Speaker of the House of Representatives and the President of the Senate, to provide for the orderly transfer of the functions of the Federal Energy Administration to such departments, agencies or offices. Within 90 days after the submission of this plan and program, either House of Congress may pass a resolution disapproving such plan and program.'"

By Mr. OBERSTAR:

Page 10, after line 4, insert the following:

PROHIBITION ON POLLING OF PUBLIC OPINION BY THE ADMINISTRATOR

SEC. 3. Section 13 of the Federal Energy Administration Act of 1974 is amended by adding at the end thereof the following:

"(g) The Administrator, in exercising his authority under this Act, section 11 of the Energy Supply and Environmental Coordination Act of 1974, or any other provision of law which authorizes the Administrator to collect, analyze, or distribute information, shall not, directly or by contract, conduct surveys or polling of public opinion, attitudes, or views, or collect, analyze, or disseminate information concerning the public opinion, attitudes, or views gathered in surveys or polling of public opinion, attitudes, or views."

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 25, 1976, page 15411:

HOUSE BILLS

H.R. 13581.—May 5, 1976. Ways and Means. Amends the Tariff Schedules of the United States to reduce the customs duty for fish netting or fish nets of fabric other than cotton or vegetable fibers.

H.R. 13582.—May 5, 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. 13583.—May 5, 1976. Judiciary. Authorizes the admission of a certain individual to the United States for permanent residence.

H.R. 13584.—May 6, 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. 13585.—May 6, 1976. Merchant Marine and Fisheries. Amends the Safe Boating Act of 1971 to extend the period in which the Coast Guard may interpose safety standards on the manufacturers of boats. Authorizes research, testing, and development necessary to carry out the purposes of the act.

Sets forth notification requirements of a manufacturer to a buyer with regard to defects in a boat or associated equipment.

H.R. 13586.—May 6, 1976. Atomic Energy. Directs the Nuclear Regulatory Commission to cease the granting of licenses or construction authorizations for certain nuclear power plants pending the outcome of a comprehensive study by the Office of Technology Assessment. Requires a 5-year independent study of the nuclear fuel cycle by the Office of Technology Assessment, with final reports and recommendations to be made to the Congress.

H.R. 13587.—May 6, 1976. Ways and Means. Amends the Tariff Schedules of the United States to repeal the duty imposed on (1) articles assembled abroad with components produced in the United States, and (2) certain metal articles manufactured in the United States and exported for further processing.

H.R. 13588.—May 6, 1976. Post Office and Civil Service. Increases the number of members of the Civil Service Commission from three to five. Empowers the Commissioners, rather than the Chairman, to appoint the Executive Director of the Commission.

H.R. 13589.—May 6, 1976. International Relations. Authorizes appropriations to the United States Information Agency for fiscal year 1977 for salaries and expenses, special international exhibitions, acquisition and construction of radio facilities, and employee benefits, under the United States Information and Educational Exchange Act of 1948, the Mutual Educational and Cultural Exchange Act of 1961, and Reorganization Plan Numbered 8 of 1953. Authorizes the purchase of uniforms and the use of exchange allowances for the exchange of passenger motor vehicles.

Requires the Director of the United States Information Agency to make available to the Administrator of General Services a master copy of certain files for public distribution.

H.R. 13590.—May 6, 1976. Armed Services. Entitles former enlisted officers of the Regular Army who were honorably discharged to reenlist without loss of seniority or credit for service within six months after the date of such discharge or six months after the enactment of this Act, whichever is later.

H.R. 13591.—May 6, 1976. Small Business. Amends the Small Business Investment Act of 1958 to authorize the Small Business Administration to purchase preferred securities of any incorporated small business investment company and to purchase, or to guarantee the payment on, debentures issued by such businesses.

H.R. 13592.—May 6, 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. 13593.—May 6, 1976. Education and Labor; Post Office and Civil Service. Establishes within the Department of Labor a Midcareer Development Service, through which the Secretary of Labor is authorized to make loans and grants for training designed to upgrade the work skills of middle-aged persons. Authorizes specified studies and programs designed to aid in retraining older workers in needed job skills, alleviating the effects of local lay-offs, and promoting work opportunities in the community and in the executive branch of the Federal Government.

H.R. 13594.—May 6, 1976. Interstate and Foreign Commerce. Amends the Solid Waste Disposal Act to prohibit the issuance of solid waste management regulations with respect to the sale or distribution of beverage containers at Federal facilities.

H.R. 13595.—May 6, 1976. Education and Labor. Establishes procedures and guidelines for the establishment of equal education opportunity for students in elementary and secondary schools. Requires that States submit equal educational opportunities plans to the Secretary of Health, Education, and Welfare for his approval. Establishes criteria for approval of plans and eligibility for Federal assistance.

H.R. 13596.—May 6, 1976. Small Business. Amends the Small Business Emergency Relief Act to provide for emergency relief for small business concerns in connection with fixed-price Government contracts for the lease of real property.

H.R. 13597.—May 6, 1976. Interior and Insular Affairs. Directs the Secretary of the Interior to acquire by condemnation specified lands, and contracts for the sale of timber thereon, within the Big Thicket National Preserve, Texas.

H.R. 13598.—May 6, 1976. Banking, Currency and Housing. Amends the National Housing Act to authorize expenditures by the Secretary of Housing and Urban Development for repair of major structural defects which create a serious danger to the life and safety of inhabitants of certain family dwellings covered by any mortgage insured by the Federal Housing Administration.

H.R. 13599.—May 6, 1976. Banking, Currency and Housing. Amends the National Housing Act to authorize expenditures by the Secretary of Housing and Urban Development for repair of major structural defects which create a serious danger to the life and safety of inhabitants of certain family dwellings covered by any mortgage insured by the Federal Housing Administration.

SENATE—*Wednesday, May 26, 1976*

The Senate met at 9 a.m. and was called to order by Hon. CHARLES McC. MATHIAS, JR., a Senator from the State of Maryland.

PRAYER

The Reverend Paul P. Norton, pastor, St. Nicholas Church, Laurel, Md., offered the following prayer:

Please pray with me.

Almighty and eternal God, Author of all creation and Father of us all, we pause this morning to acknowledge Your presence in our lives. Let the awareness of Your life among us bring us comfort. Help us to raise our minds and hearts once again to the great challenge You have given us, the challenge of building a kingdom of justice. Send Your spirit upon us, give us the wisdom, the confidence, and the courage we need to face the difficult task of political leadership. Never let us lose hope that what we do does make a difference as we work together for the good of our people and for the welfare of the whole human family. Father, we ask this day that You bless our President, the Members of the House, and this Senate. Give them peace in their lives, prosperity and happiness in their families as together they lead our Nation to a new era of freedom and

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justice for all. We ask this in Your name. Amen.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

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

The assistant legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, D.C., May 26, 1976.

To the Senate:

Being temporarily absent from the Senate on official duties, I appoint Hon. CHARLES McC. MATHIAS, JR., a Senator from the State of Maryland, to perform the duties of the Chair during my absence.

JAMES O. EASTLAND,
President pro tempore.

Mr. MATHIAS 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 Tuesday, May 25, 1976, be dispensed with.

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

EXECUTIVE SESSION

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the Senate go into executive session for the purpose only of considering the nomination of Mr. John H. Reed.

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

DEPARTMENT OF STATE

The assistant legislative clerk read the nomination of John H. Reed, of Maine, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Sri Lanka, and to serve concurrently as Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Maldives.

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

Mr. GRIFFIN. Mr. President, I ask that the President of the United States be notified of the Senate's action.

The ACTING PRESIDENT pro tempore. Without objection, the President will be notified.

LEGISLATIVE SESSION

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

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

Does the Senator from Michigan seek recognition?

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

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

The assistant legislative clerk proceeded to call the roll.

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

The ACTING PRESIDENT pro tempore (Mr. METCALF). Without objection, it is so ordered.

Under the previous order, the Senator from Vermont (Mr. LEAHY) is recognized for not to exceed 15 minutes.

AMENDMENT OF THE EMERGENCY PETROLEUM ALLOCATION ACT OF 1973—S. 3486

Mr. LEAHY. Mr. President, Federal Energy Administrator Zarb has been reported as saying that the FEA plans to suspend mandatory allocation regulations for gasoline sometime this year. These regulations, promulgated pursuant to the Emergency Petroleum Act of 1973, give wholesalers and retailers the right to insist on deliveries from their 1972 suppliers. Abandoning them would have serious implications for millions of Americans, particularly those living in sparsely populated rural areas.

We must be prepared for this eventuality. Legislation is needed to make sure that every State has an early warning of a pullout by a major gasoline supplier. With that information the State energy office would at least have some time to minimize the impact.

Therefore, I am today introducing legislation which would require that a company distributing or marketing 1 percent or more of the gasoline consumption of a State in calendar year 1975 must give 6 months' notice to the Governor of any intent to discontinue its operations in the State. Furthermore, such company would be prohibited from withdrawing more than 25 percent of its supply operations, based on calendar year 1975, in any ensuing 6-month period.

In short, in addition to 6 months' advance notice, a State would be assured that a major gasoline supplier would not complete a total withdrawal for an additional 2-year period.

My bill would give Governors and their energy advisers time to seek replacements for withdrawing gasoline suppliers in order to cushion the economic impact on affected areas. It would give service station owners time to seek alternate suppliers.

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

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

Mr. LEAHY. Mr. President, it is only 2 years since American motorists were forced to queue up in gasoline stations across the land hoping that the pumps would not run dry before they reached the head of the line. We are now in the midst of a petroleum surplus. The world supply of crude oil has increased, and the average American is purchasing gasoline at the lowest prices in over a year. The long lines of the winter of 1973–74 have receded from memory. As a result, there has arisen a chorus of "decontrol now" from the petroleum industry—a call echoed by the administration.

Gasoline is abundant partly because of the relatively mild winters of the past 2 years which reduced the need for distillate oil. Among the less pleasant reasons for the abundance are the serious decline in new housing starts, and most important, unemployment and the recession. As a result, with plant capacity near all-time lows and unemployment levels near all-time highs, consumption of residual fuel oil declined during the past year.

Hopefully, the recovery will continue, but we cannot be lulled into complacency. The fact is that the forecasts for domestic petroleum production over the next 15 years are stark. The Federal Energy Administration's National Energy Outlook: 1976 contends that:

> The reserves from which most of today's oil is being produced—mainly on-shore in the lower 48 States—will decline by almost two-thirds by 1985 and about 80 percent by 1990.

Although there is no danger of a serious gasoline shortage in the near future, the energy crisis still exists and will for decades to come. No temporary abundance can obscure that reality. For people in small, predominantly rural States, usually at the end of the energy pipeline, that presents a haunting specter.

Mr. President, while State's attorney of Chittenden County, Vt., I served on a task force of the National District Attorneys Association assigned to gather data on how oil industry practices related to the energy crisis of 1973–74.

Since an analysis of the shortage in Vermont during the crisis indicated it was in part caused by some major oil companies pulling out of the market, I was particularly concerned with the factors that lead a company to make that decision.

A group of oil company representatives with whom we met answered that one factor is a company's market share of gasoline sales. If it controls less than 5 percent, then it is unlikely that the operation will be profitable. And the 5 percent figure is not gospel. Companies have abandoned areas where they controlled more than 7 percent of the market.

In Vermont, Phillips with 5.79 percent of the market in 1974, has already pulled out of the State. However, because of the Federal allocation program, it has been required to work out exchange agreements with other companies to supply its old customers. If the mandatory allocation regulations are discarded, these exchange agreements will no longer be en-

forceable. Service stations dependent on them will be left high and dry with no source of supply.

Today, more than 16 percent of Vermont's gasoline supply is furnished by five major oil companies, each with less than 5 percent of the market. In addition Sunoco has slightly less than 6 percent, and has already decided to pull out of Maine where it has 5.95 percent of the market. As I already noted, Phillips has 5.79 percent. If all seven of them left, who would supply the gasoline represented by their combined 28 percent of the market, representing more than 65 million gallons of gasoline a year to Vermonters?

Similar situations exist in many other States. Most recently, it was reported that Mobil is pulling back drastically in Texas, where it has 7.63 percent of the market; in Louisiana, with 4.19 percent; in Oklahoma, with 5 percent; in Arkansas, with 6.54 percent; and in New Mexico, with 2.72 percent. The company is reportedly telling its jobbers, lessee dealers, consignees, and commission agents to find new suppliers, as they will be cut off sometime after FEA regulations are eventually relaxed.

Conoco is reportedly considering withdrawing its operations in Texas where it has 3 percent of the market, and in Arkansas where it has 3.58 percent.

Gulf is considering similar action in California where it has 5.37 percent of the market; in Minnesota where it has 2.79 percent; in South Dakota where it has 2.47 percent; and in Nebraska, Iowa, and Missouri where it has between 1 and 2 percent of the market in each.

Atlantic Richfield is considering total pullout in Kentucky and Texas, with slightly more than 2 percent of each market, and in Tennessee where it has 3.34 percent. It is planning partial pullouts in six Midwest States in which it has between 2 and 5 percent of the market. Significantly, these would all be in rural areas of the States involved.

In addition to its desire to abandon its Vermont operations, if the regulations are allowed to lapse, Phillips will pull out of Maine where it has 2.51 percent of the market, New Hampshire where it has 4.76 percent, Delaware with 3.81 percent, and New Jersey with 1.44 percent.

It is understandable that major oil companies want to withdraw from low-volume market areas, usually rural ones, and concentrate their efforts on more profitable high volume urban outlets. However, the problem is that when they leave there is no guarantee that other firms will supply the abandoned market areas.

Currently, only the enforcement of the supplier-purchaser section of the 1973 act is keeping supplies flowing to many low volume retail units.

If the present regulations are terminated, millions of motorists, most of whom need their cars to get back and forth to work, could well find themselves forced to travel many additional miles to buy their gasoline. This situation would not only cause great inconvenience, but would in and of itself create a huge waste of energy.

Mr. President, it is very likely that such a termination will occur. The administration seems intent on abandoning as much regulation of the oil industry as it can get away with, let the chips fall where they may. Even before the recent statements by Administrator Zarb, there were numerous indications of this attitude.

For example, last August Senator STAFFORD and I wrote to President Ford expressing our deep concern over the supplier-purchaser regulations should he veto S. 1849 to temporarily extend the 1973 act, which he subsequently did veto.

We received a reply from the Federal Energy Administration which read in part:

It was clear even before the embargo that many petroleum companies wished to alter their distribution system. More particularly there was trend toward increasing the number of high volume-minimum service retail outlets since they were considered most cost effective, efficient and economical. The regulations developed pursuant to the Emergency Petroleum Allocation Act effectively retarded the displacement of small independent branded dealers.

With the expiration of the Act we can expect a resumption of the trend experienced prior to its enactment . . . Temporary government intervention has served its primary purpose . . . Distribution is a matter for corporate decision-making.

Mr. President, I do not like the idea of government meddling in the internal affairs of business. However, a matter of such crucial importance to millions of American families—and to thousands of service station owners—should not be left to the whims of a few corporate officials in the board rooms in New York and Houston.

My bill would not divest them of their decisionmaking power. What it would do is delay the adverse impact that might result from certain of those decisions. In effect, it is a compromise recognizing the just prerogatives of business and the legitimate public interest.

S. 3486

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 4 of the Emergency Petroleum Allocation Act of 1973 is amended by adding at the end thereof the following new subsection:

"(e) (1) Not later than sixty days following the date of the enactment of this subsection, the President shall promulgate and put into effect a rule which shall be deemed a part of the regulation under subsection (a) of this section and which shall provide, consistent with the objectives of subsection (b) of this section, that no marketer or distributor who, on or after the effective date of such rule, is engaged in an operation involving the marketing or distribution of a refined petroleum product in any State shall, in any twelve month period, reduce or otherwise curtail such operation within that State (except on the basis of a substantial decrease in the demand for such products so marketed or distributed) by an amount in excess of ten per centum of the total amount of refined petroleum products so marketed or distributed by such marketer or distributor within that State during the base period as determined in accordance with paragraph (3) of this subsection, except that, if such marketer or distributor has notified the Governor of that State, in writing, of such marketer or distributor's intent to reduce or otherwise curtail such operation in excess of ten per centum, such marketer or distributor shall, after the expiration of the one hundred and eighty day period following such notification, be authorized to reduce or otherwise curtail such operation within that State by an amount which does not exceed, within any six-month period, an amount equal to twenty-five per centum of the total amount of refined petroleum products so marketed or distributed by such marketer or distributor in that State during such base period.

"(2) Such rule shall not be applicable with respect to any such marketer or distributor engaged in any such operation, if the total amount of refined petroleum products so marketed or distributed by such marketer or distributor in that State during the base period determined in accordance with paragraph (3) of this subsection did not exceed one per centum of the total amount of refined petroleum products so marketed or distributed by all marketers or distributors within that State during such base period, or to any marketer engaged solely in the selling of refined petroleum products on a retail level to end users.

"(3) As used in this section, the term 'base period' means—

"(A) with respect to any such marketer or distributor who is engaged in any such operation within a State on or after the effective date of such rule and who, during the entire twelve month period comprising calendar year 1975 was so engaged in such operation within that State, such twelve month period; and

"(B) with respect to any such marketer or distributor who, although engaged in any such operation within a State on or after the effective date of such rule, was not so engaged in such operation within that State during the entire twelve month period comprising calendar year 1975, the first full twelve month period during which such marketer or distributor was so engaged after January 1, 1975.".

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

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

The assistant legislative clerk proceeded to call the roll.

