certain limitations in the original draft bill became apparent. First, the 18-month timetable for reaching 3 percent unemployment seemed too ambitious. It was a goal which would be difficult to achieve without destabilizing the economy, perhaps causing an acceleration of inflation. Second, the original Humphrey-Hawkins bill did not have a comprehensive set of economic and job-creating policies to achieve full employment. The goals were extremely ambitious and the means modest. To reach full employment it will be necessary to utilize the full range of economic policies at the federal, state, and local levels, and in the private economy. What was needed was a general economic policy bill, not just a jobs bill.

Finally, the earlier bill had a provision which allowed people who did not get jobs with which they were satisfied to sue the federal government. That seemed to be putting the cart before the horse—providing a legal guarantee before we set up the job-creation mechanisms necessary to provide the jobs.

Q. Why don't we discuss the new version section by section? The first deals with the establishment of goals, planning, and general economic policies.

A. It should be said at the outset that the bill is a general economic policy bill intended to supplement and strengthen the Employment Act of 1946. It begins by making a firm



national commitment to full employment. The statement that refers to promoting maximum employment, production, and purchasing power in the 1946 Act is changed to say that it is the responsibility of the federal government to promote full employment, production, and purchasing power. We have put full employment back into the Employment Act.

Q. Why do you say "back"? Was it ever in?

A. It was in when the debate began on the Employment Act of 1946. The bill was initially called the Full Employment Act, but in the process of making congressional accommodations in order to achieve passage, "full" was dropped and it became the Employment Act of 1946.

Now, the second and major part of the policy declaration is that Congress declares and establishes the right of all adult Americans able, willing, and seeking to work, to opportunities for useful employment at fair wages. This is a major new commitment to work, an old-fashioned value that we have gotten away from in recent years.

The next section of the bill, dealing with annual economic goals and the Economic Report of the President, is an important modification to the Employment Act of 1946. That Act requires that the President look at trends and set general goals in the Economic Report. The difficulty is that the objectives have always been vague. There was little effort to coordinate the goals and policies of the President, of Congress, and of the Federal Reserve. This will always be the case to some extent, given the separation of powers embodied in our system. But it's possible to make institutional changes that will encourage the President, the Congress, and the Federal Reserve to resolve their differences over goals and policies much more systematically.

That's what this section does in several ways. First, it requires the President to set numerical annual goals each year for employment, production, and purchasing power. He has to submit these as part of the Economic Report. Second, the Federal Reserve must submit an independent report to Congress, indicating whether or not it will support the goals of the President, and what policies it will use to support those goals. If the Federal Reserve cannot support the goals, it must give full justification to the President and Congress. Finally, Congress is to look at both the President's proposals and the Federal Reserve report and establish annual numerical economic goals for the country. Congress will do this as part of the congressional budget resolution process, which is where goals should be set. In the last year Congress debated the size of the deficit, an instrument of economic policy, without looking at the objectives of that policy. As a result our economic policy has suffered.

Q. I have the bill in front of me, and I see a reference to long-term full employment goals as well as short-term goals.

A. What we have tried to do in this bill, in addition to clarifying our annual objectives, is to develop a long-range dimension to national economic policy and to provide the means of setting long-range goals for employment, production, and purchasing power. This requires that we look at the trends and problems we face over a longer period and develop policies now to deal with those problems. This bill provides for long-range thinking on economic policy so that we can detect problems before they become crises, set new priorities, and develop alternative policies to achieve our aims effectively.

The other aspect of the long-range economic planning section which is particularly important is that it provides a way for us to look at particular industries and sectors and see what kinds of objectives and policies

we ought to establish in those sectors. This will enable us to understand and manage the supply side of the economy much better.

Q. What is the function of the Full Employment and Balanced Growth Plan?

A. Goal setting in recent years has been dominated by economists who forecast what is likely to occur in the future based on trends in the past. There's considerable merit in that and we can't ignore trends. But national goals ought to go beyond the trends of the past. The purpose of setting national goals is to do better. National economic goals are not just technical considerations for economists, but are broad choices that should reflect the spirit and direction of a society.

Q. This bill makes full employment the primary national goal.

A. That's right. This bill says that full employment is more important than any of our other economic goals, because full employment of our human and capital resources is crucial to the overall performance of the economy and to the achievement of our other goals. So many of the problems that we've had in recent years are the result of our failure to reach full employment. We have people without productive roles, unused plant capacity, and large deficits because we have not had a fully employed economy. Even inflation, to some extent, has been the result of having an underemployed economy. The problems of cities, welfare, youth, education, crime—they're all linked to unemployment.

Q. Inflation will be a very irritating issue for economists, but let's hold that for a minute. What is the relationship between the President's Economic Report and the Full Employment and Balanced Growth Plan?

A. You can look at the President's Economic Report as part of an annual economic plan that the President submits to Congress each year. The Full Employment and Balanced Growth Plan complements the annual plan by extending that view several years into the future. It is also a means whereby the broad outlines of the Economic Report can be supplemented with considerably more detailed analysis of what's going on in particular sectors and industries.

Q. Why is this plan to be submitted annually?

A. That's a good question and one to which I'm not sure I have a definitive answer. It was thought in the formulation of the bill that it was best to submit the plan annually so that the President and the Congress could focus on it each year as part of their long-term view of what's going on in the economy, and be kept on their toes with respect to longer-term problems. But you can argue that such a timetable requires the President and Congress to do a great deal in a short time and for that reason you may want to do it every two years. There are advantages and disadvantages on both sides. But it was our best judgment when we completed the bill that we ought to try to do it every year.

Q. The bill requires the Council of Economic Advisers to prepare the plan, but at present the Council has three members and its staff is small. Yet the bill doesn't say anything about enlarging the Council.

A. It's not quite right to say that the plan will be prepared just by the Council. The President prepares the plan with the assistance of the Council of Economic Advisers, and in consultation with the Office of Management and Budget, using the full resources of the federal government. The Office of Management and Budget would play a large role in the formulation of the plan. As you know, they have a large staff that makes a detailed review of government activities and their impact on various parts of the economy. So you have quite a lot of additional staff there. Beyond that it's clear that the

Council of Economic Advisers would have to be substantially enlarged in order to fulfill the mandate of this new act. How much larger is difficult to say until we have worked out the precise guidelines for the plan itself.

Q. One more question with respect to this part of the bill. We are going to need a tremendous amount of detailed data and information on the various sectors of the economy. I don't see any provision for obtaining this information. In the Humphrey-Javits bill there is a Division of Economic Information. Why was this left out?

A. You're right that we need much better information if we hope to do an effective job of economic planning in this country. I think that the bill provides a sufficient mandate to gather all the information that will be needed. If it does not, then the bill should be strengthened to put more emphasis on information and analysis.

Q. Now this section of the bill has a vital element. It calls for obtaining a 3 percent rate of unemployment within four years after passage of the bill. That looks like a tremendously difficult objective.

A. It's a very ambitious goal. It means that you need to get the adult unemployment rate down to 3 percent by 1980. We haven't performed that well in many years. Having said that, however, it is important to emphasize that this bill provides new policies to achieve these ambitious goals. If we were to use only aggregate monetary and fiscal policies to try to achieve 3 percent adult unemployment in that time period, we would not be successful. But Title II has a broad range of carefully targeted employment programs to get at unemployment in difficult pockets of the economy.

Beyond that, the bill requires the President to make a formal report to Congress in the first year indicating any obstacles to the achievement of the goal and, if necessary, proposing corrective economic measures to see that the goal is attained.

Let me add this. My judgment is that you'll never attain 3 percent unemployment unless you set it as a goal. You won't even come close. The purpose of a goal is to measure performance. The 3 percent figure isn't just a figure on unemployment. It's a way of disciplining ourselves to raising productivity; to improving our tools of industry; to adopting more sensible monetary, credit, and interest policies; to taking a good hard look at the tax structure. Setting a tough goal is a way of compelling the government to take the measure of what it really has to do instead of being satisfied with a sloppy, lackadaisical effort.

Q. There are two procedures for reviewing the Full Employment and Balanced Growth Plan, one by members of the cabinet and other senior members of the administration, and the second by the governors.

A. The procedures for cabinet review are straightforward and quite similar to cabinet review of other comprehensive federal policies. All the departments, agencies, and regulatory commissions that are involved in activities which have a substantial impact on the economy in the context of the long-range plan are to submit reports to the Council of Economic Advisers, indicating the extent of that interaction. After that's done and the President has reviewed a fully coordinated plan, then the plan is sent out to the governors at the same time that the President sends it to Congress. That's a little unusual, but you are not going to have successful national economic planning unless there is widespread discussion and debate at the state and local levels about what's in the plan. Economic planning is not just economic forecasting and it's not just economic policies. It really has to do with building a consensus about the direction in which we want our society to move in the future. And so the bill calls for hearings at the state

and local levels, out of which should come some important input on how the plan ought to be modified as it moves through Congress.

Q. The bill has two very important sections on fiscal and monetary policies and inflation and its deals with these subjects within the framework of planning as described in this bill.

A. The emphasis in the bill in the first instance is on using fiscal policy to the maximum extent that we can to achieve full employment. But it recognizes that fiscal and budget policies alone are not adequate to attain full employment. If we relied only on those policies, we would simply be pumping up overall demand for more than the economy could tolerate, which could generate additional inflation. So in the fiscal policy section there is a former requirement that the President determine the extent to which fiscal policy can be relied on to achieve full employment. We will then know to what extent the supplementary job creation policies of Title II will have to be implemented.

On the Subject of monetary policy, the President has been silent in the past when making his economic presentations. He simply left monetary policy to the Federal Reserve Board. This bill requires the President to make specific recommendations with respect to monetary policy and to correlate them with fiscal policy.

Q. But doesn't that still leave monetary policy to the Federal Reserve Board and only require them to explain what they're doing?

A. Yes, it does. And it still leaves the Federal Reserve an independent institution managing the nation's day-to-day monetary affairs.

Q. How can this be justified in view of the aims of this bill?

A. You don't have to destroy the overall independence of the Federal Reserve in order to encourage it to develop policies and programs which are in line with the general economic goals of the President and the Congress. You have to remember that Arthur Burns has consistently said that the Federal Reserve would do its best to fulfill any legal mandates on goals from the Congress.

Q. Wouldn't it be better to call on Congress to set limits on monetary policy within a given period of time?

A. No. I think you and I both know that it would be profound folly for Congress to try directly to regulate monetary policy. It's a very complicated technical area which Congress doesn't understand well and which it would not have time to handle on a day-to-day basis. It would cause chaos to have Congress setting daily or monthly monetary policies. What Congress ought to do is to set basic national economic goals, to make those explicit, and to require the Fed—to the maximum extent consistent with maintaining its general independence—to achieve those goals.

Q. A lot of people are going to be troubled about the question of inflation and there is a section here that deals with that problem.

A. I think that the inflation section is a step forward in existing anti-inflation policies. At the present time the President is not required to make any formal recommendations on inflation and we've really had very weak anti-inflation policies for a number of years. This bill requires the President to submit, as part of the annual Economic Report, a comprehensive set of recommendations on anti-inflation policies. These run all the way from the proper use of monetary and fiscal measures to specifically targeted policies to increase supply in structurally tight markets such as energy and food. This section also requires the President to manage the export of critical materials and to develop new techniques for increasing U.S. productivity. Finally, the bill has a backup provision urging the President to take whatever other administrative and legislative actions are necessary to promote price stability.

Q. Any reference to wage-price controls is notably absent. Surely the authors of the bill are aware of the phenomenon of administered prices and wages.

A. That's why there's a strong statement on antitrust policy and on improvement of productivity. And there's nothing in this bill to prevent the President from using stronger means to deal with administered prices if necessary. As far as controls are concerned, their usefulness is debatable and I would certainly question giving the President authority to implement them at present. My judgment is that this issue will be looked over very carefully in committee. It may well be necessary to have an income policy for industries where there's an opportunity for price-rigging. It's been recommended that we might have a delay period before certain wage and price increases are made. But we didn't put any such provisions in the bill because we would like to see if we can do the job without them. That's my preference. If we get cooperation from industry and from labor, we can succeed. If we don't, then the public interest will have to be served with executive cajoling and persuading, and with a much more effective Council on Wage and Price Stability, which can use its subpoena power and bring publicity to bear to enforce far better self-discipline in administered price industries.

Q. This title of the bill finishes up with the establishment of an Advisory Committee on Full Employment and Balanced Growth. Could you describe how that Committee is set up and what its functions will be?

A. The purpose of that Committee is to bring a broad range of private opinion into the workings of the Council of Economic Advisers as they fulfill their responsibilities under this act, particularly with respect to the Full Employment and Balanced Growth Plan. It's an effort to open up the policy-making process at the national level, which is something that I believe is very important.

Q. In particular this section authorizes the Council to establish regional and industry advisory subcommittees to furnish advice and assistance.

A. That kind of regional and sectoral emphasis can be quite useful. French planning, for example, has been quite successful when it has focused on problems of particular sectors. We have had some of the same payoff in this country in the efforts of John Dunslop with respect to the construction industry.

Q. Would it be fair to say that the Humphrey-Hawkins bill incorporates a large part of the Humphrey-Javits "Balanced Growth and Economic Planning Act"?

A. Part of the genesis of this bill is the Humphrey-Javits planning bill. What we attempted to do was slim down that bill and put it into the context of a broad range of national full employment policies.

Q. You have actually combined the Humphrey-Javits and Humphrey-Hawkins bills, which means that you have combined the issues of planning and full employment.

A. In large measure that is true. Not only is that the correct thing to do on its merits, but it significantly strengthens the political appeal of the bill. Still, it may be appropriate to treat some aspects of the planning issue separately.

Q. There's one notable feature of the Humphrey-Javits bill that's left out of the Humphrey-Hawkins bill, and that is an Economic Planning Board. The functions of an Economic Planning Board are now apparently lodged mainly in the Council of Economic Advisers and in a subordinate way in the Office of Management and Budget. Is that a correct observation? If so, what is the reason for doing this?

A. That is a correct observation, and the reason for doing it was principally to utilize the existing institutions of the federal government. When we stepped back and took a look at what we had done in the Humphrey-Javits bill, although we could see some ad-

vantages to having a completely separate institution for planning, there were some disadvantages in segregating it from the Council of Economic Advisers and the Office of Management and Budget. We wanted to avoid breaking the line of responsibility and authority in the general area of economic policy, and we wanted to avoid creating a new government institution. For those two reasons, we decided to consolidate short- and long-run economic policy-making in the Council of Economic Advisers.

Q. Title I deals with countercyclical, structural and youth employment policies. This section provides measures to supplement aggregate monetary and fiscal policies. It deals with microeconomic issues and the philosophy of the economy. Could you tell us the philosophy behind this part of the bill and what particular programs are envisaged?

A. Title II rests on the basic intellectual premise that monetary and fiscal policies cannot by themselves achieve reasonably full employment and price stability. We need a series of carefully targeted employment programs that complement the aggregate policies and get to the pockets of unemployment. In a sense you can think of Title II as a series of policies to close whatever employment gap will remain after we've used monetary and fiscal policy and the full strength of the private sector to the maximum extent possible without aggravating inflation.

Q. This title is organized in a way that requires the President to submit six separate legislative proposals to Congress over periods of 90 to 180 days, each dealing with a specific issue. It might be useful if we reviewed those six proposals.

A. That's fine. The first section requires the President to take all existing and proposed countercyclical employment policies, such as countercyclical public service employment, countercyclical state and local grants, and unemployment insurance, and to submit to Congress a comprehensive strategy for dealing with high levels of unemployment caused by recession. A program of that kind would be automatically phased in and out in an effort to moderate the business cycle.

Public works have been criticized because it takes too long to gear them up. This bill would have a shelf of public works, ready to be used, triggered into action when unemployment rates start to go up, and automatically phased out when unemployment rates fall.

The next section goes on to emphasize that it is essential to develop a permanent countercyclical grants program to stabilize state and local government budgets during periods of recession. In the last major recession many state and local budgets were forced into deficit because of falling tax revenues and rising expenditures. As a result, governments tried to cut expenditures and raise taxes, which caused state and local budgets to move in exactly the opposite direction from national fiscal policy. So the principal purpose of this section is to provide the means to coordinate national, state, and local fiscal policies.

Q. The third piece of legislation required deals with regional and structural employment policies.

A. In addition to the countercyclical unemployment problem that we face, an even more difficult problem is caused by declining or chronically depressed regions of the country where production facilities are insufficient to keep people employed. A similar problem exists where we have groups in the labor force that for one reason or another are inadequately prepared to fill the kinds of jobs that are available. This causes persistent pockets of unemployment, regardless of the general state of the economy.

I might just go on to add that as a part of the requirement to meet regional structural unemployment problems, the federal government is required to develop a domestic



development bank for the purpose of encouraging development in chronically depressed areas, by maintaining public facilities, and by providing credit to private firms to locate plants in those areas.

Q. Yes, I've listed that as my fourth legislative requirement. Are there no existing lending agencies that can perform this task?

A. You can always modify existing agencies to do this, and we really have not established a brand new bank here. We simply have given the President a mandate to develop an institutional arrangement for providing this economic assistance. If he decides that an existing institution can do the job, his proposal, of course, will be examined.

Q. The fifth piece of legislation required is a comprehensive youth employment program.

A. As you know, this is one of the critical structural employment problems we face. The total number of teenagers and young adults who were jobless in January 1976 was 3.7 million, almost half the total number of Americans unemployed. Given the size and special nature of this problem, we needed to focus on youth and pull together all the training and job creation efforts that are now being made or contemplated in fragmented programs.

The manpower studies that have been done, not only by the Joint Economic Committee and other committees of Congress, but by outside professionals, show that youth unemployment today is to a large degree a problem separate and distinct from adult unemployment. It's very difficult to bring the number of young people that are available for gainful employment into the private market. Therefore we direct our attention in this bill towards a pervasive, persistent, nagging problem of youth unemployment that is not only an economic liability, but a social disaster.

Q. There's a section here that looks very much like a new Civilian Conservation Corps. It talks about job opportunities in a variety of tasks, such as conservation, public service, cleaning up our cities, and so forth. Did the sponsors particularly have in mind something like the CCC?

A. Yes, definitely.

Q. Before we come to the sixth piece of legislation required of the President, let's discuss the Full Employment Office and the reservoirs of employment projects.

A. The Full Employment Office and reservoirs of employment projects are designed to provide a backup to insure that if, after a comprehensive effort has been made to achieve full employment through the private sector and through other provisions of this bill, we find that there are still some people who are unable to obtain employment, then these people are provided with useful employment opportunities. The President is required to phase in these projects in conjunction with the annual employment recommendations required in the earlier portion of the bill, in order to achieve a rate of adult unemployment not in excess of 3 percent within four years.

Q. The sixth piece of legislation that the President is required to submit to Congress deals with the integration of employment and income maintenance programs.

A. This is a very important section because it tells you a great deal about the philosophy of the bill. The spirit of this bill is to substitute work for welfare. It's designed to bring a halt to the practice of simply extending unemployment compensation longer and longer as a way to buy off the unemployed and to prevent them from becoming socially disruptive. It requires the development of policies to substitute work for income maintenance to the maximum extent feasible, given the limitations and special problems of the people involved.

Q. Before we go on to Title III, let me ask you a general question. Title II envisages six really comprehensive and far-reaching pieces of legislation that are to be submitted to Con-

gress by the President between 90 and 180 days from the time of the passage of this bill. How can the President accomplish such an enormous task within such a short period of time? Why did the sponsors think it better to outline the principles for these six pieces of legislation rather than providing the details in the present Humphrey-Hawkins bill?

A. With respect to the first question, the President, through his thousands of executive branch officials, ought to be working on these problems now and should have been at work on them in the past. So it's not as if the executive branch is beginning from point zero. At least I hope not. Beyond that, this bill will be discussed in Congress for many months, giving the President and his advisers ample time to get ready to meet these requirements. However, if any of these time-tables is too tight, that's a small problem which can be resolved during the course of committee hearings.

With respect to the second question, originally there was an effort to write in details of the programmatic mandates that are now in this bill. That was abandoned because it became clear that you would lose the perspective that you could get by writing a general economic policy bill. You would have so much detail in each section of the legislation that you couldn't see the important general framework that was being set up by this act. Another reason for not doing it is that if we had written in all those details, the bill would have become a legislative monstrosity, requiring referral to most of the committees of Congress, and embroiling us in jurisdictional disputes that would have prevented us from passing any legislation at all.

Q. Title III deals with procedures for Congressional review. Will you elucidate these?

A. Title III establishes general procedures and policies to give Congress a full partnership in the formulation and establishment of all the economic policies that are required in the earlier sections of the bill. Congress must review and eventually establish economic goals on an annual basis, through the Full Employment and Balanced Growth Plan, the budget resolution, the reports of the Federal Reserve, and, of course, all the legislation that would be submitted by the President as part of Title II. This review would take place through many committees of Congress with the lead being taken by the Joint Economic Committee and the Budget Committee, but with other committees playing roles, depending upon the particular jurisdiction of the matter involved.

Q. The Joint Economic Committee plays the principal part in this?

A. The Joint Economic Committee plays the principal role in general review of the act, the setting of annual goals, the review of the plan, and the submission of concurrent resolutions to the floor of the House and the Senate, approving, rejecting, or modifying the plan.

Q. What happens if the President's proposed plan is modified or rejected? How do you get coordination between the President and Congress?

A. Two ways. First the resolution itself will be sent to the President and I think in most years you'll have a President attempting, even though it will not be required by law, to make an accommodation with Congress. Beyond that, and in a sense more important, Congress will use the concurrent resolutions on a plan as a guide to its legislative activity, and it's through legislation that Congress controls the executive as well as national economic policy. And so by this device long-range policies will be better coordinated.

Q. How much detail or generality do you see in the plan?

A. We don't have a complete answer to that yet. We need to study the issue care-

fully as we set up planning appropriate for the United States. My own bias is toward a rather short and simplified plan to be taken to the floor of the House and Senate, with greater detail embodied in a supplement to the plan. In that way, a member of Congress can understand and debate the priorities and policies in the plan.

Q. There is one other institution established in this bill, a Division of Full Employment and Balanced Growth in the Congressional Budget Office.

A. The purpose is to bolster the staff of Congress in dealing with the complicated set of requirements under economic planning and to ensure that there is adequate technical assistance in developing, reviewing, and modifying the plan.

Q. What kind of support does this bill have?

A. The support for the bill is already astonishing. There is a coalition of labor, business, church and other groups including the AFL-CIO, the Full Employment Action Council, the UAW, the National Farmers Union, and many others. In Congress we have support on the House side from the Speaker of the House, Congressmen Bolling, Reuss, Perkins and over a hundred others. On the Senate side, even though we have not yet circulated the bill, we have eight co-sponsors at the present time, including Senators Williams, Nelson, and Javits.

Q. My last question is this. This bill really attempts to chart a new course for economic policy-making in this country, I think you agree. But there are many economists who undoubtedly will be skeptical about the objectives or at least about their feasibility. What's your reaction to this kind of skepticism?

A. There are two answers. First, I believe we have had a climate of negativism and failure for so many years that many of our intellectual leaders have lost their nerve and sense of creativity. We have been putting much of our energy into explaining underachievement and too little into achievement. This bill does chart a new course for economic policy that challenges the currently accepted ideas. That challenge is badly needed if we are to come to grips with the economic problems our system faces.

Beyond that, we ought to have the grace and good sense to be modest about what we have presented. Any bill that has just been introduced can be improved. I hope we can get constructive suggestions on the bill in the course of committee hearings, and perfect what has been proposed.

#### POUGHKEEPSIE RAILROAD BRIDGE

Mr. RIBICOFF. Mr. President, over 2 years ago the railroad bridge over the Hudson River at Poughkeepsie, N.Y., was severely damaged by fire. Although this is a vital link in rail freight operations to and from numerous points in Connecticut and elsewhere in New England, there has been a complete lack of any meaningful action to make the necessary repairs and to restore this critical structure to a useful condition.

Shortly after the fire the Penn Central Railroad sought Federal funds to make repairs under the Regional Rail Reorganization Act. In January 1975, a three-party agreement was reached under which New York State and Penn Central would share the cost of the repairs and the U.S. Department of Transportation would assume that portion of Penn Central's share exceeding \$350,000. However, this agreement was not formally concluded and went unsigned. This marked the beginning of a series of bu-

reaucratic maneuvers and protracted delays which have persisted up to the present time.

An agreement under which repairs would be made was approved by U.S. District Court Judge John Fullam in Philadelphia in November 1975. The agreement provided that the repairs would be paid for by a \$359,000 fire insurance claim pledged by Penn Central and \$486,000 approved by the New York State Legislature. However, Penn Central has been taken over by the Consolidated Rail Corporation—ConRail—and, in March, the New York State Transportation Department indicated that it would not provide funds to repair the bridge. As Connecticut Transportation Commissioner James Shugrue aptly observed, the New York decision "is a definite setback to anticipated improvements for freight service in Connecticut. This decision is certainly not in the best interests of Connecticut shippers or the State's economy as a whole."

Mr. President, the Poughkeepsie crossing and processing through the yards at Maybrook represents the shortest route between New England and Metropolitan New York and the Atlantic seaboard. As matters now stand, freight traffic is rerouted along the Hudson River's west shoreline to upstate Selkirk and countless delays are reportedly experienced by Connecticut and New England shippers. Also, although efforts are supposedly being taken to stimulate rail freight commerce—including a million dollar public relations program by ConRail—much of the freight traffic in New England has been lost to others modes of transportation. Further, Selkirk is often closed due to bad weather and some viable alternative must be located.

An especially disappointing aspect of this whole episode is the complete failure of ConRail to take some affirmative steps to effect needed repairs on the Poughkeepsie Bridge and to restore service in this area. Repair of this structure is specifically noted in the final system plan for restructuring railroads in the Northeast and Midwest. Prepared by the U.S. Railway Associations under the provisions of the Regional Rail Reorganization Act of 1973, this document is really the definitive study and report on the intricate process of reorganizing and restructuring bankrupt railroads in the Northeast and Midwest. However, ConRail does not consider the final system plan to be binding but only as a general guide. This sentiment notwithstanding, the ball is clearly in ConRail's court as it is the owner of the bridge and the reconstruction project is its responsibility.

In recent weeks a series of meetings have been held with Members of the Connecticut and New York congressional delegations, ConRail, transportation officials of Connecticut and New York and various other interested parties. I commend Representative BENJAMIN GILMAN of New York for taking the initiative in arranging these meetings. Although the vital nature of the Poughkeepsie Bridge to New England's economic growth and development has been fully outlined, ConRail has apparently continued to assign a very low priority to repairing the span.

Early last month, the entire Connecticut congressional delegation as well as Senators JAVITS and BUCKLEY and Representatives GILMAN and FISH of New York joined with me in calling upon ConRail to repair the facility. This rail link is of such vital importance to my State that Connecticut officials are presently seeking funds from a private foundation to pay for a portion of the bridge's repair. Unfortunately, ConRail appears to be insensitive to the needs of the region and has demonstrated a lack of interest in improving rail freight operations in Connecticut and New England by not repairing the Poughkeepsie Bridge and reestablishing the necessary service.

Mr. President, in order that my colleagues may better understand the importance of the bridge and the ramifications of ConRail's failure to make necessary repairs, I ask unanimous consent to have printed in the RECORD a recent statement by Gov. Ella Grasso; a brief synopsis as to why the bridge should be restored; a statement by the Connecticut Commissioners of Transportation and Planning and Energy Policy to the Hartford Courant; the text of a resolution adopted by the Governor's Railroad Advisory Task Force; and the text of the April 9 letter from a number of my colleagues in the House and Senate and me to ConRail Chairman Edward Jordan, to which a final response has not been received.

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

#### STATEMENT OF THE HONORABLE ELLA GRASSO

At this time I am compelled to express my grave concern with the failure of ConRail to cooperate with Connecticut in the State's vigorous efforts to restore the Poughkeepsie Bridge. In expressing this concern, I must emphasize that the efforts of my Administration to restore the bridge have not been confined to rhetoric. Quite to the contrary, my Administration has diligently sought to identify possible sources that might provide supplementary financial support for this purpose.

Connecticut's efforts to identify a possible source of supplementary financial support to restore this vital rail link between New England and locations to the south and west have been successful. The Connecticut Department of Transportation has submitted a proposal to a private foundation to reserve funds in excess of 50% of the estimated cost of \$850,000 necessary to restore the bridge. This proposal to reserve funds for the specific purpose of restoring the bridge has been tentatively approved, but an actual grant authorization has not been made. Actual grant authorization approval is predicated on satisfying several conditions, the major ones being (1) receiving assurance that ConRail will obtain the required source of additional funds necessary to restore the bridge, and (2) assurance that the bridge will be used after it is restored. It should be noted that these were some of the conditions specified in the proposal submitted by the Connecticut Department of Transportation.

Despite the delicate and confidential negotiations inherent in seeking funds from private foundations, Connecticut has notified ConRail of these negotiations. Specifically, in a letter dated April 20, 1976, Mr. Richard D. Spence, President of ConRail, was notified by the Connecticut Department of Transportation of the submission of the proposal and he was requested to provide written assurance that the required addi-

tional funds necessary to restore the bridge will be provided. A favorable response to this letter was requested by April 30, 1976. No formal response to this request has been received to date. Subsequent telephone calls made last week have merely resulted in promises that either President Spence or Vice President Sweeney would contact the State official placing the call.

I consider ConRail's failure to cooperate with Connecticut on this favorable development to represent an unconscionable act of irresponsibility as it fails to comply with the provisions of the Final System Plan. Apparently ConRail does not share the State's conviction that the restoration of the bridge is essential to provide an efficient alternate rail link between New England and locations to the south and west. I urge those gathered here today who share Connecticut's convictions on the need to restore the bridge to enjoin ConRail to capitalize on this unique opportunity to accomplish this objective.

#### REASONS FOR RESTORATION OF THE POUGHKEEPSIE BRIDGE ACCESSIBILITY

The major rail routes through Connecticut, New York City and Long Island may eventually be owned and operated by Amtrak. If this occurs, freight service could be phased out in ten years. This leaves one rail freight gateway to Connecticut through Worcester, Massachusetts, which will not even be operated by ConRail.

#### SERVICE

It now takes 59 hours and 15 minutes for a freight to travel from New Haven to Washington, D.C. because of circuitous mileage and additional yard classification via the Selkirk gateway. This, the fastest schedule shown by ConRail, only permits effective 4th morning delivery of freight. Formerly, via the Poughkeepsie Bridge, the fastest freights could save 102 miles traveling from New Haven to Washington and the trip could be made in 17 hours and 15 minutes. This permitted effective 2nd morning delivery.

#### OPERATING SAVINGS

An internal report compiled by Tri-State Regional Planning Agency in 1974 demonstrated that a reduction in circuitous mileage could reduce the costs of moving freight cars between Trenton and Long Island City by \$9.47 per carload and New Haven by \$7.70. This could potentially reduce annual operating expenses by \$1,882,500 annually at current traffic levels.

#### RECAPTURING TRAFFIC

Because of time delays and extra mileage, the railroads carry only 16 percent of Connecticut's outbound freight to such States as Kentucky, Mississippi and Alabama. For outbound traffic to Wisconsin, Illinois, and Ohio, where it is more direct to use the present Selkirk routing, the railroads have a 39 percent market share. Northern New England, unaffected by the Poughkeepsie Bridge fire, has a nearly equal rail market share of outbound freight to both North and South markets. The New York Department of Transportation believes that the Poughkeepsie Bridge route has a market potential of \$20 million.

#### NATIONAL DEFENSE

ConRail has only one rail gateway to New England. If the one bridge were destroyed by a natural disaster, New England and its important defense industry would be left isolated.

#### COMPETITIVE SERVICE

Repair of the Poughkeepsie Bridge would permit connections to be made by other rail carriers to provide competitive service to Connecticut and New York. It has been the position of the Connecticut Department of Transportation since the release of the Secretary's "Rail Service Report" that competitive service was needed and justified.



DEPARTMENT OF TRANSPORTATION,  
Wethersfield, Conn., April 30, 1976.

Mr. CHARLES TOWNE,  
Editor of the Editorial Page, Hartford Cour-  
ant, Hartford, Conn.

DEAR Mr. TOWNE: The purpose of this letter is to support your editorial of April 11, 1976 urging the restoration of the Poughkeepsie, New York Bridge and to rebut contentions in a recent Letter to the Editor from Mr. Robert S. McKernan, Executive Representative of ConRail, charging that such restoration would represent a "wasteful duplicate (rail) route and facility." The State of Connecticut shares the goal of ConRail as stated by Mr. McKernan; i.e., "the achievement of a profitable rail system in the northeast."

We do not believe, however, that this profit goal should be achieved at the expense of Southern New England shippers who are forced to utilize a single circuitous rail routing on the northerly Selkirk, New York route. Moreover, we are concerned that this routing could encourage present and prospective rail freight users to utilize alternative means of transportation, thereby increasing environmental pollution and decreasing rail freight revenues. For example, rail traffic between Southern New England and the South Atlantic and Middle Atlantic regions is only 18% of the total freight market. In order to become profitable, ConRail must take steps to increase usage and demand, and the failure to restore the bridge can only serve to continue to decrease these essential factors.

In his letter Mr. McKernan stated that southern traffic through ConRail's Potomac Yard in Washington to Hartford would travel 465 miles via Selkirk versus 516 miles via the Poughkeepsie Bridge. We question this comparison. Traffic mileage through the Potomac Yard in Washington to Hartford via the Poughkeepsie Bridge would total 458 miles, while the northerly route through Selkirk would total 497 miles. Shipments from the Potomac Yard in Washington via the Selkirk facility, as compared to the Poughkeepsie Bridge route, are 102 miles longer to Middletown, 102 miles longer to New London, and 126 miles longer to Bridgeport. It is inconceivable that such circuitous routing will prove to be a cost benefit to major industries located in these and other Connecticut communities. It must be recognized that one-half of Connecticut's labor force is located in one-third of the geographic area that could be served primarily by the Poughkeepsie group.

Mr. McKernan correctly noted that at the time of the Poughkeepsie Bridge fire only one poorly patronized round-trip service was operated over the Poughkeepsie Bridge. However, what he failed to report was that this condition resulted from a significant downgrading of service by the Penn Central Transportation Company.

In the last years of the New Haven Railroad's operations, 12 daily through-trains utilized the Poughkeepsie Bridge route with approximately 231,772 carloads interchanging annually at Maybrook. This is a remarkable statistic in itself. For while the number of carloads entering New England via the Poughkeepsie Bridge in the period from 1954 to 1968 only decreased from 256,900 carloads to 231,772, a decline of 9.7%, the total rail traffic entering New England during that period declined 34%. During this period, the share of New England rail traffic using the Poughkeepsie Bridge route in preference to other New England rail gateways actually increased from 22% to 30%.

Mr. McKernan also claimed that the Maybrook, New York yards no longer exist. Unfortunately, this statement is correct, as the Penn Central permitted this important facility to become, in his own words, a "desolate shell". However, Mr. McKernan neglected to note that ConRail's Allentown, Pennsylvania, yards are more than adequate to serve the

Poughkeepsie Bridge traffic to Southern New England.

In failing to restore the Poughkeepsie Bridge, ConRail would, in effect, place all of its eggs in one basket. We object to this policy for several reasons. It is a known fact that the one basket, Selkirk gateway, is located in the snow belt and therefore subject to severe winter weather conditions. An alternate route is essential not only to cover emergency situations such as this, but also for national security purposes and as a means of accommodating a potential increased demand in the use of coal as an alternate source of energy for the utility companies in Southern New England.

The State of Connecticut and ConRail share the mutual objective of achieving a profitable rail system. It is our belief that this objective can best be achieved by the restoration of the Poughkeepsie Bridge, a task that requires the support of ConRail. The State is in the process of developing an active marketing program to promote the use of rail freight service and encourages ConRail to actively cooperate in this process. Although it is discouraging to learn that ConRail representatives do not share the State's belief that the Poughkeepsie Bridge is essential to increasing the demand for rail freight usage in the State, we will continue our efforts to encourage restoration of the bridge and we are presently investigating all possible supplementary sources of funding.

Very truly yours,

JAMES F. SHUGRUE,  
Commissioner, Department of Transportation.

LYNN ALAN BROOKS,  
Commissioner, Department of Planning  
and Energy Policy.

#### RESOLUTION—URGENT REPAIRS TO THE POUGHKEEPSIE BRIDGE AND REHABILITATION AND RESTORATION OF SERVICE

Whereas, the Governor's Railroad Advisory Task Force has been on record for a long time as to the urgent and pressing need for the rehabilitation and restoration of service on the Poughkeepsie railroad bridge over the Hudson River and the railroad line over that bridge, and

Whereas, the State of Connecticut has made every effort with the previous owners of this property and line to cause this rehabilitation and restoration to be done; and

Whereas, the contract with the prior owners lapsed as an effective instrument with the takeover of the properties by ConRail on April 1, 1976;

Now, therefore, be it resolved that the Governor's Railroad Advisory Task Force reaffirm its support for their Congressional representatives to call upon ConRail (Consolidated Railroad Corporation) the new owners in order to fix a date with the utmost urgency for the repair of the Poughkeepsie Bridge so as to accomplish full rehabilitation and restoration to service of this vital line of railroad.

This resolution shall take effect this 10th day of April, 1976.

WASHINGTON, D.C.,  
April 9, 1976.

Mr. EDWARD G. JORDAN,  
Chairman, Consolidated Rail Corporation,  
Philadelphia, Pa.

DEAR Mr. JORDAN: Almost two years ago the Poughkeepsie (New York) Railroad Bridge was severely damaged by fire. As a consequence, vital rail freight service into much of New England has been seriously disrupted.

Although there have been countless pleas from local officials, businessmen, rail shippers and other interested parties, no action has been taken to effect the needed repairs on the bridge. Negotiations between Penn Central and the New York State Department

of Transportation concerning the span's repair were underway at one point but these discussions were unsuccessful as the Transportation Department declared last month that it would not provide any funds to repair the Poughkeepsie Bridge.

Many communities in Connecticut have been adversely affected by this disruption in rail service. This situation is also having a harmful economic impact on many areas in Eastern New York. The success of the Northeast Railroad Reorganization Plan is seriously jeopardized. Clearly, action to repair this key rail structure is long overdue and affirmative steps must be taken to make the necessary improvements.

In view of the impact which the Poughkeepsie Bridge has on so many aspects of economic life in the Northeast and its overall importance to rail freight service in the region, we are writing to urge that ConRail undertake immediate action to initiate the repair of this facility. We are willing to work with ConRail and to provide whatever appropriate assistance we can. Further delay, however, will only result in further economic dislocation and we believe that action is long overdue to make the necessary improvements.

We trust you will give this request your fullest, most careful and prompt consideration. Members of our staffs are prepared to consult with appropriate ConRail officials to develop a strategy on this matter. Meanwhile, we will look forward to your response and an indication of the action you intend to take on this problem.

Sincerely,

Abe Ribicoff, U.S. Senator; Jacob K. Javits, U.S. Senator; William R. Cotter, U.S. Representative; Hamilton Fish, Jr., U.S. Representative; Benjamin A. Gilman, U.S. Representative; Anthony Toby Moffett, U.S. Representative; Lowell P. Weicker, Jr., U.S. Senator; James L. Buckley, U.S. Senator; Christopher J. Dodd, U.S. Representative; Robert N. Gialmo, U.S. Representative; Stewart B. McKinney, U.S. Representative; and Ronald A. Sarasin, U.S. Representative.

#### RECESS UNTIL 1 P.M.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the Senate stand in recess until the hour of 1 p.m. today.

There being no objection, the Senate, at 12:23 p.m., recessed until 1 p.m.; whereupon, the Senate reassembled when called to order by the Presiding Officer (Mr. HUDDLESTON).

#### CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Under the previous order, the hour of 1 o'clock having arrived, morning business is closed.

#### DEPARTMENT OF DEFENSE APPROPRIATIONS AUTHORIZATION ACT, 1977

The PRESIDING OFFICER. Under the previous order, the Senate will now resume consideration of H.R. 12438, which will be stated by title.

The assistant legislative clerk read as follows:

A bill (H.R. 12438) to authorize appropriations during the fiscal year 1977, for procurement of aircraft, missiles, naval vessels, tracked combat vehicles, torpedoes, and other

weapons, and research, development, test and evaluation for the Armed Forces, and to prescribe the authorized personnel strength for each active duty component and of the Selected Reserve of each Reserve component of the Armed Forces and of civilian personnel of the Department of Defense, and to authorize the military training student loads and for other purposes.

The PRESIDING OFFICER. Time for debate on the bill today is limited to 6 hours, to be equally divided between and controlled by the Senator from Mississippi (Mr. STENNIS) and the Senator from North Carolina (Mr. THURMOND), with 2 hours on any amendment.

The pending question is on agreeing to the amendment offered by the Senator from Massachusetts (Mr. KENNEDY).

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the amendment by Mr. KENNEDY concerning the Minuteman missile be laid aside temporarily until 1 p.m. on Wednesday.

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

Mr. STENNIS. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. STENNIS. I ask this of the assistant majority leader: Is there an agreement as to just when the amendment will be taken up? The Senator from Mississippi had to leave the Chamber. Is there an agreement on the Kennedy amendment?

Mr. ROBERT C. BYRD. Yes. It will be taken up at 1 p.m. on Wednesday. There will be a 2-hour limitation on it at that time.

Mr. STENNIS. I thank the Senator.

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

The PRESIDING OFFICER. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

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

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

Mr. HELMS. Mr. President, I ask unanimous consent that Dr. James P. Lucier have the privilege of the floor during the debate on H.R. 12438 and any rollcall votes thereon.

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

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. STENNIS. 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. STENNIS. Mr. President, what is the pending matter now before the Senate?

The PRESIDING OFFICER. The pending matter now is H.R. 12438.

Mr. STENNIS. Mr. President, we are under controlled time?

The PRESIDING OFFICER. That is correct.

Mr. STENNIS. As I understand, 6 hours are allotted on the bill itself?

The PRESIDING OFFICER. That is correct, divided between the Senator from Mississippi and the Senator from South Carolina.

Mr. STENNIS. Mr. President, I yield myself 30 minutes or so much thereof as may be required on the bill.

The PRESIDING OFFICER. The Senator may proceed.

Mr. STENNIS. Mr. President, as the Senate now continues to debate H.R. 12438, the fiscal year 1977 military authorization bill, I have some preliminary observations to make on the program as an entirety, and I will discuss in some detail some of the major items.

But in the beginning I want to stress that this bill is the product of the entire committee, including, of course, the work of the subcommittee chairmen and their respective members of those subcommittees. I name and identify the subject matter of the subcommittees to which I refer: the Research and Development Subcommittee of our full Armed Services Committee is chaired by the Senator from New Hampshire (Mr. MCINTYRE); the Tactical Air Power Subcommittee is chaired by the Senator from Nevada (Mr. CANNON); the chairman of the Manpower and Personnel Subcommittee is the Senator from Georgia (Mr. NUNN). I will give at some later moment the names of each of the members of the subcommittees. They have given a great deal of time and attention to their duties under this assignment. Actual hearings started on some of the items as early as October 1975.

I want to give special thanks too to the Senator from South Carolina (Mr. THURMOND), who is the ranking minority member of our full committee, for his fine assistance throughout this entire bill, the hearings thereon and its preparation.

I would also like to give special recognition to Senator LEAHY, who made a comprehensive study of the airlift and sealift, and to Senator CULVER and Senator BARTLETT who again this year examined in great detail the Army tank program. These gentlemen served more or less as a special task force working with reference to these particular subject matters.

Mr. President, let me say at the beginning—I will develop the figures on it later—that this bill in total amount comes within the budget figure as submitted by President Ford and well within the budget levels as prescribed by the Budget Committee and agreed to by the Senate.

Generally, this bill now in terms of procurement and research and development provides the minimum funds necessary to maintain the modernization of our Armed Forces. It provides what we think is the necessary money, and I emphasize the word "modernization," Mr. President.

There has been a great deal said lately about the relative strength of our Nation and its military forces and those of a potential adversary like Soviet Russia.

When it comes to an overall comparison no doubt we do have a superiority

over their forces, a very marked superiority in many places, and an overall superiority in both quality and type of manpower and skilled men. We are superior with reference to modernized weapons and that word "modernity" is one of the chief things at which we look, all of us, the entire Congress—at modern weapons that really count and are effective. It is not a matter of counting weapons; you have to pay attention to numbers, but certainly numbers do not control.

So we emphasize, and this has been done for years, the modernity and effectiveness of the weapons.

The foregoing holds true despite the relative increase in procurement and R. & D. funds over that recommended for last year. In substance this year's authorization will increase the proportion of the Defense budget for R. & D. and procurement while reducing the relative resources allocated to manpower.

I would add the committee also has adopted certain administration manpower recommendations which will substantially reduce personnel costs in the years ahead.

Mr. President, let me say for the information of those that are here, we will have the presentation of some of these overall speeches this afternoon. I think perhaps we can have some votes later in the afternoon. But procedure here on Thursday did not permit the usual presentation of the overall bill and also the usual presentation of the subcommittee chairman as to the work of their subcommittees. So we will have some of that.

I see that the Senator from Georgia is here; I have already referred to his subcommittee. I hope he will be ready to present his overall report.

I have been notified that the committee has also adopted certain administration manpower recommendations which will substantially reduce personnel costs in the years ahead.

#### OVERALL SUMMARY OF BILL

Mr. President, I shall first set forth certain funding comparisons with regard to the bill. The committee is recommending a total of \$32 billion for procurement and R. & D. This is a net reduction of \$800 million or 2.4 percent from the initial request of \$32.7 billion and \$2.3 billion or 6.6 percent from the amended request of \$34.2 billion. The budget amendments of May 1976 that is, submitted by the President in May of this year—consisted of \$1.2 billion for ships—including \$200 million for R. & D.—and \$317 million for the Minuteman III missile and warhead.

I will come back to those later, Mr. President.

#### COMPARISON WITH HOUSE VERSION

Mr. President, the House did not consider the May 1976 budget amendments since they arrived from the President after the bill was passed in the other body. In terms of totals, however, the House bill recommends \$33.2 billion, which amounts to about \$500 million above the initial budget request and about \$1 billion below the amended budget request.



As between the House and Senate bills, Mr. President, I would point out that there is a total dollar difference for procurement and R. & D. alone of approximately \$1.3 billion. In terms of the overall bill including manpower savings and legislation, the difference from the House is approximately \$2 billion above the Senate version as of now.

#### COMMITTEE MANPOWER ACTION

Senator NUNN, the chairman of the Manpower and Personnel Subcommittee will speak in detail on the manpower matter. I would point out, however, that the committee has made a modest reduction of about 1 percent in the defense request for Active Forces of 2.1 million, about a 1-percent reduction in the requested 1 million civilian employees and an increase of 24,200 or about 3 percent above the request of 848,200 for the Reserve Forces. I want to emphasize that the reductions will be taken from the noncombat units, including training, personnel, base operating support and support in Thailand. These reductions will not affect the combat capability of our Armed Forces.

#### SIGNIFICANT COMMITTEE ACTIONS

##### B-1

For the B-1 bomber the committee recommends an authorization for fiscal year 1977 in round numbers of \$1.5 billion. This authorization will, in addition to continuation of developmental testing, add three B-1 bombers to the four bombers that have been authorized to date. The committee has reviewed this program each year and has found no deficiencies in the program to date that are of sufficient significance to defer the production of the aircraft. This year, having reviewed the B-1 program in detail, the committee recommends approval of production of the B-1.

As the committee report indicates, the funds being requested provide for a production decision for the B-1 aircraft as a future replacement to the B-52. The B-1 will enable this Nation to have a modern strategic manned bomber as one of the elements of the so-called triad.

We had this matter up on Thursday of last week. There was one amendment to strike these funds from the bill. That has already been voted on and the Senate declined by a margin of 15 votes, I believe it was, to strike those funds from the bill.

There was another amendment, however, offered with reference to the starting time for the procurement covered in this bill. That deferral amendment passed by a margin of seven votes, I think it was, to delay that time until after the next President of the United States was sworn in.

According to the present plans, certain decisions are to be made in the fall of this year, I believe. So either way, however the bill winds up in final form, there has already been an approval by the Senate on rollcall vote of the money that is involved for this highly important item.

The purpose of our three-part strategic deterrent is to maintain the capability of retaliating with devastating force in the event a foreign power makes an at-

tack on the United States with nuclear weapons. In serving as a deterrent the second strike capability must be in a position to inflict devastating damage on the enemy's economic and political assets.

#### AIRLIFT/SEALIFT

At my request, Mr. President, Senator LEAHY examined the area of airlift and sealift. I commend Senator LEAHY for the comprehensive report and recommendations he submitted to the committee.

The committee approved \$87.1 million of the \$126.4 million requested for airlift. The committee is concerned that the Department of Defense does not have what the committee considers a well coordinated airlift-sealift program.

As a result of the committee's review, the Secretary of Defense is requested to direct an overall coordinated study of the mobility requirements of this country to meet its NATO commitments.

Mr. President, this becomes more and more important each year, in my judgment, because of the tremendous increase in the cost of weaponry. More should be known about just what it is we expect to put in place on the very shortest kind of notice and the availability of the sealift and airlift, and so forth, to carry out that decision. But it is certainly clear to all that it takes a real coordinated plan, a very definite program, and we do not think that has been sufficiently developed.

#### TANKS

With respect to the tank program, a special task force comprised of Senator CULVER and Senator BARTLETT reviewed these requests.

Mr. President, I point out these were not casual recommendations hastily arrived at or a pro forma method of considering these requests. It was only after days and days of intensive study and careful weighing of facts and prospects that these recommendations were made to us by these two Members. So thorough did we think their work was, it was rather readily accepted by the committee.

Based on their recommendations, the committee approved the fiscal year 1977 request. The total request was \$841.6 million for production and conversion of about 1,400 tanks. However, \$53.6 million was found in old accounts that could be applied to this year's authorization. So, with that adjustment, the total request was granted.

#### NAVY SHIPBUILDING

The committee voted unanimous approval for the shipbuilding program that I will outline for you. But first I will make a few general comments. The committee feels that the recommended authorization and the ships to be built with these funds will provide an adequate, necessary, and achievable increment in the overall Navy shipbuilding program. In presenting the shipbuilding program, the Secretary of Defense testified that Navy ship forces are under extensive review by the National Security Council and that this review is to be completed this fall.

The initial authorization request provides for the construction of 16 new ships totaling \$4.1 billion, advance procurement in the amount of \$0.4 billion for ships and submarines to be requested in

subsequent years, \$0.1 billion for supporting programs and \$1.6 billion for cost growth and escalation for ships authorized and funded prior to fiscal year 1976. The President amended the Navy and shipbuilding program on May 10, 1976, to include funds for long lead items of a nuclear carrier, four additional guided missile frigates, one additional fleet oiler, and Navy research and development. With the amendment, the fiscal year 1977 request for Navy shipbuilding totals \$7.3 billion.

The committee recommends an authorization of \$6 billion or \$1.3 billion below that requested. Specifically the committee recommends authorization for 1 Trident nuclear ballistic missile submarine, 2 SSN-688 class nuclear attack submarines, 1 Aegis destroyer, 8 guided missile frigates, 1 destroyer tender, 1 submarine tender, 2 fleet oilers, and 25 service and landing craft.

The committee deferred without prejudice the advanced procurement of a nuclear aircraft carrier.

Funds were denied for the advanced procurement of the nuclear strike cruiser. The committee is of the opinion that the complexity, costs, and production scheduling of the strike cruiser needs additional study by the Department of Defense before congressional action is sought.

Mr. President, I point out that each of these last two mentioned ships are in the House bill and we do not propose to just arbitrarily act in any way in trying to force the House to a conclusion. We will be in conference with them, and that is what a conference is for, with both sides willing to listen to hear and to consider the items in each bill.

Mr. President, may we have a little less movement in the well?

The PRESIDING OFFICER. The Senate will be in order.

The Senator may continue.

Mr. STENNIS. I thank the Chair.

Of the \$6 billion recommended shipbuilding authorization, \$1.6 billion is for cost growth and escalation for ships approved prior to fiscal year 1976. The committee is of the firm view that before proceeding with an enlarged program for building ships in the future, problems associated with ships currently being built must be resolved.

That involves a rather long story that I will not develop any further here now. I think all of our committee thinks that there must be a new shipbuilding program and all would favor it to some degree. All realize that we do have a logjam with reference to claims, escalation costs, inflation, and so forth, which must be dealt with effectively before we can clear the way for a real effective, forward moving new shipbuilding program. I am certain that when Congress really buckles down, and the Department of Defense buckles down, to the settlement, to the adjustment, of those claims and problems, solutions can be found and the way can be cleared for the new additional program.

The committee recommends the repeal of title VIII—nuclear powered navy of Public Law 93-965. This action should not be interpreted as a rejection of nuclear power for ships. Rather repeal of

title VIII would allow review of ships on a mission requirement basis with adequate attention to fiscal realities. A nuclear/conventional mix of ships is the most valid approach to attainment of required future naval forces and capabilities.

That is undoubtedly the opinion of our committee. We believe that that objective can be attained better through leaving this an open question, for the President freely to decide and for the Congress freely to decide, rather than have a mandate or a mandate to some degree, under this title VIII passed with good intentions, that every ship of a certain kind must be nuclear powered unless the President certifies that it is in the best interest of the Nation for conventional power to be used. It leaves him and Congress, as I understand it, not as free to make choices on these matters, as they otherwise would be. But our committee is pronuclear power for those surface ships and submarines of a type and a kind where we actually do need that kind of power with its compensating payoff.

#### TACTICAL AIR POWER

The Tactical Air Subcommittee, under the chairmanship of the Senator from Nevada, Senator CANNON, reviewed more than 30 major line items, weapons projects, and 70 smaller projects. Of a total funding request of over \$7 billion, the committee approved without change the subcommittee's reductions of about \$290 million from the administration's request.

Among items approved were:

The fiscal year 1977 request of \$474 million for the procurement of 6 AWACS, the full request. The committee supports the current efforts to establish a joint NATO-AWACS program. At the present time, however, the details of this program are not complete. The present procurement request provides planes needed for the U.S. Air Force and are not being produced for purchase by NATO countries.

That is a key point, Mr. President. I call that to the attention of the membership. When we do vote on this matter, if a Member overlooks that point he might be misled by the other facts.

Mr. WILLIAM L. SCOTT. Mr. President, will the Senator yield?

Mr. STENNIS. I yield to the Senator from Virginia.

Mr. WILLIAM L. SCOTT. I appreciate the Senator's yielding. I wonder, returning just briefly—

Mr. BARTLETT. Mr. President, will the Senator yield for a unanimous-consent request?

Mr. STENNIS. Well, I have just yielded to the Senator from Virginia.

Mr. WILLIAM L. SCOTT. I just wanted to pose a question to the distinguished chairman.

Mr. STENNIS. I yield to the Senator from Virginia.

Mr. WILLIAM L. SCOTT. They talk about the nuclear ships, and the mixture that the Defense Department desires. Is it the understanding of the chairman and the desire of the committee to leave some leeway, for some decisions to be made within the Defense Department, to

let them exercise their judgment to an extent as to what is best?

There was no intention on the part of the committee, insofar as I know, to weaken our defense posture, but a desire in fact to strengthen our defense posture. Is that the understanding of the distinguished chairman?

Mr. STENNIS. The Senator from Virginia, a valuable member of our committee, has exactly stated the position and the sentiments of our committee, as I understand, that we do favor the nuclear-powered ships in proper places, but we want the hardheaded judgment of the military, as the President of the United States and others have said.

Mr. WILLIAM L. SCOTT. I just thought that point ought to be brought to the attention of the full Senate, and I appreciate the Senator's yielding.

Mr. STENNIS. I thank the Senator. For the committee, I tried to cover that point with the press when we reported our bill.

Mr. President, in behalf of the Senator from Oklahoma (Mr. BARTLETT), I ask unanimous consent that Mr. Fred Ruth, a staff member for our committee have the privilege of the floor during the consideration of this measure.

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

Mr. STENNIS. Mr. President, continuing on the tactical airpower, the committee approved \$120 million that was not in the Defense request to purchase 24 A-7D tactical bombers for use by the Air National Guard.

#### RESEARCH AND DEVELOPMENT

Now, as to research and development, that subcommittee is chaired by the Senator from New Hampshire (Mr. MCINTYRE), who, along with his fellow members, has worked diligently on this technical portion of the bill.

Mr. President, the total R. & D. requests for fiscal year 1977 were right at \$11 billion; and it is an extraordinary performance for any subcommittee and its chairman and staff to go through the minutiae as well as the large items in this research and development section of this bill, totaling \$11 billion, and to actually form an opinion and make a real recommendation to the parent committee and to the Senate as to what should be done about these items.

I will wait, Mr. President, until they cool down.

The PRESIDING OFFICER. The Chair will ask the pages and the Senators at the bar to exercise discretion in making noise, so that the Senator can be heard. The Senate will be in order.

Mr. STENNIS. Until this subcommittee, with its chairman, undertook this subject matter, there had not been a chance theretofore to get into the extensive consideration of this great multitude of items. Now they are not only prepared and able to get an opinion, but they give a very finely informed and experienced opinion on these matters.

All of what is left, as far as the bill is concerned, every man here can vote for; unless he has some real reason to the contrary, he can vote for it with the

confidence that it has been considered by competent people.

The committee approved \$10.5 billion or a 5.2 percent reduction from the amount requested. The committee denied, without prejudice, the \$200 million budget amendment to Navy R. & D. The fiscal year 1977 authorization request is \$1.6 billion more than was authorized and appropriated for fiscal year 1976 making it the largest amount ever requested for R. & D. appropriations.

The House approved an authorization of \$10.3 billion or approximately \$200 million below the committee recommendation.

Among the important R. & D. recommendations were:

Reduction of \$77.9 million from the \$197.8 million requested for the Navy sea launched cruise missile program.

Reduction of \$32.4 million from the \$84.0 million requested for the Air Force advanced ICBM program, the M-X.

#### PROCUREMENT SUMMARY

By way of brief summary, procurement requests totaled \$21.9 billion for fiscal year 1977. The committee reduced the total of \$21.5 billion or 1.8 percent from the initial request and \$1.7 billion or 7.3 percent from the amended request.

The downward trend in defense purchasing power and the high cost of sophisticated and technical weapons systems have resulted in reduced quantities of military hardware. For example in 1977 we are recommending authorization of 247 Air Force aircraft compared to 943 in fiscal year 1964. At the same time, unit cost has risen dramatically. The fly-away cost of an F-15 is about \$11.6 million compared to a cost of about \$2.3 million in fiscal year 1964 for the F-4 fighter.

These comparisons are fairly average with many others that could be made.

There is concern that we are not buying sufficient weapons systems to assure a modern Defense Establishment. I have already emphasized our concern about having modern weapons. I think that is an area where we certainly do excel, and that is the one position that we cannot afford to surrender and lose, and we are not going to.

In the budget amendment to the fiscal year 1977 budget request, \$317 million was requested for the procurement of 60 Minuteman III missiles with MK12A reentry systems. It is the understanding of the committee that these missiles will be purchased only if there is no significant progress in the Strategic Arms Limitation Talks by September 1976.

The committee voted to approve the \$317 million restricting its use, though, only to the procurement of the Minuteman III missile. On that matter there is an amendment filed to strike out the item from the bill. It has been agreed, Mr. President, that that amendment will be debated fully this week followed by a vote. But I call attention now to the fact that the amendment is pending, and I consider it a highly important matter.

#### MANPOWER

The Manpower Subcommittee, chaired by the Senator from Georgia, Senator NUNN, has once again been of great value to the Senate and the committee by care-



fully scrutinizing the whole area of military manpower.

In substance, the committee is recommending a 1-percent reduction below the request for military and civilian manpower.

The PRESIDING OFFICER (Mr. HELMS). The time of the Senator has expired.

Mr. STENNIS. Mr. President, I yield myself 2 additional minutes.

Mr. President, I ask unanimous con-

sent that the tables outlined in manpower action of the committee be printed in the RECORD.

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

| Fiscal year 1977  | DOD request | Committee recommendation | Reduction from request | Percent | Fiscal year 1977                                  | DOD request | Committee recommendation | Reduction from request | Percent |
|---|-------------|--------------------------|------------------------|---------|---|-------------|--------------------------|------------------------|---------|
| Active duty manpower (end strengths in thousands):          |             |                          |                        |         | Active duty manpower (end strength in thousands): |             |                          |                        |         |
| Army  | 790.0       | 787.1                    | -2.9                   | -       | Marine Corps Reserve                              | 33.5        | 33.5                     | 0                      | -       |
| Navy  | 544.0       | 533.7                    | -10.3                  | -2      | Air National Guard                                | 93.3        | 93.3                     | 0                      | -       |
| Marine Corps  | 196.0       | 190.0                    | -6.0                   | -3      | Air Force Reserve                                 | 52.0        | 52.0                     | 0                      | -       |
| Air Force   | 571.0       | 570.0                    | -1.0                   | -       | Coast Guard Reserve                               | 11.7        | 11.7                     | 0                      | -       |
| Total   | 2,101.0     | 2,080.8                  | -20.2                  | -1      | Total   | 848.2       | 872.4                    | +24.2                  | +3      |
| Selected reserve manpower (average strengths in thousands): |             |                          |                        |         | Civilian manpower (end strength in thousands):    |             |                          |                        |         |
| Army National Guard   | 390.0       | 390.0                    | 0                      | -       | Army  | 378.4       | 373.5                    | -4.9                   | -1      |
| Army Reserve  | 215.7       | 212.4                    | -3.3                   | -2      | Navy-Marine Corps                                 | 320.5       | 318.4                    | -2.1                   | -1      |
| Naval Reserve   | 52.0        | 79.5                     | +27.5                  | +53     | Air Force   | 257.1       | 256.6                    | -.5                    | -       |
|   |             |                          |                        |         | Defense Agencies                                  | 79.8        | 79.2                     | -.6                    | -1      |
|   |             |                          |                        |         | Total   | 1,035.8     | 1,027.7                  | -8.1                   | -1      |

Mr. STENNIS. The President's budget request assumed a number of legislative changes which were included in the President's legislative program and which made substantial reductions in the Defense budget. The committee considered those legislative changes within its jurisdiction and adopted a number of those with some amendments. The committee made several changes to legislation affecting pay and benefits of military personnel that would have substantial budgetary impact in fiscal year 1977 and beyond. These changes include:

Elimination of the 1 per cent "kicker" in computing retired pay increases for military and CIA personnel, contingent on similar enactment for civilian retirees;

Permitting the President to allocate up to 25 percent of the regular cost of living raise in basic pay into the quarters allowance for military personnel;

Limiting the payment for unused leave for military personnel to 60 days and eliminate payment of quarters and subsistence in such payments;

Phasing out the appropriated subsidy for payment of commissary personnel and other operating costs over a 3-year period;

Repealing authority for administrative duty pay for reserve component commanders; and

Extending for 1 year current authority to pay physicians in the military at the current rate.

#### COMMITTEE AMENDMENTS

In addition to the committee amendments already mentioned—the 1 percent "kicker" for retired pay, the repeal of title VIII, and the proposed joint House Armed Services Committee carrier study, amendments in other areas were approved by the committee.

Three amendments were passed pertaining to NATO. Two of the amendments reaffirm the committee's commitment to standardization of weapons and equipment within the NATO Alliance and requires the Secretary of Defense to seek areas for cooperative arrangements for coproduction and licensing of military equipment for the NATO Allies. The third amendment would prohibit the U.S. Government from paying taxes to NATO governments as a result of stationing troops in their countries.

The committee proposed an amendment similar to a provision of the House bill that allows the Civil Defense Preparedness Agency in the Department of Defense to provide its resources to State and local areas in the event of natural disasters. The Senate version goes one step further than the House by writing this policy into law.