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

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

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 9:30 a.m., with statements therein limited to 5 minutes.

MESSAGES FROM THE HOUSE

At 1:55 p.m., a message from the House of Representatives delivered by Mr. Hackney, one of its reading clerks, announced that the House has agreed to the concurrent resolution (H. Con. Res. 646) providing for a conditional ad-

journment of the House from May 27 until June 1, 1976, in which it requests the concurrence of the Senate.

The message also announced that the House has passed the bill (H.R. 10138) to create the Young Adult Conservation Corps to complement the Youth Conservation Corps, in which it requests the concurrence of the Senate.

The message further announced that the House agrees to the amendments of the Senate to the bill (H.R. 9630) to extend the educational broadcasting facilities program and to provide authority for the support of demonstrations in telecommunications technologies for the distribution of health, education, and public or social service information, and for other purposes.

The message also announced that the House disagrees to the amendments of the Senate to the bill (H.R. 12455) to extend from April 1 to October 1, 1976, the maximum period during which recipients of services on September 30, 1975, under titles IV-A and VI of the Social Security Act, may continue to receive services under title XX of that act without individual determinations; requests a conference with the Senate on the disagreeing votes of the two Houses thereon; and that Mr. ULLMAN, Mr. CORMAN, Mr. RANGEL, Mr. STARK, Mr. WAGGONNER, Mr. VANDER JAGT, and Mr. KETCHUM were appointed managers of the conference on the part of the House.

The message further announced that the House disagrees to the amendment of the Senate to the bill (H.R. 12384) to authorize certain construction at military installations and for other purposes; agrees to the conference requested by the Senate on the disagreeing votes of the two Houses thereon; and that Mr. ICHORD, Mr. PRICE, Mr. RANDALL, Mr. CHARLES H. WILSON, Mr. WHITE, Mr. BRINKLEY, Mr. DAVIS, Mr. WHITEHURST, Mr. BOB WILSON, and Mr. BEARD of Tennessee were appointed managers of the conference on the part of the House.

ENROLLED BILL SIGNED

The message also announced that the Speaker pro tempore has signed the following enrolled bill:

H.R. 9630. An act to extend the Educational Broadcasting Facilities Program and to provide authority for the support of demonstrations in telecommunications technologies for the distribution of health, education, and public or social service information, and for other purposes.

The enrolled bill was subsequently signed by the Vice President.

COMMUNICATIONS FROM EXECUTIVE DEPARTMENTS, ETC.

The ACTING PRESIDENT pro tempore (Mr. MATHIAS) 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 entitled "Report on the Potential for Integrating Rail Service Provided by the National Railroad Passenger Corporation with Other Modes" (with an accompanying report); to the Committee on Commerce.

PROPOSED LEGISLATION BY THE DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

A letter from the Secretary of Health, Education, and Welfare transmitting a draft of proposed legislation to amend title XIX of the Social Security Act (with accompanying papers); to the Committee on Finance.

REPORTS OF THE DEPARTMENT OF THE INTERIOR

Two letters from the Secretary of the Interior; one reporting on whether joint bidding should be banned in sales of Federal leases for onshore energy resources; and one reporting concerning the implementation of section 12 of 89 Stat. 1145 providing for the Cook Inlet Land Settlement; to the Committee on Interior and Insular Affairs.

REPORT OF THE COMPTROLLER GENERAL

A letter from the Comptroller General transmitting, pursuant to law, a report entitled "State and County Probation: Systems in Crisis" (with an accompanying report); to the Committee on Government Operations.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. RANDOLPH, from the Committee on Public Works, without amendment:

S. 3063. A bill designating Ozark lock and dam on the Arkansas River as the "Ozark-Jeta Taylor lock and dam" (Rept. No. 94-921).

EXECUTIVE REPORTS OF COMMITTEES

As in executive session, the following executive reports of committees were submitted:

George Henry Kuper, of the District of Columbia, to be Executive Director of the National Center for Productivity and Quality of Working Life.

(The above nomination was reported with the recommendation that it be confirmed, subject to the nominee's commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.)

HOUSE BILL REFERRED

The following bill was read twice by its title and referred to the Committee on Labor and Public Welfare:

H.R. 10138. An act to create the Young Adult Conservation Corps to complement the Youth Conservation Corps.

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. LEAHY:

S. 3486. A bill to amend the Emergency Petroleum Allocation Act of 1973, and for other purposes. Referred to the Committee on Interior and Insular Affairs.

By Mr. MONDALE:

S. 3487. A bill to amend the Internal Revenue Code of 1954 to provide for a credit against the Federal income tax for certain higher education expenses. Referred to the Committee on Finance.

By Mr. INOUYE:

S. 3488. A bill to amend title 10, United States Code, so as to provide that the Chief of the Biomedical Sciences Corps of the Air Force shall be a brigadier general, and for other purposes. Referred to the Committee on Armed Services.

By Mr. TALMADGE:

S. 3489. A bill to amend section 2 of the act entitled "An Act to incorporate the National Society of the Daughters of the American Revolution." Referred to the Committee on the Judiciary.

By Mr. HRUSKA:

S. 3490. A bill for the relief of Gaspar Louis Sayco; and

S. 3491. A bill for the relief of Enrique Alberto Caderosso Sjolin and his wife, Blanca Susana Urrestarazu Dominguez. Referred to the Committee on the Judiciary.

By Mr. STEVENS:

S. 3492. A bill for the relief of Nguyen Thui-Diep; and

S. 3493. A bill for the relief of Nguyen Chung-Quan. Referred to the Committee on the Judiciary.

By Mr. STEVENSON:

S. 3494. A bill to establish a Federal Bank Examination Council. Referred to the Committee on Banking, Housing and Urban Affairs.

By Mr. McCLURE:

S. 3495. A bill for the relief of Luis Sandoval-Miramontes. Referred to the Committee on the Judiciary.

By Mr. METCALF (for himself and Mr. MANSFIELD):

S. 3496. A bill to provide for the control of mosquitoes and mosquito vectors of human disease through technical assistance and grants-in-aid for control projects. Referred to the Committee on Labor and Public Welfare.

By Mr. THURMOND:

S. 3497. A bill to establish the Congaree Swamp National Preserve in the State of South Carolina, and for other purposes. Referred to the Committee on Interior and Insular Affairs.

By Mr. HOLLINGS (for himself and Mr. THURMOND):

S. 3498. A bill to authorize the establishment of the Congaree Swamp National Preserve in the State of South Carolina, and for other purposes. Referred to the Committee on Interior and Insular Affairs.

By Mr. DOMENICI:

S. 3499. A bill for the relief of Edward Anthony Johnson. Referred to the Committee on the Judiciary.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. LEAHY:

S. 3486. A bill to amend the Emergency Petroleum Allocation Act of 1973, and for other purposes. Referred to the Committee on Interior and Insular Affairs.

(The remarks of Mr. LEAHY on the introduction of the above bill are printed in today's RECORD.)

By Mr. MONDALE:

S. 3487. A bill to amend the Internal Revenue Code of 1954 to provide for a credit against the Federal income tax for certain higher education expenses. Referred to the Committee on Finance.

TWO-STEP TAX CREDIT FOR THE COST OF POSTSECONDARY EDUCATION

Mr. MONDALE. Mr. President, one of the problems in education that has caused me the greatest concern is the tremendous cost squeeze of postsecondary education on middle-income families. In recent years postsecondary institutions have been hit with inflation and increased operating expenses. In spite of their best efforts, they have been forced to increase their tuition and other costs of attendance even more rapidly than the rise in the cost of living. As a result, many middle-income families are finding the costs of postsecondary education, particularly at private colleges, to be slipping beyond their means.

Recent studies have shown that the greatest decrease in the numbers of students in postsecondary education has occurred among these middle-income families. From the mail I receive and the discussions I have had, I know that this cost squeeze is causing them tremendous bitterness. It is one thing for their children to choose not to go on to college; it is another for them to be unable to afford the costs, even after lifetimes of hard work.

Another reason for this serious crisis, one which has surfaced only recently, can be found in the increasing numbers of families who have more than one child enrolled in postsecondary education at the same time. They have increased dramatically in recent years. To send one, two, or three children to postsecondary institutions requires families to find suddenly several thousand dollars a year in extra income. However, tragically, when middle-income families turn to the existing Federal student aid programs for help, they are told that they are not eligible. As a result, increasing numbers of these families are painfully concluding that they just cannot afford the additional costs involved. And yet these are the families whose tax dollars pay for the aid programs that enable lower income students to attend college.

I have always been a strong supporter of the Federal student aid programs that are specifically directed toward lower income students, and I will continue to push for further funding of the basic grant and campus-based programs. However, I also believe it is essential that we address this growing squeeze on middle-income families as a critical problem in education. We are in danger of a situation in which only the very wealthy or those relatively few lower income students who can get complete scholarship packages will be able to afford the costs of postsecondary education.

I was very pleased that the Labor and Public Welfare Committee adopted my amendment to the higher education bill that raised the family income level eligible for the Federal interest subsidy in the guaranteed student loan program to $25,000 in adjusted gross income. This means that many families with incomes as high as $30,000 who have a couple of children in postsecondary education will qualify for this Federal loan program.

This program was originally established by Congress in 1967 to be directed toward middle-income families. In recent years, however, the program's eligibility ceiling has not been changed to keep pace with increases in the cost of living. My amendment fully restores this decline in value due to inflation and restores the original focus of the program to include these middle-income families.

This amendment is an important first step in recognition by Congress of this serious problem. I am hopeful that the full Senate will consider it favorably and that the House will agree to it in conference. However, I believe that further action is necessary to address fully the problems before middle-income families.

Therefore, I am introducing today a bill that will provide a credit on the income tax for the costs of postsecondary education. This bill will permit either a student or his or her parents, whoever is paying for the education, to determine the amount owed on their Federal income tax and then to subtract the credit directly from that amount. The credit would be rebated to those low-income students or families who owe little or no income tax. If my legislation becomes law, this credit for the costs of education would be available directly to everyone in this country who is struggling with the costs of postsecondary education. I think that it will make a tremendous difference as well to our Nation's postsecondary institutions.

My bill also recognizes the additional financial burdens upon families who are sending two, three, or even four children through college at the same time. Recognizing their special need, my tax credit bill would provide a credit of $200 for the first child in college or any other postsecondary institution. But for each additional child enrolled at the same time, a credit of $500 would be allowed.

Our tax system is designed to encourage the investment in physical capital, such as machinery and equipment. But studies have shown that the biggest contributor to our Nation's wealth is not its physical capital but rather its human capital, or, in other words, its investment in the education of its people.

Studies indicate that the average college graduate can expect to earn an average of about $280,000 more in his or her lifetime than the average high school graduate. One-third of that amount, or almost $100,000 will be returned to society in taxes. Thus, even if every student in this country were on full scholarships, their taxes would more than repay public investments in their education.

But these figures tell only part of the story. For they do not begin to measure the increased social contribution that college graduates are in a position to make, in terms of civic participation, increased job productivity, leading to technological breakthroughs or new health developments, and all the rest.

Certainly the critical problems that confront the human race today tell us that we ought to be increasing our investment in that most important resource we have—the creative and problem solving capacities of our people.

Mr. President, tax credit legislation has been introduced in the Senate for the last decade. However, not for several years has it received the serious consideration which it deserves. I believe that it is an idea whose time has come. We must find new avenues to direct help to our Nation's postsecondary education institutions and the families who wish to send their children to them. And we must especially find new ways to provide badly needed and deserved assistance to middle-income families. I urge my distinguished colleagues to give this two-step tax credit approach their serious consideration.

Mr. President, I ask unanimous consent that the text of this tax credit legislation be printed in full at this point in my remarks.

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

S. 3487

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

SECTION 1. CREDIT FOR HIGHER EDUCATION EXPENSES.

(a) IN GENERAL.—Subpart A of part IV of subchapter A of chapter 1 of the Internal Revenue Code of 1954 (relating to credits allowable) is amended by inserting after section 44 the following new section:

"SEC. 44A. EXPENSES OF HIGHER EDUCATION.

"(a) GENERAL RULE.—There is allowed to an individual as a credit against the tax imposed by this chapter for the taxable year an amount (determined under subsection (b)) equal to a portion of the expenses of higher education paid or incurred by the individual during the taxable year for himself and for any dependent.

"(b) DETERMINATION OF AMOUNT.—

"(1) IN GENERAL.—Subject to the limitations set forth in subsection (c), the amount of the credit allowable for the taxable year is the sum of the amounts determined under paragraph (2) and paragraph (3).

"(2) INITIAL AMOUNT.—If expenses of higher education are paid or incurred by the taxpayer during the taxable year for his own education or for the education of only one dependent during the taxable year, the amount of the credit allowable under subsection (a) for the taxable year shall be an amount equal to the sum of—

"(A) 50 percent of so much of such expenses as does not exceed $200,

"(B) 25 percent of so much of such expenses as exceeds $200 but does not exceed $500, and

"(C) 5 percent of so much of such expenses as exceeds $500 but does not exceed $1,000.

"(3) ADDITIONAL AMOUNT.—If expenses of higher education are paid or incurred by the taxpayer during the taxable year for his own education and for the education of a dependent, or for the education of more than one dependent, there shall be added to the amount determined under paragraph (2) an amount equal to the sum of—

"(A) 75 percent of so much of such expenses for the education of dependents whose expenses of higher education are not taken into account under paragraph (2) as does not exceed $200,

"(B) 50 percent of so much of such expenses as exceeds $200 but does not exceed $500, and

"(C) 20 percent of so much of such expenses as exceeds $500 but does not exceed $1,500.

"(4) PRORATION OF CREDIT WHERE MORE THAN ONE TAXPAYER PAYS EXPENSES.—If expenses of higher education of an individual are paid by more than one taxpayer during the taxable year, the credit allowable to each such taxpayer under subsection (a) with respect to the expenses of higher education of that individual shall be an amount which bears the same ratio to the amount of the credit which would be allowable with respect to such expenses if only one taxpayer paid or incurred them as the amount of such expenses paid or incurred by each taxpayer paying or incurring such expenses bears to the total amount of such expenses paid or incurred for the taxable year by all such taxpayers.

"(c) DEFINITIONS.—For purposes of this section—

"(1) EXPENSES OF HIGHER EDUCATION.—The term 'expenses of higher education' means—

"(A) tuition and fees required for the enrollment or attendance of a student at a level above the twelfth grade at an institution of higher education and

"(B) fees, books, supplies, and equipment required for courses of instruction above the twelfth grade at an institution of higher education.

Such terms does not include any amount paid, directly or indirectly, for meals, lodging, or similar personal, living, or family expenses. In the event an amount paid for tuition or fees includes an amount for meals, lodging, or similar expenses which is not separately stated, the portion of such amount which is attributable to meals, lodging, or similar expenses shall be determined under regulations prescribed by the Secretary or his delegate.

"(2) INSTITUTION OF HIGHER EDUCATION.—The term 'institution of higher education' means—

"(A) an educational institution (as defined in section 151(3)(4))—

"(i) which regularly offers education at a level above the twelfth grade; and

"(ii) contributions to or for the use of which constitute charitable contributions within the meaning of section 170(c); or

"(B) a business or trade school, or technical institution or other technical or vocational school in any State, which (i) is legally authorized to provide, and provides within that State, a program of postsecondary vocational or technical education designed to fit individuals for useful employment in recognized occupations; and (ii) is accredited by a nationally recognized accrediting agency or association listed by the United States Commissioner of Education; and (iii) has been in existence for 2 years or has been specially accredited by the Commissioner as an institution meeting the other requirements of this subparagraph.

"(3) STATE.—The term 'State' includes, in addition to the several States of the Union, the Commonwealth of Puerto Rico, the District of Columbia, Guam, American Samoa, the Virgin Islands, and the Trust Territory of the Pacific Islands.

"(d) SPECIAL RULES.—

"(1) ADJUSTMENT FOR CERTAIN SCHOLARSHIPS AND VETERANS' BENEFITS.—The amounts otherwise taken into account under subsection (a) as expenses of higher education of any individual during any period shall be reduced (before the application of subsection (b)) by any amounts received by such individual during such period as—

"(A) a scholarship or fellowship grant (within the meaning of section 117(a)(1)) which under section 117 is not includible in gross income, and

"(B) education and training allowance under chapter 33 of title 38 of the United States Code or educational assistance allowance under chapter 35 of such title.

"(2) NONCREDIT AND RECREATIONAL, ETC., COURSES.—Amounts paid for expenses of higher education of any individual shall be taken into account under subsection (a)—

"(A) in the case of an individual who is a candidate for a baccalaureate or higher degree, only to the extent such expenses are attributable to courses of instruction for which credit is allowed toward a baccalaureate or higher degree, and

"(B) in the case of an individual who is not a candidate for a baccalaureate or higher degree, only to the extent such expenses are attributable to courses of instruction necessary to fulfill requirements for the attainment of a predetermined and identified educational, professional, or vocational objective.

"(e) APPLICATION WITH OTHER CREDITS.—The credit allowed by subsection (a) shall not exceed the amount of the tax imposed by this chapter for the taxable year reduced by the sum of the credits allowable under—

"(1) section 33 (relating to foreign tax credit),

"(2) section 37 (relating to credit for the elderly),

"(3) section 38 (relating to investment in certain depreciable property),

"(4) section 40 (relating to work incentive program expenses),

"(5) section 41 (relating to contributions to candidates for public office), and

"(6) section 42 (relating to taxable income credit).