The final amendment approved by the committee directs the Secretary of Defense to solicit from retiring military officers and civilians their suggestions on improved procurement policies.

Mr. President, I yield myself an additional 2 minutes, if necessary.

I think that covers the highlights of the bill, and I strongly recommend expeditious passage prior to action on defense appropriations by the Subcommittee on Defense Appropriations.

We have a committee report that is of value. It explains in 204 pages the detailed action and recommendations of the committee.

I see the Senator from Georgia present in the Chamber. If he desires time and wishes to use it now, he may. I am glad to yield to the Senator from Georgia for 15 minutes and, if he should wish to use some additional time, I am glad to yield that time to him.

Mr. President, I call attention to the fact that the hour of 2 o'clock has arrived. In fact, it is now 10 minutes after 2. I advise the Chair—and I speak loud enough so that all Senators and their aides who are in the Chamber can hear—that there is a unanimous-consent agreement that, on this bill, amendments that were not filed by 2 p.m. today would not be eligible for consideration by the Senate.

I wish the Chair would take note of what time it is now and give information about the submission of amendments that cannot be received.

The PRESIDING OFFICER. The Senator is absolutely correct, and the Chair has taken note of it and will observe the situation.

Mr. STENNIS. No one would be authorized to receive amendments that are not now before the Senate.

The PRESIDING OFFICER. That is correct.

Mr. STENNIS. Another inquiry: Will it require a unanimous-consent agreement in order to file an amendment?

The PRESIDING OFFICER. That is correct.

Mr. STENNIS. I thank the Chair.

Mr. NUNN. I say to the Senator from Mississippi that my remarks probably will last 15 minutes, and if anything comes up that is of an urgent nature, the Senator from Georgia will be glad to yield.

Mr. STENNIS. I thank the Senator.

I will object to a unanimous-consent request to file amendments.

Mr. NUNN. Mr. President, I thank the chairman from Mississippi, and I appreciate, as do all other members of the Committee on Armed Services, his excellent leadership during the markup of this bill and during all the hearings.

We become accustomed to his excellent service. I think we ought to point out again how much the Senator from Mississippi means to not only the committee but indeed to the entire Senate and the entire United States in fulfilling what I think is certainly the priority role of any Senator—and he does it perhaps better than anyone else we have—and that is keeping America strong.

#### KEEPING AMERICA STRONG

Mr. President, despite all the campaign rhetoric, the job of providing for the Nation's defense must go on on a day-to-day basis. Unlike campaign rhetoric, which often misstates and oversimplifies defense security issues, this day-to-day job requires many hard decisions among complicated and difficult choices. I am going to provide a brief status report today on what the Committee on Armed Services has done this year regarding some of the important issues facing our Nation's defense, particularly those relating to manpower and personnel.

Before I go into detail, let me say that I think we face two very difficult issues when it comes to the defense budget. First, there is the issue of how much money overall should be allocated to defense. Second, and perhaps more important, is the issue of how defense money should be allocated and spent.

Last year, I reported to the Senate that in the last decade the quantitative military balance between the United States and the Soviet Union shifted in directions distinctly favorable to Moscow. I believe this shift stems from two

factors. One, of course, is the steady growth in Soviet military forces. The Soviets have now moved themselves to a position of approximate parity with the United States. The second factor contributing to the shift was the drain on U.S. defense resources in Vietnam and the subsequent demobilization of many U.S. military forces and reductions in the U.S. defense budget. This country has a history of large demobilization after its wars. Vietnam was no exception.

The United States cannot match militarily the Soviet Union man for man or item for item.

And I think it would be foolish for us to try to.

We could not afford it and it would not make us much more secure. For example, the Soviets have some 4 million men under arms, compared with our 2 million. Matching that manpower and equipping them would mean more than doubling the current defense budget to something over \$200 billion. This could mean a 25-percent increase in all Federal taxes, a tripling of the already large Federal deficit, a one-third reduction of all other Federal programs—including those for energy, environment, social security, and so forth—or a combination of all of these items. Yet despite this cost, I doubt that the United States would be twice as secure if we doubled our manpower. The Russians would still pose a nuclear threat to the United States, as they would, and they would also continue to pose military and political threats to our interests in Europe, Asia, the Middle East, and Africa.

There are really three major choices regarding the overall size of the defense budget: First, we can continue to make cuts in the real purchasing power and unfortunately this has been the course that has been taken for the last several years; second, we can stabilize the defense budget in real purchasing terms; and, third, we can provide for some real growth in defense buying power to provide for force modernization. This year's action by the Committee on the Budget and the Committee on Armed Services reflects the third choice—a modest real increase in defense spending. I believe that represents a reversal of trends of the past several years and an end of the Vietnam demobilization. I also believe the Senate action can lead the way to a measured and steady course we can follow in the future.

The second major issue regarding the defense budget that I want to mention briefly is the question of the internal priorities within the defense budget—in other words, how should the defense budget be spent. In some ways, this issue is more important in determining overall military strength than the precise overall size of the budget. For example, \$1 billion of the fiscal year 1977 budget—and I might add this was true also in fiscal year 1976—is to pay for increases in the civilian and military grade structure in DOD that have occurred since 1964.

In other words, if we had exactly the same military and civilian grade structure that we did in 1964 fiscal year this defense budget would be \$1 billion less.

I found no one in Government, including the Department of Defense, that can show the increase in military capability resulting from the increasing of the grade structure to the tune of \$1 billion since fiscal year 1964.

If I had to name one problem regarding the defense budget, it is comparatively small quantities of equipment and material that are bought. Even though the budget for investment—R. & D. and procurement—has been increased by 28 percent this year, we are not adding much, if any, to our equipment inventories—16 Navy ships and 239 Air Force aircraft are scarcely sufficient to replace normal attrition in the ship and aircraft inventories.

This problem has been caused by two factors. First—and perhaps predominant—rising manpower costs and other operating costs have taken up more and more of the defense budget. This has squeezed severely the amount of the budget available for investment in weapons and hardware. In 1964, 45 percent of the defense budget went for R. & D. and procurement of hardware. By 1975, this had dropped to 29 percent because of the rise in manpower and operating costs. Looked at from another aspect, the hardware budget—R. & D. and procurement—rose 12 percent between 1964 and 1975—less than inflation—while military pay went up 168 percent and civilian pay rose 121 percent.

I know that the Senator from Nevada, who chairs the Tactical Air Subcommittee, realizes the squeeze that this overall increase in manpower cost has had on aircraft, ships, and research and development.

The second factor leading to reduced hardware inventories has been the rising unit costs of weapons systems. Thus, the equipment inventories have suffered the double squeeze of less money available for hardware, combined with higher unit costs of the hardware.

We must work hard to reverse these trends. This means restraining the growth of manpower costs and taking a critical look at very high cost hardware. I believe the action of the committee this year points us in that direction. I will describe in some detail the actions taken regarding manpower, since I chair the Manpower and Personnel Subcommittee.

The committee took a number of actions aimed at restraining manpower costs. The military strength request was reduced 20,300 and the civilian strength request reduced 8,100. These reductions were made in lower priority areas or where there were significant manpower quality and management problems. Reserve component strength was increased 24,200, reflecting increased reliance on less expensive reserve manpower, particularly the Naval Reserve. In addition, the committee adopted with amendment six legislative items, proposed by the President, relating to pay and compensation. The effect of the committee's manpower actions, if fully implemented, would be to save some \$425 million in fiscal year 1977 and over \$7.3 billion in the next 5 years. I would expect these savings in future years to help increase

hardware inventories. It is of little value to have men without guns and bullets. They would not survive on today's battlefields.

#### RECOMMENDED REDUCTION IN DEFENSE DEPARTMENT MANPOWER LEVELS—BY SERVICE

Mr. President, the committee considers the active duty military, reserve, and civilian manpower request of each service in its assessment of the Defense Department request for manpower. These three components of defense manpower were considered together for each of the military services. I would like to describe the committee's action service by service for fiscal year 1977.

#### ARMY MANPOWER

The committee recommends an end strength for the Army of 787,100 active military and 373,500 civilian personnel and an average strength of 212,400 for the Army Reserve and 390,000 for the Army National Guard.

In action military personnel, the committee's recommendation is actually an increase of 20,700 from the actual strength of 766,400 on December 31, 1975. The committee suggests that the reductions in the requested fiscal year 1977 level be made in the areas of training, base operating support, and support manpower for U.S. installations in Thailand.

For Army civilian personnel, the committee recommends a reduction of 4,900 personnel, primarily a reduction in the area of base support personnel.

I shall describe the committee's recommendations by category. First of all, the committee is concerned with the level of manpower devoted to training. Last year, legislation was enacted to reduce the minimum training requirements from 16 to 12 weeks for new personnel. These changes should reduce course lengths and put personnel into the force units sooner. However, the Army is increasing course lengths and increasing the number of trainees. The committee thinks that reductions can be made in keeping with the concept of one-station training and the reduction in the minimum training period. The committee wishes to encourage the most efficient use of manpower resources and hopes to keep training resources at the levels necessary for maximum efficiency. Thus, the committee recommends a reduction of 1,300 military and 600 civilian personnel in support of training.

In base support, despite announced base closures and realignments, the request for civilian base support personnel would have increased civilian strength over the past. Also, the committee feels that further reductions can be made in the level of military personnel in base support. The committee recommends reductions of 600 military and 3,200 civilian Army base support personnel.

The committee also recommends a cut of 600 Army civilian personnel in command/headquarters to reduce excessive overhead. I will discuss later the recommended reduction of 1,000 military and 500 civilian personnel in support of U.S. installations in Thailand.

In the Army National Guard, the committee recommends approval of the Department's request for an average



strength of 390,000. For the Army Reserve, the committee recommends denial of the requested 3,300 increase in the Army Reserve average strength to 215,700. The requested increase was related to expected shortfalls in the level of individual Ready Reserve due to the expiration of the draft. While the committee is concerned with this problem and has requested that a study of the matter be done by the Secretary of Defense, it does not believe that shortfalls in the individual Ready Reserve should be remedied by increases in the Selected Reserve. The committee recommends that the fiscal year 1976 level of 212,400 Army reservists be maintained for fiscal year 1977.

#### NAVY MANPOWER

For fiscal year 1977, the Navy requested end strengths of 544,000 active military and 300,600 civilian personnel and an average strength of 52,000 Selected Reservists. The committee recommends a reduction of 10,300 in the request for military personnel, a reduction of 1,300 in civilian personnel and an increase of 29,500 in Selected Reserve Forces.

These include recommended reductions in command/headquarters of 200 military and 1,300 civilian personnel, reductions of 900 military in base support, 1,000 military in training and a denial of increases in the active Navy totaling some 8,200.

In active military forces, the committee's recommendation is actually denial of part of the requested increase for fiscal year 1977. The Navy strength recommended by the committee will enable the Navy to increase its active military forces by 8,700 personnel over the December 31, 1975, actual strength of 524,700. The Navy can make major improvements in manning ships and aircraft within this manpower level. Before the Congress authorizes additional manpower for ship and aircraft augmentation, the committee believes the Navy can and should make more efficient use of its present manpower.

Testimony before the committee this year revealed that the Navy has been consistently undermanning its ships and overmanning its shore establishment. For example, in fiscal year 1975, the Navy undermanned its strategic and general purpose force units—the ships and aircraft—by 14,000 people and overmanned the support and pipeline units by 12,800. The Navy is aware of this problem and is working to remedy it. They plan to move to a "man the ships first" policy which should result in a 25 percent improvement in readiness and increase fleet manning to 100 percent by the end of this year. All this can be done without increases in manpower. The Navy can still increase its ship and aircraft manning by 25,000 men or more within the manpower level recommended by the committee for fiscal year 1977.

Another problem that the committee is concerned with is that the Navy also is reducing its reliance on the Naval Reserve at the same time the Navy is asking for a lot of new men in active duty. I think that is exactly the opposite direction they should be taking. The aircraft

carrier that was planned for reserve air wing use is requested for active force use in fiscal year 1977, increasing the active force request by 3,900. The Navy planned 7,200 fewer reservists for ship augmentation in wartime than was the case in fiscal year 1974. Both of these factors have resulted in increases in the active force request for fiscal year 1977.

The committee is also concerned that increasing the Navy manpower level to the level requested for fiscal year 1977 would require a 15-percent increase in recruiting in 1 fiscal year. To meet this goal, the Navy would have to reduce its quality standards, and these personnel would get less training in individual skills. This decrease in recruit quality and in training can only aggravate the current problems of skill shortfalls and overburdened petty officers.

Taking all these things together—an undermanned fleet, a decreased reliance on reserves, and an increase in the number of recruits to meet a numbers goal—the committee thinks that it is best to restrain the expansion of Navy military manpower for fiscal year 1977.

For the Naval Reserve, the requested average strength for fiscal year 1977 is for 52,000 Selected Reservists. This is an administration-requested reduction of about 50 percent from the fiscal year 1976 funded level of 102,000. The committee feels that the cutback is too severe, particularly when reliance on the Naval Reserve should be increasing.

The committee made a detailed review of all the billets which are planned for removal from the Selected Reserve in fiscal year 1977. The largest portion of the planned reduction results from the elimination of augmentees for the shore establishment. The committee believes that this broad, sweeping approach could very well lead to losses of important capabilities and critical types of units. The committee looked closely at the planned billet reductions. We found that certain deployment-related units, ship and aircraft maintenance units, and highly technical and professional skill units would be lost. These units totaled some 19,700 billets. Also, the committee felt that some 7,800 reservists could be used for new or additional missions with the active force, thereby offsetting some of the reduction recommended by the committee in the active Navy manpower request. The committee recommends the addition of these billets—a total of 29,500—to the requested level for Naval Reservists for fiscal year 1977. Thus the Naval Reserve average recommended by the committee is 79,500.

#### MARINE CORPS MANPOWER

The committee recommends an end strength of 190,000 active military and 19,100 civilian personnel and an average strength of 33,500 Selected Reservists. For active military personnel, this is a decrease of 6,000 from the Corps' current authorized strength of 196,000. However, it represents a reduction of 3,000 in actual strength due to the Corps' present shortfall of 3,000 in authorized strength. The committee's action reflects

growing concern over the quality of Marine Corps manpower and attendant disciplinary problems.

Disciplinary problems, unparalleled in the history of the Corps, have plagued the Corps since the inception of the All-Volunteer Force. They are rooted in a persistent inability to recruit sufficient numbers of individuals who meet preferred mental, physical, and educational standards. Since 1972, the incident of unauthorized absences, absences without leave, courts-martial, and nonjudicial punishment have been much higher for the Corps than for any other Service. Modest progress has been made in reducing indiscipline in fiscal year 1976. The Marine Corps and its Commandant, General Wilson, are to be complimented for their efforts in this regard. However, much remains to be done, and the committee feels that it is wiser to emphasize quality than quantity in the Marine Corps in fiscal year 1977.

In part, the problem of Marine Corps quality is due to the siphoning off of highly qualified individuals into the naval guard and aviation programs. Also, the Marine Corps study on force structure, done at the request of this committee, suggests that a reduction of three F-4 and one photo squadrons could be undertaken without jeopardy to the Corps. If needed, increased reliance would be put on Navy or Air Force aircraft for these missions. The study also fails to include the security of naval bases as a Marine Corps mission. I think that indicates that the security of naval bases, in the opinion of the people who conducted this study, should not be a Marine Corps mission.

In keeping with these considerations and the need to improve the Marine Corps quality, the committee suggested the following manpower reductions:

One would be a 2,500 personnel reduction in tactical air power. Two is a 4,600 naval base and shipyard reduction. And, three, 1,800 training and headquarters personnel reduction. Of this proposed aggregate, the committee suggested that 2,900 military be converted to ground combat, for a net reduction of 6,000 military personnel.

The committee also recommends a reduction of 800 headquarters and base support civilian personnel. The committee supports the requested strength of 33,500 for the Marine Corps Reserve.

Finally, Air Force manpower: From September 30, 1976, through fiscal year 1977, the Air Force plans to reduce active military personnel by 13,000 and civilian personnel by 7,500. This is the administration request.

At the same time the Air Force is fleshing out its 26 tactical air wings.

The committee was pleased to see this tightening in support personnel and increase in combat personnel and capability.

The committee recommends Air Force end strengths of 570,000 active military and 256,000 civilian personnel for fiscal year 1977. This is a reduction of 1,000 military and 500 civilian personnel now used to support U.S. installations in Thailand.

The committee approved the request of 93,000 for the Air National Guard, and 5,200 for the Air Force Reserve.

#### DEFENSE AGENCIES

The committee recommends an end strength for defense agencies civilians of 79,200. Over the past several years reductions in top-heavy staff positions in defense agencies have been smaller than the committee feels is desirable. Thus, the committee recommends the reduction of 600 civilian personnel in the defense agencies from the level requested for fiscal year 1977.

#### LEGISLATIVE ITEMS RELATING TO PAY AND BENEFITS

The President's budget request for fiscal year 1977 included a number of legislative proposals. The Defense Department budget request assumed that all of these proposals had been enacted, with the resulting savings included in the budget calculations. The committee bill contains provisions on six proposals. These changes in existing law are estimated to save \$356 million in fiscal year 1977, with a cumulative savings of over \$4 billion through fiscal year 1980. I will briefly describe these provisions here.

#### ELIMINATION OF 1-PERCENT "KICKER" ON RETIRED PAY

The committee voted to include provisions in the bill which would repeal the 1-percent kicker on retired pay increases for military and Central Intelligence Agency retirees. These provisions were included in the President's budget request. The committee, however, made this action contingent on the repeal of the kicker for Federal civilian retirees. Currently, military and civilian retirees receive increases in retired pay whenever the Consumer Price Index increases by 3 percent and maintains that increase for 3 months. The increases equal the rate of increase in the CPI plus 1 percent—the so-called kicker. This has resulted in retired pay increases in excess of the amounts needed to maintain the purchasing power of Federal retirees. The committee believes the computation of retired pay increases without the kicker will adequately provide for military retirees and thus voted to repeal the kicker. This provision will save \$75 million in fiscal year 1977 and \$480 million annually in fiscal year 1980.

#### AMENDMENT PERMITTING THE ALLOCATION OF MORE OF THE ANNUAL PAY RAISES INTO BASIC ALLOWANCE FOR QUARTERS

Under current law, cost-of-living adjustments to military pay are made whenever civil service pay is raised. Each element of military pay—that is, basic pay, the allowance for quarters, and the allowance for subsistence are raised by a percentage equal to the cost-of-living raise.

The committee bill includes a provision, requested in the President's budget, to allow the President to allocate a larger portion of the annual raise in military pay to the basic allowance for quarters. This would only affect the way the raise is allocated; it would not affect the size of the raise. Under the committee provision, the President would have the authority to put up to 25 percent of the pay raise computed for basic pay into the

quarters allowance. This would raise quarters allowances closer to the actual costs of housing. The current quarters allowance is substantially below actual housing costs.

The committee provision would save approximately \$100 million in fiscal year 1977 and \$610 million in fiscal year 1980, depending on economic assumptions. I might also note that allocating part of the raise in basic pay into the quarters allowance will slow the rate of growth of basic pay.

#### AMENDMENT LIMITING PAYMENT FOR UNUSED LEAVE TO 60 DAYS

Present law provides that military personnel be paid for not more than 60 days of unused leave whenever they are discharged from active duty. In practice, officers would normally be paid only once for unused leave during their careers, at the time they leave the military service. However, enlisted members could be paid for up to 60 days of unused leave at the end of each enlistment, possibly five or six times during a career.

The committee amendment would limit the payment for unused leave to 60 days over the course of a military member's career. The 60-day limit is not retroactive and would apply to all leave payments made after the enactment of this amendment. The committee is concerned that the existing method of payment for unused leave has led to abuses of the leave system. The leave system was established to provide military members with rest and respite from the difficult duties of military service, and the committee amendment is designed to carry out the intent of the leave system; namely, that leave is meant to be taken, not accumulated.

Similarly, inclusion of quarters and subsistence allowances in the payment for unused leave increases the incentive for military personnel to accumulate rather than use leave. At present, junior enlisted men are not paid for quarters or subsistence in payments for unused leave, senior enlisted men are paid at depressed 1946 rates and officers are paid at current rates. The committee amendment deletes the quarters and subsistence allowances from the payment for unused leave for both officers and enlisted personnel. While on duty, the member is provided in kind quarters and subsistence or is paid for these or is paid for quarters and subsistence. By including the quarters and subsistence allowances in the payments for unused leave, the Government is paying a member twice for the same period of time. The committee felt that this is a duplication of payment and provides an incentive to accumulate leave.

The committee amendment would save approximately \$113 million in fiscal year 1977, increasing to about \$200 million annually by fiscal year 1980.

#### AMENDMENT TO PHASE OUT THE APPROPRIATED SUBSIDY FOR COMMISSARIES

The committee bill includes a provision which would phase out the appropriated subsidy for the operation of commissary stores over a 3-year period. This proposal was also included in the President's budget. A similar provision, phas-

ing out the program over a 5-year period, was included in the Senate Department of Defense appropriations bill for fiscal year 1976, but was dropped in conference.

Under the current program, appropriated funds pay the salaries of commissary store personnel. Commissaries benefit from the fact that they sit on rent-free land, pay no State or local taxes or insurance, and do not need to advertise. This results in savings to military personnel of about 20 percent over the costs of merchandise purchased in commercial supermarkets. Under the committee amendment, the appropriated subsidy of commissary personnel salaries would be phased out. The amendment does not require the closure of any commissary stores, and commissary patrons would still save at least 10 to 15 percent over the costs of food in commercial supermarkets. The committee provision would save approximately \$94 million in fiscal year 1977 and about \$340 million annually by fiscal year 1980.

#### AMENDMENT TO EXTEND THE BONUS AUTHORITY FOR MILITARY PHYSICIANS

The committee bill also includes a provision to extend for 1 year the current authority to pay bonuses to medical officers of the military and Public Health services. Current law provides for the payment of a bonus of up to \$13,500 to medical officers in the uniformed services in certain critical specialties for each year's extension of active service beyond certain obligated periods of service. The purpose of this provision is to give the uniformed services a way to attract and retain sufficient numbers of physicians in the all-volunteer force environment. This bonus has been a significant factor in the attraction and retention of physicians since its enactment in 1974. Without the committee amendment, the current authority will expire on September 30, 1976, resulting in serious retention problems in the recruiting and retention of physicians for the Armed Forces. The 1-year extension will provide an opportunity to review this whole matter.

#### AMENDMENT TO ELIMINATE ADMINISTRATIVE DUTY PAY FOR RESERVES AND GUARD COMMANDERS

The committee bill contains an amendment requested by the President's budget to repeal the authority for additional pay Reserve and National Guard commanders for the performance of administrative duties. Under current law, Reserve and Guard commanders are paid from \$10 to \$20 per month for administrative chores done outside the regular drill time. However, since the initiation of administrative duty pay in 1916, conditions have changed so that reserve units have more paid drills and thus commanders can spend more paid drill time doing administrative tasks. Also, the full-time civilian reserve technician program has been established and active duty assistance to the Reserve components has increased, decreasing the burden on Reserve and Guard commanders. In light of these changing conditions, the committee approved the administration recommendation to repeal the administrative duty pay provisions in current



law. The committee amendment is expected to save \$2 million annually.

Mr. President, as you can see, the committee amendments relating to pay and benefits are designed to restrain the growth in the costs of defense manpower. The committee commends the Department of Defense in its efforts to hold back on the growth of defense manpower costs. Reductions in these areas are often seen as an erosion of benefits of the pay and benefits of military personnel. However, the erosion will come in our real defense capability if the growth in manpower costs is allowed to go unrestrained. As I have already noted, the true cost of allocating 60 cents of each defense dollar to manpower are smaller Active Force levels and shrinking resources available for research and development, procurement of weapons, and the maintenance of forces we already have. Yet, research and development, hardware, and force readiness are the true sinews of combat capability. Although equitable pay and benefits are unquestionably important to service morale in peacetime, they are no substitute for bullets on the battlefield. What could demoralize an American soldier in the field more than a malfunctioning weapon or an insufficient supply of ammunition? The committee is very aware of this problem, and hopes by its amendments to prevent manpower costs from draining defense dollar resources and decreasing the amount of money that can go into improving our readiness and overall defense capability.

#### U.S. FORCES OVERSEAS

The Department of Defense has proposed a level of 489,000 overseas troops for fiscal year 1977. With the one exception of U.S. forces in Thailand, the committee supports the Department's request for overseas forces.

A strong, credible presence of U.S. forces overseas is a critical factor if we are to maintain a military balance in the world. Together with, and in support of, our allies the United States can work to fulfill our commitment to this balance. This commitment, and that of our allies is of great importance, in view of the continued buildup of Soviet Union and Warsaw Pact conventional forces.

#### U.S. FORCES IN THAILAND

The committee recommends a reduction of 2,000 Army and Air Force active military and 1,000 Army and Air Force civilian personnel in support of U.S. forces in Thailand. Since the time of the President's budget submission in January changes in the Thai Government have made the future status of U.S. troops in Thailand uncertain. Negotiations are continuing over the future U.S. presence in Thailand, but it is unlikely that any more than a small residual force will be permitted to remain.

With minor exception, all U.S. forces in Thailand are noncombat support personnel. The committee recommendation would permit retention of vital combat, intelligence, and communications personnel.

Last year the committee and the full Senate recommended the reduction of

U.S. military and civilian personnel in Thailand. Again this year the committee feels that it is not in the U.S. interest to station sizable U.S. forces in Thailand.

#### NATO

The committee bill includes several amendments on NATO. The amendment offered by Senator CULVER reaffirms the U.S. commitment to the standardization and interoperability of weapons in NATO. Some progress is being made in this area, particularly in fuels, ammunition, and training.

However, in the standardization of major weapons systems, progress is slow. The committee amendment should encourage further progress by permitting the Secretary of Defense to buy equipment and weapons manufactured outside the United States and requiring the Secretary to report to the Congress when he expects to purchase nonstandardized items.

The committee also accepted an amendment by Senators TAFT, CULVER, and NUNN to encourage the development of common NATO requirements for weapon systems including a common definition of the military threat to NATO countries. The amendment would also require the Secretary of Defense to identify areas for cooperative arrangements for coproduction and licensing for production of military equipment among the NATO allies. The amendment also encourages the NATO allies in Europe to achieve armaments collaboration among the European members of the Alliance.

A third amendment, which I proposed to the committee, would prohibit the U.S. Government from paying taxes to NATO countries as a result of stationing U.S. military units in their countries. A recent report by the General Accounting Office indicated that it costs \$1.3 billion more to station our troops in Europe than in the United States. However, these costs are not offset by our NATO allies. The Jackson-Nunn amendment which required the offset of U.S. balance of payments costs for stationing troops in Europe, has expired.

Since that point, little progress has been made in negotiating further offset agreements.

The committee amendment would prohibit the U.S. Government from paying taxes to governments of any NATO country as a result of the stationing of U.S. troops in a country. The committee hopes this provision will assist in offsetting the cost to the United States of stationing troops abroad and stimulate allied participation in sharing the burden.

#### OTHER COMMITTEE ACTIONS

In addition to the action I have described above, the committee took several other actions relating to various aspects of manpower and personnel.

#### INDUSTRIALLY FUNDED CIVILIANS

The committee rejected an amendment which would have excluded civilian personnel engaged in industrially funded activities from the congressional authorization of Defense Department civilians. The amendment would have

exempted some 277,000 civilians—or 27 percent—from the congressional authorization.

The reductions in the past of civilian manpower in industrially funded activities have been caused by appropriation action rather than authorization action. Authorization action, both last year and this year, did not recommend reductions in industrially funded civilians. However, appropriation action has directed cutbacks in industrially funded personnel.

Congress authorizes the overall level of civilian manpower for the military departments. The departments then have the flexibility to assign civilian manpower on the basis of priorities and workloads within the department. Thus, the more inclusive the authorization, the more the management flexibility is increased. An inclusive authorization provides an opportunity to carefully plan workloads, employment, and funding. Excluding one category of civilians will not solve the problems of planning management flexibility. In addition, any reductions in authorized civilian strengths would have to come from nonindustrially funded activities.

In Navy shipyards—an industrially funded activity—the committee strongly supports the fiscal year 1977 program, including the increases in civilian personnel. Within the congressional authorization the Navy expects to improve workload planning and increase productivity. The committee has asked the Secretary of the Navy to give the program high priority and report to the committee on its progress.

Industrially funded activities include Navy shipyards, some supply depots, some ordnance and arsenal activities and some airlift and sealift activities and various smaller activities. There is no common definition of industrially funded activities within the Defense Department and the definition is ad hoc and inconsistent between the services. For example, Marine Corps supply centers are industrially funded, Navy supply centers are not. Some Army and Navy research, development, test, and evaluation activities are industrially funded, but Air Force are not. The exclusion of some of these activities from the congressional authorization simply because of differing accounting methods is not justified.

The Department of Defense opposes the exclusion of industrially funded civilians from the congressional authorization because it would decrease management flexibility for nonindustrially funded activities. Earlier this year, the House of Representatives rejected an amendment to exclude industrially funded civilians from the congressional authorization. The Senate Appropriations Committee is strongly opposed to the exclusion as well. There is a broad consensus, Mr. President, that the exclusion of industrially funded civilians from congressional authorization is not wise.

#### MILITARY TRAINING STUDENT LOADS

The committee recommends the approval of the Department's request for military training students loads for fiscal year 1977. These loads are to be ad-

justed in keeping with any reductions or increases in the active military, Reserve, and civilian forces authorized.

#### COMMUNITY COLLEGE OF THE AIR FORCE

The committee bill includes a provision to authorize the commander of the Air Training Command of the Air Force to confer academic degrees for graduates of the Community College of the Air Force. This amendment, offered by the distinguished Senator from Oklahoma (Mr. BARTLETT) would authorize the granting of associate degrees. Before these degrees can be granted the standards for the award of the degree must be approved by the Commissioner of the Department of Health, Education, and Welfare. The degree-granting authority recommended by the committee should promote wider recognition of, and credibility for the skill training programs within the Air Force.

The PRESIDING OFFICER. Who yields time?

Mr. NUNN. I yield to the Senator from Mississippi.

Mr. STENNIS. I yield myself 1 minute.

I want to thank the Senator from Georgia again. I already referred to his splendid work, not only on this bill, but to the work he has done in years past. He has brought about some gradual results that have already done some good and are being felt.

Now, Mr. President, it is not often that we have these agreements about amendments not being eligible to be taken up after a certain time, and I think we ought to be sure, we ought to be certain, that everyone understands this.

I would just like to inquire now, Mr. President, of the Chair if the Chair will state the eligible amendments that are at the desk now at 2:32 p.m. that are eligible to be taken up on this bill under the unanimous-consent request for cut-off time at 2 o'clock.

The PRESIDING OFFICER. There are 25 amendments which have been received today, plus the prior ones that have been filed, totaling 29.

Mr. STENNIS. Have those amendments been given a number, for instance?

The PRESIDING OFFICER. The Chair did not understand the question.

Mr. STENNIS. I say, have they been given a number?

The PRESIDING OFFICER. Not as yet.

Mr. STENNIS. So they can be identified?

The PRESIDING OFFICER. Not as yet.

Mr. STENNIS. We ought to have some way of nailing it down now, if I may submit to the Chair, as to just what amendments have been sent in that are eligible to be taken up, either read them by identification or something of that kind.

The PRESIDING OFFICER. The journal clerk, of course, has recorded the amendments that will be in order hereafter, and there is a total of 29, the Chair is informed.

Mr. STENNIS. All right. And they are of record and are entered on the Journal?

The PRESIDING OFFICER. That is correct.

Mr. STENNIS. Well, it is a matter of getting at it, if they could supply me with a copy or identification of those amendments soon.

The PRESIDING OFFICER. All right. Who yields time?

Mr. STENNIS. I am delighted to yield time to the Senator from Nevada. I have referred to his work before, his work as chairman of our Subcommittee on Tactical Air, and I hope he will use some time. How much time does the Senator request?

Mr. CANNON. Ten or fifteen minutes.

Mr. STENNIS. All right, 15 minutes.

Mr. CANNON. Mr. President, today I will present the recommendations of the Tactical Air Power Subcommittee on the programs that we considered for the fiscal year 1977 budget.

The scope of our coverage was essentially the same as last year. We had a threat update from the DIA on force structure modernization of the Warsaw Pact countries and also new developments in Soviet tactical aircraft and missilery. We reviewed the Army combat aviation programs, that is, the attack helicopters and missiles, and also the Army air defense programs. This year we added for the first time coverage of the Army electronic intelligence and reconnaissance aircraft, but we dropped the Roland SAM and turned that over to the R. & D. Subcommittee. Also, at the request of the chairman, we held a review of the Army nonnuclear Lance missile.

For the Air Force and Navy we did not change the basic scope of our program reviews. We covered the tactical combat aircraft such as the fighters, the F-14, F-15, F-16, and the F-18, and also the attack planes, the A-4, A-6, A-7, and A-10; and we covered the combat support planes such as radar warning, electronic warfare jammers and photo reconnaissance aircraft. Also we reviewed all of the tactical air-to-air missiles in both R. & D. and procurement and the air-to-ground tactical weapons in both services.

#### FOUR TACTICAL AIR FORCES

Finally, we held a single hearing on the issue of four tactical Air Forces, where we received testimony from the Army, Navy, Air Force, and Marines on the questions that get raised about the sources of duplication and overlap from having aircraft in all four services. This was a very interesting hearing and I will devote a short discussion to it before going on to our budget recommendation for this year.

The issue of "Four Tactical Air Forces" usually is raised coupled with the implication that there is waste and duplication because each of the four services operates its own aircraft. This implies that we have too much tactical air quantitatively in our force structures, a contention which was denied by each of the witnesses at our hearing. In essence the service positions at our hearings was that we operate two tactical air forces, one that Air Force-Army air-ground team and the other the Department of the Navy Air Force, including Navy and Marine aviation as an integrated unit.

In summary of the positions on the costs of tactical air power, the services agreed that there is no significant difference in the cost to field an aircraft in any individual service. The cost to buy and operate an F-4 is the same regardless of whether the pilot wears an Air Force, Navy, or Marine uniform. But they did agree that there is extra cost involved in proliferating the numbers of different types of aircraft, or other weapons. These added costs come because of the additional R. & D. on different systems, the lower individual production rates per type, the need for separate supply items, separate depot overhaul facilities, et cetera.

Now I do not claim that we held an in-depth or definitive hearing on this question of four tactical Air Forces. But I believe we did make a start in providing some useful information about the issue, and we may very well hold additional inquiries in the future if it seems necessary.

#### SUBCOMMITTEE RECOMMENDATIONS

Turning now to our recommendations on the fiscal year 1977 budget, we reviewed budget requests totaling on the order of \$8 billion if all funding aspects of the programs are included. This is about one-quarter of the authorization bill. Our recommendations are to reduce the requests by \$419.3 million, and to add \$130 million, for a net reduction of about \$290 million or 4 percent.

Our reductions primarily result from deferring to next year funding requests that will not be placed on contract until fiscal year 1978—\$188.2 million; from identifying budget savings due to foreign sales—\$40.1 million; and from carrying forward funds approved last year but not used for their intended purpose—\$33.3 million. Therefore \$261.6 million of our recommended reductions comes from identifying "bookkeeping" items where we found that this year's request was overbudgeted and the funds could be reduced without impacting on production rates or production schedules.

Mr. President, I would like to say a few words at this time about the F-16, the lightweight fighter for our own Air Force and for our NATO allies. One of our major deferrals was for the F-16.

The budget request for fiscal year 1977 contains \$311.2 million for the procurement of 16 F-16's, advance funding for another 89 F-16's to be procured in fiscal year 1978, plus initial spares.

The committee, following the recommendation of the Tactical Air Power Subcommittee, recommends in this bill that \$165.3 million of the \$311.1 million requested for the F-16 be deferred until fiscal year 1978 as one of our bookkeeping adjustments.

By now we are all familiar with the F-16 program. We know, for example, that the prototype program for this aircraft came in under cost and ahead of schedule, a most refreshing experience today. We know also that this superb aircraft will be produced not only for our own Air Force but for our NATO allies. I want, therefore, to make it absolutely clear that the action of the committee in no way reflects any doubts about the F-16 program. Indeed, the



F-16 promises to be the finest, most capable, small fighter aircraft anywhere in the world when it starts rolling off the production line a couple of years from now.

There is no doubt in my mind, or in the minds of the committee members, that it will be produced in the numbers currently planned, and will provide our forces and the forces of our friends with the best fighter aircraft of its type that is possible with today's technology.

Why then, it is reasonable to ask, is the committee recommending that \$165 million be deferred? Why has the committee recommended that a portion of this request wait until fiscal year 1978? This is a good question, and deserves a most precise answer.

The reason is a very simple one: The committee feels that it has the responsibility to bring to the floor a defense authorization bill which is at the one time adequate in its content and at the same time is fiscally responsible in the amount of Federal funds that are being authorized for appropriation for the items or systems that are contained in the bill. As the committee examined the budget request, and with this responsibility in mind, it was ascertained that a portion of the authority for the F-16 sought by the executive branch would not be placed on contract this year and could be deferred until the next fiscal year.

There are arguments, and I am quite familiar with them, that support the full funding of a system such as the F-16, arguments that any delay in passing next year's bill could cause a production line break if the delay was over a month or two.

We are also aware that, unlike many other programs, we have not only our own forces to keep in mind, but also the forces of our NATO friends and other friends and allies who may purchase this aircraft. Limiting my remarks for the moment to our NATO friends, I would like to give them full and unqualified assurance that the action of the committee is not to be construed as an expression of doubt about the F-16 as an aircraft or as any manifestation of hesitancy on the part of the United States to proceed with the F-16 program. The action of the committee absolutely will not change the production schedule or delivery rate of the F-16.

I confess to some concern about the fact that the four-country NATO consortium is at this time prepared to commit to its complete F-16 program, a program that is going to cost them over \$2 billion. They deserve to have the assurance of this country that the Congress supports the F-16 program and does plan to proceed with it. That assurance is given, and without qualification.

#### NONNUCLEAR LANCE

We are recommending one major program change, deletion of the Army's request for \$75.7 million for 360 of the nonnuclear Lance missiles. Our belief is that the nonnuclear Lance cost of \$200,000 per round is too high to make it cost-effective, particularly when compared to aircraft-delivered ordnance of equal target-killing capability. The Air

Force SUU-54 cluster bomb has double the warhead weight of the same bomblets used in nonnuclear Lance, and it can be air dropped or sent in from stand-off distances equivalent to Lance using the MGGB glide bomb. Therefore, consistent with last year's committee position, we again recommended against procurement of the nonnuclear Lance.

We do recommend an addition to the budget, to provide \$120 million to buy 24 A-7D's for the Air National Guard. This will speed the retirement of obsolete A-37's and F-100's, and we believe the Guard and Reserves should be equipped with modern, combat-capable equipment.

#### POSSIBLE NATO AWACS SALE

Another program which the subcommittee discussed thoroughly is the AWACS. We held a hearing on March 10 on AWACS, with our primary emphasis placed on the proposed sale of AWACS to NATO. Let me explain the administration's position on the sale and also the expected prospects for completing this sale.

The Defense Department has proposed to sell AWACS to NATO at the actual production cost, plus a surcharge of 4 percent for R. & D. recoupment and 2 percent for administration costs. This 6-percent net is the normal FMS surcharge.

The NATO countries may desire to add some configuration "enhancements," items that will add to the capabilities of AWACS but which the U.S. Air Force decided to forego because of cost. The R. & D. on these enhancements could cost up to \$150 million. The production cost is not fully defined but would not represent a major increase.

The proposal for sale also includes European production of some parts of the NATO AWACS, subsystem items such as radios, computers, and display consoles. Up to 25 percent of the production cost could be European built, with about a 10-percent production cost increase as a result.

Finally, the Defense Department envisages this NATO buy of AWACS as a jointly-funded and joint-owned program, creating what would amount to a "NATO Air Force" of AWACS planes. The United States would contribute its share of the funds based on normal infrastructure sharing ratios, with up to 25 percent being the U.S. share according to the testimony. The testimony also said that NATO could buy up to 27 AWACS planes, with the United States paying for 7 of that total.

NATO countries are not likely to make a decision on this buy before December 1976. Although the United Kingdom already has earmarked \$300 million toward AWACS, the Germans apparently will not make any decision before their elections this October. These two countries are the major contributors, and possibly the only contributors, besides the United States, toward procurement, although all of the NATO nations are indicated as sharing the annual operation costs.

Since we have funded 13 AWACS up through last year, and we are considering 6 more in fiscal year 1977 plus long

lead for 6 in fiscal year 1978, we are facing authorization for up to 25 AWACS planes. The committee debated three possible courses of action regarding AWACS. We could reject participation in a NATO buy and tell them to fund their own enhancements, coproduction, and AWACS force. Dr. Currie, the Director of Defense R. & D., stated that he felt this would jeopardize any possibilities for a NATO sale, however.

The other two possibilities are for the United States to participate in the NATO R. & D. and coproduction, either with U.S. ownership of its funded planes or with common NATO ownership of the U.S. funded planes. The committee agreed that we should support the development and coproduction of the NATO-configured AWACS, to provide the inducement for them to share in this program. However it is our belief that the United States should retain legal ownership of the planes it buys to join this NATO AWACS force. This would avoid a complicated legal issue over joint ownership and would give us the possible option to use these planes in non-NATO crisis situations, such as the 1973 Mideast war. At the same time, we could fully commit these planes to the common NATO AWACS force, including sharing joint operations and joint annual funding, if the other NATO countries will participate.

As I said before, it is unlikely that NATO will decide before December 1976 on AWACS. Nevertheless, we are convinced that the U.S. Air Force has a valid need for the six AWACS in this year's request and six more in fiscal year 1978, including our share of any NATO force. Accordingly, we support the full authorization request including long lead funds toward 25 U.S. funded AWACS planes.

#### COMMITTEE REDUCTIONS TO BUDGET

Now, Mr. President, turning to our recommendations for budget reductions, I ask unanimous consent to have printed in the RECORD the listing of Tac Air programs. It provides a list of the major programs that we reviewed and also a short explanation for each of our recommended reductions. I will be happy to explain further the details of any of those reductions to any interested Senators.

Mr. President, this completes my report.

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

#### LISTING OF TACAIR PROGRAMS

##### AIR FORCE PROGRAMS

##### Procurement

**F-15—\$30.1 million.** The sale of F-15s to Israel results in savings to the Air Force F-15 program of \$8.6 million in FY '76, \$12.9 million in FY77, and \$8.6 million in FY 77 for a total of \$30.1 million. All of this can be applied towards the FY 77 program, as the FY 76 and 77 savings were not previously used to reduce the F-15 budget.

**Maverick—\$33.3 million.** The FY 1976 appropriations included \$33.3 million in long lead funds for an FY 1977 procurement of the TV version of Maverick. Production of the TV version was cancelled by the Defense Department in December 1975 in favor of initial production of the laser Maverick. The

\$33.3 million can be used towards the FY 1977 laser Maverick request of \$48.1 million.

F-16—\$165.3 million. The FY 1977 budget request is based on buying 16 F-16s in that year. However, the DSARC review for production approval of the F-16 is not scheduled until September 30, 1977 and the full production contract will not be signed until October 1977, which is in FY 1978. Also, the production contract for FY 1978 (89 planes) will be let in October, 1977, at the same time. Since the majority of the FY 77 funds are not needed until FY 78, they can be deferred to that year and only long lead funds provided in this year's budget. The long lead requirements are stated by the Air Force to be \$145.9 million, so the reduction from the budget request of \$311.2 million is \$165.3 million.

#### R. & D.

Conus Air Defense—\$1.0 million. This would fund a study of buying a new radar for the F-106. There are adequate funds under other R&D program elements to fund such a study.

Light Weight Radar Missile Prototype—\$5.0 million. This deletes Air Force funding to prototype a new radar-guided missile (ARPA funds of \$0.5 million will be available for study efforts). The Air Force and Navy are in the middle of a study to define joint requirements for the next radar missile, and this prototype program should wait until these common requirements are agreed upon.

Advanced Short Range Air-Air Missile—\$8.0 million. The deleted funds would have been used to start a new Air Force heat-seeking dogfight missile after the present joint Air Force-Navy flight test program is completed to define the operational requirements for the missile. Funds are provided to support the flight test program, and the new program start is considered premature.

PELS—\$13.7 million. The deleted funds would support starting engineering development on the Precision Emitter Locator Strike system, a radar locator and weapon strike guidance system. Adequate funds are approved to fund a competitive advanced development phase between Lockheed and Boeing.

Air Force RPV's—\$12.0 million. Funds are reduced for (1.) The Compass Cope high altitude drone (\$6.0 million) because there is a carryover from prior years and because the Defense Department has slipped the start of engineering development, (2.) Tactical Expendable Drones (\$4.5 million) which keeps this in advanced development and defers engineering development, (3.) Harassment Vehicle (\$1.5 million), deletes engineering development funds and keeps this "mini-RPV" in advanced development.

The Compass Cope operational requirement still has not been defined within the Defense Department. Both tactical expendable drones and the harassment RPV are of dubious operational value.

Brazo—\$2.0 million. This is an air-to-air radar homing missile. The Air Force has identified a series of technical, operational, and cost issues which must be resolved before this prototype program is started, and \$1.0 million is left to study these questions.

#### ARMY PROGRAMS

##### Procurement

EH-1H—\$8.3 million. The EH-1H "Quick Fix" helicopter is an electronic emitter version of the Huey, with the electronics equipment added as a modification to the basic UH-1H. The recommended reduction is for long lead materials ordered for the FY 1978 procurement, and due to slipped delivery schedules for the EH-1H the funds can be deferred to next year.

Non-Nuclear Lance—\$75.7 million. This deletes procurement of non-nuclear Lance. The request was for 360 missiles this year, to be followed by 360 more in FY 1978. With a

total cost of \$150 million, the average cost is about \$200,000 per round. Air Force tactical aircraft weapons, either air dropped or delivered by stand-off glide weapons, are considerably cheaper and more cost-effective than non-nuclear Lance.

#### R&D

Anti-Aircraft Guns—\$7.8 million. This would delete funds to start R&D on a radar fire control system for the Vulcan (\$6.0 million) and also funds to test the German 35 mm Flakpanzer gun (\$1.8 million). The Vulcan 20 mm is too deficient in range to warrant an expensive new fire control system. The Flakpanzer tests would not provide useful new information, as a prototype of the gun was tested in 1974, and the German Flakpanzer radar is not adequate for a modern closed-loop fire control system.

Army-Navy SAM Technology—\$4.0 million. This deletes all funds in a new program element, which is to develop technology relating to SAM missiles. There is a counterpart program in Navy R&D also recommended for deletion. There is no well-defined program here, and there is adequate funding in other technology areas to support this type of basic R&D.

Army RPV's—\$1.8 million. This deletes \$.8 million from an Army "Kamikaze" drone (leaving \$.2 million), and reduces the overall Army RPV advanced development line item another \$1.0 million in areas where there is inadequate justification for the funds.

#### NAVY PROGRAMS

##### Procurement

E-2C—\$10.0 million. The foreign sale of 4 E-2Cs to Israel has resulted in a savings the Navy estimates as \$10.0 million by increasing the E-2C production rate. This savings can be applied as a reduction in the FY 77 request.

Condor—\$22.9 million. The FY77 request totaling \$22.9 million would buy 40 Condor missiles and 6 missile control pods. The start of the FY 1976 production of Condor has been delayed due to missile reliability problems discovered during operational testing. This delay has caused the FY1977 deliveries to slip into the FY 1978 production period. Therefore, the Condor request can be deferred to FY 1978 without affecting the production rate, cost, or schedule. This deferral is recommended.

A-6E Modifications—\$5.8 million. This reduction deletes requested funds for the Standard ARM missile control system, a modification which would be put in a part of the A-6E fleet. Development of the missile control box has been delayed due to technical problems and it is recommended that these FY77 funds be deferred until development is completed.

#### R&D

Reconnaissance Pod—\$2.0 million. This deletes funds to start an all-weather version of the A-7E reconnaissance pod, but leaves funds to complete development of the photo pod. Also the Subcommittee would recommend that the Navy do a complete operational evaluation of the reconnaissance pod to verify its combat usefulness before production is started.

Air-Air (Dogfight) Missile—\$3.9 million. This deletes engineering development funds for a new Navy dogfight missile but leaves the money required to complete the joint Air Force-Navy requirements flight testing.

SIRCS—\$4.0 million. This Navy has over-budgeted their request for a start on the Shipboard Intermediate Range Combat System, a new ship missile program for the 1985 time period. Enough funds will remain to do their planned FY77 program of studies, although the start of competitive prototyping could be delayed 1 month.

Army-Navy SAM—\$2.7 million. This deletes the Navy part of the Army-Navy SAM program, on the same basis that there is no

defined program but just a general request to develop "technology".

|                     | Procurement | R. & D.  |
|---------------------|-------------|----------|
| Air Force-----      | -\$228.7    | -\$41.7  |
| Army -----          | -84.0       | -13.6    |
| Navy -----          | -38.7       | -12.6    |
| Totals -----        | -351.4      | -67.9    |
| Overall total----   | -419.3      |          |
| Additions:          |             |          |
| 24 A-7D's-----      |             | +\$120.0 |
| Net reductions----- |             | -\$299.3 |

Mr. STENNIS. Mr. President, I thank the Senator again. I know the Senate understands his work. I am sure all the Members will during the time of debate on this bill. I thank him and the other committee members and subcommittee chairmen for the fine work done and for the concrete presentation here they have made, to the full committee first, and to the Senate now, and for the amendments that are filed in their respective fields, not only these chairmen of the subcommittees, but the other Members. It will show their fine knowledge of the subject matter.

Mr. President, that covers the presentation by the subcommittee chairmen, except for the Senator from New Hampshire who could not be here today.

There will be some special matters addressed by the Senator from Vermont, the Senator from Oklahoma, and the Senator from Iowa, serving as a task force, but this will come further in the debate.

The committee respectfully says we are ready now to take up amendments. We understood the leadership wished to get in some votes today, if at all possible, and several have been filed.

I will, within a minute, suggest the absence of a quorum for the purpose of letting Senators be informed that we are ready for the presentation of any amendments. We will specifically refer to some, the chairman of the committee will, to move matters along.

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

The PRESIDING OFFICER. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

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

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

Mr. STENNIS. Mr. President, I hope it is understood that the time elapsed on that quorum was not to be charged to the time on the bill.

The PRESIDING OFFICER. That was the understanding of the Chair.

Mr. STENNIS. That is the Chair's ruling; I thank the Chair.

Mr. President, the committee has made a preliminary presentation here of the overall bill. With one exception, the subcommittee chairmen have given reports for their respective subcommittees, and we are down, now, to the time for actual consideration of further amendments.

I understand from the acting majority leader that he is interested in having some votes this afternoon. On the pending matter, involving Minuteman missiles, and so forth, with the sum of \$322



million, there was an objection to voting Monday and there was an objection to Tuesday. It was agreed that there would be debate beginning at 1 o'clock Wednesday, followed by a vote on that matter.

I just want to call out some of these amendments, Mr. President, to try to bring these matters to a head. I call them by number as far as they are numbered; I am not calling up the amendments, obviously, Mr. President, but I refer to them by their numbers.

I refer to amendment No. 1662, which proposes to delete \$120 million from the bill which was earmarked for the purchase of A-7D airplanes, with the provision that if that money was not spent for the National Guard it could not be spent at all.

The committee is ready to take up that amendment. I do not propose to call the amendment up myself. I think I should not do that at this point, but of course we must move the bill along, and at some time I might think it my duty to call that amendment up, although not today.

Passing on further, the next amendment is No. 1663, regarding Minuteman III, and it has been agreed that that would be debated beginning at 1 o'clock Wednesday for the agreed time, the vote on the amendment to come immediately thereafter.

I refer now to amendment No. 1664, which is an amendment which relates to the AWACS. There are certain sums in here for the AWACS, and this amendment would make a limitation relating to the number until NATO takes certain actions. The committee is ready now to take up that amendment, but for the same reasons I would not call it up at this point.

We have some 24 or 25 amendments that have been filed since last Thursday, when we last looked over this list. We have been through them, and many of them are virtually duplications.

We have another here, No. 1665. I see that the Senator from Maine (Mr. HATHAWAY) is in the Chamber and, while I am not calling on him to call up his amendment, if he would respond for the benefit of the Senate I would appreciate it.

And I yield him 2 minutes for that purpose.

Mr. HATHAWAY. I thank the chairman for yielding to me.

We were prepared to bring this up today, as I mentioned to the Senator last Thursday, but I understand Senator CULVER, who was very much interested in this amendment, could not be present this afternoon, and so we have agreed to defer it until later in the week. In the meantime we are hopeful that we can work out some agreement among Senator TOWER, Senator NUNN, the chairman, and those of us pressing for this amendment, and others, modifying sections 802 and 803 so there may not be, although I cannot promise, any prolonged debate on this matter when it is finally brought up.

Mr. STENNIS. I thank the Senator, and I ask him now: As I understand, even though there are a number of amendments on the same subject, differently expressed, they all amount to sim-

ilar subject matter and are almost the same; is that about right?

Mr. HATHAWAY. Yes, the Senator is correct. They all pertain to sections 802 and 803.

Mr. STENNIS. And the Senator thinks perhaps it could be worked down to one or two amendments; is that a fair question?

Mr. HATHAWAY. I think that they could not be narrowed down to one or two, but it would be very few.

Mr. STENNIS. All right.

Mr. HATHAWAY. Will the chairman yield to me for another minute?

Mr. STENNIS. Yes, I yield the Senator 2 minutes.

Mr. HATHAWAY. I ask unanimous consent that there be printed in the RECORD a copy of the letter to Members of the Senate pertaining to the amendments that we have been talking about.

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

U.S. SENATE,

Washington, D.C., May 24, 1976.

DEAR COLLEAGUE: We intend to offer amendments modifying Sections 802 and 803 of H.R. 12438, the so-called Military Procurement Authorization bill now pending on the Senate floor.

These sections and the accompanying report language relate to the issue of weapons standardization among the member nations of NATO and express a strong Congressional policy that the Secretary of Defense accelerate his efforts in this direction.

We support this policy in its general terms, but are concerned about its potential for abuse in "package deals" where the Secretary could enter into agreements with officials of member nations which bind him to purchase weapons systems or equipment from the member nations in exchange for these officials' commitments to purchase other weapons systems and equipment from United States manufacturers.

Under existing law these sorts of deals appear to be prohibited by the Buy American Act which ordinarily requires goods to be used by the Armed Forces to be acquired domestically unless there are overriding cost or quality considerations, or other overriding public interest considerations. Other procurement laws and regulations require competitive procurements. Section 802 would, however, amend existing law to grant to the Secretary a per se "public interest" waiver of the Buy American Act to acquire foreign goods if he could assert that such a purchase somehow fostered NATO "standardization".

Further, Section 803 encourages him to enter into "cooperative arrangements" with members of NATO and establishes as national policy the conclusion that NATO standardization is more important than "potential economic hardship to parties to such agreements" and that this policy is a "two way street". This proposed statutory language, coupled with the report language, would seem to mandate that the Secretary actively pursue such package deals, and ignore the policy expressed in the Buy American Act, and similarly ignore the adverse impact these sharing agreements inevitably will have on U.S. manufacturers who might otherwise have won the right to supply the goods via objective competition. The domestic manufacturers may be effectively frozen out for the greater good of NATO cooperation.

Unstated in the bill or the report is that the "potential economic hardship to parties to such agreements" would likely be most

acutely felt by the United States, or that it may be fundamentally unfair to freeze out many of our manufacturers in the interest of giving other of our manufacturers a wider, worldwide market.

In making these observations we do have a particular situation in mind. The Committee report on page 167 alludes to the decision by a number of NATO nations to purchase the U.S. made F-16 fighter aircraft and the Army's decision to purchase a Belgian made armored tank machine gun. No direct connection between the two decisions is mentioned in the report, but these actions are cited approvingly as instances where "standardization" has been fostered.

We believe there was a direct connection between the two decisions, that they were part of a "quid pro quo" agreement entered into about June of 1975 between then Secretary Schlesinger and Belgian officials in which the Secretary's representation that the Belgian gun would ultimately be chosen by the Army, rather than a competing American made gun, served as an inducement for Belgians converse promise to buy the F-16 aircraft manufactured in the United States.

The American made gun, manufactured by Maremont Corporation, a Chicago based company with its principal factory in Saco, Maine, had prior to June of 1975 been recommended for purchase by the Army Armor Command. Subsequent to the alleged F-16 deal, an ostensible competition was held between the Belgian and American guns, after which the Army declared the Belgian gun to be the winner.

On May 19, 1976, we, along with other members of the Maine Congressional Delegation, Congressmen William S. Cohen and David F. Emery, joined Maremont in filing suit in U.S. District Court for the District of Columbia alleging that there was such a deal, that the subsequent competition was not conducted according to the relevant statutes and regulations, and was preordained to determine the Belgian gun the winner. The suit asks that Secretary Rumsfeld and Secretary Hoffman be enjoined from carrying out the agreement pending resolution of a contract protest filed with the Comptroller General by Maremont Corporation, and thereafter be permanently enjoined.

We believe that the courtroom is the appropriate forum to settle the factual dispute we have with the Army and the Department of Defense, and do not ask our colleagues to make any determinations regarding this particular situation.

But we do believe that as a matter of national policy Congress should be made aware of any proposed agreements between the Secretary of Defense and officials of NATO nations which involve any sort of "quid pro quo" before such an agreement is finally entered into. In this way, Congress can participate directly in the weighing of standardization goals and domestic economic impact, and will thereby be able to consider with full knowledge future legislation dealing with authorizations or appropriations for procurement of weapons.

We believe further that the goals of "standardization" and "interoperability" ought to be defined with much greater precision than is now present in Sections 802 and 803 of this proposed legislation, and the blanket waiver of the Buy American Act contained therein ought to be substantially tightened up.

Our own experience again sheds light on the dangers of potential for abuse without stricter definition. The version of the Belgian gun, MAG 58, proposed to be installed in the U.S. M60A3 tank is substantially different from the versions of the MAG 58 utilized by Belgium, Holland, and Great Britain, and the two versions cannot be substituted for

one another without major modification. Further, the Marent tank gun possesses the characteristic of a high degree of parts interchangeability with the standard M60 infantry machine gun and consequently would result in positive economies of scale in the area of parts supply.

We believe standardization ought to be defined in terms of ready substitution of one nation's equipment for another, or in terms of overall economies of scale, but should in no event be left open.

We shall be offering amendments directed at these objectives and solicit your support. Amendment No. 1665 is already available. If you have any questions or would like to cosponsor our effort, please contact us directly or have your staff call either John Doyle at extension 42523, or Jim Case at 45344.

Sincerely,

WILLIAM D. HATHAWAY,  
U.S. Senator.  
EDMUND S. MUSKIE,  
U.S. Senator.

Mr. STENNIS. Mr. President, I had hoped the floor leader could be here, and I think he will be here in a few minutes. Will the Senator be ready on one of his amendments tomorrow should we get to this bill?

Mr. HATHAWAY. I assume that Senator CULVER will be back tomorrow.

Mr. NUNN. My understanding is Senator CULVER will not be back until Wednesday morning.

Mr. HATHAWAY. Then I would hope we could wait until Wednesday morning.

Mr. STENNIS. It is nice to accommodate everyone we can and we wish to go as far as we can in that field, but really we have this bill set and we have already started moving on amendments. Could the Senator call him? I am not thinking about taking it up now.

Mr. HATHAWAY. I want to protect whatever interest Senator CULVER might have. I say to the chairman that we are already in the negotiating stage this afternoon and maybe we can reach Senator CULVER by telephone.

Mr. NUNN. Let me ask the chairman. The reason for deferring until Senator CULVER arrives is that Senator CULVER, according to my understanding, would be against the Hathaway amendment. The Hathaway amendment would undo a good many of the things Senator CULVER has been working on in our committee, particularly in standardization. A couple Culver amendments are in the bill. So these amendments are going in the opposite direction, and that is the reason I think Senator HATHAWAY is really deferring to Senator CULVER and being courteous to him in waiting until he comes back, because I know he would be interested in probably opposing this amendment.

Mr. STENNIS. Responding, I think that we ought to try mighty hard to work out something here regardless of who it is or which side that they are on. That is the only way we can debate the amendments and dispose of them.

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

Mr. STENNIS. Yes; may I just finish this? I will take the liberty of calling Senator CULVER if I may and talk to him about what his possibilities are.

Let me repeat, too, that there are a number of other amendments that have been filed, and I want the acting majority leader to come in and advise what the situation is and what will be the situation on this bill tomorrow. I request then, if he is going to put it up at all tomorrow, that we all join hands legally legislatively and try to get together and dispose of the amendments.

Yes, I yield to the Senator from Oklahoma. I believe the Senator has an amendment of his own he wishes to take up now.

Mr. BARTLETT. Yes, I shall do that, Mr. President, if I am recognized.

Mr. STENNIS. It is on his time then.

The PRESIDING OFFICER. The Senator from Oklahoma is recognized.

Mr. BARTLETT. Mr. President, I have an amendment at the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk read as follows:

The Senator from Oklahoma (Mr. BARTLETT) proposes an amendment. Insert at the appropriate place in the bill the following new section:

The Act of November 24, 1975, Public Law 92-172 (85 Stat. 491), is amended by striking out "1976" and inserting "1977" in lieu thereof.

Mr. BARTLETT. Mr. President, this amendment would provide a 1-year extension for Public Law 92-172 and the extension would be effective until June 30, 1977.

Public Law 92-172 authorized until June 30, 1976, financial assistance, in the form of a stipend, to members of the Marine Corps platoon leader commissioning program in order to procure required future Marine Corps officers. The law was enacted for a period of 4 years in order to allow for a period of evaluation for determining what results would be obtained from the financial assistance program, and to ascertain how necessary it would be for future Marine officer procurement.

The Marine Corps considers it essential to its officer recruitment, particularly in an all-volunteer era, that the subsistence provision for the platoon leader commissioning program members be continued. The Department of Defense has submitted a legislative proposal to Congress which would provide for an extension for this program and, in fact, would extend the program to the other branches of the armed services. However, this new proposal must have hearings in order to effectively probe into the matter, and neither the Senate nor the House Armed Services Committees' timetables will allow for hearings prior to June 30.

This amendment does not ask for additional money, because the program is included in this year's budget. The amendment is needed to effect the extension, and I hope that the distinguished chairman will accept it.

Mr. STENNIS. Mr. President, on the time of the opposition to the amendment, as I understand, this amendment would simply reenact the present law, and it is

considered temporary even then, and is dependent on hearings on a broader related question; is that correct?

Mr. BARTLETT. That is correct.

Mr. STENNIS. I wish the Senator from Georgia will say a word, since it relates to personnel, and we will understand what he thinks about the amendment.

Mr. NUNN. Mr. President, I have talked with the Senator from Oklahoma about this amendment. I think it is a good amendment. The money is already in the budget for the amendment. Based on a rather hasty study of this matter, it appears to the Senator from Georgia that this is perhaps the most cost-effective method of the military services obtaining officers, and in fact, it costs less than either, of course, the academies, or ROTC. This is a cost-effective mechanism. The Marine Corps is the only service right now that uses this program, but there is a proposal the Department of Defense is interested in to have the other services enter into this kind of officer-training program because of the cost tradeoff and the effectiveness of this program.

The Senator from Oklahoma has proposed a good amendment, and I agree with that amendment.

Mr. BARTLETT. I thank the distinguished Senator from Georgia and also the comments from the distinguished chairman.

Mr. STENNIS. Mr. President, we have had some discussion with other members of the committee who favor this amendment, and if it had been submitted, I think it would have been agreed to unanimously, under those conditions.

I support the amendment.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Oklahoma.

The amendment was agreed to.

The PRESIDING OFFICER. The bill is open to further amendment.