"(f) DISALLOWANCE OF EXPENSES AS DEDUCTION.—No deduction shall be allowed under section 162 (relating to trade or business expenses) for any expense of higher education which (after the application of subsection (b)) is taken into account in determining the amount of any credit allowed under subsection (a). The preceding sentence shall not apply to the expenses of higher education of any taxpayer who, under regulations prescribed by the Secretary or his delegate, elects not to apply the provisions of this section with respect to such expenses for the taxable year.

"(g) REGULATIONS.—The Secretary or his delegate shall prescribe such regulations as may be necessary to carry out the provisions of this section."

(b) CLERICAL AMENDMENT.—The table of sections for such subpart A is amended by inserting after the item relating to section 44 the following:

"Sec. 44A. Expenses of higher education.".

SEC. 2. REFUNDABILITY OF EXCESS CREDIT; MINIMUM TAX PREFERENCE ITEM; TECHNICAL AMENDMENT.

(a)(1) REFUND OF EXCESS CREDIT.—Section 6401(b) of the Internal Revenue Code of 1954 (relating to excessive credits treated as overpayments) is amended—

(1) by inserting ", 44A (relating to expenses of higher education)" before ", and 667(b)", and

(2) by striking out "31, 39, and 43" and inserting in lieu thereof "31, 39, 43, and 44A".

(2) Section 6201(a)(4) of such Code (relating to assessment authority for erroneous credit under section 39 or 43) is amended—

(1) by striking out "or 43" in the caption of such section and inserting in lieu thereof "43, or 44A",

(2) by striking out "or section 43" and inserting in lieu thereof ", section 43", and

(3) by inserting "or section 44A (relating to credit for expenses of higher education)" after "(relating to earned income)".

(b) PREFERENCE ITEM FOR MINIMUM TAX.—

(1) Section 56(a)(2) of such Code (relating to imposition of minimum tax) is amended by striking out "and" at the end of clause (vi), by striking out the semicolon and "and" at the end of clause (vii) and inserting in lieu thereof a comma and "and", and by inserting after clause (vii) the following new clause:

"(viii) section 44A (relating to credit for expenses of higher education); and".

(2) Section 56(c)(1) of such Code (relating to tax carryovers) is amended by striking out "and" at the end of subparagraph (F), by striking out "exceed" at the end of subparagraph (G) and inserting in lieu thereof "and", and by inserting after subparagraph (G) the following new subparagraph:

"(H) section 44A (relating to credit for expenses of higher education), exceed".

(c) TAX LIABILITY FOR PRESIDENTIAL ELECTION CAMPAIGN FUND DESIGNATION.—Section 6096(b) of such Code (relating to designation of income tax payments to Presidential Election Campaign Fund) is amended by striking out "and 44" and inserting in lieu thereof a comma and "44, and 44A".

SEC. 3. EFFECTIVE DATE.

The amendments made by this Act apply to taxable years beginning after December 31, 1976.

By Mr. INOUYE:

S. 3488. A bill to amend title 10, United States Code, so as to provide that the Chief of the Biomedical Sciences Corps of the Air Force shall be a brigadier general, and for other purposes. Referred to the Committee on Armed Services.

Mr. INOUYE. Mr. President, today I am introducing legislation to amend title 10 of the United States Code so as to provide that the Chief of the Biomedical Sciences Corps of the U.S. Air Force shall be appointed to the rank of brigadier general.

The U.S. Air Force Biomedical Science Corps has approximately 1,300 officers assigned to its 15 diverse scientific specialities. These include professionals trained in the area of clinical psychology, podiatry, optometry, pharmacy, dietetics, bioenvironmental engineering, and aerospace physiology. Unfortunately, however, it has recently come to my attention that in the proud 26-year history of the corps, no biomedical sciences officer has ever been promoted to star rank. This, as shown in the table which I ask unanimous consent to have printed in the RECORD is in sharp contrast to the 1/200 ratios currently achieved by their attorney and physician colleagues.

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

Group	Summer 1975, approximate strength	Generals	Ratio
Biomedical scientists	1,300	0	-----
Lawyers	1,200	6	1:200
Chaplains	900	2	1:450
Dentists	1,500	1	-----
Nurses	3,800	1	-----
Physicians	3,000	15	1:200
All AF officers	100,000	400	1:250

Mr. INOUYE. There is no justification for this apparent discrimination against a whole class of dedicated officers who serve the field of medical science as well as our military establishment. The bill I am authoring will assure the recognition of the importance of their service.

By Mr. STEVENS:

S. 3492. A bill for the relief of Nguyen Thui-Diep; and

S. 3493. A bill for the relief of Nguyen Chung-Quan. Referred to the Committee on the Judiciary.

Mr. STEVENS. Mr. President, I am today introducing two private bills for the relief of two Vietnamese refugees. These two individuals are presently in the United States but are not eligible for citizenship under law. I think their situation is sufficiently unique that they should be granted citizenship as soon as possible.

The problem of these two individuals was brought to my attention by a constituent, Gen. B. T. Talley, retired. General Talley has known the family for several years, and recommends them highly. I appreciate General Talley letting me know of the situation and I am hopeful the Senate will act promptly on this bill.

By Mr. STEVENSON:

S. 3494. A bill to establish a Federal Bank Examination Council. Referred to the Committtee on Banking, Housing and Urban Affairs.

Mr. STEVENSON. Mr. President, I am introducing today a bill to create a Federal Bank Examination Council composed of the Comptroller of the Currency, a member of the Board of Directors of the Federal Deposit Insurance Corporation and a member of the Federal Reserve Board. The bill would authorize the Council to establish uniform Federal bank examination standards and procedures and recommend further improvements in bank supervision. The legislation is needed because at present the three Federal agencies with bank supervisory responsibilities, the Comptroller of the Currency, the Federal Deposit Insurance Corporation, and the Federal Reserve System, each separately determine their bank examination standards, use their own bank examination forms, independently train their bank examiners, and follow different procedures for supervising banks.

The existing lack of uniformity in Federal bank examination forms and procedures complicates the collection of data on the banking system and adds to the reporting burden on banks, especially banks which are subsidiaries of multibank holding companies. Inconsistency of Federal bank examination standards produces discrepancies among the three Federal banking agencies in the identification and supervision of problem banks. The absence of coordinated bank supervisory procedures hampers the agencies in coping with bank failures.

I believe that the American banking system is fundamentally sound. The handful of bank failures which have occurred, and the losses which other banks have suffered in the last 3 years are evidence of the severity of the economic recession more so than of disorder in the banking system. But even in periods of prosperity, some banks will encounter serious financial difficulty. The Federal banking agencies should have an efficient, coordinated system for early identification of banks and bank holding companies that encounter difficulty, and for close supervision where there is a risk of failure.

Hearings held in the Banking Committee reveal that coordination among the agencies is less than satisfactory. There is no standing mechanism for joint supervisory followup when banks are identified as problem banks by one or more of the three agencies. The recent failures of large national banks supervised by the Comptroller's Office which were subsidiaries of bank holding companies supervised by the Federal Reserve System and which had deposits insured by the FDIC, suggest that all three agencies become involved in almost all cases in which close supervision of a bank is required. The rapidity with which the condition of a bank can change argues for an improved capability for the Federal agencies to act jointly and expeditiously. The Federal Bank Examination Council to be established by this bill would be responsible for working out a cooperative arrangement among the three Federal agencies for identifying and supervising problem banks and for dealing with bank failures.

Experts on bank supervision have recommended that the three Federal agencies set up a computerized bank information network. The Federal Bank Examination Council should examine that recommendation as well as others that have been made to insure timely, accurate information on the condition of banks. It is especially important that the three Federal agencies not adopt information systems which are mutually incompatible or incomprehensible. The Comptroller of the Currency is presently beginning to implement recommendations made by the consulting firm of Haskins and Sells for improvements in his Office. The Council should review the actions underway and contemplated in the Comptroller's Office to determine whether the new procedures will be compatible, or can be rendered compatible with those of the FDIC and Federal Reserve System, and whether these changes should be adopted by all three agencies.

The Federal Bank Examination Council should also work toward a better articulation between State and Federal bank supervisory processes. Most banks in this country are State chartered banks subject to examination and supervision by State banking offices. Most State chartered banks are insured by the FDIC and many are members of the Federal Reserve System, and thereby subject to examination and supervision by one of those two Federal agencies. The duplication of effort by State and Federal bank examiners could be reduced, perhaps even eliminated in many States, if Federal procedures could be established for the certification of State bank supervisory agencies. The Conference of State Bank Supervisors testified before the Banking Committee on March 19 that—

> Capabilities of State banking departments have reached the point where the Conference believes that a State banking department upon filing a request with the . . . [FDIC] for authority to conduct its own examination of all State-chartered banks within its borders, should be granted this responsibility by the . . . [FDIC] in the absence of a clear showing by the . . . [FDIC] that the State banking department does not possess the capability necessary to warrant being certified.

Certification on a statewide scale is next to impossible given the absence of uniform examination standards and procedures at the Federal level. State banking agencies are forced to choose one of the three Federal agencies as a model for bank examination procedures or to establish an idiosyncratic State system.

The bill provides for formation of a liaison committee of State bank supervisory agency representatives which would work with the Federal Bank Examination Council to promote uniformity in State and Federal bank examination standards and procedures. The liaison committee and the Council should carefully consider the possibility of certification and other measures to encourage the growth of efficient State bank supervisory agencies.

Creation of the Federal Bank Examination Council would leave unchanged the present Federal bank regulatory structure, but would not preclude changes in that structure in the future. Indeed, experience with the Federal Bank Examination Council should help to indicate whether structural changes are necessary, and if so, what those changes should be. The Council would move ahead in an area where change is clearly needed. Governor Holland of the Federal Reserve Board testified before the Banking Committee on December 8 that there is strong support at the Board for creation of a Council to focus on: "efficient and uniform modernization of bank examination and vigorous and consistent followup procedures when bank weaknesses are revealed."

The expenses of the Federal Bank Examination Council will be shared equally by the three Federal banking agencies, each of which is supported by assessments on the banks it examines, not by appropriated funds. Assessments on the banks need not increase either; on the contrary, the cost of the Council should be more than offset by savings realized through standardization of examination forms and procedures, joint training of bank examiners, certification of State bank supervisory agencies and other measures to reduce the duplication of effort and increase efficiency in the Federal bank supervisory process.

This bill, by creating a Federal Bank Examination Council with authority to establish uniform Federal bank examination standards and procedures, takes a much needed practical approach toward resolving the problems which have arisen in bank supervision. Equally important, it does so without expanding the supervisory power of the Federal Government over banks, without altering the existing Federal regulatory structure, and with-

out eroding the dual banking system. If a Federal Bank Examination Council had been in existence, I believe we would have had fewer problem banks and fewer bank failures in recent years, and the failures which were unavoidable could have been dealt with more smoothly. We should adopt this bill now so that the Council will be in place to coordinate the Federal response to whatever difficulties may arise in the banking system in the future, as well as to improve the efficiency of Federal bank supervision.

By Mr. THURMOND:

S. 3497. A bill to establish the Congaree Swamp National Preserve in the State of South Carolina, and for other purposes. Referred to the Committee on Interior and Insular Affairs.

Mr. THURMOND. Mr. President, I am today submitting legislation to establish the Congaree Swamp National Preserve in the State of South Carolina. Similar legislation (H.R. 12111) has been introduced in the House by Congressman FLOYD SPENCE, with the cosponsorship of all the Members of the House of Representatives from South Carolina.

The Congaree Swamp is a unique forested lowland area, lying primarily along the north bank of the Congaree River, approximately 20 miles southeast of Columbia, S.C. The bill I am introducing today proposes that the U.S. Government acquire all or any portion of that section of the swamp known as the Beidler tract, consisting of about 15,000 acres.

UNIQUENESS AND NATIONAL SIGNIFICANCE

Mr. President, the Congaree Swamp has been called the greatest unprotected forest on the continent and with substantial good reason. The uniqueness and intrinsic value of this forested bottom are based on the near virgin state of its community of southern hardwood trees, including many aged specimen trees of gigantic proportions. Among these 200- to 400-year-old giants are 5 national record trees and 17 South Carolina record specimens.

The forest that covers most of the Beidler tract is the last major old growth stand of its type in the Southeast, as all other substantial virgin hardwood forests have been subjected to at least some logging by the timber industry. Within this tract is found a typical southern river bottom hardwood forest containing magnificent trees of the following species: sweetgum, blackgum, swamp white oak, southern red oak, willow oak, black oak, water tupelo, baldcyprus, and loblolly pine. A 1959 preliminary National Park Service study of the scenic, scientific, historical, and recreational values of the Congaree Swamp concluded that "a biological community of rare quality and considerable scientific value exist." These preliminary findings were reinforced by later Park Service investigations which found no other area in the Southeast of comparable geological and biological significance. Recently, the South Carolina Wildlife and Marine Resources Department studied the Beidler tract of the swamp and concluded that:

The geological and biological attributes of the area are in themselves worthy of National recognition and all the more so since they are unique.

In addition to it unique community of virgin hardwood of immense size and old age, Congaree Swamp has invaluable scientific value because of the well preserved ecological story of the development of the Congaree River channels through the ages. This is the significant geological attribute alluded to in the National Park Service and South Carolina Wildlife and Marine Resources Department studies.

Through the aeons of time, the Congaree River has shifted its course through the area numerous times. These past channels of the Congaree are easily recognizable over the whole of the swamp. Shallow, elongated curved lakes—known as "dead rivers"—sloughs and the distribution of tree species such as cottonwoods, occur throughout the swamp and are obvious indications of these abandoned river courses. These natural geological features tell a remarkable ecological story, which gives further reason to protect and interpret a representative portion of the swamp for the enlightenment of the visting public.

Additionally, over 100 bird species are known from the Beidler tract, including several rare nesting records of birds such as Swainson's warbler, Louisiana heron, Swallow-tailed kite, and the Mississippi kite. Those who have extensively studied the flora and fauna of the Congaree believe that the uncut portions of the Beidler tract provide the mature hardwood forest habitat necessary for less common bird species unable to survive except in such protected areas.

URGENCY OF PRESERVATION ACTION AND METHOD OF ACQUISITION

Mr. President, the previously mentioned unique and outstanding features of the Congaree Swamp have been known by a relatively small group of naturalists for some time. Efforts to preserve a portion of the swamp for posterity have been going on, with varying degrees of intensity, for over 20 years. However, in the early 1970's, local and State environmental groups learned that the Beidler family had initiated a systematic harvesting of overly-mature timber on their Congaree lands. A Congaree Swamp National Preserve Association was formed for the purpose of informing the public of the values of the area and the need for preservation.

Within the past 7 years, some 3,500 acres of the 15,135 acre Beidler tract have been subjected to some logging, or will be harvested under contracts now outstanding. The Beidler family has announced that it intends to let a contract for the harvesting of another approximately 500 acres later this year, and will continue cutting the timber on its Congaree lands at the rate of 500 or more acres each year.

At this rate of harvesting, the question of preserving what all agree is the unique, nationally significant heart of the Congaree Swamp—the Beidler tract—will soon become moot. The Beidler family has not been willing, for several reasons which must be respected, to put a moratorium on further timber harvesting. However, they have fully cooperated with the National Park Service in conducting an up-to-date feasibility study and timber cruise of their Congaree property. This timber valuation survey is now underway and should be concluded by the end of this calendar year. The Beidlers have stated that they are "sensitive to the interest which responsible conservation groups have in the preservation of representative stands of relatively undisturbed forest," and they have willingly discussed various methods of property acquisition with the Park Service.

Recognizing the urgency of prompt but responsible action to preserve a representative portion of the Congaree Swamp, the bill I am introducing today provides for a 90-day-delayed, legislative taking of the Beidler tract. This procedure would authorize the Secretary of the Interior, through the Park Service, to negotiate with the Beidler family the most desirable method and price of acquiring all or a portion of the family's Congaree Swamp lands. The property could be acquired through purchase, using already appropriated moneys out of the Land and Water Conservation Fund, through a land exchange, or a combination of methods.

However, if the parties are unable to agree on a satisfactory settlement within 90 days following enactment, the legislative taking provision would go into effect. Should this become the operative procedure, ownership of the property would immediately be vested in the U.S. Government and timber cutting on the Beidler property, if still in progress, would be immediately halted. The Beidlers would then have a lawful claim upon the U.S. Government to receive full compensation for the fair market value of their property, the value of which would be fixed at the time of the legislative taking.

Furthermore, to compensate the family for income foregone from timber harvesting during any interim period of claims settlement, I am proposing that the Secretary be authorized to provide reasonable compensation out of discretionary moneys available to him through the Land and Water Conservation Fund. Once the Park Service and the Beidler family reach agreement on the fair market value of the entire property, the Secretary of the Treasury is authorized to complete payment out of the moneys in the Land and Water Conservation Fund.

I believe this is a responsible acquisition approach which will: First, halt the cutting of virgin timber, which threatens to destroy the value of the proposed preserve, second, insure that the property owners' rights are respected, and that they receive fair compensation and a regular flow of income; and third, comply with the procedures of the new Budget Act.

ECONOMICS OF THE PROPOSAL

Mr. President, the Park Service has been working with the Beidler family toward obtaining a good estimate of the value of the Congaree Swamp holdings. While a final valuation will not be possible until the completion of a detailed timber cruise later this year, the Park Service has just recently computed what they believe is a fairly reliable, prelim-

inary estimate of the cost of acquiring the Beidler tract. This figure is quite substantial—$31.1 million—which represents a cost of just over $2,000 per acre for land and timber.

I emphasize that this is a preliminary cost estimate, and the final figure, based on the timber cruise soon to be completed, may be somewhat less. Furthermore, most of the property cost represents the value of standing timber, and it must be remembered that this is a near-virgin forest with merchantable trees of tremendous size. Also, the underlying land is not typical swampland, but rather is remarkably free from flooding 80 to 90 percent of the year.

Naturally, Mr. President, I have also carefully weighed the potential adverse economic effects of establishing this preserve. If the Beidler tract is established as a national preserve, Richland County, S.C., stands to lose some of its tax base, but the dimunition in property tax revenues would be slight—about $7,000 per year at current tax rates. To compensate for lost property tax revenues in such cases as these, Congress is now considering comprehensive "payments in lieu of taxes" legislation, to reimburse local governments for tax revenues foregone on federally owned property.

Of greater concern is the effect on forest and related industries in the area from removing this tract from multiple-use forest production. The forest industry ranks as the third largest manufacturing industry in South Carolina, generating over $1 billion in economic activity annually. It is generally agreed that the forest industry must double its production of wood products by the year 2000 to meet projected needs of our growing population and expanding economy. Thus, it would behoove us to be extremely judicious in removing lands from forest production.

This necessitates a well-reasoned balancing judgment on the part of Congress, which, after much thoughtful consideration, I believe should favor preservation of a limited portion of the 70,000-acre Congaree Swamp, as advocated in my bill. It is my position that the size of this Congaree Swamp National Preserve should be strictly limited to acreage necessary to protect the integrity of a representative, optimum-sized portion of this area's unique ecological resources—no more and no less. Thus, if, after a careful study of the area, the Park Service believes some of the Beidler Tract, especially those areas where timber has already been harvested, can realistically be excluded from the preserve, my bill provides that this can be done.

In the long run, it is believed that hardwood forests in the State can increase their production of hardwood to meet the demand. In the short run, the affected industries, particularly hardwood plywood manufacturers in the area, may have to import logs from other areas or make other adjustments. Furthermore, it should be pointed out that logging of the Beidler Tract is a relatively new phenomenon in the region, having begun in 1970. Thus, there has developed only a limited dependence on the forest resources of this property.

On the whole, establishing a national preserve in the Congaree Swamp should have substantial positive benefits for the area's economy. Such has been the general rule when other lands have been added to the National Park System, with increased tourist and related activities more than balancing income lost from present land uses.

Recreational use of the swamp would likely be constrained by flooding perhaps 10 percent of the year, and by heavy mosquito infestation another 10 percent, according to the recent study by the South Carolina Wildlife and Marine Resources Department. However, relatively pleasant recreation conditions would exist in the Beidler Tract about 190 days of the year, when the vast majority of the land would be reasonably dry. It is impossible to precisely predict the recreational potential of the site as a national preserve. However, it does have promise in this respect, judging from the thousands of persons advocating its preservation, many of whom have already visited parts of the Congaree Swamp. Furthermore, there is no doubt about the Beidler Tract's scientific value, since there is no other forest area quite like it in the country.

Mr. President, because the Beidler Tract of the Congaree Swamp contains a unique, near-virgin, river bottom, hardwood forest that is the last of its kind; because of the remarkable size of many of the trees and the likelihood of more record trees in the future if the forest is protected; because of the intriguing geological story of the development of the Congaree River through time, which is evident in the landscape of the area; and because there is no other natural area of similar resource values now in the National Park System; I believe the preservation of a limited, carefully selected portion of the Congaree Swamp for the benefit of present and future generations of Americans is justified. I, therefore, urge prompt enactment of this legislation.

Mr. President, for the benefit of my colleagues and other interested persons. I ask unanimous consent that the following documents be printed in the RECORD at the conclusion of my remarks:

First. An article from the May–June, 1976, issue of South Carolina Wildlife magazine entitled "Congaree Swamp Study Released."

Second. A list of the Record Trees of the Beidler Tract, as extracted from a December 1975 Vegetative Analysis of Preserve Alternatives Involving the Beidler Tract of the Congaree Swamp. This preliminary study was requested by Governor James B. Edwards.

Third. A copy of the bill being introduced.

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

[From South Carolina Wildlife, May–June 1976]

"CONGAREE SWAMP STUDY RELEASED"

"Congaree Swamp is a pristine wilderness and should be saved." "Congaree Swamp is a vital source of timber and should be carefully managed for wood production." These opposing battle cries are becoming familiar to many South Carolinians, especially residents of the midlands, as the controversy over the fate of Congaree Swamp continues to flare up in the headlines. Fuel was recently added to the fire when the South Carolina Wildlife and Marine Resources Department released its study of the Congaree situation in an innocent-sounding report entitled: "A Vegetation Analysis of Preserve Alternatives Involving The Beidler Tract of the Congaree Swamp."

At the same time the report clarifies several misconceptions about the swamp, it provides both sides of the controversy with plenty of ammunition. "A technical study of this sort can't resolve the issue, because that's a matter of values," explains Tom Kohlsaat, one of the authors of the study. "Rather, what we have attempted to do is provide a factual basis for resolving the issues—to show the consequences of preserving all or part of the Beidler property."

Of the basic principles involved in the study, the first is that Congaree Swamp is part of a vast bottomland forest system. Few people other than hunters and loggers have seen this forest on the Congaree River floodplain, where it spreads out over the relatively flat country below Columbia. Roads and buildings are expensive to build on the wet, silty soil deposited by the river's floodwaters, so few have occasion to go there.

In contrast to the difficulties man encounters in these bottomlands, trees find them quite to their liking. Frequent deposits of nutrient-laden silt and ample moisture account for rapid growth in those hardwood species able to tolerate occasional flooding.

In fact, a tremendous variety of tree species are scattered about a typical bottomland, each taking advantage of special conditions accompanying slight changes in relief. Cypress and water tupelo are found in the wettest depressions, also called "sloughs" and "guts", which contain standing water and nearly year-round. Passing to slightly higher and drier ground, a variety of oaks, hickories, ashes, plus red maple and hackberry are encountered. On the "ridges"— a curious term to a stranger to the flatlands, since they lie scarcely a few feet above the sloughs—sweetgums, other oaks and occasional ancient pines predominate.

These rich bottomlands, where a sweetgum can grow as fast and straight as a pine, have long been the backbone of the hardwood forest industry in the South. Here the hardwoods are found for floors, furniture, veneer paneling, and other necessities from axe-handles to railroad ties. Although we may only be dimly aware of their existence, and then more as a source of snakes and other imagined horrors than as a source of wood, we have grown quite dependent on these mysterious bottomland forests. In the case of the Congaree Swamp, this dependence has brought us to quite a pass; for here is found a remnant of the virgin forest once common before man turned on the forest with axe and saw. It is at once a valuable source of timber and the sole remnant of a virgin forest which has stood since time immemorial.

Although the forest does contain unusually large trees, including 16 certified state records, this fact alone does not account for the tract's true significance, according to the wildlife department study. More importantly, study findings suggest that the presence of these trees is not happenstance. Rather, it appears that the forest has always produced such giants and always will. Thus, as the present record-sized trees die, as they inevitably must, other trees, now only slightly smaller, will grow to record size. This is the cycle of life in what foresters call a balanced forest.

The principal agent of death for the larger trees appears to be the wind. In order to have adequate oxygen, the roots of bottomland trees are quite shallow in the wet soil

and are unsupportive. Hence, most trees succumb to windthrow long before reaching record size. As an old tree crashes to the ground, a sunlit opening is created in which hardwood seedlings can grow, and the cycle begins anew.

Here is the foresters' agony. Unless the felled tree is immediately removed, or better yet, all trees of respectable size are occasionally cut before they fall, the timber is lost to decay and rot. We must therefore decide where we want our wood—on the ground in the shade of giant trees, in a forest which has never known the axe, or in our furniture.

It is reasonable to ask, then, to what extent the Beidler Tract is capable of improving the supply of hardwood timber. The best answer so far is found in a brief analysis conducted by T. Dwight Bunce, a local economist, whose work was sponsored by preservationist groups. Based on a partial timber inventory and U.S. Forest Service statistics for the Columbia-Sumter market area, Bunce found that the Beidler Tract accounted for 1.8% of the hardwood timber supply in the market area it would serve, and 0.5% of the supply in all of South Carolina, a seemingly insignificant percentage.

Thus far, it appears to be people and their need for wood versus the trees. But is it really? According to the wildlife study, which merely summarizes other work on this point, people also figure on the side of the trees. It is often argued that bottomlands like Congaree are flooded frequently and are infested with mosquitoes and such; that they are fearsome places. In fact, the forest is quite pleasant, especially in the spring and fall. Although flooding is a problem, it occurs only about 10% of the days in a typical year, according to the study. Heavy mosquito infestations may account for another 10% leaving about 290 days a year for pleasant recreation conditions.

When people figure strongly on both sides of an issue, a compromise is usually called for, and the Congaree issue is no exception. Virtually all participants in the controversy favor setting aside some acreage. The question is how much? Proposals to date range from 1000 acres to the entire 15,000 acres of the Beidler Tract.

The study shows that the kinds of trees in the forest canopy and their associated shrubs, grasses, flowering plants and understory trees vary tremendously over the entire tract. To make the matter more complicated, strong variations are found within each portion, so a true representative of the tract's full diversity must include a sizable piece of the eastern and western portions. In the western portion, for instance, the best stands of sweetgum, cherrybark oak and scattered loblolly pines are found. In the wetter eastern portion, stands dominated by laurel oak, cypress and water tupelo show their best development. The unavoidable conclusion is that if the wide diversity of forest types represented in the Beidler Tract is valued as much as the mere presence of big trees, then at least 5000 to 7000 acres, including major blocks from both uncut portions, must be preserved.

In the end, such questions, and thousands of others can be answered only after years of research. Where the questions involve a forest touched only by natural disturbances, the uncut portions of the Beidler Tract are the only places left to find the answers. Meanwhile, the cutting continues.

RECORD TREES OF THE BEIDLER TRACT

Species	Circumference (at 4.5 ft.) (feet/inches)	Height (feet)	Spread (feet)
NATIONAL RECORDS			
Loblolly pine (pinus taeda) [1]	15/10	144	50
Overcup oak (quercus lyrata) [1]	21/10	150	87
Possumhaw (ilex decidua) [2]	1/8	30	45
Laurel oak (quercus laurifolia) [2]	20/8	111	58
Swamp tupelo (nyssa sylvatica var. biflora) [2]	12/10	101	60
STATE RECORDS			
Honeylocust (gleditsia triacanthos)	8/3	122	36
American hornbeam (carpinus caroliniana)	4/7	60	49
Water elm (planera aquatica) [1]	6/6	54	45
Sycamore (platanus occidentalis) [1]	14/8	147	90
Water tupelo (nyssa aquatical) [1]	20/2	90	56
Cherrybark oak (quercus falcata var. pagodaefolia) [1]	21/5	152	110
Swamp chestnut oak (quercus michauxi) [1]	16/5	150	87
White ash (fraxinus americana) [2]	15/3	135	80
Shumard oak (quercus shumarlii) [2]	16/4	127	65
American elm (ulmus americana) [2]	17/3	120	80
Willow oak (quercus phelos) [2]	18/3	135	85
Red bay (persea borbonia) [2]	5/5	67	45

[1] Nominated by John Cely and Jim Elder.
[2] To be nominated by South Carolina Wildlife Department.

Source: Excerpted from "A Vegetative Analysis of Preserve Alternatives Involving the Beidler Tract of the Congaree Swamp," South Carolina Wildlife and Marine Resources Department, December 1975.

S. 3497

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That in order to preserve and protect for the education, inspiration, and enjoyment of present and future generations an outstanding example of a near-virgin southern hardwood forest, there is hereby established the Congaree Swamp National Preserve (hereinafter referred to as the "Preserve"), which shall consist of the property depicted as the "Beider tract" on the map referred to in section 3 of this Act.

SEC. 2. The Secretary of the Interior (hereinafter referred to as the "Secretary") is authorized to acquire lands and interests in lands within the preserve by donation, purchase with donated or appropriated funds, or exchange, and he is directed to enter into immediate negotiations with the owners of property within the preserve for the acquisition thereof by purchase or exchange for other Federal property designated pursuant to subsection 3(b) of this Act. Notwithstanding any other provision of law, any agreement for acquisition may provide that the Secretary shall make payments to the owner from time to time in compensation for part or all of the standing timber on the property which, but for its acquisition by the United States would have been sold, and any funds available to the Secretary for Federal land acquisition purposes on the date of enactment of this Act shall be available for such payments.

SEC. 3(a). The Secretary shall advise the President of the Senate and the Speaker of the House of Representatives within 90 days of the date of enactment of this Act whether the property referred to in this section as the Beidler Tract has been acquired. Failing such advice or such acquisition, effective at noon on the 90th day following the date of enactment of this Act, there is hereby vested in the United States all right, title, and interest in, and the right to immediate possession of, all real property, including standing timber, located within the area depicted as the "Beidler Tract" on the map entitled "Congaree Swamp National Preserve", numbered CS-80,001, and dated April 1976, which is on file and available for public inspection in the office of the National Park Service, Department of the Interior, with the exception of lands or interests in lands owned by the State of South Carolina or its political subdivisions, and existing easements of public utilities. The Secretary shall allow for the orderly termination of all operations on real property acquired by the United States under this subsection, and for the removal of equipment, facilities, and personal property therefrom except that harvesting of timber, whether deemed real or personal, shall not be allowed.

(b)(i) The United States will pay just compensation to the owner of any real property, including standing timber, taken by subsection (a) of this section, and the full faith and credit of the United States is hereby pledged to the payment of any judgment entered against the United States pursuant to the provisions of this Act. Payments shall be made either: (A) by the Secretary of the Treasury from moneys available and appropriated from the Land and Water Conservation Fund, upon certification to him by the Secretary of the agreed negotiated value of such property, or the valuation of the property awarded by judgment, including interest at the rate of 6 percentum per annum from the date of taking to the date of payment therefore; or (B) by the Secretary, if the former owner concurs, with any federally owned property available to him for such purpose in accordance with paragraph (ii) of this subsection; or (C) by the Secretary using any combination of such moneys or federally owned property. Any action against the United States for just compensation for any lands or interests taken by subsection (a) of this section shall be brought in the district court of the United States for the district in which such property is situated. In the absence of a negotiated agreement or any action by the former owner within one year after the date of enactment of this Act, the Secretary may initiate proceedings at any time seeking a determination of just compensation in the district court of the United States for the district in which the property is situated. In the event that the Secretary determines that fee simple title to any property taken under this section, including but not limited to portions of the "Beidler Tract" from which timber has been harvested within the eight years immediately preceding enactment of this Act, is not necessary for the purposes of this Act, he may with the concurrence of the former owner, revest title

in such property to such former owner subject to such terms and conditions as he deems appropriate to carry out the purposes of this Act, and he may compensate the former owner for no more than the fair market value of the rights so reserved, except that the Secretary may not revest title to any property for which just and full compensation has been paid.

(ii) Notwithstanding any other provision of law, for the purposes of this Act, any federally owned property within the State of South Carolina designated by the Secretary, except property needed for national defense, public health, public park, historic monument, or public educational purposes, shall be available for acquisition herein authorized by exchange and for use by the Secretary in lieu of, or together with, cash in payment of just compensation for property taken by subsection (a) of this section. The head of the administering agency is authorized to transfer administrative jurisdiction over any property so designated to the Secretary for use in accordance with this Act.

(c) Within two years after the date of enactment of this Act the Secretary shall review the area depicted as "study area" on the map referred to in subsection (a) of this section and he shall advise the President of the Senate and the Speaker of the House of Representatives as to any lands and interests therein within such area that are necessary or desirable for purposes of resource protection, scenic integrity, or future management and administration of the preserve in furtherance of the purposes of this Act.

(d) With respect to any portion of the area acquired under the provisions of this Act which at the time of its acquisition is leased for hunting purposes, the Secretary shall acquire such portion subject to such lease, and he shall permit the continued exercise of hunting privileges, consistent with applicable Federal and State game laws, in accordance with the terms of any such lease for the unexpired term thereof or for a period of five years, whichever is less. If a lease is still outstanding at the end of five years following acquisition and the general management plan for the preserve provided for in section 5(a) is not ready to be at that time, such lease shall continue until its expiration implemented/or until the leased portion of the preserve is ready for management in accordance with such plan.

SEC. 4. The Secretary shall administer the preserve in accordance with the Act approved August 25, 1916 (39 Stat. 535), as amended and supplemented, and the provisions of this Act.

SEC. 5(a). The Secretary, in consultation with the Governor of South Carolina, shall formulate standards for the development, preservation, management, and public use of the preserve, and the Secretary is authorized to develop jointly with the Governor a general management plan for the implementation of such standards. The Secretary shall transmit the plan, together with an estimate of the costs of developing, operating, and managing the preserve for public benefit and use, to the Speaker of the House of Representatives and the President of the Senate not later than two years from the effective date of this Act.

(b) In exercising his responsibilities under this Act, the Secretary is authorized to enter into a cooperative agreement or agreements with the Governor of South Carolina and an appropriate agency (or agencies) of the State of South Carolina pursuant to which (1) such agency may, consistent with the standards formulated pursuant to subsection (a) of this section, develop, operate, and maintain the preserve, and (2) the Secretary may make available to such agency funds appropriated to him for operation of the national park system in order to defray in whole or in part the costs of such development, operation, and maintenance of the preserve.