Mr. STENNIS. Mr. President, a number of new amendments have been filed. We are looking them over. Senator HATHAWAY is the author of several amendments which state the same problem in a different way.

We are ready to take up such amendments as the authors may wish to bring up. If this does not result in any action, we will be compelled to ask that the Senate set them up in some order so that we will have an idea as to when they will be coming up. The better we can do this, the closer we will be to completing action on the bill. So I ask that the Senator from West Virginia be notified that he is needed in the Chamber.

Mr. President, I yield to the Senator from Arizona.

#### THE HONOR CODE AT WEST POINT

Mr. GOLDWATER. Mr. President, we are in another of those periods when we have experienced dishonesty and cheating at one of our military academies, and it is proving to be a field day for the press. Headlines in this morning's Post, which I must say very thoroughly analyze the situation at West Point, are indicative of what I think we can expect in



Congress—demands for investigations, and so forth.

I had a lengthy discussion the other day with a young lady on the subject of the honor code at the academies. I am not a graduate of any of the academies, but I have been very close to graduates. I have served with them and served under them. I believe that one of the most redeeming features of the academies is the honor code—not that it is unique, because I think most colleges in America follow it.

There is always a demand for investigation in these cases; and if one is justified and the superintendent wants to proceed with it, I am sure there will be no objection from Congress. I have been thinking about this, because in the past we have not been plagued by the amount of cheating—if one wishes to call it that—that we seem to find now, not only in the academies, but also in colleges across the country.

While I come to this conclusion, not as a final one, but certainly as one that should be looked into, I think the problem rests in the high schools of our country which have now come under Federal aid to education. For years, on the floor of the Senate, I fought Federal aid for education, and I was accused of being against education, which is a normal reaction. However, I pointed out that the minute we allow our schools and homes to be operated by people in Washington, the quality of education would go down.

I think I can make this statement without fear of being challenged successfully: since the advent of Federal aid to education in this country, the quality of high school graduates has deteriorated very rapidly and completely. I think this is one of the problems that these young men find when they get to the academies. Mind you, our military academies offer probably as good an education as can be received in any university in the country, barring perhaps one or two.

All of us here have the right to appoint cadets to the various academies, and we all use different means of appointment, but they are fairly standard: take the civil service exam. Lay the stress on English and arithmetic. After you have taken enough civil service exams, you can pass the one that really counts, when you want to go to the academy.

The trouble with the poor education provided by Federal education is that the standards of education of our top universities, including the military academies, has not gone down; the courses are still tough, just as tough as they always have been. The entire life at these academies is tough, just as tough as it ever has been. There is a great demand put on the young men—and now occasionally the young women—attending these academies, and it is becoming very difficult for the person not well trained in high school to, as we say, cut the mustard in one of these academies. Yet, the determination to get through the academy is great. The desire on the part of the great majority of young people in these academies is to be commissioned, and the great majority of them want to serve in that particular branch of the service throughout their lives.

So while this came to me merely in trying to reason out why we have had this rash of increases in cheating at the military academies, I have to think of the State universities in this country that provide courses in reading and writing and arithmetic for high school graduates.

I believe that the fact that young men or women going into high school or grammar school are going to graduate with their class, no matter how dumb they are, also has contributed to the situation. In other words, we are producing people in the elementary schools of our country who are not equipped to go to college. When they get to a college, such as a military academy, and they find the courses are tough and their desire to graduate is great, the tendency, although not pardonable, is to lean toward cheating a little in order to get through. I hope I am wrong, but I think I am right.

In talking with college presidents across this country, they have been bemoaning the quality of men and women sent them by the high schools for many years, and I lay it right at the door of Federal aid to education. From Washington, you cannot control the schools in Phoenix, Ariz., 2,000 miles away. They cannot even do a good job controlling them right here in Washington, D.C.

I hope that if a study is made of this rash of cheating currently being experienced at West Point, someone knowledgeable enough of some group knowledgeable enough will include in the study the quality of lack of quality of our high school graduates.

Mr. STENNIS. Mr. President, I was concerned about this matter at West Point when I read about it. I telephoned the superintendent, as chairman of the committee, and told him that as I saw it, there was cross-fire as to what was going to be done, that we were concerned about it, and that my idea was that anything less than a full-scale, in-depth exposure and disposition of this matter would boomerang on the academy. He readily agreed and assured me that, for his part, it would have the fullest consideration and that there would be an in-depth weighing of all the elements involved.

I know the superintendent personally, and I have great confidence that he will do that. However, I believe that if we are going to have the honor system, we should have it. If we admit that we cannot have it, we should do that.

Mr. GOLDWATER. Mr. President, I am glad that the chairman has taken that step, I, too, know the Superintendent very well. I served on the Board of Visitors several times at West Point.

I believe that the honor code is one of the best parts of the entire school system.

If the mistake is being made before the young man gets to the Academy, let us find out about it and let us change a few things around Washington, D.C., to make the cadets better as they go in.

Mr. STENNIS. Very well.

#### EXECUTIVE SESSION

The PRESIDING OFFICER. Under the previous order, the hour of 3:30 p.m.

having arrived, the Senate will now proceed to executive session and will debate for 30 minutes, then proceed to vote on the confirmation of the nomination of Mr. S. John Byington, of Virginia, to be a Commissioner of the Consumer Product Safety Commission, which the clerk will state.

#### CONSUMER PRODUCT SAFETY COMMISSION

The assistant legislative clerk read the nomination of S. John Byington to be a Commissioner of the Consumer Product Safety Commission.

The PRESIDING OFFICER. Who yields time?

Mr. MAGNUSON. Mr. President, I understand the situation under the previous order is that there will be 15 minutes allotted to this side and 15 minutes to the acting minority leader.

The PRESIDING OFFICER. The Senator is correct.

Mr. MAGNUSON. Mr. President, every time we talk to our people back home, we hear the same complaint:

Where do you get these bureaucrats? Why cannot Government find better people who will carry out the laws the way Congress wrote them?

The American people are not asking for an end to sound health and safety regulations. They know that only Government can provide standards of the marketplace to protect them against hidden electrical and chemical hazards that no individual consumer can foresee.

But they seem to have little faith that the people charged with the responsibility for setting standards and implementing them are really dedicated to their job.

From what we on the Committee on Commerce have been able to determine, John Byington is not a bad fellow; he has done some useful things working for Mrs. Knauer on consumer education.

But frankly, consumer leaders from around the country just do not have the confidence that John Byington has the determination to press on with one of the toughest jobs in the Government. They do not believe he can unify a commission which is undergoing rough sailing; that he has the will and conviction to withstand the assault on consumer safety regulation confronting the Commission.

After hearing Mr. Byington on the stand, after reviewing the questions he submitted to the committee, after talking with him in person, the members of our committee unanimously voted not to recommend Mr. Byington to the Senate for confirmation for the 7-year term for which he was nominated.

That was a sound decision.

It was a decision in keeping with the Commerce Committee's deepening commitment to upgrade the quality of regulators.

It was a bipartisan decision.

Today we are asked to confirm John Byington for 2½ years with the knowledge that he will be Chairman during that period.

No one has yet been able to explain to me how he can be unqualified to serve as Commissioner for 7 years but be

qualified to serve as Chairman of the Commission for 2½ years.

Mr. President, inasmuch as the hearings were conducted mainly by the Senator from Utah—he will be here in 5 minutes—I suggest the absence of a quorum until the Senator from Utah can get here.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. GRIFFIN. 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. GRIFFIN. If it is all right with the distinguished Senator from Washington, I shall go ahead and when the Senator from Utah gets here, I shall yield time.

Mr. MAGNUSON. That is agreeable to me.

Mr. GRIFFIN. I yield myself such time as I may require.

Mr. President, I rise to indicate my strong support for the nomination of John Byington to be a Commissioner of the Consumer Product Safety Commission.

In my judgment, John Byington clearly has the experience in consumer affairs and the administrative ability to serve on this important agency—an agency entrusted with the responsibility of safeguarding the products all of us use as consumers.

For the past 2 years, he has been Deputy Director of HEW's Office of Consumer Affairs and at the same time he has served as Deputy Special Assistant to the President, ably assisting Virginia Knauer in development and implementation of administration policies and programs in the consumer area.

His appointment to that important position was in recognition of the outstanding work he had done for the Commerce Department—first, as director of its district office at Detroit, and subsequently, as Deputy Director and National Export Marketing Director for the Office of Field Operations in Washington.

Mrs. Knauer, of course, strongly supports this nomination and, in a letter to the Washington Post, which had editorially criticized the nomination, she emphasized Mr. Byington's experience and commitment to consumer affairs. Reading from her letter as it appeared in the Post, I quote as follows:

I unabashedly state that S. John Byington, my Deputy during the past two years, is one of the brightest, most dedicated and concerned young men I have ever met. He is an untiring worker as well as an extraordinary administrator and an inspiring leader. In the Office of Consumer Affairs, he has effectively utilized management by objective theory within a participatory management system. This has worked well in attracting and stimulating highly competent people to achieve outstanding results, including over 60 substantive comments on regulatory matters. There have also been numerous changes effected and new initiatives implemented at OCA as a direct result of Mr. Byington's presence and leadership.

I ask unanimous consent, Mr. President, that the full text of Mrs. Knauer's

letter to the Washington Post be printed in the RECORD.

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

THE WHITE HOUSE,  
Washington, D.C., March 22, 1976.

Mr. BENJAMIN C. BRADLEE,  
Executive Editor, the Washington Post,  
Washington, D.C.

DEAR Mr. BRADLEE: My delay in responding to your editorial on S. John Byington's nomination by President Ford to chair the Consumer Product Safety Commission is due to my being in Philadelphia because of my husband's illness and recent death. However, now that I am back I cannot let your unwarranted insinuations against Mr. Byington go unanswered.

First of all you are correct in your concern that the immediate future is a critical period for the CPSC. In fact, I believe that the agency is in much worse condition than you indicate. I'm told that staff morale is terrible and the administrative process has broken down. As to its substantive successes—about which you say "CPSC has been diligent in a number of areas"—I recommend you read Senator Proxmire's release of February 16. As you know, Senator Proxmire chairs CPSC's budget committee and his release was issued immediately prior to the CPSC budget hearings. I quote: In the next two days, I intend to find out why the Commission needs \$41.1 million to continue its battery of unproductive programs that do little to protect the consumer."

It was with this situation at CPSC in mind that I strongly recommended to the President that he appoint S. John Byington as Chairman.

I agree with your editorial request that Mr. Byington be judged on his capabilities and credentials. I believe that if the Senate Commerce Committee makes its decision based on his education, experience, commitment to public service, appreciation for the regulatory process, consumer sensitivity and record of achievements as a pharmacist, trial and corporate lawyer, and dedicated public servant, Mr. Byington will be overwhelmingly confirmed.

It is with this in mind that I unabashedly state that S. John Byington, my Deputy during the past two years, is one of the brightest, most dedicated and concerned young men I have ever met. He is an untiring worker as well as an extraordinary administrator and an inspiring leader. In the Office of Consumer Affairs, he has effectively utilized management by objective theory within a participatory management system. This has worked well in attracting and stimulating highly competent people to achieve outstanding results, including over 60 substantive comments on regulatory matters. There have also been numerous changes effected and new initiatives implemented at OCA as a direct result of Mr. Byington's presence and leadership.

If John Byington is confirmed, and I am confident that he will be, I assure you and all of your readers that CPSC will "move forward to act with the kind of strength and fairness needed." He would build the type of dynamic, substantive, consumer safety sensitive team that would never allow CPSC "to bog down to become one more worn out and easily tamed regulator."

I truly believe that John Byington is the perfect prescription for CPSC. He can and would restore its operational health and substantive initiatives and develop it into the dynamic and vigorous regulatory agency intended by Congress.

Sincerely,

VIRGINIA H. KNAUER,  
Special Assistant to the President for  
Consumer Affairs.

Mr. GRIFFIN. There has been some opposition to this nomination, and it has received some publicity, but Mr. Byington's nomination has been endorsed by a number of well-recognized consumer representatives and organizations. These include Mr. George E. Myers, the immediate past president of the Consumer Federation of America, who has written a letter to the committee endorsing this nomination.

Another individual in the area of consumer affairs who endorses this nomination and supports it is Mr. Theodore J. Jacobs, former executive director of Ralph Nader's Center for the Study of Responsive Law. In addition, support for this nomination has come from Rev. Leon H. Sullivan, founder and chairman of the Opportunities Industrialization Centers, often referred to as OIC, and Mr. Herbert Simmons, Jr., administrative director of the National Consumers Information Center.

I only recite these, although there are many others who support the nomination, to illustrate the broad support Mr. Byington has received from people who have had not only considerable experience but considerable prominence in the area of consumer affairs. It has been, if not suggested, perhaps implied, in some instances that Mr. Byington did not have adequate sensitivity to the matter of consumer affairs, or that he did not have sufficient support by consumer groups. It seems to me that Mr. Byington's experience and the support of consumer advocates for his nomination refutes that argument.

In urging John Byington's confirmation, Mr. Simmons, who, as I indicated, is administrative director of the National Consumer Information Center, said in his letter to the committee:

The National Consumer Information Center is a consumer protection agency which represents the interest of the low income consumers throughout the United States. In working on behalf of our constituency, we have had to call upon the aid and assistance of Mr. Byington on many occasions. We have always found him ready and willing to tackle the complex problems of the consumer movement. I personally have had the pleasure of knowing and working with Mr. Byington for several years. I have always found him to be a man of great integrity and deeply committed to improving the quality of life for America's poor.

Mr. President, I ask unanimous consent that the full text of that letter and copies of several other letters, indicating support for Mr. Byington's nomination from people prominent in the consumer movement, be printed in the RECORD.

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

JANUARY 21, 1976.

HON. WARREN C. MAGNUSON,  
U.S. Senate,  
Chairman, Senate Commerce Committee,  
Washington, D.C.

DEAR SENATOR MAGNUSON: The nomination of John S. Byington for the chairmanship of the Product Safety Commission has been brought to our attention and it is with great pleasure that we write this letter in support of his confirmation.

As you may know, the National Consumer Information Center is a consumer protec-



tion agency which represents the interest of the low income consumers throughout the United States. In working on behalf of our constituency we have had to call upon the aid and assistance of Mr. Byington on many occasions. We have always found him ready and willing to tackle the complex problems of the consumer movement.

I personally have had the pleasure of knowing and working with Mr. Byington for several years. I have always found him to be a man of great integrity and deeply committed to improving the quality of life for America's poor.

Because of his keen intellectual abilities and his sense of humility, it is our opinion that Mr. Byington would be an excellent person to head the Product Safety Commission. A person of his background and talent would have no difficulty in maintaining the highest standards in running such an agency.

Therefore, without further comment, we highly recommend the confirmation of S. John Byington as Chairman of the Product Safety Commission.

With many thanks for this opportunity to say a good word in support of John.

Sincerely,

HERBERT SIMMONS, JR.,  
Administrative Director.

VIENNA, VA.,  
March 10, 1976.

Senator FRANK E. MOSS,  
Chairman, Subcommittee on Consumer,  
Committee on Commerce, U.S. Senate,  
Washington, D.C.

DEAR SENATOR MOSS: The news story in Monday's Washington Post headed "Doubt Cast on Byington Getting Consumer Post" concerns me greatly. I have known John Byington for several years, both as a friend and as a conscientious and responsible public servant.

I note from the news story that Mr. Byington's character, honesty and integrity are not in question. Those qualities alone, it seems to me, would insure Mr. Byington's faithful administration of the office for which he has been nominated, and for which he must take an oath of faithful performance of duty.

The objections to Mr. Byington's appointment to the Consumer Product Safety Commission apparently center on a rather nebulous quality—that of the degree of his consumer advocacy. Just how does one evaluate that quality, especially when there are marked degrees of opinion among consumer advocates on virtually every consumer measure?

As Mr. Byington has pointed out, in answer to charges of his remaining silent on some controversial consumer issues, he was bound and committed to support the Administration position on these issues during his service in the Office of Consumer Affairs. Is it fair to condemn Mr. Byington for his adherence to an universally accepted practice of loyalty in political office. Any political appointee is expected to support the policies of his superiors, as I am sure you will admit. However, as head of an independent agency, Mr. Byington will be free to play an aggressive and independent role of his own choosing.

As an individual active in consumer matters, I fully support Mr. Byington's nomination, and I respectfully urge his confirmation.

Respectfully yours,

GEORGE E. MYERS,  
Member, The President's Consumer  
Advisory Council.

WASHINGTON, D.C.,  
February 17, 1976.

HON. WARREN G. MAGNUSON,  
Senate Commerce Committee, Dirksen Sen-  
ate Office Building, Washington, D.C.

DEAR MR. CHAIRMAN: I am writing to express my support for the nomination of Mr.

S. John Byington to be Chairman of the Consumer Product Safety Commission.

I first met Mr. Byington when I was Executive Director of Ralph Nader's Center for Study of Responsive Law. I invariably found him to be knowledgeable, concerned and supportive of what I viewed to be the consumer's best interests.

I also worked with Mr. Byington in connection with the Domestic Council Committee on the Right of Privacy's Seminar on Privacy. Here again, I welcomed Mr. Byington's open, fair and thorough approach and his respect for the rights of the individual in this sensitive area.

As a "consumer advocate" since my experience with the National Commission on Product Safety, I am pleased to urge your committee to approve the nomination of Mr. Byington so that he may take up the important tasks facing the Commission.

Sincerely yours,

THEODORE J. JACOBS.

JANUARY 22, 1976.

Senator WARREN MAGNUSON,  
Washington, D.C.

DEAR SENATOR MAGNUSON: I am writing to endorse and support the nomination of Mr. S. John Byington to be Commissioner of the Consumer Product Safety Commission.

His selection is an excellent choice. The President needs a man of his experience and commitment to serve in this position. His record as Deputy Director of the Office of Consumer Affairs in the Department of Health, Education and Welfare is an indication that he is not only knowledgeable in the field, but is effective in getting the job done in a manner that is in the best interests of the American public. As you know, he has served as Administrative Assistant to Governor George Romney of Michigan, and is an excellent lawyer who served as corporate secretary and assistant to the President for Synercom Communications Corporation.

In Government service, his duties as Director of the Detroit District Office of Field Operations for the Department of Commerce has given him valuable preparation for the job which President Ford is asking him to undertake. I would be willing to speak to you personally or submit testimony for the record if it would be helpful or necessary.

Thank you again for all that you have already done and are continuing to do for the benefit of the American people. As you know, we are especially grateful for the help you have given to OIC and the work of your Staff Director, Mr. Harley Dirks. I am,

Sincerely,

REV. LEON H. SULLIVAN.

MR. GRIFFIN. In addition to his experience in consumer affairs at the Federal level, Mr. Byington brings to the Consumer Product Safety Commission a wealth of varied experience in other areas.

He is by profession both a lawyer and a pharmacist. His career began while still in college and in the 20 ensuing years has included broadcasting, pharmacy, public relations, corporate management, politics, and the law, as well as Government service.

My own association with John Byington goes back more than 10 years in Michigan, where his outstanding abilities were quickly recognized and well utilized by Gov. George Romney in various capacities of increasing responsibility over a 4-year period. He served in Mr. Romney's administration at the State level.

Mr. President, I believe that the Commission and the country will be well served if the Senate sees fit to confirm this nomination. I think Mr. Byington is a man of ability, dedication, enthusiasm,

creativity, and intelligence, and those are qualities that I think are needed on this Commission. I urge that the nomination be confirmed.

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

MR. MAGNUSON. Mr. President, I yield to the Senator from Utah such time as he may need.

MR. MOSS. Mr. President, we are considering this afternoon the nomination of S. John Byington to be Commissioner of the Consumer Product Safety Commission. If confirmed, I understand that President Ford intends to designate Mr. Byington as Chairman of the Commission—a position in which he would serve for 2½ years, the unexpired term to which he has been nominated.

Mr. President, I vigorously oppose this nomination. When Mr. Byington's name was originally submitted for confirmation, I assumed a neutral position. I wanted to wait and be convinced that Mr. Byington is fit for this office.

This nomination was processed by the committee in the same manner in which we consider all nominations. As is the committee's practice, prior to convening the public hearing on the nomination, the nominee was asked to respond to a series of detailed questions exploring his regulatory philosophy and understanding of the problems which confront the agency which he has been tapped to lead. The nominee also filed with the committee a comprehensive biography and financial disclosure statement.

On March 1 and 2, 1976, the committee held public hearings on the nomination at which members of the public were given an opportunity to present their views on Mr. Byington's fitness to serve as Chairman of the Commission. Mr. Byington was, at that time, given full opportunity to respond to the public witnesses and to answer any other questions raised by the committee.

The committee met three times to consider the nomination of Mr. Byington to serve as a Commissioner for 7 years. At the third meeting—on May 4, 1976—the committee, by voice vote, suspended indefinitely consideration of the Byington nomination. Later that afternoon President withdrew the 7-year nomination for Mr. Byington and resubmitted his name for another vacancy with 2½ years remaining in that term of office. With this reduction from a 7-year term to a 2½-year term, the committee then voted, with seven dissenting members, to favorably report the nomination to the floor.

Mr. President, this process has provided ample opportunity to judge Mr. Byington's fitness for this office. I am convinced, beyond any reasonable doubt, that Mr. Byington is not the man we need for this job.

He has not distinguished himself as a leader; nor has he technical background in product safety. He has no regulatory experience. He has had little, if any involvement with the Consumer Product Safety Commission despite the fact that he has served for 2 years as Executive Director of the Office of Consumer Affairs. He does not seem to have an understanding of the problems facing the Commission.

In its extensive written policy questions, the committee afforded the nomi-

nee an opportunity to demonstrate the depth of his understanding, his analytical insights, his plans for new direction for the Commission, a post for which he has known he was under consideration for at least 8 months. His answers, in the judgment of those consumer groups concerned with the Commission's work, were sorely lacking, and at worst unresponsive and evasive.

Perhaps even more compelling is the nominee's lack of qualification as a consumer advocate. At the very least, the American consumer must have the confidence that the individual chosen to be Chairman of the Consumer Product Safety Commission is a vigorous advocate of consumer safety.

Yet, the committee encountered strong opposition to the nomination particularly from consumer groups. Many of the Nation's major consumer organizations including the Consumer Federation of America, the National Consumers Congress, the National Consumers League, Congress Watch, and Consumer Action Now actively opposed the nomination.

Likewise, two major labor unions were moved to file a statement with the committee opposing Mr. Byington's nomination. The AFL-CIO wrote:

There is little in Mr. Byington's record to indicate he has either the experience or dedication to the public interest to qualify for the nomination.

The United Auto Workers wrote:

Mr. Byington's nomination represents but another example of the Administration's attempts to undermine the Consumer Product Safety Commission's independent status.

Opposition to this nomination extends to our counterparts in the House. Congressman JOHN MOSS, key sponsor of the Consumer Product Safety Act in the House, urged the committee to deny confirmation to Mr. Byington. In Congressman Moss' words:

Although I can find no single act which disqualifies Mr. Byington, I find very little that qualifies him for this high government position.

Congressman Moss was joined in his opposition in a subsequent letter by 28 of his colleagues including the chairman of the House Democratic Caucus, Congressman PHILLIP BURTON, and six other subcommittee chairmen.

Mr. President, in my view, when considering nominations to independent regulatory agencies, the Senate has a special responsibility.

The Consumer Product Safety Commission, as an independent regulatory agency, derives its mandate and its power from authority delegated from Congress. Thus, unlike nominees to executive branch positions who are accountable directly to the President and serve at his pleasure, nominees to these independent agencies perform a legislative function. They serve for a fixed term of office through successive Presidential terms and can be removed only in the narrowest of circumstances.

It is incumbent upon the Senate, therefore, in considering nominees to these agencies to exercise independent judgment with respect to each nominee. The Senate's consideration of these nominees should go beyond an examina-

tion of the nominee's potential disqualifications. We must be particularly satisfied that each nominee has the intellectual qualifications and philosophical commitment to enforce Congress' mandate.

Mr. President, if "regulatory reform" is to mean anything, it dictates that we make discriminating decisions about whom we confirm for positions of leadership of our regulatory agencies. We must examine each nominee closely and scrutinize carefully his or her qualifications for office. A mere search for disqualifying characteristics is not enough. In my view, and the view of six of my colleagues on the Commerce Committee, Mr. Byington does not possess the requisite qualifications to serve as Chairman of the Commission.

I would point out, Mr. President, a very unusual circumstance in that the Commerce Committee in the case of this nomination has filed a written report to the Senate. The Senate did not simply report his name to the Senate to be placed on the calendar for a vote. We have filed a written report in which seven members of the committee joined in stating that they did not approve of the nomination of Mr. Byington, and recommended that he not be confirmed. One of those, the Senator from New Hampshire (Mr. DURKIN) also filed additional minority views on the report of the committee.

Mr. President, I am convinced that in this case, we were simply confronted with a continual series of events that finally, out of exhaustion as much as anything else, caused the committee to finally assent to the nomination of Mr. Byington.

As I said, we held our 2 days of hearings and then we held three meetings of the committee in executive session, and finally decided we would lay the nomination for the 7-year term aside. Then the nomination came right back, the very same day that we voted to do that, for a shortened 2½-year term.

That was interpreted by some, I am sure, that since the President was willing to recede that much that, perhaps, we should drop our objection to Mr. Byington.

I would also like to stress though, Mr. President, that there is nothing personal about our opposition to Mr. Byington. There certainly is no question about the integrity or the honesty of Mr. Byington, and any who feel that a negative vote means in some way his character is being questioned are certainly in error.

The reason I voted the way I did in the committee, and the reason I oppose him now, is that I just do not feel he is suited by his training, his qualifications, and his philosophical devotion to consumer product safety that he should be appointed and then designated as chairman of the Consumer Product Safety Commission.

Since this is a fairly new regulatory commission, it is still in its infancy. It is still developing and beginning to take on the burdens of assuring the safety of our consumers by examining the consumer products that are placed in the open market and which consumers are induced to buy. A person who is to be the leader of that Commission must not only be dedicated to its purpose but must have some vision, some drive and some moti-

vation to make the Consumer Product Safety Act work.

I just fear that Mr. Byington will not do that, and I am convinced from his hearing that he is not equipped to do that. If he does not, the Consumer Product Safety Commission will be ineffective and it will be held up to ridicule saying that "here is another regulatory Commission for which we have no need."

I am convinced that we do have great need for the regulatory commission. I would like to see it work. That is the reason I have opposed Mr. Byington.

Mr. President, we have received letters from a great number of organizations who are in the consumer and labor fields.

Mr. President, I ask unanimous consent to have printed in the RECORD several of the letters that have come in from various organizations that oppose the confirmation of Mr. Byington, their opposition is particularly vigorous since the President has indicated that he would designate Mr. Byington to be the Chairman of the Commission.

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

WASHINGTON, D.C., March 22, 1976.

HON. WARREN G. MAGNUSON,  
U.S. Senate,  
Washington, D.C.

DEAR SENATOR MAGNUSON: Consumer Federation of America urges you to reject the nomination of S. John Byington to be chairman of the Consumer Product Safety Commission. In October 1975 our board of directors, which has a membership of forty consumer advocates from across the United States, wrote to President Ford urging him not to appoint Mr. Byington as chairman of the Commission.

At CFA's annual meeting on January 26, 1976, representatives of the entire membership of our organization voted unanimously to oppose Mr. Byington's confirmation.

The Consumer Product Safety Commission, as much as any other agency in government, has responsibility for protecting the health and safety of the American public. The central issue in the debate over John Byington's nomination is whether the public has any evidence on which to base confidence and trust in his leadership of such an agency. Consumer representatives who work in the public policy area and who have dealt with Mr. Byington as the designated spokesman for the consumer interest within the Administration are nearly unanimous in opposing Mr. Byington's nomination. We do so as a result of a lack of confidence and trust that arises from working with him.

Mr. Byington's record as Deputy Assistant to the President for Consumer Affairs is not totally without substance. He has played an active role in balancing consumer education and he has sat on a number of conferences with industry organizations to help them improve consumer complaint handling. However, in situations where consumer advocacy within government was needed, John Byington was nowhere to be found. When the public and consumer interest were in conflict with an Administration position and sought a spokesman within the White House apparatus, John Byington did not respond.

In private meetings with consumer representatives he would assure us that, although not speaking out publicly, he was advocating the consumer's position quietly within the Administration. Now we find that a representative of the toy industry called him "remarkably sympathetic" to business in the past. Apparently Mr. Byington was giving the same assurances to business.

Mr. Byington's record on the Consumer



Protection Agency is typical of his lack of candor. In 1974, under the Nixon Administration, the Office of Consumer Affairs supported the creation of the Consumer Protection Agency. When Mr. Ford became President we were assured by the Office of Consumer Affairs that they were working to secure his endorsement of the agency. These assurances continued up to the day the President expressed disapproval of the legislation. Mr. Byington and his superior, Mrs. Knauer, expressed their disappointment to consumer representatives. We did not learn until Mr. Byington appeared before the Senate Commerce Committee that, in fact, the Office of Consumer Affairs did not seek presidential approval of the Agency. During his presentation to the Commerce Committee, Mr. Byington stated that the Office of Consumer Affairs had submitted a list of options to the President with no recommendation as to which option they favored. Consumer representatives were deliberately misled.

A similar lack of candor was displayed by Mr. Byington during his testimony before the Committee. For nearly two hours he refused to give a straight yes or no answer as to whether he personally favored the Agency for Consumer Advocacy. It would have been far better if he had simply said: "No, I am opposed to it. I share the Administration's position," than to have led the Committee through an intricate dance of logic designed to avoid a straight simple answer.

We do not believe this is the stuff of which a strong and independent chairman is made.

Mr. Byington was equally as misleading in his responses to the Commerce Committee's pre-hearing written questions. For example, when asked to itemize the legislation supported by Mrs. Knauer during Mr. Byington's tenure as Deputy, he submitted a list of 21 measures. Upon further inquiry, however, the degree of OCA's support on at least some of these bills was questioned. OCA's support for the Motor Vehicle and School Bus Safety Amendments of 1974, for example, consisted solely of an eight line announcement on page 2 of a press release on the Equal Credit Opportunity Act announcing that the President had signed the bill and applauding the requirements for schoolbus safety standards.

We now find from communications to the Committee that, in his eagerness to secure Senate approval, Mr. Byington has misrepresented the strength and nature of the opposition to him. In his reported conversations he has suggested that certain consumer leaders such as Esther Peterson, of the National Consumers League, and Peter Schuck, of Consumers Union, who had previously remained silent, supported him. They have stated that this is not the case. We understand further that the Committee has received a letter from Ms. Peterson, as president of the National Consumers League, opposing the confirmation of Mr. Byington. Also, Mr. Byington has stated that Joan Claybrook, Director of Congress Watch, was a reluctant witness pressured by others to testify. Ms. Claybrook has refuted that statement.

Finally, Mr. Byington has inferred that Consumer Federation of America is divided in its opposition to his nomination. This is simply not the case and the vote by both our board of directors and membership should make it clear that it is not the case. His attempt to use a personal endorsement to imply organizational support is simply the final inclination of a willingness to shape facts to fit the needs of the moment.

We reiterate our belief that Mr. Byington is not qualified by experience or by personal standard to head this important Federal agency. We urge you to reject his nomination.

Sincerely,  
CAROL TUCKER FOREMAN,  
Executive Director.

WASHINGTON, D.C.,  
March 11, 1976.

Senator WARREN G. MAGNUSON,  
Russell Senate Office Building,  
Washington, D.C.

DEAR SENATOR MAGNUSON: On behalf of the National Consumers League, I am writing this letter to oppose the nomination of John Byington as Chairman of the Consumer Product Safety Commission.

Late last year, the National Consumers League wrote all known candidates for the CPSC Chairmanship, asking them to answer a questionnaire we developed that was designed to elicit their views on key consumer issues connected with the mission of the CPSC. Mr. Byington was one of the two announced candidates who refused to answer our questionnaire. On the basis of his refusal, we rated him as an unacceptable candidate. We did so because we believe that if a candidate wants the support of consumer organizations, he or she should state clearly in advance of nomination his or her positions on issues of importance and concern to consumer groups. You already have a copy of our questionnaire and press release.

When confirmation hearings were announced, we did not ask to testify. That was because we did not feel at the time that we had specific reasons to oppose Mr. Byington. While distressed that he chose not to answer our questions, we felt certain that his position on the issues would become clear at the confirmation hearings.

We have reviewed the March 1 and 2 confirmation hearings, and find that Mr. Byington continues to refuse to take a stand on where he stands. Thus we are at a point in time where an individual not only has refused to go on record with a National consumer group, he has also refused to state clearly to the Senate of the United States, whose duty it is to confirm him, where he stands on issues that are generally recognized as critical in this area.

It is one thing to refuse to go on record before nomination with interested groups such as ours. It is another, more serious fault to refuse to be responsive to the United States Senate.

On the basis of Mr. Byington's refusal to take a stand, we respectfully urge the Commerce Committee to vote against his confirmation.

Sincerely,

ESTHER PETERSON,  
President.

FEBRUARY 9, 1976.

WARREN G. MAGNUSON,  
Dirksen Senate Office Building,  
Washington, D.C.

DEAR SENATOR MAGNUSON: The membership of the National Consumers Congress wishes to express opposition to the proposed appointment of S. John Byington as chairman of the Consumer Product Safety Commission. We urge you and your fellow Senators to vote against Mr. Byington's appointment.

NCC is composed of community organizations across the country involved in national and local consumer affairs. Product safety is an area of critical concern for us and it is vital that the chairman of such a powerful regulatory agency be receptive to consumer opinion.

Within Mr. Byington's capacity at the Office of Consumer Affairs, he responded to corporate and political pressures by organizing against the proposed Consumer Protection Agency. However, he refused to even answer to the National Consumer League's questionnaire distributed to all nominees for the CPSC chairmanship. It is our opinion that Mr. Byington has neither the experience nor the inclination to administer the laws designed to protect the consumer.

The National Consumers Congress and its affiliates join with fellow consumers in protesting a nomination which promotes political inbreeding at the expense of consumers' interests.

Sincerely,

AILEEN GORMAN.

MARCH 9, 1976.

HON. WARREN G. MAGNUSON,  
Chairman,  
Senate Commerce Committee,  
Washington, D.C.

DEAR SENATOR MAGNUSON: The AFL-CIO is opposed to the nomination of S. John Byington as Chairman of the Consumer Product Safety Commission and would like the record to so indicate.

In urging the Senate not to consent to this nomination, we think it important to emphasize that the CPSC was established for the primary purpose of protecting the public against unreasonable risks of injury associated with consumer products. The CPSC performs an increasingly important task in a complex and technological society, and the integrity of its Chairman is critical.

There is little in Mr. Byington's record to indicate he has either the experience or dedication to the public interest to qualify for the nomination. During his tenure as Deputy Director of the Office of Consumer Affairs, he consistently failed to lend support to major pieces of consumer legislation, and opposed outright the creation of an Agency for Consumer Protection. Furthermore, the nominee played a key role in the development of the Consumer Protection Plans, which were proposed by the Administration to justify a veto of legislation establishing an independent consumer protection agency.

Therefore, we believe that the Senate should not consent to the nomination of Mr. Byington. His confirmation would weaken rather than strengthen the mission of the CPSC to the detriment of American consumers.

We have no opinion on the other nominees and neither support nor oppose their confirmation.

Sincerely,

ANDREW J. BIEMILLER,  
Director, Department of Legislation.

MARCH 9, 1976.

HON. WARREN G. MAGNUSON,  
Chairman, Committee on Commerce, U.S.  
Senate, Washington, D.C.

DEAR MR. CHAIRMAN: The enclosed statement spells out the UAW's reasons for opposing the nomination of S. John Byington to be Chairman of the Consumer Product Safety Commission. We would appreciate it if our statement could be made a part of the hearing record.

Sincerely,

DICK WARDEN,  
Legislative Director.

STATEMENT ON THE NOMINATION OF S. JOHN BYINGTON BEFORE THE U.S. SENATE COMMERCE COMMITTEE BY ODESSA KOMER, VICE PRESIDENT, UNITED AUTOMOBILE, AEROSPACE AND AGRICULTURAL IMPLEMENT WORKERS OF AMERICA—UAW—AND DIRECTOR, UAW DEPARTMENT OF CONSUMER AFFAIRS, MARCH 1, 1976

The nomination of S. John Byington to a seven-year term as chairman of the Consumer Product Safety Commission is not in the public interest and should be rejected. Mr. Byington's nomination represents but another example of the Administration's attempts to undermine the Consumer Product Safety Commission's independent status.

Congress specifically created the Commission as an independent agency, intending it to be independent of White House control and influence. The Senate committees which

considered and reported out the bill creating the commission specifically stressed the importance of creating an independent agency to carry out the responsibilities assigned to it. For example, the Commerce Committee noted that the commission should be independent rather than established within an existing agency because "an independent agency with publicly accountable decision makers is able to make determinations . . . unfettered by political dictates, self-interested industry pressure or blind consumer zeal." The Labor Committee made the point even more strongly when it noted that "effective food, drug and consumer product regulation requires creation of a new agency with independence to exert the leadership and vigorous enforcement necessary for consumer protection. Past experience shows that, unless the agency has the power to issue regulations, direct the course of all litigation, and make legislative and budgetary recommendations, without approval of clearance by outside agencies, its effectiveness will be substantially impaired." (Emphasis added.)

Congress included three provisions in the enabling legislation which were specifically designed to establish the Commission's independence. These three provisions provided that the President must designate a commissioner as chairperson for the duration of the person's term in office, and that the Commission was required to submit duplicate copies of its budget requests and legislative recommendations directly to Congress as well as to the President or the Office of the Management and Budget.

These provisions were clearly intended to assure that the chairperson was free of political pressure during his or her term in office, and that the Congress would get the Commission's independent recommendations regarding budget requests and legislative recommendations before these were subject to revisions made by another agency (in this case, the White House).

These were some of the most controversial sections of the bill. The White House objected. Industry objected. And repeated attempts were made to eliminate the Commission's independent status.

White House and Executive agency objections didn't cease with the enactment of the legislation providing for an independent agency. The Commission was almost immediately embroiled in conflicts with the White House regarding its independent status. The White House demanded that high level, non-career civil service appointees be subject to political clearance. The Commission resisted these efforts, quite logically pointing out that as an independent agency, it should be entitled to decide who is to be appointed to its staff.

The OMB issued instructions to the Commission that it worked out operational plans through 1980 in accordance with spending goals established by OMB. The OMB objected to the Commission's budget review procedures which called for meetings, briefings and discussions on the budget to be open to appropriate Congressional Committees.

In this case, the Commission's views regarding the budgetary review procedures to be used prevailed, and meetings between the Commission and the OMB were open to the appropriate Congressional committees. The Commission also publicly and strenuously objected to the inadequate budget recommendations made by the President.

The actions of the Commission in these two important instances clearly showed that the Commission was taking its independence seriously. Its former chairman, Mr. Richard O. Simpson, was particularly outspoken about and determined to maintain the Commission's independence despite considerable White House pressure to "get on the team" and to adhere to the White House "line."

From the White House's viewpoint, he and

the Commission took Congressional intent too seriously when they decided to follow the letter of the enabling law. Mr. Simpson was rewarded for his efforts by not being reappointed by the President despite Mr. Simpson's expressed willingness to continue in office to carry on the innovative programs the Commission had begun.

The President has instead decided to appoint Mr. Byington, a close associate and political ally. Appointment of a political crony to the sensitive post of Chairman of an independent Commission makes a complete mockery of the Commission's independent status.

There is little in Mr. Byington's past experience which would suggest that he is qualified to carry on the difficult and sensitive tasks the Commission is obligated to perform—tasks which call for imagination and innovation if the consumer's need for safety is to be properly balanced with the cost of providing for it.

He served as assistant director and director of communications for the American Pharmaceutical Association, a Washington based trade association; as campaign manager in the political campaigns of former Governor Romney and of Senator Griffin; as an assistant prosecutor in Kent County, Michigan, and in the Commerce Department promoting US exports and foreign trade.

He was associated with Mr. L. William Seldman, President Ford's economic advisor, in organizing Synercom Communications Corporation, and he served as vice president and chief operating officer of Internart, Inc., a Michigan based business consulting and export trade promotion firm.

None of this background suggests that he has the experience or qualifications in product safety matters or consumer advocacy needed to carry on or further develop the innovative programs the Commission has initiated or will need to create if it is to enforce the laws under its jurisdiction vigorously and in a way which ensures that the consumers' needs for safety are adequately considered and properly balanced against industry's concerns about government regulations.

His White House and other political associations and past business connections with an important Presidential advisor raise serious questions about his willingness or determination to maintain and guard the Congressionally mandated independent status of the Commission. It is just impossible to conceive that he would be as determined to pursue an independent course in the face of White House political pressure as the previous Commission chairman had done.

He has certainly not demonstrated any willingness to depart from administration policy while serving as Virginia Knauer's deputy, the only position he has held which has involved dealing with consumer matters. He certainly failed to establish any kind of consumer record while at that office. In fact, the Office of Consumer Affairs has become increasingly less visible and has done little more than promote the administration's policies since his tenure with the office. The office certainly failed to develop any innovative programs or assumed a leadership and consumer advocacy position on important issues while Mr. Byington has been there.

The posture of supporting and promoting administration policy might well be proper and appropriate at an agency which operates under the direction of the President or is directly responsible to an executive department or agency.

That posture, however, is completely inappropriate in a position calling for independence from Presidential direction and control, and requiring a willingness and determination to challenge such direction.

This nomination is an affront to consumers. But it is equally an affront to Congress.

All the evidence suggests that if this nomination is confirmed, the White House will have succeeded in thwarting the Congressional intent to create an independent Commission by nominating someone who is extremely unlikely to challenge White House direction as the past chairman and Commission have been willing to do. The nomination practically ensures that the features written into the enabling law to make it possible for the Commission to act independently will not be used in such a way as to create conflict with administration policy.

That is why we strongly urge this Committee to turn down this nomination to suggest to the President that Congress really means it when it creates an independent Commission.

**THE PRESIDING OFFICER (Mr. DOMENICI).** The time of the opponents has expired.

The Senator from Michigan has control of the remaining time.

**MR. GRIFFIN.** Mr. President, I suggest the absence of a quorum.

**THE PRESIDING OFFICER.** The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

**MR. GRIFFIN.** 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. GRIFFIN.** Mr. President, I yield such time as the Senator from Kansas may consume.

**THE PRESIDING OFFICER.** The Senator from Kansas.

**MR. DOLE.** Mr. President, the Senator for Kansas is pleased to support the nomination of S. John Byington to be a Commissioner of the Consumer Product Safety Commission.

In my judgment, Mr. Byington is well suited to this position and will serve the public well as a member of the Commission. My support is based on my personal observation of his capabilities. I worked with Mr. Byington.

#### CONSUMER ORIENTED

In the past, Mr. Byington has demonstrated to my satisfaction his expertise and his excellent qualifications in the consumer area. He has shown that he is sensitive to consumer needs. More importantly, he is knowledgeable about how Government actions affect and relate to these needs.

I say this as one who has supported and worked for the passage of consumer legislation in Congress.

#### EXPERIENCE

In studying the committee report on this nomination, I find the major concern to be the lack of experience in the consumer field. The Senator from Kansas recalls that consumerism itself, as an area of expertise, is a relatively recent development. Mr. Byington's years of experience in this area are significant and will certainly be an asset in his service in the Commission.

His previous work in the Office of Consumer Affairs has brought him in contact with people in and out of the Government who deal with consumer affairs. He is knowledgeable of the issues



and he has had experience in achieving meaningful solutions to consumer problems.

#### PRACTICAL EXPERTISE

One of Mr. Byington's most important assets, in my opinion, is his familiarity with the practical and realistic considerations regarding consumer affairs. This is an asset that many so-called advocates of consumers might do well to improve upon.

For Mr. Byington has had practical experience in private industry and in the Government as well. He understands the impact of Federal consumer regulations on the industries that must serve consumers. He also understands the impact of redtape and the extra cost of Federal regulations.

Yet he has had experience in the Government with the problems of regulating industry in a manner to achieve safety and other consumer goals with a minimum of associated costs and problems.

I believe Mr. Byington has an understanding that most consumer issues are not clear-cut, black-and-white problems. For, as we have seen with many consumer-oriented measures in the Congress, most actions that benefit consumers also have a cost, and in some cases, those costs ultimately find their way into the prices consumers pay. An understanding of this cost-benefit relationship and the practical ways of dealing with it can only be beneficial to consumers.

Mr. President, John Byington combines the qualifications that should make him an excellent member of the Consumer Product Safety Commission. He has practical experience in consumer, business and Government affairs.

I urge the confirmation of this nomination.

The PRESIDING OFFICER. The Senator from Utah.

Mr. MOSS. Mr. President, I ask for the yeas and nays on the vote on the nomination of Mr. Byington.

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

The yeas and nays were ordered.

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. GOLDWATER. 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. GOLDWATER. Mr. President, I would like to address a question to the Senator from Michigan.

Having been in the consumer-type business a good many years of my life, I watched with a great deal of interest the efforts to create consumer-oriented groups here.

Could the Senator from Michigan tell me, having sat on the committee, what they are looking for in a man who is supposed to head up the Consumer Products Safety Commission?

Mr. GRIFFIN. I do not exactly know

how to respond to the Senator from Arizona because I have had somewhat the same question in my own mind. It seems to me that the nominee has an excellent background and excellent experience for this job, but obviously, some members of the committee do not agree with my point of view.

It is true he is a relatively young man—38 years old—but he has had a lot of experience. He has been a small businessman. He has a law degree. He had worked in government in the area of consumer affairs. So he has administrative ability as well as other experience, which could be very useful and helpful.

Mr. GOLDWATER. It is interesting to me to note the names who are backing this man on the committee and those who are opposing him because I do not know just exactly what qualifications they have set up.

I agree with my friend from Michigan that this man seems to have a relatively good background in this field, although this field is not overcrowded with experts in this city, by any means.

But it is difficult for me to know just what the Consumer Product Safety Commission is going to do, what it is supposed to do.

Can the Senator fill me in on that?

Mr. GRIFFIN. The Commission is supposed to make objective judgments as to whether consumer products may present an unreasonable risk of injury to the public. And, that includes the authority to set safety standards.

I do not question the motives of any particular colleague, but I take it that some of them are not, perhaps, so interested in objectivity as they are in advocacy.

They want the Commission, perhaps, to determine in advance what the results should be.

I do not think that is the job of the Commission. I think the job of the Commission is to be adjudicatory and to be fair and objective.

Mr. GOLDWATER. I agree with the Senator completely. It has always been my impression, living in the free enterprise system, it is the buyer who makes the judgment as to what he wants, and if he wants an unsafe product and one is being made, that is up to him.

The first thing we know, we are going to find such an agency delving into everything that is sold to find out if it is safe in the hands of a maniac.

I really was interested in what the committee was looking for to fill this kind of job.

The man, as I said, seems to have a good background. He seems to be opposed by the usual groups that oppose anyone who comes out of the lessons he has learned in the marketplace.

I thank the Senator from Michigan for his explanation.

Mr. GRIFFIN. I thank the Senator from Arizona. I want to remind him that the committee did vote 13 to 7 for confirmation, and the number included almost half of the Democratic members of the committee. So there is strong support for the nomination.

The PRESIDING OFFICER. The hour

of 4 p.m. having arrived, the Senate will proceed to vote on the nomination of Mr. Byington.

The question is, Will the Senate advise and consent to the nomination of S. John Byington, of Virginia, to be a Commissioner of the Consumer Product Safety Commission? On this question the yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. ROBERT C. BYRD. I announce that the Senator from Arkansas (Mr. BUMPERS), the Senator from Idaho (Mr. CHURCH), the Senator from Iowa (Mr. CULVER), the Senator from Missouri (Mr. EAGLETON), the Senator from Mississippi (Mr. EASTLAND), the Senator from Kentucky (Mr. FORD), the Senator from Alaska (Mr. GRAVEL), the Senator from Hawaii (Mr. INOUE), the Senator from Louisiana (Mr. LONG), the Senator from Wyoming (Mr. McGEE), the Senator from New Hampshire (Mr. MCINTYRE), the Senator from New Mexico (Mr. MONTOYA), the Senator from Rhode Island (Mr. PASTORE), the Senator from California (Mr. TUNNEY), and the Senator from New Jersey (Mr. WILLIAMS) are necessarily absent.

I further announce that the Senator from Montana (Mr. MANSFIELD), the Senator from South Dakota (Mr. MCGOVERN), and the Senator from North Carolina (Mr. MORGAN) are absent on official business.

On this vote, the Senator from Rhode Island (Mr. PASTORE) is paired with the Senator from California (Mr. TUNNEY). If present and voting, the Senator from Rhode Island would vote "yea" and the Senator from California would vote "nay."

Mr. GRIFFIN. I announce that the Senator from Tennessee (Mr. BAKER), the Senator from Arizona (Mr. FANNIN), the Senator from Hawaii (Mr. FONG), the Senator from Utah (Mr. GARN), the Senator from New York (Mr. JAVITS), the Senator from Idaho (Mr. McCURE), the Senator from Alaska (Mr. STEVENS), and the Senator from Connecticut (Mr. WEICKER) are necessarily absent.

I also announce that the Senator from Massachusetts (Mr. BROOKE), the Senator from Oregon (Mr. PACKWOOD), the Senator from Kansas (Mr. PEARSON), and the Senator from Pennsylvania (Mr. SCOTT) are absent on official business.

I further announce that, if present and voting, the Senator from New York (Mr. JAVITS) and the Senator from Pennsylvania (Mr. SCOTT) would each vote "yea."

The result was announced—yeas 33, nays 37, as follows:

#### [Rollcall Vote No. 190 Ex.]

##### YEAS—33

|               |                 |            |
|---------------|-----------------|------------|
| Allen         | Goldwater       | Scott,     |
| Bartlett      | Griffin         | William L. |
| Beall         | Hansen          | Sparkman   |
| Bellmon       | Hart, Philip A. | Stafford   |
| Brock         | Hatfield        | Stennis    |
| Buckley       | Helms           | Stevenson  |
| Byrd          | Hollings        | Taft       |
| Harry F., Jr. | Hruska          | Talmadge   |
| Curtis        | Laxalt          | Thurmond   |
| Dole          | McClellan       | Tower      |
| Domenici      | Percy           | Young      |
| Glenn         | Randolph        |            |

## NAYS—37

|                 |            |           |
|-----------------|------------|-----------|
| Abourezk        | Hartke     | Moss      |
| Bayh            | Haskell    | Muskie    |
| Bentsen         | Hathaway   | Nelson    |
| Biden           | Huddleston | Nunn      |
| Burdick         | Humphrey   | Pell      |
| Byrd, Robert C. | Jackson    | Proxmire  |
| Cannon          | Johnston   | Ribicoff  |
| Case            | Kennedy    | Roth      |
| Chiles          | Leahy      | Schweiker |
| Clark           | Magnuson   | Stone     |
| Cranston        | Mathias    | Symington |
| Durkin          | Metcalf    |           |
| Hart, Gary      | Mondale    |           |

## NOT VOTING—30

|          |           |             |
|----------|-----------|-------------|
| Baker    | Garn      | Montoya     |
| Brooke   | Gravel    | Morgan      |
| Bumpers  | Inouye    | Packwood    |
| Church   | Javits    | Pastore     |
| Culver   | Long      | Pearson     |
| Eagleton | Mansfield | Scott, Hugh |
| Eastland | McClure   | Stevens     |
| Fannin   | McGee     | Tunney      |
| Fong     | McGovern  | Welcker     |
| Ford     | McIntyre  | Williams    |

So the nomination was rejected.

## LEGISLATIVE SESSION

The PRESIDING OFFICER (Mr. LAXALT). The Senate will now resume the consideration of legislative business.

## DEPARTMENT OF DEFENSE APPROPRIATIONS AUTHORIZATION ACT, 1977

The Senate continued with the consideration of the bill (H.R. 12438) to authorize appropriations during the fiscal year 1977, for procurement of aircraft, missiles, naval vessels, tracked combat vehicles, torpedoes, and other weapons, and research, development, test and evaluation for the Armed Forces, and to prescribe the authorized personnel strength for each active duty component and of the Selected Reserve of each Reserve component of the Armed Forces and of civilian personnel of the Department of Defense, and to authorize the military training student loans and for other purposes.

Mr. STENNIS. Mr. President, I yield one-half minute to the Senator from Maine.

Mr. HATHAWAY. Mr. President, I ask unanimous consent that Arthur Silverstein and John Correlis have the privilege of the floor during the consideration of this measure.

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

Mr. STENNIS. Mr. President, I yield myself 1 minute on the bill.

The PRESIDING OFFICER. The Senate will be in order, so that the Senator from Mississippi can be heard.

Mr. STENNIS. Mr. President, for the information of the membership, and I think Senators will be interested in this, we have some amendments here that we have referred to by number without calling them up, which the authors could not present to the Senate this afternoon.

We have one important amendment concerning the Minuteman III, scheduled for debate for 1 hour beginning at 1 p.m. Wednesday, immediately followed by a vote on that amendment.

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

Mr. STENNIS. I yield.

Mr. ROBERT C. BYRD. The Senator

said 1 hour. The time on the amendment is 2 hours.

Mr. STENNIS. One hour on each side. The PRESIDING OFFICER. Will the Senator please suspend? We will have order in the Chamber.

Mr. STENNIS. The committee is ready on all these amendments that we have had in hand except those that were filed at the last minute.

If there is a position change and Senators wish to bring up amendment Nos. 1662, 1664, and 1665, or any others, we will be glad to take them up and see if we can dispose of them this afternoon.

Tomorrow there is a special understanding as regards the antitrust bill, so I hope the leader can save us some time on the military bill tomorrow afternoon, say beginning at 3 p.m., if not 3 p.m., beginning at 4 p.m., because we ought to finish this bill Wednesday, and we will have difficulty doing it unless we can dispose of some more amendments this afternoon or tomorrow.

I am going to cease talking now and see if some Senator will call up an amendment.

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

Mr. STENNIS. I yield.

Mr. HATHAWAY. Mr. President, I have an unprinted amendment, which is at the desk, and I ask for its immediate consideration.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk read as follows:

The Senator from Maine (Mr. HATHAWAY) for himself and Mr. Muskie proposes an amendment.

The amendment is as follows:

On page 29, between lines 9 and 10, insert a new section as follows:

SEC. 603. (a) It is the policy of the United States that the United States Navy and the Merchant Marines of the United States work closely together to promote the maximum integration of the total seapower forces of this Nation. In furtherance of this policy it is necessary and desirable that special steps be taken to assure that Naval Reserve Officer Training Corps programs (for training future Naval officers) be maintained at Federal and State merchant marine academies.

(b) It is the sense of the Congress that the Secretary of the Navy should work with the Assistant Secretary of Commerce for Maritime Affairs and the administrators of the several merchant marine academies to assure that the training available at these academies is consistent with Navy standards and needs."

Mr. HATHAWAY. Mr. President, I have introduced this amendment on behalf of myself and my colleague, Senator MUSKIE.

This is a sense of Congress resolution, in effect, indicating our strong support for continuation of Naval ROTC programs at our Merchant Marine Academies.

Throughout the years the Merchant Marine Academies have been instrumental in providing excellent officer material for the Navy, and we believe that the programs such as the Navy ROTC should be maintained at the State and Federal Merchant Marine Academies in order to continue this high caliber officer personnel.

It is my understanding that the com-

mittee has agreed to accept this amendment which reaffirms the policy of the United States to coordinate its training programs for future naval officers by maintaining and promoting the Naval Reserve Officers Training Corps units at the State and Federal Merchant Marine Academies.

In some respects it is regrettable that this amendment is necessary. I term it regrettable in that it is apparent that the Department of the Navy has not taken the traditional special relationship between the Merchant Marine and the Navy into account in proposed orders for disestablishment of naval ROTC programs for September of this year, resulting in a proposal for disestablishment which, I feel, in the case of the Maine Maritime Academy has been inappropriately made both substantively and procedurally.

In response to a DOD directive to decrease its total number of naval ROTC units by four, the Navy has selected the Maine Maritime Academy and the State University of New York Maritime College as two of its proposed units for disestablishment. Although I do not know all the details of the proposals in regard to the other three schools, I am very familiar with the details of the proposal regarding the Maine Maritime Academy.

The proposal for disestablishment at the Maine Maritime Academy not only does not recognize the special relationship between the Maritime Academy training programs and those of the naval ROTC program, it was made in contradiction of explicit DOD regulations regarding the disestablishment of all ROTC units. Further, the decision was made without any prior consultation with the officials of the Maritime Administration, a failure which Navy officials have termed an "oversight."

In addition, it appears that this decision was made in contradiction of understandings held by the Maritime Administration and the Maine Maritime Academy at the time that the naval ROTC program was established at that Academy in 1972.

Finally, and most importantly, it appears that the cutback at the Maine Maritime Academy in particular does not even fulfill the objectives of the DOD directive which ordered a decrease in the number of naval ROTC units by four. This directive allegedly was given in order to permit more efficient program management and was necessitated by "budget reductions affecting the Department of Defense," according to the letter sent to me on March 16, 1976 by the Navy Department. Subsequent to that letter, Navy officials have said on two occasions that the cutback at the Maine Maritime Academy would not in fact result in any direct cost savings in the naval ROTC program.

Thus in addition to failing to recognize the special relationship which exists between the maritime academies' training and the naval officers program, the proposed disestablishment at the Maine Maritime Academy does not fulfill the purposes of the DOD directives as to disestablishment. There would seem, then, to be no rational basis for the proposed disestablishment at the



Maine Maritime Academy, and no recognition of the special role which the maritime academies can and should fill in the training of naval officers.

Our amendment, then, is intended to prevent developments such as this and to require the Department of the Navy to work closely with the Maritime Administration and the merchant marine academies to maintain the naval ROTC program at these institutions and assure that the training available at these schools is consistent with Navy standards and needs.

This amendment, then, expresses the policy of the United States to promote the maximum and efficient utilization of the programs, curriculum, and resources of our maritime academies by the Navy in meeting the requirements for naval officers in the future. I am confident that implementation of this policy will redound to the benefit both to the overall strength of our seapower forces and to the Department of the Navy.

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

Mr. HATHAWAY. I yield to my colleague from Maine.

Mr. MUSKIE. Mr. President, I am happy to join with my colleague in support of this amendment and compliment him upon conceiving of it.

We have discussed this amendment with the managers of the bill and with the distinguished Senator from Georgia. We understand the thrust of the amendment, and we appreciate the understanding of our purposes.

Mr. President, the amendment which Senator HATHAWAY and I offered and which has been accepted and agreed to this afternoon establishes in law the close relationship between our naval forces and our merchant marine. The concept of total seapower requires that our merchant marine and naval forces, particularly in time of emergency, be familiar with each other's methods and be prepared to fully integrate their operations. This amendment would help assure such familiarity and coordination between naval and merchant fleets. The amendment recognizes this special relationship and the value of the Naval Reserve Officer Training Corps—NROTC—programs at State and Federal maritime academies. The amendment further directs the Secretary of the Navy and the Assistant Secretary of Commerce for Maritime Affairs to work together and with the administrators of the respective maritime academies to assure that NROTC programs at maritime academies are of a nature and quality consistent with the Navy's needs.

There is a long history to the relationship between the Navy and the Maritime Administration, particularly as it relates to NROTC programs at maritime academies. A summary of that relationship has been provided to me by the Maritime Administration and I ask unanimous consent that this summary be placed in the Record at this point.

There being no objection, the summary was ordered to be printed in the Record, as follows:

MARITIME ADMINISTRATION,  
Washington, D.C., May 20, 1976.

Subject: Summary of 1972-1973 MarAd actions and correspondence with Navy concerning establishment of NROTC units at the State Maritime Academies.

1. During late 1972, Navy initiated meetings with MarAd to explore the possibility of increased Navy recruiting of Kings Point and State Academy students for active duty in Navy on graduation.

2. Letter dated 26 December 1972 to Secretary of Navy John W. Warner from Assistant Secretary for Maritime Affairs Robert J. Blackwell.

This letter gives MarAd's endorsement to formation of NROTC units.

"We have in fact encouraged the arrangements between Maine Maritime Academy and Navy which have led to the recent institution of an NROTC program at that school. We view that NROTC and U.S. Maritime Service programs at State schools as complementary to each other and a significant means for building a closer relationship between the Navy and the merchant marine."

3. Between January and April 1973, additional MarAd/Navy staff meetings occurred to develop details of Navy recruitment at Kings Point and the State Academies, and also details regarding coexistence of NROTC and U.S. Maritime Service programs at the State Academies.

4. Letter dated 11 June 1973 to Secretary of Navy John W. Warner from Assistant Secretary for Maritime Affairs Robert J. Blackwell.

The purpose of this letter was to indicate Maritime Administration's agreement with the details jointly negotiated by MarAd and Navy staff and to request Navy formal concurrence. Four specific agreements were detailed and enumerated. Agreement No. 3 details the relationship between "any current and future NROTC programs at the State Maritime Academies" and transfer of subsidized U.S. Maritime students to "NROTC College Student or scholarship status."

The letter concludes:  
"We would appreciate your concurrence on these details. The contents of this letter will be subject to periodic mutual review."

5. By letter dated 20 July 1973, Secretary of Navy John W. Warner provided his concurrence.

6. Letter dated 28 September 1973 from Assistant Secretary for Maritime Affairs Robert J. Blackwell to the Honorable Joseph T. McCullen, Jr. on his recent appointment as Assistant Secretary of Navy, Manpower and Reserve Affairs.

This letter to the Assistant Secretary of Navy, congratulating him on his recent appointment, reviews the several initiatives jointly entered into between Navy and MarAd in Navy Manpower and Reserve Affairs. The letter refers to the then recently re-established Naval Reserve Merchant Marine Program; Navy recruiting for active duty at the Federal and State Academies; and establishment of NROTC programs at the State Academies.

"We have urged the establishment at the State schools of NROTC programs which could be offered to students not receiving federal subsistence allowances from the Maritime Administration. We view the NROTC and U.S. Maritime Service programs at these schools as complementary to each other and a potentially significant means for building a closer relationship between Navy and the merchant marine. What is actually involved is the redesignation of the existing Navy-manned Naval Science Departments at the State schools rather than institution of a completely new installation at these schools. We supported the arrangements which resulted in successfully accomplishing this at Maine Maritime Academy and encourage your favorable action

along the same lines at the State University of New York Maritime College.

7. Establishment of NROTC units at State Academies was a continuous agenda item in the entire discussion, initiated by Navy, of Navy acquisition on maritime academy graduates for active duty. While the Maritime Administration recognized that the final decision to establish such units was a Navy action, the record is clear that the NROTC issue was one element in mutual agreements reached in joint Navy-MarAd discussions and viewed by Maritime Administration as part of its cooperative effort to build a closer relationship between Navy and the merchant marine.

ARTHUR W. FRIEDBERG,  
Director, Office of Maritime Manpower.

Mr. MUSKIE. Mr. President, the NROTC unit at Maine Maritime Academy in Castine has been of particular concern to me, the other members of the Maine congressional delegation, and the Maritime Administration. Those particular concerns relate to plans by the Navy to disestablish the NROTC unit at Maine Maritime. We have protested that action to the Navy and have been joined in those protests by the Assistant Secretary of Commerce for Maritime Affairs, Mr. Robert J. Blackwell. The concerns of Maine Maritime officials and of U.S. Maritime Administration officials are contained in the correspondence to the Secretary of the Navy which I request unanimous consent to have printed in the Record at the conclusion of my remarks.

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

(See exhibit 1.)

Mr. MUSKIE. Navy officials have acknowledged the special relationship between Navy operations and our merchant marine, and have agreed that consultation with maritime officials is desirable in such matters of mutual concern. This provision makes that special relationship explicit and requires that the Navy work to preserve the relationship and NROTC programs at merchant marine academies.

EXHIBIT 1

APRIL 12, 1976.