(c) Within two years from the effective date of this Act, the Secretary shall review the area within the preserve and shall report to the President, in accordance with subsections 3(c) and 3(d) of the Wilderness Act (78 Stat. 890; 16 U.S.C. 1132(c) and (d)), his recommendation as to the suitability or nonsuitability of any area within the preserve for preservation as wilderness, and any designation of any such area as a wilderness area shall be accomplished in accordance with said subsections of the Wilderness Act.

SEC. 6. The Secretary shall permit hunting, fishing, and trapping on lands and waters under his jurisdiction within the preserve in accordance with applicable Federal and State laws, except that he may designate zones where and establish periods when no hunting, fishing, or trapping shall be permitted for reasons of public safety, administration, fish or wildlife management, or public use and enjoyment. Except in emergencies, any regulations promulgated under this section shall be placed in effect only after consultation with the appropriate fish and game agency of the State of South Carolina.

SEC. 7. There are authorized to be appropriated out of the Land and Water Conservation Fund in the Treasury of the United States such sums as may be necessary for the acquisition of property, but not to exceed $31,100,000.

By Mr. HOLLINGS (for himself and Mr. THURMOND):

S. 3498. A bill to authorize the establishment of the Congaree Swamp National Preserve in the State of South Carolina, and for other purposes. Referred to the Committee on Interior and Insular Affairs.

Mr. HOLLINGS. Mr. President, I rise today to introduce, in my behalf and that of my colleague Senator THURMOND, a bill to authorize the establishment of the Congaree Swamp National Preserve in my native State of South Carolina.

Some background is in order, both to explain the basic thrust of this legislation and to clear up the controversy which has surrounded the issue of establishing the Congaree Swamp as a national preserve.

It is important for the Senate to realize that the Congaree Swamp, located a few miles southeast of the State capital of Columbia, is one of the Nation's great virgin swamp forests. Stretching throughout its environs are six of the largest types of trees which grow in the United States, including 700-year-old cypress trees. It is the last large remnant of original bottomland hardwood forest in the Southeastern United States. Without question, the Congaree Swamp is of inestimable value to the citizens of South Carolina and the Nation as one of nature's most pristine areas. Clearly, every effort should be made to preserve the swamp in its existing state.

Efforts to preserve the swamp began over a dozen years ago, and I was involved in these efforts at an early date. Some 10 years ago, when I first arrived in the Senate, two very distinguished South Carolinians—Mr. Ambrose Hampton of Columbia and Mr. Peter Manigault of Charleston—approached me about preserving the swamp. They pointed out that approximately 15,000 acres in the center of the swamp were privately owned—by the Beidler family of Chicago—and that the State of South Carolina and the Federal Government ought to get together to arrange for the purchase of a certain amount of the acreage.

At that time, the Beidlers were not interested in selling. I kept up my efforts to persuade the Beidlers to sell some of the acreage, at least, and a little over a year ago, I finally persuaded them to yield 5,000 acres.

Now, of course, with a changed interest in selling, the Beidlers are willing to dispose of the entire tract—15,135 acres—instead of the 5,000 acres. No exact figure has been established on the purchase price, but the Department of the Interior has estimated the value at $31.1 million. I want to emphasize that this was an informal estimate of the cost to the Federal Government.

In any event, since that $31.1 million informal estimate was made, I have perceived a very real problem with the Federal budget and the new budgetary process in the Congress. To put my problem in a perspective that I am sure many of my colleagues will understand, I recently received a letter from Governor Edwards of South Carolina asking that I go along with this multimillion-dollar purchase of the Congaree Swamp by the Federal Government, and the next afternoon I received a telegram from him admonishing me to balance the Federal budget.

As a member of the Senate Budget Committee, I am absolutely supportive of our new budgetary process. I think it presents the Congress with its best—possibly its only—chance to get a grip on Federal spending. And I know that you cannot have it both ways—you agree to set a spending limit and stick by it or you go ahead and bust the budget.

So, I begin to look very closely at the possible avenues for funding the purchase of the Congaree Swamp. I was told that the Interior Department had some funds in the land and water conservation fund that could be made available for the purchase. But the situation is murky; apparently, while the Park Service has been interested in obtaining the acreage, just as apparently the Office of Management and Budget has been opposed to spending the money for this endeavor. It should have been pointed out long ago that the Ford administration officially opposed the purchase of Congaree Swamp as a national preserve, and it still does.

There is another budgetary problem involved in the legislation which has been introduced in the House. In order to authorize any funds for the purchase this year, the request should have been reported out of committee in both houses by May 15, under the new budget rules for authorizations for the next fiscal year. It was impossible to meet this deadline in the House or the Senate, however, and so we are presented with the necessity of getting a waiver for the purchase funds. And not only must we get a waiver, at the present time we are not even sure what the final purchase price will be.

I find the necessity for securing a waiver for the purchase funds generally unacceptable. If such action can be

justified in this case, then surely it can be justified in many others, and we will have succeeded in chipping away at the foundations of the new budgetary process. Additionally, pursuing a waiver for these funds involves a certain delay.

It is in an effort to speed the process of preserving the Congaree Swamp that Senator Thurmond and I offer this legislation today. We both recognize that the funds necessary for the purchase of the swamp are already contained in the land and water conservation fund administered by the National Park Service. All we are doing with this legislation is authorizing the Park Service to designate and administer the 15,000 acres in question as a national preserve, securing the acreage with funds already authorized in the Federal budget for such projects. This is, in our view, the simplest and most reasonable manner in which the Congress can resolve this matter, and we ask our colleagues to give their full support to this effort.

I ask unanimous consent that our bill, S. 3498, be printed in the RECORD.

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

S. 3498

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Congaree Swamp National Preserve Act of 1976".

SEC. 2. (a) FINDINGS.—The Congress finds and declares the following:

(1) The Congaree Swamp represents the last large remnant of original bottomland hardwood forest in the Southeastern United States.

(2) This bottomland forest contains a rich variety of hardwoods which are unique in age, size, and beauty in the region, as well as valuable and uncommon wildlife habitat.

(3) This bottomland forest is located close to a large metropolitan area and, accordingly, it is of great value as a source of environmental and historical education, recreational opportunities, scientific studies and interpretive programs for hundreds of thousands of urban dwellers and visitors in the State of South Carolina.

(4) This area is currently threatened with spoilation and ecological damage through extensive timbering activities.

(5) Despoilment of this bottomland forest will result in the irrevocable and permanent loss of a unique social, recreational, historical, educational, and environmental asset.

(b) POLICY.—It is therefore declared to be the policy of the Congress in this Act to preserve the Congaree Swamp through the establishment of the Congaree Swamp National Preserve.

SEC. 3. DESIGNATION.—The Secretary of the Interior (hereinafter referred to as the Secretary) is authorized to designate by publication of a map or other boundary description in the Federal Register all or any portion of the property known as the Beidler tract consisting of fifteen thousand acres, more or less, and situated in the Congaree River floodplain in Richland County, South Carolina, for establishment as the Congaree Swamp National Preserve (hereinafter referred to as the Preserve). Following reasonable notice in writing to the Committees on Interior and Insular Affairs of the Senate and House of Representatives of his intention to do so, the Secretary may revise the boundaries of the area so designated by publication of a revised map or other boundary description in the Federal Register.

SEC. 4. (a) ACQUISITION.—Within the area designated pursuant to section 1 of this Act, the Secretary is authorized to acquire lands, waters, and interests therein by donation or by purchase with donated and/or appropriated funds.

(b) LIMITATIONS.—With respect to any portion of the area acquired under the provisions of this Act which at the time of its acquisition is leased for hunting purposes, the Secretary shall acquire such portion subject to such lease, and he shall permit the continued exercise of hunting privileges, consistent with applicable Federal and State game laws, in accordance with the terms of any such lease for the unexpired term thereof or for a period of five years, whichever is less. If a lease is still outstanding at the end of five years following acquisition and the general management plan for the Preserve provided for in section 6(a) is not ready to be implemented at that time, such lease shall continue until its expiration or until the leased portion of the Preserve is ready for management in accordance with such plan.

SEC. 5. (a) ESTABLISHMENT.—When the Secretary determines that he has acquired sufficient property to constitute an administrable unit for the purposes of the Act he shall establish the area designated pursuant to the first section of this Act as the Congaree Swamp National Preserve by publication of a notice to that effect in the Federal Register. Pending such establishment and thereafter, the Secretary shall administer property acquired for the Preserve in accordance with the Act of August 25, 1916 (39 Stat. 535), as amended and supplemented, and the provisions of this Act.

(b) COOPERATIVE AGREEMENTS.—In exercising his responsibilities under this Act the Secretary is authorized to enter into a cooperative agreement or agreements with an appropriate agency of the State of South Carolina pursuant to which (1) such agency may, consistent with the standards formulated pursuant to section 6(a), develop, operate, and maintain the Preserve, and (2) the Secretary may make available to such agency funds appropriated to him for operation of the national park system in order to defray in whole or in part the costs of such development, operation, and maintenance of the Preserve.

SEC. 6. (a) MANAGEMENT PLAN.—The Secretary shall formulate standards for the development, preservation, management, and public use of the Preserve, and the Secretary is authorized to develop a general management plan for the implementation of such standards. Such standards may be formulated and such plan may be developed jointly with an appropriate agency of the State of South Carolina. The Secretary shall transmit the plan, together with an estimate of the costs of developing, operating, and managing the Preserve for public benefit and use, to the Speaker of the House of Representatives and the President of the Senate not later than two years from the effective date of the Act.

(b) WILDERNESS AREAS.—Within two years from the effective date of this Act, the Secretary shall review the area within the Preserve and shall report to the President, in accordance with section 3(c) and 3(d) of the Wilderness Act (78 Stat. 890; 16 U.S.C. 1132 (c) and (d)), his recommendation as to the suitability or nonsuitability of any area within the Preserve for preservation as wilderness. Designation of any such area as a wilderness area shall be accomplished in accordance with such sections of the Wilderness Act.

SEC. 7. RESTRICTED ACTIVITIES.—The Secretary shall permit hunting, fishing, and trapping on lands and waters under his jurisdiction within the Preserve in accordance with applicable Federal and State laws, except that he may designate zones where and establish periods when no hunting, fishing, or trapping shall be permitted for reasons of public safety, administration, fish or wildlife management, or public use and enjoyment. Except in emergencies, any regulations promulgated under this section shall be placed in effect only after consultation with the appropriate fish and game agency of the State of South Carolina.

SEC. 8. AUTHORIZATION.—The Secretary of the Treasury is directed to make payments from the Land and Water Conservation Fund (16 U.S.C. 460), which are available for Federal purposes thereunder, *such amounts* as may be necessary for acquisition of lands, waters, and interests within the area designated pursuant to section 3. The payments shall be made upon certification to him by the Secretary of the Interior of the agreed negotiated value of such lands, waters, and interests.

ADDITIONAL COSPONSORS

S. 2387

At the request of Mr. BAYH, the Senator from Iowa (Mr. CLARK), the Senator from New Hampshire (Mr. DURKIN), the Senator from Colorado (Mr. GARY HART), the Senator from Colorado (Mr. HASKELL), and the Senator from South Dakota (Mr. MCGOVERN) were added as cosponsors of S. 2387, the Petroleum Industry Competition Act, as amended.

S. 2925

At the request of Mr. MUSKIE, the Senator from Ohio (Mr. TAFT) was added as a cosponsor of S. 2925, the Government Economy and Spending Reform Act of 1976.

S. 3165

At the request of Mr. PELL, the Senator from Hawaii (Mr. FONG) was added as a cosponsor of S. 3165, a bill to establish a national marine science and technology policy.

S. 3182

At the request of Mr. TAFT, the Senator from Alabama (Mr. ALLEN) and the Senator from Florida (Mr. CHILES) were added as cosponsors of S. 3182, a bill to amend the Occupational Safety and Health Act of 1970.

S. 3359

At the request of Mr. CHILES, the Senator from Ohio (Mr. TAFT) was added as a cosponsor of S. 3359, to establish a Commission on Federal Aid Reform.

AMENDMENTS SUBMITTED FOR PRINTING

LOBBYING DISCLOSURE ACT OF 1976—S. 2477

AMENDMENT NO. 1704

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

Mr. METCALF. Mr. President, I am convinced that we can and should provide for meaningful disclosure by interest groups which spend significant amounts for lobbying.

But I am no less convinced that we can and should do so without massive Federal intrusion into the activities of every private organization in the country and without creating a new growth industry—of accountants, lawyers, bureaucrats, computer inputters and the like—to handle unnecessarily detailed or intricate reporting requirements.

The amendment that I am now introducing will replace a series of such re-

quirements in the Lobbying Disclosure Act of 1976 (S. 2477). I refer, Mr. President, specifically to two provisions in section 6 of this measure.

First, as reported, subsection 6(c)(2) will require some—but not all—organizations which engage in lobbying to identify every paid officer, director, or employee who makes even a single telephone call or who chats briefly in the hallway with one Member of Congress or staff aide.

Moreover, for each such officer or employee, the organizations which are covered will be required to describe each issue with respect to which their "oral" lobbying communications were made. And if any officer or employee deals with more than 10 issues, then the organization would be responsible for reporting the 10 issues which accounted for the greatest proportion of the oral lobbying communications in which he or she engaged.

Now the "10 most wanted" issue lists of the various Washington representatives may liven up the chit chat on the cocktail circuit here.

Beyond that, however, such a requirement will have little socially redeeming value. And its fulfillment obviously will be unduly burdensome for many organizations and their employees.

But the language of subsection 6(c)(2) does not stop here. There is an escape hatch, which is why I noted a moment ago that some, but by no means all, organizations which lobby will have to meet this reporting requirement.

The route to avoidance of identifying those who speak for an organization is found in a proviso of the subsection which excuses the naming of any officer, director, or employee which the sponsoring organization—or, presumably, any other organization—has "solicited" to make a lobbying communication on its behalf.

Under this proviso, for example, any vice president for public affairs only has to distribute a memo requesting or requiring lobbying communications by 25 or more other officers or directors—or 100 other employees— to cloak the activities of such spokesmen in anonymity. This escape hatch can be used either as the occasion warrants, when the issue involved is particularly sensitive or when the identity of the spokesmen could prove embarrassing, or on a routine basis for all of the organization's lobbying activities.

Obviously, only those organizations which are either unable—because they do not have the requisite number of paid directors or employees—or are unwilling to employ this device will have to provide the identification and issue lists in their quarterly reports.

Mr. President, the rationale for this bizarre requirement escapes me.

I believe we can reasonably expect organizations to describe each issue on which they have taken an active interest, and my amendment retains subsection 6(c)(1) to accomplish this. Additionally, I believe we ought to know the names of the chief spokesmen of the various groups that engage in lobbying communications.

Thus, rather than simply striking subsection 6(c)(2), my amendment will replace the present language with a requirement limited to the identification of only those paid officers or employees who lobby on part or all of 5 days during the quarterly period.

Mr. President, my amendment also eliminates a bewildering array of reporting requirements pertaining to lobbying solicitation. To illustrate what actually is involved in these requirements—contained in subsection 6(d) of S. 2477—I have had prepared a portion of the report of a hypothetical, medium-sized trade association.

Under the present language, such an organization—which already has crossed the threshold and become a lobbyist because of other lobbying activities—will be required to report the following as the result of placing newspaper advertising on one issue; and I ask unanimous consent that the excerpt be printed in the RECORD at this point.

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

INFORMATION THAT WOULD BE REQUIRED BY SEC. 6(d) OF S. 2477 IN THE QUARTERLY REPORT OF A HYPOTHETICAL ORGANIZATION WHICH BECOMES A LOBBYIST UNDER SEC. 3(a)(2)

ORGANIZATION—AMERICAN ASSOCIATION OF WIDGET MANUFACTURERS (AAWM)

SEC. 6(d)(1).—In favor of sec. 12 of H.R. 6709 which establishes a tariff on widget imports. In favor of sec. 304 of S. 3101 providing for research funding for the production of energy consumption for widgets. Opposed to reorganization plan No. 34 of the President which removes regulation of widgets from the Department of Commerce and places it with the ICC. In favor or sec. 7 of H.R. 4320, providing for a tax reduction for the recycling of used widgets. Opposed to sec. 23 of H.R. 6709, providing for an import tariff on zinc alloyed oxide.

SEC. 6(d)(2).—Newspaper advertisements were taken out for a campaign on one issue. The general membership is solicited to lobby on certain issues through our weekly newsletter, "Widget Manufacturing," through special mailings on selected issues and through our regional and national conferences and meetings. We requested other organizations to solicit membership on certain issues.

SEC. 6(d)(3).—Newspaper solicitations reached approximately 3,700,000 persons. All 1,512 member firms have been solicited on issues by the AAWM; all four regional affiliates have also been solicited, as well as 78 officers, directors and employees of the AAWM; membership is located in 35 States; no State has received more than 10 percent of the total number of solicitations made.

SEC. 6(d)(4).—Newspaper advertising costs on one solicitation:

Total direct expense..... 24,060

SEC. 6(d)(4)(B).—Each regional association solicits all member firms within the association which total 1,512 companies:

Eastern Association: 392 member firms; N.Y. 118, N.J. 82, Penn. 84, Delaware 6, Rhode Island 11, Mass. 59, Conn. 21, Md. 11;

Midwestern Association: 424 member firms; Ill. 96, Ohio 84, Mich. 72, Ind. 18, Wis. 43, Minn. 57, Neb. 10, Kan. 23, Ia. 21;

Southern Association: 331 member firms; Texas 81, La. 29, Ga. 36, Fla. 54, Va. 22, N.C. 38, Ala. 31, Tenn. 21, Ky. 19;

Western Association: 365 member firms; Calif. 129, Ore. 51, Wash. 68, Colo. 32, Mont. 9, Wyo. 11, Ariz. 41, N.M. 13, Ida. 11.

Mr. METCALF. Mr. President, the material contained in this submission—the product of requirements contained in a single subsection, occupying a single page of S. 2477—is the stuff of which doctoral dissertations are made. No doubt, it will nourish a whole new complex of hungry computers, which eventually can disgorge printouts that will be best sellers for those studying communication patterns in the governmental process.

But, whatever the merits of such research, I do not see how we can justify placing the burden of reporting this data—and the cost of processing the blizzard of paper this requirement will generate—on private organizations throughout the Nation and, ultimately, the taxpayers as well.

In short, the numbers game which must be played under provisions of paragraphs 2 through 4 of subsection 6(d) should be called for lack of interest on the part of the general public.

What I am proposing is to strike all of these paragraphs, and to substitute a requirement for a simple acknowledgment of each issue on which the lobbying organization engaged in solicitation.

Mr. President, our experience with the Federal Election Campaign Act, another reform measure, should be instructive in developing meaningful reporting requirements for lobbying disclosure.

What we require those who engage in lobbying to report should be unambiguous and readily understandable both to the organizations involved and to those who must enforce disclosure.

We should limit reporting to the essentials, to the information we are certain that Members of Congress and the people need to know in order to carry out their respective responsibilities as representatives and concerned citizens. We should avoid like the plague items that someone, somewhere thinks might be nice to know about someday.

Otherwise, if we include unduly burdensome and essentially irrelevant requirements such as those my amendment seeks to eliminate, we will only bury the hard facts of disclosure irretrievably in a mountain of waste paper.

I ask unanimous consent that my amendment be printed at this point in the RECORD.

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

AMENDMENT NO. 1704

On page 47, beginning with line 17, strike out all through page 48, line 6 and insert in lieu thereof the following:

"(2) an identification of each officer, paid director, or paid employee who engaged in lobbying communications on any part of each of five days during the quarterly reporting period; and".

On page 49, line 1, beginning with "The" strike out all through "issues' on line 4, and insert in lieu thereof the following:

"The report shall also contain a statement of each issue with respect to which the lobbyist engaged in lobbying solicitation during the period, either directly or through a legislative agent,".

On page 49, beginning with "employees" strike out all through affiliates—"on lin 10, and insert in lieu thereof the following "employees, of the lobbyist; or twelve or more affiliates.".

On page 49, beginning with line 11, strike out all through page 50, line 23.

ANTITRUST IMPROVEMENTS ACT—H.R. 8532

AMENDMENT NO. 1705

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

Mr. BUCKLEY submitted an amendment intended to be proposed by him to Amendment No. 1701, proposed to the bill (H.R. 8532) to amend the Clayton Act to permit State attorneys general to bring certain antitrust actions, and for other purposes.

FEDERAL PROGRAM INFORMATION ACT—S. 3281

AMENDMENT NO. 1706

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

Mr. PERCY. Mr. President, I am today introducing an amendment to S. 3281, the Federal Program Information Act, directing that the legislation be implemented by the General Services Administration, as opposed to leaving the President total discretion as to where and how this legislation is to be executed.

The Federal Program Information Act is an important initiative toward bringing Government closer to the people. The Federal Government presently appropriates some $60 billion each year for over 1,000 Federal grant-in-aid programs for the States, localities, and individuals. Yet because of the sheer complexity of these programs, their differing requirements, procedures, and organizational structures, many potential recipients are left ignorant or confused about the fact that money is available to them at all, or how to go about obtaining it. As a result, the intention of Congress to benefit certain governments and individuals is thwarted, and the acquisition of Federal grant money is determined too frequently more on the basis of gamesmanship or "grantsmanship" than true need.

The Federal Program Information Act, by applying modern computer data processing technology to the Federal grant-in-aid programs, will help disseminate basic, necessary information to potential beneficiaries in a clear and understandable form.

For these reasons, I fully support this important legislation.

The one problem I find with S. 3281 as drafted is a mechanical one regarding the manner in which the new Federal Program Information Center is to be established. The legislation presently leaves total discretion to the President to establish this center wherever he wants in whatever form he wants. I believe it is incumbent upon the Congress, in creating new programs of this importance, to at least determine where within the organizational structure of the executive branch the new program should be placed. As we all know, the ways of bureaucracy are such that a program misplaced may very well be a program doomed to failure.

I have examined a number of alternative suggestions as to where the new center would best be located within the executive branch. I have concluded the most conducive spot would be within the General Services Administration.

The new Program Information Center is intended to provide a Government-wide service, collecting information on grant programs in all departments and agencies of the executive branch. As such, if it is to succeed, I believe this new center must be attached to an agency with Government-wide responsibilities. Otherwise, it will be destined to face unnecessary bureaucratic roadblocks and other such hurdles.

I have examined two such Government-wide entities, the Office of Management and Budget and the General Services Administration, as potential homes for the new Federal Program Information Center. Between the two, GSA displayed a much greater capacity to handle such a program.

GSA is an operational unit of the executive branch, while OMB is a policy unit. As such, GSA is more experienced and institutionally suited to actually implement a complex program of the sort envisioned here.

More importantly, GSA has already established a series of 37 Federal Information Centers across the country where people can call in and obtain basic information concerning Government programs and offices. Placing the new Center in GSA would therefore complement an existing structure, rather than requiring the creation of a totally new one.

My amendment will simply direct the President to establish the new Federal Program Information Center within the General Services Administration. It makes no other alterations of any kind in the legislation. It is my understanding that this amendment is consistent with the positions of the OMB, GSA and the Department of Agriculture.

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

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

AMENDMENT NO. 1706

On page 1, line 7, insert the following: After "establish" insert "within the General Services Administration".

NOTICE OF HEARING

Mr. EASTLAND. Mr. President, on behalf of the Committee on the Judiciary, I desire to give notice that a public hearing has been scheduled for Friday, June 4, 1976, at 9:30 a.m., in room 2228, Dirksen Senate Office Building, on the following nomination:

John P. Crowley, of Illinois, to be U.S. District Judge for the northern district of Illinois, vice Richard B. Austin, retired.

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

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

HEARING ANNOUNCED ON NURSING HOME FIRES

Mr. MOSS. Mr. President, I wish to announce joint hearings by my Subcommittee on Long-Term Care of the Senate Committee on Aging and the Subcommittee on Health and Long-Term Care of the House Select Committee on Aging, chaired by Congressman CLAUDE PEPPER of Florida.

The hearings will be held on June 3 in room 318—the Senate Caucus Room—of the Russell Senate Office Building, at 9:30 a.m.

Witnesses will include representatives of the U.S. General Accounting Office, the National Fire Protection Association and officials responsible for investigating the recent and tragic nursing home fires which occurred in Chicago a few weeks ago. We hope to explore the significant Federal issues involved and to ascertain if there is a need for the enactment of new legislation to protect the one million Americans who reside in nursing homes.

ANNOUNCEMENT OF SEMINAR ABOUT ALASKAN NATIVES

Mr. METCALF. The American Indian Policy Review Commission will hold the 13th in its series of congressional seminars on Monday, June 7, from 10 a.m. until 12:30 p.m. in the Rayburn House Office Building, room B-308.

This seminar will feature a panel discussion about Alaskan Natives. For further information contact Grace Thorpe. 225-1284.

CANCELLATION OF HEARINGS

Mr. METCALF. Hearings on Indian economic development, previously scheduled to be held by the American Indian Policy Review Commission on May 29 and 30 outside Phoenix, Ariz., have been cancelled by Commission Chairman Senator JAMES ABOUREZK.

Despite the cancellation of the formal hearings, anyone wishing to submit written testimony to the Commission may do so.

Testimony should be sent to the American Indian Policy Review Commission, HOB Annex No. 2, Second and D Streets SW., Washington, D.C., 20515.

ANNOUNCEMENT OF HEARINGS

Mr. METCALF. The American Indian Policy Review Commission, Task Forces No. 2, and No. 4 on Tribal Government, and Federal, State and Tribal Jurisdiction, announces public hearings to be held June 2 and 3, 1976, from 9:30 a.m. to 5:30 p.m. at the Phoenix Indian School, Phoenix, Ariz., for Arizona and New Mexico Indian tribes.

For further information contact Paul Alexander at 202-225-2235, 2984 or 2979 or write the American Indian Policy Review Commission, HOB Annex No. 2, Second and D Streets SW., Washington, D.C. 20515; or Judge William R. Rhodes

of the Gila River Indian Community at Sacaton, Ariz., at 602-276-1857.

ADDITIONAL STATEMENTS

OSHA INSULTS THE FARMERS AND WASTES THEIR MONEY

Mr. CURTIS. Mr. President, see the Senator rise. See the Senator make a speech. A speech is a group of words put together to make a point. Beware of speeches. They can trip you up. You should post signs when speeches are to be made.

You probably think I have taken leave of my senses. Or you are offended by the childish tone of my opening remarks. I hope you are offended, because that is my reaction to a Government pamphlet entitled, "Safety With Beef Cattle."

The pamphlet was issued this year by the Occupational Safety and Health Administration which, in its infinite wisdom, is issuing booklets in lay language for various industries to explain its regulations, because up until now, nothing of an explanatory nature has been available. All OSHA has been coming up with are fines and citations.

Now we have booklets. And what fine pieces of literature they are!

I have in my office about 30 of these booklets put out at Government expense by OSHA and the Department of Labor. These publications account for some of the outrageous cost of OSHA to taxpayers. OSHA spent $293.3 million between April 1971 and July 1975, and by some estimates, will spend as much as $116 million this fiscal year.

As far as these pamphlets go, the public is being fleeced.

Some of the pamphlets are informative and well-written. Many of them make honest attempts to explain the regulations pertaining to specific industries in language compatible with the technical language of the industry.

So you can imagine my outrage when I realized that only for farmers, only for the food producers of America, is the language used by OSHA so childish, so trite, and so incredibly arrogant and insulting that it nearly leaves me speechless.

In the pamphlets for other industries, the language is comparable to the language of the industry, and the type of print is average. It is the basic size of printing you find in most books and publications.

Then we see the booklet for cattle producers called "Safety With Beef Cattle." The print is huge, the type used in Dick and Jane books for first-graders.

And the way the book is written is demeaning.

"Be careful around the farm. . . . Hazards are one of the main causes of accidents. A hazard is anything that is dangerous.

And it goes on in this supercilious tone addressing men who have been farmers and feeders all of their lives, many of them with college degrees in agricultural science.

Does OSHA think these people cannot read?

Put away tools, equipment and feed when not using them. . . . When floors are wet and slippery with manure, you could have a bad fall. . . . If your ladder is broken, do not climb it.

I am so thankful someone put this into writing, to save our Nation's farmers from further humiliating pratfalls.

Everyone at OSHA must still think of farmers as "hicks." As an article this week in U.S. News & World Report states:

. . . the "hick" of yesterday is today the most potent force in the entire U.S. economy—producing more, buying more, exporting more goods by far than any other business in the country.

And yet OSHA tells farmers: "Wear clothes that fit right." And to cattle feeders dealing in one of the biggest industries in the country, OSHA says:

Be careful when you are handling animals. Tired or frightened cattle can bolt and trample you. Be patient, talk softly around the cows. Don't move fast or be loud around them. If they are upset, don't go into the pen with them.

According to U.S. News & World Report:

Total sales of agricultural products abroad this year will bring in an estimated 22 billion dollars—far and away the largest single source of U.S. sales abroad. Chemical exports last year were a distant second at 9 billion.

OSHA does not talk down to chemists, but here is what it says to farmers:

Many people trip over animals and fall. You can get too tired when working with cattle. Tired people make mistakes and can be hurt.

Productivity on family farms outstrips that of every other industry in the country. Each farmer feeds himself and 48 other people. It takes intelligence, hard work, and stamina to run a farm, obviously, more than it takes to write pamphlets for OSHA.

I am outraged at the demeaning tone of the instructions to farmers. I am insulted as a taxpayer that we are paying for these insults.

I understand the pamphlet was prepared by Wayne L. Singleton, extension animal scientist, beef, Purdue University; Kenneth M. Weinland, extension veterinarian, Purdue University; and Gay L. White, information specialist, Purdue University. They worked under contract with the U.S. Department of Labor in cooperation with the U.S. Department of Agriculture.

I hope when they did their research they did not, and I quote, "* * * fall into manure pits. These pits are very dangerous."

COMPUTER PROBLEMS

Mr. RIBICOFF. Mr. President, the staff of the Senate Government Operations Committee is conducting a preliminary staff investigation into problems associated with computer technology in Federal programs, particularly in the areas of computer-related crimes, computer security and automated decision-making computers which once programed operate without human supervision.

This preliminary staff inquiry is based on three reports issued recently by the General Accounting Office. The reports are "Managers Need To Provide Better Protection for Federal Automatic Data Processing Facilities," dated May 10, 1976, number FGMSD-76-40; "Computer-Related Crimes In Federal Programs," dated April 27, 1976, numbered FGMSD-76-27; and "Improvements Needed In Managing Automated Decisionmaking By Computers Throughout the Federal Government," dated April 23, 1976, numbered FGMSD-76-5.

Each of these reports is thorough, objective and perceptive, pointing to problems in Federal computer programs which are deserving of additional evaluation by the Congress.

As chairman of the Government Operations Committee, I announced the preliminary staff inquiry in Senate remarks May 10, 1976. In those remarks, I was especially concerned about the security aspects of computer technology.

On Tuesday, May 11, 1976, the day after the announcement of the preliminary staff inquiry, two bomb blasts rocked the Augusta, Maine, headquarters of the Central Maine Power Co., leaving sections of the $5 million computerized facility in shambles.

The Bangor Daily News of May 12, 1976, reported on this occurrence on page one. Mr. President, I ask unanimous consent that this article be printed in the RECORD at this point.

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

TWO BLASTS ROCK CMP HEADQUARTERS—NONE HURT IN AUGUSTA, OPERATIONS CONTINUING

(By John S. Day)

AUGUSTA.—Two bomb blasts rocked the Augusta headquarters of Central Maine Power Co. Tuesday afternoon leaving sections of the $5 million computerized facility in shambles.

Several hundred employes of the utility company were evacuated minutes before the bombs exploded following two warning telephone calls from an unidentified party indicating that the blasts would occur.

Authorities said it was a miracle that nobody was injured in the two explosions, one of which occurred in a first-floor boiler room and the other in an office section containing engineering records on the third floor.

Similar bomb warnings were made to the Kennebec Journal newspaper office in Augusta, but a search of that building turned up no explosives.

The CMP bombing occurred as executives of the utility were pleading their case for a $20 million rate increase before the Maine Public Utilities Commission in another section of the city.

A task force of 17 FBI agents was en route to Augusta from Boston to investigate the bombing, which local authorities described as being the first incident of such a nature in recent Maine history. Within a year or two, a small bomb explosion occurred in an Aroostook high school. Damage was minor.

John Kenoyer, an FBI special agent based in Augusta, told reporters that there was no indication in the two warning calls received by the CMP switchboard between 3:15 and 3:25 p.m., as to a motive for the bombing.

He said that authorities have no suspects for the present.

Local police, however, were going door to door in the houses located in the Edison Drive residential development located near the CMP building asking persons to give them information about a young man on a motorcycle seen in the area shortly before the explosions.

Police described the man as being about 25, short, and with long blondish hair.

Kenoyer said that authorities will not know what type of bomb was used until a crew of laboratory technicians has a chance to sift through fragments and debris in the two damaged areas.

There was no estimate of the loss, but CMP officials stressed that the building's two vital sections housing a $2 million computer system and electronic switching equipment governing the flow of power to the New England power pool were not damaged.

Company officials announced that only supervisory employes of the utility will be asked to report for work on Wednesday in order to permit law enforcement agencies to concentrate on the investigation.

The electrical switching room is in a bomb-proof shelter and is one of four satellite control rooms governing the flow of power to all of New England's electrical companies.

Employes directly involved with that operation remained in the building throughout the bomb incident.

The most visible damage occurred in the new wing of the 12-year-old utility headquarters, a four-story addition that was opened only last April.

One of the two bombs was placed in the engineering section on the first floor of that building. The explosion tore open metal filing cabinets, hurling fragments of steel 30 or 40 feet across the room.

One wall section in the large open office section was demolished. The ceiling and office furniture within a 50-foot radius near the wall also were heavily damaged.

The force of the explosion hurled a book of records into the ceiling near the center of the bomb crater, impaling it on a light fixture.

Another bomb was planted in the older section of the building near an air circulation machine in the boiler room.

The basement bomb caused less widespread damage, but appeared to have destroyed the heat exchange machine.

Peter Thompson, director of public relations for CMP, doubted that any vital records were destroyed in the engineering section explosion.

Thompson said that there had been no earlier bomb threats to the utility company.

Authorities were puzzled about one factor involving the incident. How could the person or persons gain entrance into the CMP building to plant the bombs.

The entire headquarters is considered to be a "limited access" facility, with private security guards posted at the entrance to the building to stop unauthorized persons from going inside without authorization.

Company employes are required to carry identification cards. Nonemployes have to sign in with the office guards, who remain on duty 24 hours a day.

The person or persons who planted the bomb had to have nearly free access inside the building.