Hon. J. WILLIAM MIDDENDORF II,  
Secretary of the Navy,  
Washington, D.C.

DEAR MR. SECRETARY: It has recently been brought to my attention that the Navy has decided to disestablish the NROTC units at the State University of New York and Maine Maritime Colleges. I urgently request that you reconsider this action.

Among all of the Navy's NROTC units, these are the only ones located at colleges dedicated to education in ship systems and maritime procedures directly applicable to Navy requirements. Further, these units were established by mutual, well documented, agreement between the Navy and the Maritime Administration in explicit recognition of the benefit that would accrue therefrom both to the Navy and to the U.S. Merchant Marine. In this light, I find it particularly disturbing, not only that these two maritime college units should be among the first four to be disestablished, but that there was no prior discussion of the action with the Maritime Administration.

The decision to disestablish these two units would be more understandable if their elimination entailed a cost saving to the Navy. As I understand it, however, this will not be the case, since active duty Navy personnel will continue to be present in essentially un-

diminished numbers to provide instruction in naval science.

In my view, the presence of the NROTC units at these two colleges provides for practical cross training and serves as valuable tangible evidence of the kind of close Navy-Merchant Marine cooperation that is so essential to the maintenance of United States seapower. It is my hope that you will reverse this action.

Sincerely,

ROBERT J. BLACKWELL,  
Assistant Secretary for Maritime Affairs.

MAINE MARITIME ACADEMY,  
Castine, Maine, April 6, 1976.

Hon. J. WILLIAM MIDDENDORF II,  
Department of the Navy,  
Office of the Secretary,  
Washington, D.C.

DEAR MR. SECRETARY: I was very disheartened to receive your letter of March 16th and to learn that the NROTC unit at Maine Maritime Academy has been disestablished. I urge you to reconsider this action, since it appears that the decision was made on the basis of limited or misinformation.

I have been informed by Senator Muskie's office that the Navy claims a considerable cost saving by disestablishing the NROTC unit here. This would be true at any institution other than a maritime academy but there will be little or no cost saving to the Navy here. Your letter refers to the continuance of the Department of Naval Science which for all practical purposes requires the same contingent of active duty naval personnel with or without the NROTC unit. The problem is unique to a maritime academy and regretfully not generally understood or appreciated by the Navy. Every student at the maritime academy is required to take the naval science courses and apply for a reserve commission. If the Navy is really interested in saving money and acquiring competent, sea oriented and dedicated young officers, then an excellent case can be made for establishing an NROTC unit at each of the state maritime academies in lieu of units at other colleges. Enclosed herewith is a letter to the editor which appeared in the July 1975 issue of the U.S. Naval Institute Proceedings on this subject.

I can understand that the Navy would not realize the seriousness of the action in disestablishing the NROTC units at Maine Maritime Academy and the Maritime College in New York. Traditionally we have been very specialized maritime schools and our resources have been totally directed to the one purpose of training and educating students to be officers in the Merchant Marine and Navy as required. During World War II and the Korean War, the Navy called entire graduating classes on to active duty. Approximately 10 per cent of our total graduates have chosen a naval career. My primary concern is that the Navy is not aware of how times have changed the status of the state maritime academies.

Commerce Department regulations have required us to construct extensive shoreside facilities over the past ten years. Maritime technology has necessitated the inclusion of expensive training equipment and labs in this campus development. Inflation, particularly as it relates to the operation of the training ship, has created severe financial problems for us. Finally, our Merchant Marine, which was expected to prosper under the Merchant Marine Act of 1970, has actually declined and the Maritime Administration has found it necessary to limit the number of students who can qualify for the maritime cadet subsidy at each of the academies. Unfortunately, for the economic reasons, we cannot justify the operation of the training ship and our dedication to the specialized maritime education program with the enrollment limited to the MARAD program. Fur-

thermore job opportunities in the merchant marine and opposition from maritime unions does not justify the graduation of merchant marine officers in excess of MARAD limitations. However, with 15 to 20 percent of our enrollment committed to the NROTC program we can preserve these institutions.

To further substantiate my statement that the uniqueness of the maritime academy is not generally understood or appreciated by the Navy, I submit Page 51 of the Report of the Pilot Committee Meetings of the NROTC Study dated 16-18 June 1974 and 19 August 1974, which reads:

#### ITEM 9

##### MARITIME SCHOOL ACCESSIONS

###### Comment:

The subcommittee has no information on this question. Item was deleted from agenda, pending further study.

###### Action taken:

Recommend no further action at this time. I have not been able to uncover any evidence that the Navy has attempted to study the question to date.

From every point of view that the Navy-Maritime Academy relationship is studied, I find it extremely difficult to understand why the Navy has failed to recognize the tremendous asset and potential represented in these programs. We have been taken for granted, but this can no longer hold for the future. There is a sense of urgency in this appeal, since we must start immediately to study alternative programs that would most likely change the entire character of the institution.

I urge you to delay the disestablishment of our NROTC unit for at least one year and to establish a study committee for a review of the Navy's interest in the state maritime academies. We are confident that an objective study will convince you of the merit in retaining NROTC units at these schools.

Sincerely,

A. RODGERS,  
RADM, USMS Superintendent.

APRIL 13, 1976.

DEAR MR. SECRETARY: We are writing to you concerning a matter of great importance to us: Your decision to disestablish the Naval Reserve Officer Training Corps (NROTC) unit at the Maine Maritime Academy.

Your March 16, 1976, letter concerning this decision, which was hand-delivered to each of our offices on April 5, indicated that "... budgetary reductions affecting the Department of Defense" necessitated this action. You further indicated that in order "... to develop a plan which will allow more efficient program management under guidelines established by the Department of Defense." Lastly, you assured us that your Department "... will take every action possible to minimize any adverse effect resulting from this decision."

While we greatly appreciate the offer of your Department's assistance in minimizing the impact which this decision will have on the Academy, we must object to the assumption which apparently underlay your decision; that is, that elimination of the program will result in reduced costs for the Department of the Navy.

The Department has indicated its intention to continue maintaining the Department of Naval Science at the Academy. Given this and the additional fact that the number of NROTC scholarships is set at 6000 by Federal statute, how can the Department suggest that any appreciable savings will occur by disestablishing the Maine Maritime Academy Unit? From the information we have been able to gather, your decision will only result in a reduction of much needed scholarship assistance to Maine Maritime Academy students and not in a reduction in overall NROTC program costs.

At a briefing on this matter last Friday,

Admiral Mitchell on your staff acknowledged that phasing-out of the program at Maine Maritime would not result in a significant program savings. Instead, he indicated that this action was necessary because (1) the Navy requires officers with certain technical training which Maine Maritime does not provide; and (2) the NROTC scholarships which are presently allocated to Maine Maritime are needed at institutions which field larger NROTC units.

If these factors, rather than the budgetary considerations noted in your March 16 letter are responsible for your decision, we would like to bring to your attention the following points:

1. The Maine Maritime Academy graduates young men and women who have been thoroughly trained in the technical skills required of naval officers. Immediately upon graduation, without further training, Academy graduates are fully capable standing watch and performing their sea-going duties. We would further emphasize that most other NROTC graduates must undergo considerable training at Navy expense before they can be used effectively. The Navy also states they require program diversification so that their officers will be versatile and well-prepared. We are disappointed to note that the Navy just does not fully understand the nature of the curriculum at a Maritime Academy. Nowhere in the country will you find greater diversification or better programs which prepare a student specifically for sea-going positions. What is the Navy thinking of when it claims the Maritime Academies do not fulfill these requirements?

2. Although the size of the Maine Maritime unit is well below 100, the maximum size of a normal unit, it has not been given a chance to grow. This is only the Academy's third year and last fall was the first time that incoming freshmen scholarship students were assigned. Nevertheless, two-thirds of the NROTC unit are freshmen and the admission indications show the same level of interest next year. In other words, all Maine Maritime needs is a fair chance to get established. Your recent decision precludes that possibility.

From a geographic point of view, your decision also seems ill-advised. If the unit at Maine Maritime is eliminated, the only institution in New England offering NROTC will be Holy Cross, an inland school. Given the fact that cost is not a consideration, we do not think that the Navy can justify leaving only one inland NROTC unit in New England, a region renowned for its sea-going pursuits.

We also feel the Navy should understand the full impact that closing out NROTC will have at Maine Maritime. The Maritime Administration currently limits the number of students Maine Maritime can have in any incoming freshman class to 150. In order for the Academy to maintain 612 students, the number it must have to remain financially stable, each incoming freshman class must have at least 185 students. The extra 35 students come from the NROTC program. Without it, they will be forced to change their curriculum to the detriment of our national maritime interests.

We firmly believe that you should recognize the unique contribution which Maine Maritime Academy could make in a time of national need. As it proved during World War II and the Korean conflict, the Academy represents a ready reserve for the Navy with its facilities for emergency training programs.

We urge you to fully consider all the reasons we show for not closing the NROTC program. It is obvious to us that Maritime Academies are in a special class. Their programs and students differ from a regular university. Giving them a special category, such as that enjoyed by MIT, might recognize their national responsibility and impor-



tance while serving to correct the NROTO problems which have arisen.

In light of the above arguments, Mr. Secretary, we wish to express to you our very serious misgivings concerning your recent decision and our hope that you will reverse it.

We look forward to receiving your comments concerning this important matter.

Sincerely,

EDMUND S. MUSKIE,  
U.S. Senator.

WILLIAM D. HATHAWAY,  
U.S. Senator.

WILLIAM S. COHEN,  
Member of Congress.

DAVID F. EMERY,  
Member of Congress.

Mr. STENNIS. It is my hope that the Senator from Georgia will respond.

Mr. President, may we have quiet in the Chamber?

The PRESIDING OFFICER. The Senate will be in order.

Mr. NUNN. Mr. President, I have discussed this amendment with Senators from Maine, both Senator HATHAWAY and Senator MUSKIE. It expresses the policy of the United States. The U.S. Navy and merchant marine of the United States work closely together to promote maximum integration of total seapower forces of this Nation. I think all of us would agree with that.

Also it expresses the sense of Congress that the Secretary of the Navy should work with the Assistant Secretary of Commerce for Maritime Affairs and the administrators of the several merchant marine academies to insure that the training available at these academies is consistent with Navy standards and needs.

That seems to be a perfectly reasonable expression of the sense of Congress. I am agreeable to the amendment.

I recommend the Senate agree to the amendment.

Mr. STENNIS. Mr. President, if the Senator will yield for a question, this amendment does not make mandatory the setting up of additional units or anything of that kind, as I understand it. Is that correct?

Mr. NUNN. I will let the author of the amendment answer that question. My impression is that it does not; that it expresses the sense of Congress.

Mr. STENNIS. I address that question to the author of the amendment. I intended it for him to answer.

Mr. HATHAWAY. No. The amendment simply states that this is the policy of the United States. It does not make it mandatory to establish any additional units.

Mr. STENNIS. Is that the primary purpose of the amendment of the Senator?

Mr. MUSKIE. Mr. President, may I say to the Senator that it is. We have been told the policy of the Navy and the Maritime Administration is to cooperate in matters of mutual interest, especially in the area of training naval officers, not only in Annapolis but also in our maritime academies.

Unfortunately, the policy has not always been uniformly practiced on a consultative basis, and it is our desire to indicate the sense of the Senate that that kind of consultation and coopera-

tion be in fact an active policy and not simply a policy that is recognized only in the breach. It is our hope that we can have that sense of the Senate expressed by the Senate.

We are not mandating anything. We just think it is useful, since both agencies participate in the production of naval-officer material, that that kind of consultation be an active policy.

I think that is the intent of the amendment.

Mr. STENNIS. Is that what the other Senator from the great State of Maine says is the main purpose?

Mr. HATHAWAY. That is the main purpose of the amendment.

Mr. STENNIS. Mr. President, I like the purposes of the amendment. It seems to be more of a persuasion, and the Senator from Georgia, who, as subcommittee chairman, handled our personnel matters, is agreeable to the amendment.

I have not had a chance to mention this to the Senator from South Carolina or any Senator on that side of the aisle.

Has the Senator from Maine discussed this with any Senator on the other side of the aisle?

Mr. HATHAWAY. We have not had an opportunity yet. The staff people will.

Mr. STENNIS. I say to the Senator from South Carolina that this is a sense of the Senate resolution. Does it sound all right to the Senator from South Carolina?

Mr. THURMOND. Yes.

Mr. STENNIS. All right.

I have conferred with the Senator from South Carolina and he has no objection to the amendment, so I can support the amendment.

Mr. President, we will see what we can do with it in conference.

Mr. MUSKIE. I thank my good friends.

Mr. HATHAWAY. I thank the Senator from Georgia and the Senator from Mississippi.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Maine.

The amendment was agreed to.

Mr. STENNIS. Mr. President, again we wish very much to dispose of further amendments this afternoon.

I am again calling attention of the leadership to the fact that we could probably use an hour or an hour and a half tomorrow afternoon, and we will wait until later tomorrow afternoon if necessary to use it.

I wish to be authorized to inform Senators who have amendments that we will be present and ready to debate and vote on them tomorrow afternoon if we are allotted some time. I know that the leader has promised to take up another bill primarily tomorrow.

Are there other amendments?

The Senator from Massachusetts has an amendment, which is not to the Minuteman missile amendment, that he would present and have some remarks to make. We have not had time to go into it enough to really call it up, but we were going to try to make some headway. His aides have gone to inform him.

Mr. President, I ask unanimous con-

sent that there may be a quorum call of 3 or 4 minutes, without the time being charged to either side.

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

The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. STENNIS. 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. STENNIS. Mr. President, I yield myself 5 minutes on the bill, and this will be on procedures matters only.

I ask for the attention of the leaders for each side.

We have disposed of a number of amendments here by voice vote. We have discussed other amendments in conference with the sponsors and their staff and our committee staff. The matter that the Senator from Massachusetts was going to present, though not for a vote, this afternoon has just been disposed of for the time being by referring it to our respective staffs and he will not make a statement on it at this time.

It boils down to this, Mr. President, if I may have the attention of the two leaders: We are down largely to what I call the major amendments like the Minuteman III, set for Wednesday. We have the Hathaway amendments that I referred to, which pertain to the proposed NATO standardizations. Those will call for some debate.

There is the matter of the A-7D planes for the Guard. I do not think that will require much time. As I understand now, the leadership is under promise to devote tomorrow, after the regular introductory time, to the antitrust bill. Is that correct?

Mr. ROBERT C. BYRD. The Senator is correct. Mr. MANSFIELD has given assurances to Senators and to the Senate that, beginning with tomorrow, it is his intention to go into the antitrust bill and to stay with that until we dispose of it, one way or another. I got the impression that there might be times when it would be temporarily set aside.

Mr. STENNIS. We can take this military authorization bill under all the facts. It seems to me that it must be passed, gentlemen, before we have the Memorial Day recess, for lots of reasons. The appropriations bills must move, under our budget resolution mandates. I believe that if the leadership will give us Wednesday, all day, to work on these amendments, debate them and vote on them, we shall be ready and I think we can dispose of these amendments by taking all day Wednesday. I ask the leadership to consider getting a unanimous-consent agreement, if they can, tomorrow or whenever they see fit, to give Wednesday to this bill, and also ask for a vote on passage at some time in the late part of the day or the early part of the evening. We shall be prepared to stay.

I think until we do announce something like that, it will be very difficult to get things pulled together and get some of the key membership to be here. I think that that is the best way to leave it, with deference to everything else that

is on the calendar. We shall get out of their way on tomorrow if the leadership will give us Wednesday so we can get a final vote on this bill. I believe the membership will agree to that. We need help, too, on that attendance for Wednesday.

Mr. ROBERT C. BYRD. Mr. President, I would suggest that tomorrow the Senator and others would be able to come up with an agreement, hopefully, that would see action completed on the bill on Wednesday.

Mr. STENNIS. Yes.

Well, I appreciate the leadership's attitude. I hope that is the response, too, of the minority so far as it looks now.

Very well. In view of those affirmative assurances, we are all working together, and I think the membership is going to work in that direction too, to offer these amendments. If we do not get that agreement—and this is not a threat—maybe we will just have to call up these amendments ourselves because it is so necessary that this bill be enacted one way or another under the rules we have put on ourselves.

I yield the floor, Mr. President.

The PRESIDING OFFICER. Who yields time?

Mr. STENNIS. Mr. President, may I suggest the absence of a quorum for just a minute?

The PRESIDING OFFICER. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. STENNIS. 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. STENNIS. Those managing the bill—and I am not just referring to myself—feel as if we can work this out, and we will confer with the leadership tomorrow morning—I mean work it out about a final disposition on Wednesday, and we will have to call up the amendments ourselves if the authors do not.

The PRESIDING OFFICER. Who yields time?

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

The PRESIDING OFFICER. If nobody yields time, time is being consumed.

Mr. ROBERT C. BYRD. Mr. President, I suggest the absence of a quorum, and I ask unanimous consent that the time be charged equally to both sides.

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

The clerk will please call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

#### PROPOSED RECONSIDERATION OF BYINGTON NOMINATION

Mr. GRIFFIN. Mr. President, the huddles have to do with a motion to re-

consider the vote on the Byington nomination. It is my strong feeling that for Mr. Byington to have been turned down by a very narrow margin—with only 70 Senators voting and 30 Senators absent—is not a good way to leave the record. There were 37 votes against Mr. Byington, 33 votes for him. That means a considerable number less than a majority of the Senate rejected his nomination.

The PRESIDING OFFICER. Who yields time?

Mr. ROBERT C. BYRD. Mr. President, time on the military procurement bill has ended for today, so I ask unanimous consent that the requirement on the bill as to debate be vitiated.

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

Mr. GRIFFIN. Mr. President, I invite my colleagues to join in this colloquy, if some elaboration is needed.

There was discussion that a motion to reconsider would be made this evening, and of course then a motion to table might have been made. We would be in the position then, if that vote took place, of having the same number of Senators, or perhaps even less, passing on the fate of Mr. BYINGTON. Under those circumstances, it would be necessary for me to insist on a live quorum and to do whatever I could to make sure that we did not have a vote on a motion to table the motion to reconsider today.

As I understand it, there is an informal agreement that the motion to reconsider will not be made today and will not be made tomorrow and probably will be made on Wednesday. If it is not made by the Senator from Utah or one of his colleagues in opposition, then I say most respectfully that perhaps one of the Senators on this side who was absent and did not vote would be in a position on Wednesday to make the motion to reconsider.

It is my hope, since we expect a good attendance because of the important votes on Wednesday, that we could, with a minimum of rehashing and debate, have a vote on a motion to reconsider.

I yield to the distinguished Senator from Utah.

Mr. MOSS. Mr. President, I confirm that we have been having this discussion as to what the procedure should be.

The traditional situation is to have a motion to reconsider and a tabling motion on a vote, because then it requires two-thirds to take the matter off the table. That was not done promptly on this vote, and the ensuing discussion was whether tonight we should seek a motion to reconsider and a tabling motion. I was prepared to make the motion to reconsider, since I was on the prevailing side. However, under the circumstances, and with the explanation of the Senator from Michigan, that there would be a live quorum and other devices and that parliamentary rules would be invoked, it would make it very difficult to get a vote tonight.

I have agreed, and the Senator from New Hampshire and others who have been in this matter have agreed, that we

will agree informally with the minority that we will make no motion to reconsider either tonight or tomorrow and perhaps will have one ready by Wednesday.

In the meantime, it is hoped that we can confer with the chairman of the Committee on Commerce and determine whether or not a time limit might be agreed to which the minority might be willing to accept. We hope that in that way we can handle this matter in a good legislative fashion and that the Senate can work its will.

Anyway, I suppose it is unfortunate that we did not have all Senators present; but of course it happens on a great many of our votes that we have some absentees. Perhaps on Wednesday, with what we expect to be a nearly full attendance, the matter can be voted on and disposed of finally in that way.

Mr. DURKIN. Mr. President, I should like to make sure that the RECORD is straight with respect to the informal arrangement—that there is no commitment to take up this matter on Wednesday.

The Senator from Michigan has expressed concern that there was not a full house today. We still will have people absent on official business, securing the most recent copy of the Magna Carta. I want to make sure that there is no express or implied commitment to take up this matter and vote on it on Wednesday.

However, I share the Senator's concern and the concern of Senator Moss that this matter be handled expeditiously, consistent with fairness and due process and what have you.

#### ORDER FOR RECOGNITION OF MR. TAFT ON TOMORROW

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

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

Mr. ROBERT C. BYRD. It is my understanding that Mr. McCURE already has an order entered for the recognition of himself. I ask unanimous consent that following the recognition of Mr. McCURE under the order previously entered, Mr. TAFT then be recognized for not to exceed 15 minutes.

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

#### ORDER FOR ROUTINE MORNING BUSINESS TOMORROW

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that following the recognition of Mr. TAFT on tomorrow, there be a period for the transaction of routine morning business, not to extend beyond the close of the first hour after the Senate convenes, with statements therein limited to 5 minutes each.

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



# CERTAIN ANTITRUST ACTIONS BROUGHT BY STATE ATTORNEYS GENERAL

Mr. ROBERT C. BYRD. Mr. President, is it the order, which was previously entered, that at 11 a.m. tomorrow, the Senate would proceed to the consideration of the antitrust measure?

The PRESIDING OFFICER. It is to proceed to consider at any time, at the discretion of the leadership.

Mr. ALLEN. Mr. President, reserving the right to object, when we proceed to consider it, the assistant majority leader does not have in mind that it would supplant the foreign assistance measure as the unfinished business?

Mr. ROBERT C. BYRD. I think that would depend upon how the leadership proceeded—whether by motion or by unanimous consent.

Mr. ALLEN. A motion would be debatable, of course.

Mr. ROBERT C. BYRD. Ordinarily it would be, except that an order was entered on Friday that authorized the leadership at any time tomorrow to proceed without debate.

Mr. ALLEN. To call it up, I believe, is the way it is worded. That would not imply displacing the unfinished business, to make this the unfinished business. It would make this the unfinished business.

Mr. ROBERT C. BYRD. I should think if it were done by motion, it would automatically displace the unfinished business.

Mr. ALLEN. The Senator from Alabama does not understand it that way. I call attention to the fact that the distinguished majority leader has already had an order entered that we could not, by calling up the unfinished business, displace the antitrust and the military procurement bills, indicating, as contemplated, that the foreign military assistance would remain the unfinished business.

Mr. ROBERT C. BYRD. I think that would hold true if the antitrust measure were brought up by unanimous consent tomorrow. But if a motion were made on tomorrow to proceed to the consideration of the antitrust legislation, that motion would supersede any contemplation that might have been involved in the order that was entered on Friday.

Mr. ALLEN. It was not contemplated that a motion be made. What was contemplated, I think the Senator will see, is that it be called up. There was no idea of displacing it. Otherwise, the distinguished majority leader would not have protected the foreign military sales as being the unfinished business by having an order entered by unanimous consent that it would not be displaced this entire week.

Mr. ROBERT C. BYRD. Except in the event in which the antitrust legislation might have been brought up otherwise than by motion.

Mr. ALLEN. Well, the agreement was that it would be called up, as the distinguished Senator knows.

Mr. ROBERT C. BYRD. But that does not necessarily mean that it would not be called up by motion.

Mr. ALLEN. Unanimous consent was given that it would be called up. But as I point out to the Senator, by his own request for unanimous consent, he has in mind protecting the unfinished business all this week, because he says that no call for unfinished business shall displace the antitrust or the military procurement for all of this week.

Mr. ROBERT C. BYRD. By the same logic, there would have been no need to protect the antitrust legislation from being taken down by a call of the regular order after tomorrow, because there is no way to get it up after tomorrow except by unanimous consent or unless it is motioned up.

Mr. ALLEN. We have given unanimous consent that it be brought up.

Mr. ROBERT C. BYRD. We have given unanimous consent that the Senate proceed, that the leadership may have authorization to proceed at any time tomorrow. But that does not preclude the leadership from motioning it up.

Mr. ALLEN. Very well, if that is what the Senator wants to do. But it is clear, from the understanding that I do not believe the distinguished Senator participated in, that it would be called up. As I stated, the Senator himself has been trying to protect the unfinished business. I think that it is not in order to displace the unfinished business by this unanimous consent that the Senate gave to bring the measure up, not as unfinished business, but by unanimous consent. The Senator has protected the unfinished business all this week. No protection was given for next week. If the Senator wants to resort to this tactic, that is up to the distinguished Senator.

Mr. ROBERT C. BYRD. I was not seeking to protect the unfinished business. I was seeking to protect the antitrust bill and the military procurement bills from being displaced by the unfinished business through a call for the regular order. What the Senator from West Virginia is saying is that the order was to authorize the leadership to proceed. It did not confine that method of proceeding to the asking of unanimous consent. It would still leave to the leadership the option of a motion, which, under the order, would not be debatable. I think I answered the Senator correctly when I said that if the Senate should proceed by motion on tomorrow to call the antitrust bill up, that motion, if agreed to, would automatically displace the unfinished business.

Mr. ALLEN. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

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

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

## ORDER FOR CONSIDERATION OF H.R. 8532 ON TOMORROW, THURSDAY AND FRIDAY

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that on tomor-

row and on Thursday and on Friday, at the close of the first hour following the convening of the Senate each day the Senate resume consideration of Calendar Order No. 781, H.R. 8532, as the pending business.

The PRESIDING OFFICER. Is there objection?

Mr. ALLEN. Reserving the right to object, as I understand this request then, on these 3 days when we resume consideration of the antitrust bill, such resumption would not constitute displacing the Foreign Assistance Act as the unfinished business?

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

Mr. ALLEN. I would like the ruling from the Chair.

Mr. ROBERT C. BYRD. The Senator does not mind my comment?

Mr. ALLEN. No; but I make the request of the Chair.

Mr. ROBERT C. BYRD. The Chair will respond to the Senator, but the Senator is correct, as my request was formulated.

The PRESIDING OFFICER. The Chair will respond to the Senator from Alabama that the statement was correct.

Mr. ALLEN. That the Foreign Assistance Act, amendments to the Foreign Assistance Act, would remain the unfinished business, irrespective of the fact that the pending business on these 3 days shall be the antitrust bill?

The PRESIDING OFFICER. The Chair will respond that the only way it could be displaced would be by a motion to proceed to another matter, made and agreed to after the morning hour.

Mr. ALLEN. I note that motion has not been made.

The PRESIDING OFFICER. The Senator is correct.

Mr. ALLEN. I thank the Chair and I thank the distinguished assistant majority leader.

The PRESIDING OFFICER. Is there objection?

Mr. ALLEN. I withdraw my objection.

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

## JOINT REFERRAL

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that H.R. 13350 (ERDA authorization bill) be referred jointly to the committee on Interior and Insular Affairs and the Joint Committee on Atomic Energy.

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

## REFERRAL OF NOMINATION

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the nomination of Mr. George Kuper to be the Executive Director of the National Center on Productivity and Quality of Working Life, which was referred to the Committee on Government Operations be referred instead to the Committee on Banking, Housing and Urban Affairs.

The referral of this nomination to the Government Operations Committee was in error and the chairman of that com-

mittee is in agreement that it be referred to the Banking Committee.

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

#### PROGRAM

Mr. ROBERT C. BYRD. Mr. President, the Senate will convene tomorrow at the hour of 10 a.m. After the two leaders or their designees have been recognized under the standing order, Mr. McCURE and Mr. TAFT will be recognized, each for not to exceed 15 minutes and in that order.

There will then ensue a period for the transaction of routine morning business until 11 a.m., with statements limited therein to 5 minutes each, and at 11 a.m. the Senate will proceed to the consideration of H.R. 8532. It will be the pending business.

Rollcall votes may occur on amendments and/or motions in relation to the antitrust legislation, but in any event, when the Senate completes its business tomorrow it will stand in adjournment until the hour of 10 a.m. on Wednesday.

At the hour of 1 p.m. on Wednesday, the Senate will proceed to the consideration of the Kennedy Minuteman missile amendment to the military procurement bill.

Unless the order for the convening time is changed, in the meantime, this will mean that from 11 a.m. until 1 p.m. on Wednesday, the Senate may debate other amendments to the military procurement bill and have votes thereon.

ORDER FOR ADJOURNMENT TO 10 A.M. ON THURSDAY AND FRIDAY

Mr. President, I now ask unanimous consent that when the Senate completes its business on Wednesday and on Thursday it stand in adjournment, respectively, until the hour of 10 a.m. on Thursday and on Friday.

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

ANTITRUST LEGISLATION—H.R. 8532

Mr. ROBERT C. BYRD. On Thursday, the Senate by unanimous consent will return to the antitrust legislation and it will be the pending business at that time with no call for the regular order making it fall.

The same will be true with respect to Friday. Rollcall votes may occur on that measure or on amendments or motions in relation to it on Thursday and on Friday.

Mr. ALLEN. Will the Senator yield?

Mr. ROBERT C. BYRD. Yes.

Mr. ALLEN. Would the Senator object, this more or less being a gentleman's agreement with respect to cloture that a cloture vote on the antitrust legislation would not take place until after the recess, or would it be in order for the distinguished assistant majority leader to request, that not more than one cloture petition be filed on Thursday or Friday, and that none be filed on Tuesday?

Mr. ROBERT C. BYRD. Yes, that is the understanding. I include that in my request, Mr. President, that not more than one cloture motion with respect to the antitrust legislation be in order throughout this week, and that such mo-

tion not be offered on Tuesday. It will either be offered on Thursday or Friday.

Mr. ALLEN. Yes.

The PRESIDING OFFICER. Without objection, the modified request is agreed to and it is so ordered.

ORDER TO RESUME CONSIDERATION OF H.R. 12438

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that on Wednesday at 11 a.m. the Senate resume consideration of the military procurement bill.

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

Mr. ROBERT C. BYRD. That would mean that between the hours of 11 a.m. and 1 p.m. on Wednesday the Senate could proceed with other amendments to the military procurement bill, but that at 1 p.m. on Wednesday the Senate will proceed with the Kennedy amendment, with a 2-hour limitation of debate thereon. Following the disposition of that amendment, the Senate would resume consideration of the military procurement bill throughout Wednesday.

Mr. ALLEN. Will the Senator yield for a question?

Mr. ROBERT C. BYRD. Yes.

Mr. ALLEN. Has the Senator provided for the eventuality that the military procurement bill will not be finished on Wednesday?

Mr. ROBERT C. BYRD. If it is not finished on Wednesday, under the order the Senate would proceed to the consideration of the antitrust legislation on Thursday.

Mr. ALLEN. That is what I am talking about. That would be in a state of limbo, then, unless an agreement was made.

Mr. ROBERT C. BYRD. Unless further orders are entered, yes.

Mr. ALLEN. Yes.

Mr. ROBERT C. BYRD. It is hoped by the distinguished manager of the bill (Mr. STENNIS) that there may be some agreement worked out tomorrow whereby action on the military procurement bill could be finished on Wednesday.

Mr. ALLEN. I thank the distinguished Senator.

Mr. ROBERT C. BYRD. Mr. President, I guess that about wraps it up.

Mr. ALLEN. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. ALLEN. For the further guidance of the Senate, when there is unfinished business before the Senate and the leadership obtains permission to call up another measure, at the time of getting that unanimous consent, in order to rule out the possibility of a motion being made and that being decided without debate, would it be necessary that the unanimous consent say that the calling up of the bill should not be by motion? This point has never come up before.

The PRESIDING OFFICER. If the language used in making the unanimous consent request were ambiguous, or possibly ambiguous, it would behoove the Senator to obtain that kind of clarification.

Mr. ALLEN. In other words, the re-

quest must rule out the making of a motion to bring the bill up rather than that it merely be called up and thereby not displace the unfinished business?

The PRESIDING OFFICER. If it were clear that it was to be done by unanimous consent and not by motion, there would be no need for clarification.

Mr. ALLEN. But to be safe, one would have to say that a motion would not be made.

The PRESIDING OFFICER. That would be the safest way.

Mr. ALLEN. I thank the Chair.

#### DEATH OF REPRESENTATIVE TORBERT H. MACDONALD OF MASSACHUSETTS

Mr. KENNEDY. Mr. President, I ask the Chair to lay before the Senate a message from the House of Representatives on House Resolution 1212.