The boiler room where the first bomb exploded is located in the basement of one wing of the headquarters complex; the engineering section, where the second went off, is on the third floor of the newest wing.

A total of 400 CMP employes work out of the building, but from 100 to 200 of them were in the field at the time of the explosions.

Both bombs went off nearly simultaneously.

CMP President Erwin Thurlow was in the lobby of the new wing, which also received damage from the shock wave, when the first bomb exploded and had only a few seconds to get out of the structure before the more powerful second blast went off.

Witnesses indicated that the second blast caused windows to bend by nearly 6 inches.

Authorities from the FBI, State Police, Treasury Department, Augusta Police, and Augusta Fire Department were called to the scene almost immediately.

The entire building was sealed off to both employes and the public Tuesday evening. Company officials permitted news reporters to make a quick 5-minute inspection tour of the damaged areas.

FBI Agent Kenoyer said it was a "miracle" that nobody was injured in the blasts.

"It was real lucky that the company took this threat seriously and evacuated the building. If there had been people still in there, a lot of them would have been hurt," he told reporters.

Kenoyer said that Tuesday's bombing of CMP proves that Maine is "not immune" from acts of violence such as bombing that occur on a regular basis in other areas of the country.

Mr. RIBICOFF. Mr. President, the Kennebec Journal of May 12, 1976, carried three articles on the Central Maine Power Co. occurrence. Mr. President, I ask unanimous consent that these articles be printed in the RECORD at this point.

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

LETTER CLAIMS BOMB RESPONSIBILITY

A letter claiming responsibility for Tuesday's bombing of the Central Maine Power Co. headquarters was found early this morning in the lobby of the Kennebec Journal.

The letter referred to the current hearings on a CMP request for rate increases, contained a long and detailed attack on CMP as the enemy of poor people, and listed a series of demands and a threat against the power company.

The letter began:

"Today, May 11th, we the Fred Hampton Unit of the People's (sic) Forces claim full responsibility for the booming (sic) of the main office's (sic) of the Central Maine Power Co. in opposition to CMP's exploitation of the people of Maine, and thier (sic) attempt to extort 20 million dollars from the people by way of rate increase's (sic).

"We are forced to resort to extreme methods of action against CMP's utility monopoly, and we justify this method . . . for several reasons."

As reasons, the letter accused CMP of exploitation of home owners, tenants, elderly, welfare recipients and other poor people, and its "control" over the political and judicial system.

Among its demands, the letter listed "dismissal" of the rate increase for the people it said it represented; an end to expansion of nuclear power and research into alternative energy sources; and full disclosure of CMP expenditures.

It also said CMP workers are entitled to a 33 per cent discount on the basic charge of electricity, claiming that CMP workers use more than twice as much power as the average consumer.

The letter said:

"We will give CMP a reasonable amount of time to meet our listed demands. If such demands are not met we will sustain our attack on CMP until the demands are met."

The letter was found by a custodian at 12:45 a.m. Wednesday in the KJ front lobby. The doors to the lobby were locked at 4:30 p.m. Tuesday. The KJ received two bomb threat telephone calls between 3:15 and 3:30 Tuesday, just before two bombs exploded at CMP headquarters.

The text of the letter is in the following article.

LETTER ON BOMB—"WE CLAIM RESPONSIBILITY"

Today, May 11th, we the Fred Hampton Unit of the Peoples Force's claim full responsibility for the bombing of the main offices of Central Maine Power Co. in opposition to CMP's exploitation of the people of Maine, and their attempt to extort 20 million dollars from the people by way of rate increases.

We are forced to resort to extreme methods of action against CMP's utility monopoly, and we justify this method of action against the monopoly for several reasons:

CMP has exploited home owners, tenants, elderly, welfare-recipients, low income and poor people for many years to the point where poor people will not be able to pay for the proposed increase unless we take it out of necessary survival money. Money for food, medical care, rent etc. Otherwise we will be forced to go back to burning coal or wood. Many people have already been forced to do so by the present rates.

In light of the control CMP monopoly has over the political and judicial system, it is quite evident that social justice, welfare for low income and working people can't be won through the existing political-legal framework.

In August of 1971 CMP asked for $11,481,-218 rate increase and was granted $7,427,000. That was a 9.7% increase.

In July of 1974, CMP asked for $12,452,000 rate increase and was granted $9,733,68. That was a 7.9% increase.

This year CMP originally had filed for a record $21,700,00 rate increase. They later reduced that amount to $20 million. The slight drop was apparently because of improved market conditions for stock issuances. This rate proposal would result in a 20.9% increase to those using 200 kilowatt hours a month. The rate increase would add about $3.30 to the monthly bill of a home owner using 500 kilowatt hours of electricity or monthly increase of 17%. CMP's proposed rate would mean an average increase of 17% for home owners and low-income tenants and 12.2% for industrial and commercial users. Homeowners and low-income people are not increasing the energy demands on CMP, but rather the industrial customers are CMP tries to put the burden of 17% increase on residential home owners, low income, and poor people once again.

CMP has stated there were "no social considerations in the rate proposal".

Erwin W. Thurlow, CMP's president has maintained that the "utility is not in the welfare business and that revenue loss would have to be charged to other customers.

CMP officials blame the proposed increase on inflation increase demand for electricity. Let them charge the industrial customers.

CMP currently controls a 10,000 sq. mile area containing more than two thirds of Maine's industry, the largest utility in Maine, CMP, wholesales electric energy to the Carrabasset Light and Power Co., Kennebunk Light and Power District, Madison Electric Works, Rangeley Power Co. and Squirrel Island Village Corp.

CMP also spent $10 million for research for a proposed plant at Sears Island when it's questionable whether the plant will ever be built. CMP's premise of nuclear energy is that its cheap. With CMP using nuclear power for 50% of its electrical generation and utility rates have still gone up.

CMP strongly opposed the Life Line pricing, a system which charges residential home owners and low-income tenants for the basic level of power needed to run a home. The mentality and scheme of the CMP leeches is very clear while people consume far less than industrial users. But the home owners and low-income tenants still pay more. In essence by conserving energy we are exploited.

CMP workers are entitled to a 33% discount on the basic charge of electricity, not including charges passed on for fuel purchases. The average use of electricity by CMP workers was 1,423 kilowatt hours per person. This is compared to the customers average of 654 kilowatt hours.

CMP has also refused to disclose information and expenditures to the public such as legal and research costs, its membership in the Cumberland Club, solar energy, lobbying expenses for rate making purposes, and spending on advertising public relations. CMP has stated in answer to disclosure of information, "none of the public's business".

We demand a dismissal of the rate increase for all residential home owners and tenants of low income, all welfare recipients, the elderly, unemployed and poor people. This can be accomplished by implementing the Life Line pricing plan: zero rate increase for the first 800 kilowatts that are needed to run a home including electrical homes.

We demand a stop to any further expansion of nuclear power in the state, and an equal amount of research put into solar energy, hydroelectric and other energy sources.

We demand that CMP disclose all information, expenditures, and a full disclosure of where the profits are going such as: legal research costs, its membership in the Cumberland Club, lobbying expenses for rate making purposes, spending on advertising public relations, rate return stock and bond holders, energy conservation, and CMP's executive expense accounts.

We will give CMP a reasonable amount of time to meet our listed demands. If such demands are not met we will sustain our attack on CMP until the demands are met.

We call upon all home owners, tenants, low income and poor people to join the fight against CMP. It is time to stop this giant ruthless wolf from exploiting and preying on the people as tho we are a bunch of submissive sheep.

We the Fred Hampton Unit of the Peoples Forces are dedicated to fight imperialism/capitalism, racism, sexism and the fascist judicial/prison system.

The struggle must be fought on all levels, and different fronts

We must join together.

FRED HAMPTON UNIT, PEOPLES FORCES.

BOMBS BLAST CMP BUILDING

(By Jack Bell)

Two bombs exploding within seconds of each other ripped apart an office section and maintenance area of the Central Maine Power Co. headquarters Tuesday afternoon.

The explosions severely damaged the engineering offices on the third floor of the recently completed wing of the building and destroyed a huge air conditioning component on the ground floor maintenance room.

No damage estimate was available Tuesday.

The computers which regulate power output to much of the state and serve as part of the New England electrical power sharing system were not damaged. Personnel in the bomb shelter which houses the master controls locked themselves in immediately after the explosion.

Two bomb warnings were telephoned to the CMP switchboard, the first about 20 minutes before the 3:30 p.m. explosions. Some of the 450 employes were still in the building when the bombs exploded, but all of them escaped injury.

The bomb in the maintenance area exploded first, destroying the cooling components, damaging walls and shattering windows.

Augusta Det. Capt. Robert Welsh said the bombs exploded shortly after the police and firefighters arrived. The maintenance room explosion occurred just before one of the firemen opened the door.

"If he had been there a few minutes earlier he would have been wiped out," Welsh said. He did not know the fireman's name.

One employe said he began to flee the building and took only three steps before the second blast occurred in the other section of the building.

The bomb in the office section blew apart file cabinets, collapsed part of the ceiling and sent pieces of twisted metal more than 30 feet. Light fixtures were dangling and pieces of furniture and metal were strewn in all directions.

The blast apparently came from an area of desks and file cabinets near an interior wall.

FBI special agent John Kenoyer said he could not explain how the bombs were planted, since both areas are restricted to the general public.

A private security firm was hired by CMP a short time ago, but officials said only one man has been on duty per shift. More security personnel were added last night.

CMP spokesman Peter Thompson said the public does business at the general office, but officials said persons are required to sign their names when they enter the building.

The FBI is coordinating the investigation under the federal sabotage laws, but is workwith Augusta and state police. Another 17 FBI agents are expected today.

Kenoyer said the explosive devices were probably sophisticated, but he added they were not placed in areas crucial to CMP operations. It was not immediately known what type of explosive was used. No group had claimed responsibility for the bombing as of late Tuesday night.

Authorities said the caller only warned that explosions would take place in the building within 20 minutes and gave no motive for the action.

CMP officials said they see no connection between the incident and the current CMP request for a $20 million rate hike. That hearing at the Civic Center hastily was adjourned when news of the bombing arrived.

Police asked nearby residents if they had seen a short man with long hair riding a motorbike in the area, but Kenoyer said later they are no suspects yet.

One employe said there was no panic among the workers when word of the bomb warning was passed, saying people walked "calmly but quickly" out the nearest exit.

"If they hadn't evacuated quickly, we would have had some real problems." Thompson said "We were quite lucky."

Kenoyer also said it was fortunate the company did not take the first of the two telephone warnings as a jest.

Authorities sealed off the building immediately after it was evacuated and the employes, including the executives, could not retrieve their belongings for several hours.

Many workers returned to the scene several hours later to get house and car keys. One worker was delegated to get most of the pocketbooks and coats.

A number of employes were in the maintenance area when the first blast occurred.

One worker, who asked not to be identified, said he told a coworker of the threat and the man expressed strong skepticism.

"About two seconds later the thing blew," he said. "I never so scared in my life. I'm still shaking."

He said glass from interior windows was flying around and he heard the second explosion as he was fleeing the building.

Walter Black of Manchester said he was told of the threat and began leaving the maintenance area seconds before the bomb went off.

"There was a lot of dirt and dust flying around," he said. "I was a little nervous."

One maintenance man, Richard Brann, said he was about to go into the first blast area to replace a tool when he was distracted for a moment. Seonds later, the explosion occurred.

He said the vent on the outside of the building bowed out and belched walls of brown smoke. "Then I got out of there."

CMP President Elwin Thurlow was in the lobby just below the blasted office area, when the lower level bomb exploded. He also make a hasty exit.

The Kennebec Journal received two telephone calls about a bomb at about the same time CMP received its warning. The first call was interrupted, and the second message informed the newspaper that it had had its warning.

The caller did not say specifically that the KJ offices would be bombed.

Only CMP supervisory and maintenance workers will report to the general offices today. Other employes will not return until notified by the company.

Mr. RIBICOFF. Mr. President, the Kennebec Journal carried two articles on the Central Maine Power Co. bomb blasts in its May 13, 1976 issue. Mr. President, I ask unanimous consent that these articles be printed in the RECORD at this point.

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

[From the Kennebec (Me.) Journal, May 13, 1976]

FBI EXPECTS "DRUDGERY" IN CMP CASE

(By Jack Bell)

The FBI said Wednesday it expects "a lot of drudgery and testimony" before investigators turn up any solid leads to the bombing of the Central Maine Power Co. headquarters Tuesday.

Special agent-in-charge Richard F. Bates said he has never heard of the organization that has claimed responsibility for the blasts that destroyed an engineering section and maintenance area of the CMP building.

The "Fred Hampton Unit of the Peoples Forces" said in letters to the Kennebec Journal and United Press International that it engineered the explosions to protest what it called CMP's exploitation of homeowners and the poor.

Fred Hampton was a Black Panther Party leader who was slain in a Chicago police raid in 1969.

The letter contained threats of continued terrorist action if CMP does not agree to withdraw its rate hike requests for homeowners and the poor and elderly, halt nuclear power expansion and make full financial disclosure.

CMP President Elwin Thurlow said he was "very upset" by the demands in the letter, but added that the rate hike hearings will continue.

He said the company is taking the threats "very seriously" and has beefed up security at the headquarters building. Thurlow added security measures are also being reviewed at other CMP installations.

The Maine Yankee nuclear power plant in Wiscasset has continuous tight security, he said.

The letters received by the KJ and UPI contained detailed information about previous CMP rate hike requests, financial information and property the company controls.

Thurlow said the information is contained in statements the company filed with the Public Utilities Commission prior to the hearings and is available for public inspection. He said some of the information in the letter quoted the file material exactly.

A handwritten letter containing the same information received by the two news agencies was found by authorities inside the CMP building Tuesday.

An investigator said the name of the organization claiming responsibility was left out of that letter.

An Associated Press dispatch reported that representatives of fringe political groups in Maine said they are not familiar with the group that claimed credit for the bombing,

saying they know of no group that advocates violence.

Black Panther members are said to be on some college campuses but apparently are not involved in the CMP bomb plot.

Bates said the type of explosives used in the two blasts has not been determined, but added the bombs were sophisticated in the sense that they were equipped with timing mechanisms. He said more than one person could be involved in the bomb plot.

The two blasts caused considerable damage but did not affect the master control room. That room is housed in a bomb shelter and contains equipment that regulates power output for much of the state.

Vital electrical systems for the state and the New England power sharing system were not interrupted.

No damage estimate on the building was released Wednesday by CMP officials.

Det. Capt. Robert Welsh said a Belfast man called Augusta police headquarters early Wednesday morning and said he was responsible for the bombs. Welsh went to Belfast and located the man, who was intoxicated.

"He admitted he called me, and said he did it for the glory," Welsh said. The matter has been turned over to the District Attorney.

[From the Kennebec (Me.) Journal, May 13, 1976]

KJ JETS THREAT, WARNING OF BOMB

One bomb threat and a followup warning were telephoned to the Kennebec Journal just minutes before Tuesday's explosions at the Central Maine Power Co. computer center.

The calls to CMP and the KJ were made one after the other, so it was assumed they were made by the same person.

The first call to the KJ came at 3:15 p.m.

"This is the Fred Hampton Unit—got that? There is a bomb set to go off in the Kennebec ——— today." Switchboard operator Cathy Lovejoy said it was an angry, man's voice. She estimated he was in his 20s to 30s—"possibly older."

The second call came shortly after 3:20 p.m. and was taken by Gerry Goranson. She reported the following conversation.

"Good afternoon. Kennebec Journal."

"Have you found it?"

"Found what? This is the Kennebec Journal."

"Your time is running out."

Goranson said the caller, who had an angry tone of voice and sounded like an adult male, then hung up.

One or two minutes later, KJ personnel heard explosions in the distance.

At that point, police and fire units asked that the KJ plant be evacuated. About 40 minutes later, after no bomb had been found, permission was given to return to work, but many employes were released from work.

Mr. RIBICOFF. Mr. President, Computerworld is a weekly newspaper located in Newton, Mass., which reports on news affecting computer-related industries. The Computerworld edition of May 24, 1976, devoted four articles to problems associated with computer technology in Federal programs. Mr. President, I ask unanimous consent that these four articles be printed in the RECORD at this point.

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

[From Computerworld, May 24, 1976]

SABOTAGE, FIRE AMONG THREATS—FEDERAL SYSTEMS UNDULY VULNERABLE: GAO

(By E. Drake Lundell Jr.)

WASHINGTON, D.C.—"Many federal data processing assets and much valuable data are not protected properly" from threats of sabotage, theft, fire and flood, according to a recent General Accounting Office (GAO) report.

The report showed the 9,000 computers in the Federal government are "not only . . . frequently allowed to function without proper controls, but . . . they are dangerously vulnerable to terrorist activity," according to Sen. Abraham Ribicoff (D-Conn.), who requested the study.

The Senate Government Operations Committee headed by Ribicoff will investigate the matter, the senator said, and staff sources indicated hearings might be held next month.

"Catastrophic losses to government-sponsored data processing installations, such as the loss of human life, irreplacable data and equipment, have occurred," the GAO study reported.

NO CONTINGENCY PLANS

At the same time, however, an investigation into 28 separate installations found "less than half . . . had developed and put into operation contingency plans to provide for continuity of operation if a loss occurred.

"The impact from losses at data processing installations which did not have contingency plans could interfere seriously with efficient and economical operations of government, have an immeasurable impact on individuals and organizations relying on government data and result in costly reconstruction efforts," the GAO report warned.

The GAO report estimated the government currently spends over $10 billion annually for DP activities, but warned the consequences of potential losses resulting from lax security measures could be far greater than that figure.