The ACTING PRESIDENT pro tempore laid before the Senate a resolution (H. Res. 1212) which was read as follows:

*Resolved*, That the House has heard with profound sorrow of the death of the Honorable Torbert H. Macdonald, a Representative from the State of Massachusetts.

*Resolved*, That a committee of 80 Members of the House with such Members of the Senate as may be joined be appointed to attend the funeral.

*Resolved*, That the Sergeant at Arms of the House be authorized and directed to take such steps as may be necessary for carrying out the provisions of these resolutions and that the necessary expenses in connection therewith be paid out of the contingent fund of the House.

*Resolved*, That the Clerk communicate these resolutions to the Senate and transmit a copy thereof to the family of the deceased.

*Resolved*, That as a further mark of respect the House do now adjourn.

Mr. KENNEDY. Mr. President, I send to the desk a resolution on behalf of myself and my colleague, the distinguished junior Senator from Massachusetts (Mr. BROOKE), and ask for its immediate consideration.

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

The legislative clerk read as follows:

*Resolved*, That the Senate has heard with profound sorrow the announcement of the death of Honorable Torbert H. Macdonald, late a Representative from the State of Massachusetts.

*Resolved*, That a committee of two Senators be appointed by the Presiding Officer to join the committee appointed on the part of the House of Representatives to attend the funeral of the deceased Representative.

*Resolved*, That the Secretary communicate these resolutions to the House of Representatives and transmit an enrolled copy thereof to the family of the deceased.

*Resolved*, That when the Senate adjourns today, it adjourn as a further mark of respect to the memory of the deceased Representative.

Without objection, the Senate proceeded to consider the resolution.

Mr. KENNEDY. Mr. President, TORBERT MACDONALD was a very special person and friend to me and to my family. His courage and tenacity in the final days before his death were typical of his life-



time of service to his country and to the people he represented in the Seventh Congressional District for 22 years. There was an unusual bond of friendship and respect between TORBIE and President Kennedy. His death is a deep personal loss as well as a deep public loss, and my thoughts and prayers are with his family.

Mr. President, I ask unanimous consent to have printed in the RECORD the obituaries from the Boston Globe, the Boston Herald Advertiser, and the New York Times.

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

[From The Boston Globe, May 22, 1976]

TORBERT MACDONALD DIES; 21 YEARS IN CONGRESS

WASHINGTON.—Rep. Torbert H. Macdonald (D-Mass.) died at 9:20 last night in Bethesda Naval Hospital in Maryland. He was 58.

The veteran congressman entered the hospital May 2 for treatment of a blood ailment. Last Monday he had doctors turn off his life-supporting systems and chose to await a natural death.

Rep. Macdonald spent much of the next day saying goodbye to his family at the hospital.

His home was at 63 Appleton st., Malden, but he was born and raised in Medford and roomed with John F. Kennedy at Harvard in 1940.

Rep. Macdonald, who represented the 7th Congressional District more than 21 years, was first elected to the House in 1954.

He announced on April 7 he would not seek re-election because of falling health.

The congressional seat left vacant by the death could, under Article I of the US constitution, be filled by a special election called by the governor.

Aides to Gov. Michael S. Dukakis believe he will leave the seat vacant because the approaching elections are so close.

The family requests that, in lieu of flowers, donations be made to a scholarship fund being established in his name.

The scholarships will be for needy college applicants from the 7th District who have displayed leadership both in the classroom and on the playing field.

Sen. Edward Kennedy said last night: "Torby Macdonald's special bond of friendship with President Kennedy was shared and treasured by all the members of my family."

"The courage and tenacity he displayed in the days before his death typified Torb's life. In athletics and in public service to the citizens of Massachusetts' 7th Congressional District, he gave his all."

"My family joins with me in expressing our deep sense of personal loss of a special friend and a great public servant. Our thoughts and prayers are with his family."

"He was not the complaining type," said US Rep. James Burke (D-Mass.), a few weeks ago when Macdonald announced he would not seek re-election because he was in poor health. "He kept things to himself. It was obvious during the last few weeks he was not feeling too well."

Burke, who knew Macdonald for 18 years on Capitol Hill, described him as a "hard worker and a highly principled fellow." He said Macdonald was always "into things that affected New England people in an economic way."

Macdonald was in and out of the hospital in recent weeks. In late March, he entered Bethesda Naval Hospital for tests and subsequently stayed in his Washington apartment under doctors orders. He attempted to work at home. However, last month he decided not to seek re-election.

"I find I can no longer come up to the standards which I have set for myself," Mac-

donald said in a statement on April 7. "After consultation with doctors and after undergoing a thorough physical examination, I realize that I can regain my good health if I am able to remove as many pressures as possible."

Macdonald grew up in Medford and was an outstanding athlete at Medford High School. He easily could have played professional baseball or football. He excelled at track. A former Harvard football captain, Macdonald was signed by the New York Yankees baseball team.

After graduating from Harvard Law School, Macdonald began a law practice and campaigned for his closest friend and former Harvard roommate, John F. Kennedy. Their association always remained very close.

"Nobody was closer to JFK than Torby," recalled Kenneth O'Donnell, President Kennedy's appointments secretary. O'Donnell's father, Cleo, and Macdonald's father, Jack, were roommates at Holy Cross College in 1908. Macdonald, while a law student, coached O'Donnell at football at Harvard.

"He was the greatest athlete you ever saw," O'Donnell said.

O'Donnell said Macdonald never used his friendship to gain advantages at the White House. "They were friends to the end. They would sail together. Macdonald visited frequently when JFK was in the White House and they were the two closest friends I know. But Torby was all class. He would never mention it."

Macdonald had a keen sense of humor. He would enjoy pranks. In "Johnny, We Hardly Knew Ye," O'Donnell and Dave Powers, a long-time Kennedy confidant, recall a trip made to former President Lyndon Johnson's ranch.

"We were joined at breakfast by the sleepy Torby Macdonald, who had tried to avoid being called by leaving his bed at 4 a.m. and hiding in his bathroom, curling up in the tub with a pillow and a blanket. Johnson had found him and roused him up."

JFK enjoyed Macdonald and enjoyed his pranks as well. Rose Kennedy, in her book "Times to Remember" recalls "Torby" Macdonald making a secret pact with JFK when Kennedy was bedded down with influenza but was set on earning a letter on the varsity swim team at Harvard.

Every day, Macdonald told Mrs. Kennedy, "I'd sneak into the infirmary with some food for him . . . As soon as he'd eaten, we'd slip out the back door, and I'd drive him to the indoor athletic building, where's he'd doggedly practice his backstroke. Then I'd drive him back to the hospital."

Kennedy's death crushed Macdonald. Some close to the representative say he never got over it.

After he was elected in 1954, Macdonald kept an energetic pace on Capitol Hill, flying abroad frequently on committee business. After Kennedy died, although shaken, he rose to power, becoming the second-ranking Democrat on the Interstate and Foreign Commerce Committee and chairman of its communications subcommittee. He immersed himself in work.

Macdonald, during his 21 years in Congress, was credited with guiding the growth of educational television, with helping New England get an equitable supply of home heating oil during the recent oil embargo, writing a law that forced professional sports teams to allow local television broadcasts of sold-out home games, and with fighting for lower electric rates.

"He was highly respected by all members. A sound progressive," said former House Speaker John McCormack. "He was always a fighter for the legislation that would benefit the sick, the poor, the afflicted and the underprivileged. He fought for better educational opportunities and to eliminate discrimination."

House Speaker Thomas P. O'Neill, Jr., upon hearing in April of Macdonald's retirement plans, said: "He was one of the finest public servants I have ever known."

Macdonald's wife is the former movie actress Phyllis Brooks.

He also leaves two sons, Torbert Hart, Jr., 30, and Brian, 22; two daughters, Mrs. Laurie Lotspeich, 28, and Robin, 19, and three grandchildren.

[From the Boston Herald Advertiser, May 23, 1976]

MACDONALD IS HONORED FOR HIS ACHIEVEMENTS

Escorted by a Navy honor guard, the body of Congressman Torbert H. Macdonald in a flag-draped casket arrived last night at Logan Airport from Washington where the congressman had served the people of his Seventh District for more than 21 years.

A Mass for Macdonald will be celebrated Friday at 11 at the Church of the Sacred Hearts, Malden.

Macdonald, 58, of Malden, died Friday night of internal hemorrhaging at Bethesda Naval Hospital.

His death was followed by tributes from state and national leaders for his many accomplishments in Congress.

A Democrat who served in the House continuously from 1955, Macdonald was hailed yesterday by House Majority Leader Thomas P. O'Neill Jr.

O'Neill praised his colleague from Massachusetts as "the father of public broadcasting, the architect of the Emergency Petroleum Allocation Act and the author of the Sports Anti-Blackout Law."

Known as a hard worker in Congress, Macdonald was chairman of the House power and communications subcommittees and a ranking member of two government operations subcommittees—conservation, energy and natural resources and government information and individual rights.

The congressman was John F. Kennedy's roommate at Harvard and remained a close friend of the late President until Kennedy's 1963 assassination.

Sen. Edward M. Kennedy said Macdonald's "special bond of friendship with President Kennedy was shared and treasured by all the members of my family."

"In athletics and in public service to the citizens of Massachusetts, he gave his all," said Kennedy, with the sports reference alluding to the days Macdonald played football at Harvard University.

"The courage and tenacity he displayed in the days before his death typified Torb's life," the senator added.

When Macdonald was hospitalized earlier this month, he requested that doctors shut off the mechanical devices that were helping to keep him alive. The doctors complied with the request and for a time it appeared the congressman's condition was improving.

When he died, his wife, Phyllis, and their four children were at his bedside, an aide said.

The cause of Macdonald's illness was not publicly revealed. He had previously undergone treatment for cancer but he told his staff that he had been cured.

Prior to the return of Macdonald's body here, Gov. Dukakis yesterday lauded the congressman "as a man who has served as an inspiration to many of us in government."

In his praise, Dukakis pointed to the congressman's deeds.

"During the 1960s when not too many people were paying attention to consumer protection on the national scene," Dukakis said, "Torby Macdonald was an inspiration to those of us at the State House who were concerned."

"He was especially helpful in dealing with utility regulations, and in offering a national voice for consumer protection," the governor added. "His was one of the few voices to be heard nationally on the issue."

"This is a sad weekend for Massachusetts and the nation," Dukakis commented. "I will personally miss him as a government leader and as a friend."

State Auditor Thaddeus Buczek said Macdonald "leaves us all a legacy of responsible and honorable commitment."

Congressman James Burke (D-Milton), who knew Macdonald for 18 years on Capitol Hill, described him as a "hard worker and a highly principled fellow."

Congressman Harley O. Staggers (D-W. Va.), chairman of the House Commerce Committee, of which Macdonald was the second-ranking member, commented: "You could always trust Torbert Macdonald. He would give his word and stick to it even if it hurt him politically. I admired his courage."

When Macdonald's body arrived here at Logan Airport, his wife and four children, Torbert H. Jr., 30; Brian, 22; Mrs. Laurie Lotspeich, 28, and Robin, 19, were present. Also there were his three grandchildren and a host of friends and dignitaries.

The group was escorted from the airport by the State Police.

There will be six pallbearers and 12 honorary pallbearers at the funeral Friday.

The pallbearers named are former U.S. Sen. Benjamin A. Smith II of Massachusetts; Rep. Frank Thompson (D-N.J.); Alfred G. Vanderbilt of New York, a long-time friend of the family; Joseph E. Croken, Macdonald's administrative assistant in Boston; the congressman's son, Torbert H. Jr., and Rep. Thomas L. Ashley (D-Ohio).

Honorary pallbearers are former House Speaker John W. McCormack; House Majority Leader O'Neill; Rep. Dan Rostenkowski (D-Ill.); Rep. Olin Teague (D-Tex.); Peter Jaeger, a long-time friend; Kenneth P. O'Donnell, former Kennedy White House aide; Harry M. Shushan, counsel to the House Communications Subcommittee, which Macdonald headed.

Peter S. Knight, a Washington administrative assistant; David Brickman, editor of the Malden Evening News; Louis Chandler, Belmont, a former law partner of Macdonald; Alexander J. Cella, Boston, a family friend, and Sen. John Culver (D-Iowa).

Visiting hours at the E. E. Burns Funeral Home, Malden, will be Wednesday and Thursday from 2-4 and 7-9.

The family requested that in lieu of flowers contributions be sent to the Torbert H. Macdonald Scholarship Fund, Room 2100-A, John F. Kennedy Building, Boston, Mass. 02203.

Burial will be in Holy Cross Cemetery, Malden.

[From the New York Times, May 23, 1976]

REPRESENTATIVE TORBERT H. MACDONALD,  
BOSTON DEMOCRAT, DIES

(By Robert Hanley)

WASHINGTON, May 21.—Representative Torbert H. Macdonald, the Massachusetts Democrat who asked that lifesustaining devices be turned off after he was hospitalized earlier this month, died Friday at Bethesda Naval Hospital, an aide said. He was 58 years old.

Mr. Macdonald died of internal hemorrhaging, the aide said.

It was not publicly known what caused Mr. Macdonald's illness. He once underwent treatment for cancer, and told his staff he had been cured.

#### POWERFUL LEGISLATURE ROLE

With a background of stardom in Harvard football, gallantry in World War II, and friendship with John F. Kennedy, Torbert H. Macdonald was elected to Congress in 1954 and for 11 consecutive terms represented the Massachusetts district encompassing the aging industrial port of Chelsea and the suburban communities of the northern fringe of greater Boston.

In his 21 years in the House, before illness

interrupted his career in April, 1976, Representative Macdonald became the second most powerful Democrat, behind Harley O. Staggers, on the House Committee on Interstate and Foreign Commerce. He was chairman of that panel's subcommittee on communications and power.

In that position he enjoyed in the 1970's a powerful role in the formation and passage of House legislation dealing with broadcasting and television and with the oil, natural gas and electrical industries.

#### LIMITED SPENDING

His distaste of wealthy politicians "buying elective office" led to perhaps his most significant bill, the Federal Election Campaign Act of 1971, which limited media spending by candidates for Federal office.

In 1967, he sponsored legislation in the House that led to establishment of the Corporation for Public Broadcasting. And in subsequent years, his measures were instrumental in continuing Federal funding of the corporation. He also drew wide public notice for his 1973 measure that banned television blackouts of professional football home games and other sports events sold out in advance.

Also in 1973, he fought during the "energy crisis" for Federal allocation of home heating oil, crude oil, gasoline and other petroleum products.

Mr. Macdonald's work on his last major project—pressing for the growth of cable television—was stopped by his decision in April not to seek a 12th term because of his illness.

Early on May 9, Mr. Macdonald suffered sudden internal bleeding and was taken in what was described as a "coma-like condition" to Bethesda Naval Hospital. Doctors listed him in "very serious condition."

Tubing was inserted into his nose and arms to provide nourishment and medicine to combat and drain the bleeding.

Hours later, he regained consciousness. The next day he told his doctors to withdraw all the life-sustaining tubing.

"He found himself in a position of being encumbered with all these tubes in his nose and arms. He realized he was close to death and this was not the way he wanted to go," his administrative aide, Peter S. Knight, recalled later. "He wanted to die with more dignity than that."

His wife and four grown children, gathered at his bedside, were distraught at his request. As Mr. Knight remembered the scene, Mr. Macdonald's oldest daughter, Laurie, asked him:

"Do you realize what this means?"

"Yes," he said.

"You still want us to remove it?"

"Yes."

However, Mr. Macdonald began to rally and his condition improved slowly. A week after the life support equipment was taken away, his condition, though still serious, had stabilized.

Yesterday, however, his condition began deteriorating. Today, he lapsed into a coma. His wife and children were at his bedside when he died.

#### INCREDIBLE STRENGTH

"He's gutsy, courageous," Mr. Knight said after Mr. Macdonald's initial rally. "He didn't want to die the way he was, but he's got a fierce, incredible amount of strength."

Mr. Macdonald was born in Boston on June 6, 1917, and was reared in Malden, the Boston suburb where he settled and practiced law after wartime duty as a naval lieutenant commanding a PT boat and graduation from Harvard Law School in 1946.

Mr. Macdonald entered Harvard College in the fall of 1936. His roommate for four years there was John F. Kennedy. Both joined the freshman football team. Kennedy was frail and dropped out. But Torby Macdonald, an

elusive, speedy halfback, made the starting line-up in his sophomore year and led Harvard to victories over both Princeton and Yale that season and in 1938.

He was chosen captain of the 1939 team. But he was hurt early in the season and missed several games. In the Yale game that year he scored his team's only touchdown in the waning minutes of a 20-to-7 defeat. He was later inducted into Harvard's football hall of fame.

Mr. Macdonald was also an outstanding outfielder on the Harvard baseball team, and after graduation in 1940, he tried out for the New York Yankees and spent that summer playing on one of their minor league teams.

Wartime ended his professional baseball. He went to the South Pacific as skipper of a PT boat, as did Mr. Kennedy.

On a patrol off New Guinea one day early in the war, his craft came upon five Japanese barges loaded with troops. Four of them were attacked and torpedoed. Mr. Macdonald went after the fifth as it neared an island for a landing. It, too, was torpedoed, but not before Mr. Macdonald's craft was within range of Japanese shore guns. A shell exploded near his craft, damaging it. Despite leg wounds, Mr. Macdonald got his boat and crew back to base safely.

#### DECORATED FOR VALOR

His action in that raid won him a Silver Star and a Purple Heart.

Soon after Mr. Macdonald opened his law office in Malden in 1946, Mr. Kennedy drew his old roommate into his circle of political advisers to help with his first race for Congress. Mr. Macdonald managed the Kennedy headquarters in Cambridge in that successful race.

Thereafter, Mr. Macdonald worked in all the late President's campaigns. And Mr. Kennedy always stumped for Mr. Macdonald in his Congressional campaigns, beginning with his first in 1954 when he upset a 10-term Republican Representative, Angier L. Goodwin.

Mr. Macdonald is survived by his wife, the former Phyllis Brooks, a former actress of Syracuse, whom he married in 1945; two sons, Torbert Jr., and Brian; two daughters, Mrs. Charles Lotspeich and Robin, and three grandchildren.

Mr. HATHAWAY. Mr. President, I wish to make a few remarks today about a man who I have at separate times in my life called my hero, my friend and my colleague, TORBERT H. MACDONALD, a Representative from Massachusetts.

It is interesting to note that throughout my friendship with Torby, he was all of those things to me. As a high school student I was one of thousands that picked Torby as our first hero—a running, passing, and kicking back for the Harvard Crimson. It was an era of heroes, but Torby's impatience with the mediocre set him above all the others. I was to follow him at Harvard, but I could not follow him on the gridiron.

Throughout his professional, political, and personal life, TORBERT MACDONALD's attitude changed little from his football days. Halfway measures and halfway efforts were simply not enough. There was nothing lukewarm about him, a facet of his personality known to many here on Capitol Hill.

There are those who call TORBERT MACDONALD a statesman—and they are right. As a Congressman, he was an active and powerful force as a member of the Third Mexico-United States Interparliamentary Conference in 1963. In 1969, 1970,



and 1971, we House Members named him our Representative to the Conference of the International Telecommunications Satellite Consortium.

Yes, he was a statesman. But he was first and foremost a New Englander, who brought to the national legislature the hopes and desires of the people of Malden, Lynnfield and Saugus, Chelsea and Revere, and the many other communities of the Seventh Congressional District. For the past 21 years, TORBERT MACDONALD stood in the House Chamber for the principles of those who sent him here to represent them. It should come as no surprise to know that he did a good job at that too.

When a friend is called away from you, it is hard to say exactly what it was that drew you together, particularly when it is a friend of long standing. For me, I suppose, it was TORBY's consistent quest for substantive results. His early activities conveyed that characteristic; 5-yard gains were only tolerated—he wanted the touchdown. And one of his last acts also conveyed that characteristic; his life was dependent on mechanical equipment, and rather than face a half life he ordered the system disconnected.

TORBERT H. MACDONALD had a voracious appetite for life. And while I mourn his passing, I am nonetheless left with a curious joy at having known a man who lived so completely on his own terms. He has filled my mind and heart with memories that will stay with me all my life.

The ACTING PRESIDENT pro tempore. The question is on agreeing to the resolution.

The resolution (S. Res. 452) was unanimously agreed to.

The ACTING PRESIDENT pro tempore. The Chair appoints the two Senators from Massachusetts to join the committee appointed on the part of the House.

#### ADJOURNMENT TO 10 A.M. TOMORROW

Mr. ROBERT C. BYRD. Mr. President, if there be no further business to come before the Senate, I move—in accordance with the previous order, and pursuant to the provisions of Senate Resolution 452, as a further mark of respect to the memory of the deceased TORBERT H. MACDONALD, late a Representative from the State of Massachusetts—that the Senate stand in adjournment until the hour of 10 a.m. tomorrow.

The motion was agreed to; and at 6:27 p.m., the Senate adjourned until tomorrow, Tuesday, May 25, 1976, at 10 a.m.

#### NOMINATIONS

Executive nominations received by the Senate May 24, 1976:

##### DEPARTMENT OF JUSTICE

Philip M. Van Dam, of Michigan, to be U.S. attorney for the eastern district of Michigan for the term of 4 years vice Ralph B. Guy, Jr., resigning.

##### IN THE ARMY

The following-named officer under the provisions of title 10, United States Code, sections 3036 and 3066, to be assigned as Chief of Engineers, a position of importance and

responsibility designated by the President under subsection (a) of section 3066, in grade as follows:

##### To be lieutenant general

Maj. Gen. John Woodland Morris, xxx-xx-x-  
U.S. Army.

##### IN THE ARMY

The following-named officer as Permanent Professor of History, U.S. Military Academy, under the provisions of title 10, United States Code, sections 4331 and 4333:

Flint, Roy K., xxx-xx-xxxx.

The following-named cadets, graduating class of 1976, U.S. Military Academy, for appointment in the Regular Army of the United States in the grade of second lieutenant, under the provisions of title 10, United States Code, sections 3283 through 4353:

Adams, Paul F., xxx-xx-xxxx.

Aide, Lewis G., xxx-xx-xxxx.

Angell, John J., xxx-xx-xxxx.

Albertelli, Paul D., Jr., xxx-xx-xxxx.

Alexander, John W., xxx-xx-xxxx.

Alexander, Marcus A., xxx-xx-xxxx.

Alexander, Thomas V., xxx-xx-xxxx.

Allen, Charles M., Jr., xxx-xx-xxxx.

Allison, Charles R., xxx-xx-xxxx.

Amico, Peter A. II, xxx-xx-xxxx.

Anastas, Kevin P., xxx-xx-xxxx.

Andersen, William E., xxx-xx-xxxx.

Anderson, David F., xxx-xx-xxxx.

Anderson, Steven D., xxx-xx-xxxx.

Annunziato, Gary, xxx-xx-xxxx.

Antrum, Charles A., xxx-xx-xxxx.

Apple, Dale A., xxx-xx-xxxx.

Apt, David R., xxx-xx-xxxx.

Araneo, Gerald P., xxx-xx-xxxx.

Argo, Reamer W. III, xxx-xx-xxxx.

Asada, Michael K., xxx-xx-xxxx.

Austin, Clinton W., Jr., xxx-xx-xxxx.

Babb, Michael A., xxx-xx-xxxx.

Babula, Steven R., Jr., xxx-xx-xxxx.

Baca, Michael D., xxx-xx-xxxx.

Baggott, Christopher L., xxx-xx-xxxx.

Baker, Darrell A., xxx-xx-xxxx.

Baker, Michael R., xxx-xx-xxxx.

Balint, Stephen P., xxx-xx-xxxx.

Ball, David A., xxx-xx-xxxx.

Balliet, Norman L., Jr., xxx-xx-xxxx.

Banks, Steven F., xxx-xx-xxxx.

Baratta, Robert T., xxx-xx-xxxx.

Barbero, Michael D., xxx-xx-xxxx.

Barnhill, Curtis A., xxx-xx-xxxx.

Barno, David W., xxx-xx-xxxx.

Barrett, Steven E., xxx-xx-xxxx.

Bartley, John R., xxx-xx-xxxx.

Beale, Michael D., xxx-xx-xxxx.

Begeman, Leon J., xxx-xx-xxxx.

Beimler, Robert R., xxx-xx-xxxx.

Belser, John H., Jr., xxx-xx-xxxx.

Bent, Edward A., xxx-xx-xxxx.

Bernardi, Robert E., xxx-xx-xxxx.

Berry, Mark E., xxx-xx-xxxx.

Berwick, Bruce A., xxx-xx-xxxx.

Best, Steven P., xxx-xx-xxxx.

Bifulco, Richard P., xxx-xx-xxxx.

Birzniesks, John A. S., xxx-xx-xxxx.

Bivins, Demetrius K., xxx-xx-xxxx.

Black, Bruce E., xxx-xx-xxxx.

Blair, Bernard R., Jr., xxx-xx-xxxx.

Bogusky, Richard L., xxx-xx-xxxx.

Bonneau, Stephen D., xxx-xx-xxxx.

Booth, Donald V., xxx-xx-xxxx.

Bornhoff, Gregory R., xxx-xx-xxxx.

Botto, Vincent S., xxx-xx-xxxx.

Bowles, Floyd E., xxx-xx-xxxx.

Bowman, Richard B., xxx-xx-xxxx.

Braden, Randall R., xxx-xx-xxxx.

Brady, Michael W., xxx-xx-xxxx.

Brege, James M., xxx-xx-xxxx.

Brennan, Edward J., xxx-xx-xxxx.

Brenneman, John L., Jr., xxx-xx-xxxx.

Brewner, Eric A., xxx-xx-xxxx.

Brey, Warren J. P., xxx-xx-xxxx.

Brisson, Richard A., xxx-xx-xxxx.

Bromfield, Roy W., xxx-xx-xxxx.

Brooks, Jeffrey C., xxx-xx-xxxx.

Brooks, Steven G., xxx-xx-xxxx.

Brower, John R., xxx-xx-xxxx.

Brown, Douglas M., xxx-xx-xxxx.

Brown, John C., xxx-xx-xxxx.

Brown, Johnny L., xxx-xx-xxxx.

Brown, Louis H., xxx-xx-xxxx.

Brown, Ransom S., xxx-xx-xxxx.

Bruckner, Jeffrey M., xxx-xx-xxxx.

Bryant, Bradford J., xxx-xx-xxxx.

Bulman, Lee A., xxx-xx-xxxx.

Burgess, Lawrence P. A., xxx-xx-xxxx.

Burgess, Louis G., xxx-xx-xxxx.

Burke, Peter R., xxx-xx-xxxx.

Busa, Santiago, Jr., xxx-xx-xxxx.

Bush, Gregory E., xxx-xx-xxxx.

Butler, Samuel J., xxx-xx-xxxx.

Butler, Stephen J., xxx-xx-xxxx.

Butler, Steven G., xxx-xx-xxxx.

Byrne, Michael W., xxx-xx-xxxx.

Cal, John M., xxx-xx-xxxx.

Caldwell, William B., IV, xxx-xx-xxxx.

Campbell, Kim M., xxx-xx-xxxx.

Candelore, Craig A., xxx-xx-xxxx.

Cannon, Carl A., xxx-xx-xxxx.

Canosa, Stephen R., xxx-xx-xxxx.

Cantrell, Michael, xxx-xx-xxxx.

Caponegro, Francis, H. R., xxx-xx-xxxx.

Capps, Steve G., xxx-xx-xxxx.

Cardenas, Eduardo, xxx-xx-xxxx.

Caricker, Rodney D., xxx-xx-xxxx.

Carlin, Richard A., xxx-xx-xxxx.

Carlson, Mark J., xxx-xx-xxxx.

Carlton, Brad A., xxx-xx-xxxx.

Carmichael, John M., xxx-xx-xxxx.

Carney, Edward T., xxx-xx-xxxx.

Carroll, Allan B., Jr., xxx-xx-xxxx.

Carroll, Stuart A., xxx-xx-xxxx.

Cartledge, James C., xxx-xx-xxxx.

Cass, Stephen H., xxx-xx-xxxx.

Castro, Duane S., xxx-xx-xxxx.

Cato, Charles M., xxx-xx-xxxx.

Cawley, Edward F., xxx-xx-xxxx.

Cerny, Frank D., xxx-xx-xxxx.

Cerow, Gordon D., II, xxx-xx-xxxx.

Chambless, Michael D., xxx-xx-xxxx.

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 Wike, Jeffrey S., xxx-xx-xxxx  
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 Williams, Frank E. IV, xxx-xx-xxxx  
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 Williamson, John M., xxx-xx-xxxx  
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 Wingo, Gary L., xxx-xx-xxxx  
 Wisda, Martin J., xxx-xx-xxxx  
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 Zimmerman, Audie D., xxx-xx-xxxx  
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 Zophy, Bruce K., xxx-xx-xxxx

The following-named cadets, graduating class of 1976, U.S. Air Force Academy, for appointment in the Regular Army of the United States in the grade of second lieutenant, under the provisions of title 10, United States Code, sections 3283 through 4353:

Lawrence, Geoffrey S., xxx-xx-xxxx  
 McLaughlin, Joseph R., xxx-xx-xxxx

## EXTENSIONS OF REMARKS

### INNOVATIVE SENIORS ON CAMPUS PROGRAM

#### HON. HUBERT H. HUMPHREY

OF MINNESOTA

IN THE SENATE OF THE UNITED STATES

Monday, May 24, 1976

Mr. HUMPHREY. Mr. President, I take particular pleasure in drawing to the attention of the Senate the success of the Older Americans Act of 1965 in fostering a seniors on campus program at Minnesota's North Hennepin Community College. This is a fine example of a policy objective being fulfilled through the enlightened cooperation of the Federal and State governments, the educational institution—including its staff and administrators—the community itself, and those whom the program was designed to serve.

I hope we will be able to expand on these efforts to enrich the lives of older Americans and thereby enable them to continue to make important contributions to American life.

Mr. President, I ask unanimous consent that "Senior Power at North Henne-

pin," by Charles J. Sugnet, from the May 1976 issue of Change magazine, be printed in the Extensions of Remarks of the CONGRESSIONAL RECORD.

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

#### SENIOR POWER AT NORTH HENNEPIN

(By Charles J. Sugnet)

On a rainy evening in the fall of 1970, a van filled with senior citizens from the United Seniors of Minneapolis drove illegally down the sidewalk that crosses the interior courtyard at North Hennepin Community College and pulled up next to one of the classroom buildings. Inside, a seminar on housing and care for the elderly was being held, but the participants were younger professionals, and the 15 seniors in the van wanted to know why they had neither been consulted in the planning of the seminar nor invited to participate. They demanded not only that they be admitted (although they had not registered), but also that they be allowed to state their views. The situation had all the ingredients of the campus confrontations of the sixties, except for the age of the activists. Indeed, Bruce Bauer, North Hennepin's capable, thirtyish director of community services, at first reacted defensively. After all, the "golden agers" were given free passes to campus movies, weren't they?

Bauer quickly changed his mind, however. Seeing that he had in front of him a group of citizens whose educational needs were not being met in spite of the college's community education policy, he admitted that North Hennepin (along with nearly every college in the nation) was not doing enough for the seniors, and set out to respond to that rainy confrontation in a way that might not have been possible at a less receptive institution.

Founded in 1966, North Hennepin had only just moved in 1969 to the brand-new campus a few miles north of the Minneapolis city limits where it now serves over 3,000 students. The setting reflects the changes that have brought the college into being. In sight of the 51-story IDS tower in downtown Minneapolis and on the edge of a suburban housing development still under construction, the campus is nonetheless surrounded by old farmsteads with large, flat corn and potato fields. The campus itself consists of one-story brick-and-glass buildings arranged around a central courtyard; parking is free and ample, and the visitor is struck by the numerous conveniences for the handicapped.

Except for a certain windswept quality, there is nothing formidable or threatening about the campus, which was designed to convey a receptive atmosphere to potential students from an area including North Minneapolis and the northern and western suburbs, as well as places with names like New