"Of more importance than the concern over the monetary value of these assets is "the centralization and concentration of data in computerized environments, which increases the potential for major losses or misuses," the reported noted.

For example, Ribicoff said, "It is impossible to estimate the effects on millions of our elderly citizens whose livelihood depends on Social Security should the computer be destroyed."

But "the potential threat is not limited to Social Security," he added. "In terms of federal revenues, for instance, imagine the havoc that would result from the destruction" of computers processing federal taxes.

'GENERAL LACK OF CONCERN'

Of the 28 installations studied by the GAO, at least 14 were found susceptible to fire hazards; 10 were poorly located in case of floods; at least seven were susceptible to sabotage; five were susceptible to theft or misuse; and 14 lacked contingency plans to deal with any of the possible problems.

In general GAO attributed "the poor security measures to a general lack of concern for a comprehensive plan to provide effective security at a reasonable cost."

It noted the National Bureau of Standards (NBS) developed guidelines for physical security and risk management in 1974, but pointed out "no policy statement has been issued . . . regarding the application and use of the guidelines" by the Office of Management and Budget, which has responsibility for the area.

"We believe that the NBS guidelines are modified by our suggestions will provide the necessary means to structure a sound program and could go a long way in improving the conditions we found," GAO said.

"However, use of the NBS guidelines is not mandatory and they apply only to new installations or those which are improving their computer systems," it added.

[From Computerworld, May 24, 1976]

FEDERAL DP CRIMES REACH $2 MILLION

By E. Drake Lundell Jr.
Of the CW Staff

WASHINGTON, D.C.—Computer-related crimes in the Federal government have caused monetary losses of over $2 million and violated the privacy of individuals about whom computer records are kept, according to a General Accounting Office (GAO) report.

That's apparently not the whole picture. The GAO admitted this represents just the tip of the iceberg since "agencies do not customarily differentiate between computer-related and other crimes" and "there may be a large number of crimes which have not yet been detected or reported."

The majority of the 69 crimes uncovered by the GAO in the wide-ranging report did not involve sophisticated attempts to use computer technology for fraudulent purposes, but rather were uncomplicated acts such as altering input.

The GAO report did not point out, however, that most sources indicate the more sophisticated types of computer manipulations are usually harder to detect and therefore may remain hidden for longer periods of time.

MOST INVOLVED INPUT

Out of the 69 cases uncovered by the GAO, 62% involved persons perpetrating fraudulent input. Supply systems are "particularly vulnerable to fraudulent input," the GAO noted.

In one case, "a perpetrator used a computer terminal to ascertain the location and availability of items desired by outside conspirators," GAO said.

"Once he located those items, the perpetrator caused the system to prepare fraudulent requisitioning documents. Then he used the documents to obtain the items he wanted, took the items from the installation and sold them to the outside parties," the agency explained.

"Although the total amount of property stolen through computerized supply systems cannot easily be determined, the value of one such theft in our case files was about $53,000. Another loss of over $300,000 was averted" when discovered "accidentally," the GAO said.

In other incidents, the individuals involved prepared fraudulent input that caused systems to make direct payments to individuals or businesses as payroll, social welfare or compensation transactions, the GAO said.

In one case, a government employee helped automate an accounting system and, during the process, introduced fraudulent payment vouchers into the system.

"The computer could not recognize that the transactions were fraudulent and issued checks payable to fictitious companies set up by the employee and his accomplices," the GAO said, noting payments of over $100,000 were made in this particular case.

Another such fraud was discovered after an anonymous phone tip, but only after the perpetrator had gotten away with $90,000 to $250,000 by entering fictitious claims in a social welfare system.

MONEY NOT ONLY VICTIM

But, the GAO was quick to point out, "computer-related crime does not always lead to direct monetary losses.

"The manager of a non-federal computer center processing personal information [for the government] was able to steal some of this data and sell it to outside parties who were not authorized to use it.

"Although the government did not lose any money, the privacy of individuals whose data records were involved was violated," the report noted.

In all, fraudulent direct payments accounted for 27 of the crimes studied by the GAO; 28 cases involved fraudulent inventory/supply actions; eight cases involved the unauthorized altering of personnel records; facilities were used for personal benefit (such as a theft of time on a computer system) in four cases; and sabotage of operations accounted for two of the cases.

"In every case reviewed, the incidents were directly traceable to weaknesses in system controls," the GAO said, adding "these weaknesses were the result of deficient systems designs, improper implementation of controls by operating personnel or a combination of both."

In all of the cases, the managers involved had placed primary emphasis on "making their systems operational; control was not emphasized."

To overcome the problem, the GAO suggested "management should give attention to controlling systems as well as to implementing them. Managers should continuously assess operations to insure a proper balance between performance of systems and control over assets."

OTHER MEASURES SUGGESTED

Other measures the report called for to control computer-related crime in government included:

"An organizational plan that segregates the duties of individuals to minimize their opportunity for misues or misappropriation of the entity's resources.

"A system of authorization and record procedures adequate to provide effective accounting control over assets, liabilities, revenues and expenses.

"An established system of practices to be followed for each duty and function of the organizational departments.

"An effective system of internal review. This includes an internal audit staff that has training adequate to review and evaluate computer-based system controls and that does such reviews both when systems are being designed and after they have become operational.

"Analyses of crimes to pinpoint the internal weaknesses that may have facilitated them."

[From Computerworld, May 24, 1976]

GAO FINDS 14 OF 18 FEDERAL DP SITES EXPOSED TO FIRE

WASHINGTON, D.C.—In its evaluation of the security measures used by government installations (see story on Page 1), the General Accounting Office (GAO) visited 18 DP centers in the U.S. and 10 overseas.

Fire hazards were the main source of security breaches, the GAO study found. Threatening conditions included combustible paper supplies and/or magnetic tape files stored in computer rooms at 14 installations.

Portable extinguishers were the only available fire protection in three DP centers, the GAO said, and at one installation not even these were available.

Twelve installations neglected to periodically clean below the raised flooring on which computers were placed, another fire hazard. At six locations, computers were in operation in rooms where master electrical power shutdown controls were not easily accessible at exit points, the GAO reported.

Flood hazards constituted another area of concern. The GAO found computers at 10 installations operating in areas where overhead water or steam pipes (excluding sprinkler systems) existed with inadequate provision for drainage.

In two centers, computers were in basements, exposing them to potential flooding conditions.

The potential for sabotage was another weak point at many of the installations visited. Vendor service personnel were not supervised while on the premises of seven DP centers, the investigation discovered.

Five installations did not control in-house service personnel while they were in the computer areas, and three locations were deemed possible targets for vandals by the GAO investigators.

Susceptibility to theft or misuse endangered security at five locations where remotely accessed computer systems were in operation without software to detect improper or erroneous attempts to access the computers or data files involved.

Fourteen of the 18 sites lacked formal contingency plans to ensure continuity of operations in an emergency, the study found.

[From Computerworld, May 24, 1976]

HIGH FRAUD POTENTIAL UNCOVERED IN AUDIT OF SSI DP OPERATIONS

(By Edith Holmes)

WASHINGTON, D.C.—In the absence of adequate controls, employee fraud could further undermine the already inefficient operation of the Social Security Administration's (SSA) newest federal welfare program, investigators probing the problems of Supplemental Security Income (SSI) found here recently.

Their audit, released this month by the Department of Health, Education and Welfare's (HEW) audit agency, stated that in one of SSA's busiest areas—Region IX, which covers California, Nevada and Hawaii—"internal controls at the district offices were not adequate to prevent processing fictitious or unauthorized SSI payments."

Meanwhile, the SSA finished compiling figures for SSI's first 27 months of operation and reported the program's clients have been overpaid by $622 million.

Implemented by SSA in 1974, SSI was created by Congress in 1972 to federalize state and county care for blind, disabled and aged adults. The program was added to the agency's regular workload of Social Security and veterans' benefits payments.

The HEW audit of the California region showed SSA employees in the area's district offices could be tempted to be dishonest because they have "unlimited access to computer terminals."

It would not be difficult for employees to change the address of an SSI recipient who died rather than remove the person from the payment schedule, according to the audit.

At the same time, the audit found, the region's system of internal controls does not provide adequate accountability for cash items received at the district offices.

Thirdly, the study noted, "the system for periodically redetermining recipients' eligibility was backlogged to the extent that it was not effective for assuring that accurate payments were made to eligible individuals."

And a "significant" backlog of local or one-time payments had yet to be entered into the computer system, HEW auditors said.

NO FRAUD TO DATE

While the auditors found no evidence of fraud to date, they acknowledged "detection would be difficult and there is no assurance such activities have not taken place."

The HEW report recommended SSA separate, or specialize, payment functions at its district offices so more than one person would be required to make case changes. The agency has commissioned a "central office work group" to study means of further securing the computer system.

The major problems in the California region were attributed by the auditors to insufficient staffing at the district offices, computer system limitations and malfunctions and other planning and operations flaws for which SSA headquarters, and not the field offices, were responsible.

The auditors said they would issue separate audit reports on federal/state liability relating to the federal administration of SSI payments in California, Hawaii and Nevada.

Nothing these reports will show 44% to 56% of the sample claims examined in these states contained errors, HEW stated, "The erroneous overpayments and under payments resulted from a combination of circumstances and it was not feasible to determine either the dollar amount or the rate of occurrence for errors directly caused by operational weaknesses at the district offices."

At the same time, "corrective action needs to be taken at the national level," the report added HEW auditors recommended SSA implement effective internal controls and operating procedures at the district office level "with particular emphasis on the processing of repayments, eligibility redeterminations and manual payments processing."

Placing responsibility for automated processing and recordkeeping at the agency's headquarters, they stated "SSA at Baltimore should also intensify efforts to resolve computer system limitations and reduce the occurrence of malfunctions."

SSA has sent some 1,065 temporary employees and 150 full-time employees to California to ease the understaffing problem. New money controls are said to have been implemented.

Meanwhile, the agency's computer system in Woodlawn, Md., is being audited by the General Accounting Office (GAO) and under fire by at least two congressional committees.

At a meeting earlier this month of the House Ways and Means Oversight Subcommittee on the problems encountered with SSI, Rep. Charles A. Vanik (D-Ohio) expressed his concern for the potential for employee fraud in light of this and other HEW audit reports of several SSA regions and recent reports by the GAO on computer-related crimes and the need for management to provide better protection for federal DP facilities.

Part of a series of SSA system audits now underway by HEW, the California study focused on the performance of the SSI between January and July 1974, which were the first six months of the program and the only time period of its operations that has been subjected to extensive investigation.

A TRIBUTE TO "BUDGE" SPERLING

Mr. PERCY. Mr. President, I happened to be traveling with President Ford in Illinois last March when he placed a call to the father of "Budge" Sperling, chief of the Washington Bureau of the Christian Science Monitor, on his 104th birthday.

Godfrey Sperling, Jr., is one of Washington's most respected and perceptive journalists. A decade ago he originated the "Sperling Breakfasts," periodic meetings between reporters and public officials that have become one of the most important news forums in Washington.

Through the years, Budge has written some remarkable pieces giving Americans, and a worldwide audience through the pages of the Christian Science Monitor, an insight into American life and politics.

But never has he been more incisive, or personal, or human than his column entitled "The Old Timer and the President," in which he talks about his own beloved father. I ask unanimous consent that this recent column, which appeared in the Monitor be printed in the RECORD.

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

THE OLD TIMER AND THE PRESIDENT

(By Godfrey Sperling, Jr.)

GIFFORD, ILL.—John Bartlow Martin's superb new biography, "Adlai Stevenson of Illinois," is a reminder that this urbane, man-of-the-world Oxfordian-accented, two-

time presidential candidate was really only a country boy, tied close to roots and a boyhood in small-town Bloomington, only a few miles west of here. As Martin points out, this whole prairie region around here is part of the black Wisconsin drift that runs across Illinois and Indiana and into Ohio, with topsoil sometimes 15 feet deep, some of the richest land on earth.

My father—the Oil Timer often referred to in these columns—came from German immigrant parents who homesteaded near here after coming to this country in the mid-1880's. And although his career was largely that of a civil engineer, my father never left the soil. Like many farmers he never judged the weather on how it affected him personally. It could be unmercifully hot and Dad would say it was "great" weather if the crops needed dry warmth for ripening. Or he could be sopping wet but rejoicing because the "corn needs the rain," as he might put it.

Dad was truly a man of this bicentennial year. He was born in the late stages of this nation's first century. Then he lived nearly through the nation's second century. And he came very close—only a matter of a few months—to seeing the nation start its third 100 years.

Just a few weeks ago I interviewed my father. It seemed most appropriate. The President, campaigning through this area only a few days before, had called Dad from nearby Champaign, Illinois, and congratulated him on his 104th birthday. According to a presidential aide and those who were with my father when he took the call, the conversation was "spirited." Dad started out by welcoming the President to Illinois. From there the two moved into a discussion of politics, how the primary looked in Illinois, and the national outlook.

The Old Timer's views carried this import to the President: Mr. Ford was speaking to an elder citizen, a Midwesterner, a farm-oriented citizen, and, most of all, to one of the very few individuals alive who could—quite lucidly—give his views on current events against the perspective of a life spanning more than 100 years.

The specifics of the conversation were not recorded. But in my interview my father touched on subjects close to his heart, some of which—or the "essence" of which—he said he conveyed to the President.

He felt the President was "doing a good job." And he thought he was "improving." But he said he would like to see Mr. Ford "take charge" more. He thought presidents should be "strong"—"like Teddy Roosevelt." He particularly admired Teddy Roosevelt and remembered hearing him speak—"in that high, squeaky voice."

"Who is this Carter?" he asked. He said he heard the name a lot but couldn't "get a fix" on him. He said he still thought Humphrey was a "highly qualified man"—and noted that the President evidently thought so, too.

The "hope" for our nation still lies, he thought, in an "educated electorate." He did not believe the concept of "education for all"—which he always had supported—had failed. Instead he thought that, as the minority groups "became educated," many of the current problems would begin to fade.

Dad was always the optimist. He said he saw the troubles of today as "transitional" to a better period in the United States.

He was deeply concerned—by the apparent loss of the "high ideals—which made this nation great." But he was still sure that the ideals were really still there and that the nation was going through a period in which its was purifying its ideals—"getting rid of the hypocrisy."

My father—whose own life was transformed through prayer—said he was convinced that those who guide this nation must always rely on God. It seems that he said this to the President.

What he didn't tell the President, it seems, was one of his "secrets" for living long: he never kept track of his age, never celebrated birthdays—until others insisted on marking his age when he reached the century mark.

That was pretty much the "essence" of the father-son interview.

My last memory of Dad was at his birthday party March 4 at the nursing home here—rejecting the cake and ice cream and insisting on something "substantial." He settled happily for a sandwich. His life was like that—avoiding the surface icing and digging deep for the real meaning of events.

EXPORT-IMPORT BANK NOTIFICATION—SOUTH KOREAN NUCLEAR POWER PROJECT

Mr. PROXMIRE. Mr. President, I call the attention of my colleagues to a communication I have received from the Export-Import Bank notifying me of its intent to proceed with its earlier proposal to finance the construction of a nuclear powerplant in South Korea.

This matter has a long history. Almost a year and a half ago, on February 25, 1975, Exim notified the Congress of its intent to assist South Korea in the construction and initial operation of a 600-megawatt nuclear powerplant—CONGRESSIONAL RECORD, page 3161, March 5, 1975. At the time, South Korea was not a member of the Nuclear Nonproliferation Treaty—NPT—and was actively negotiating for the acquisition of a nuclear reprocessing facility from France. Reprocessing facilities enable the possessor to extract plutonium which can be used for the making of nuclear weapons.

Shortly after Exim notified the Congress of the pending proposal, Senator STEVENSON introduced a resolution, which I and others cosponsored, to defer final approval of the transaction—CONGRESSIONAL RECORD, pages 5724–5725, March 7, 1975. Five days later, Eximbank withdrew its notification of the proposal—CONGRESSIONAL RECORD, pages 6040–6041, March 11, 1975. Approximately 1 week later the South Korean National Assembly ratified the NPT. However, South Korean negotiations to secure a reprocessing facility continued.

On May 30, 1975, Exim again notified Congress of its intent to go ahead with the project—CONGRESSIONAL RECORD, pages 17326–17327, June 5, 1975—but because of our continued concern about the possible acquisition of a reprocessing facility, we secured the Bank's agreement that it would not sign any credit agreement for the proposed project "until the appropriate agencies of the executive branch inform Eximbank that the nonproliferation arrangements relating to the recycling and use of nuclear fuel are satisfactory." In addition, the Bank agreed that in order to give the Congress an opportunity to examine and react to these arrangements, it would notify the Congress of the safeguard arrangements and withhold execution of any credit agreement for a 25-day period thereafter—CONGRESSIONAL RECORD, page 19708, June 19, 1975.

The present communication from the Bank, together with an accompanying letter from the State Department stating its opinion that the safeguard and other nonproliferation arrangements relating to this sale are satisfactory, constitutes the notice pursuant to that agreement. Accordingly, after 25 days of continuous session of Congress from the date of the notification—May 19, 1976—the Bank will be free to sign the credit agreement for the project.

I ask unanimous consent that the communication from the bank, together with the accompanying communication from the State Department, be printed in the RECORD.

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

MEMORANDUM FOR SENATOR WILLIAM PROXMIRE AND SENATOR ADLAI E. STEVENSON, III

WASHINGTON, D.C.,
June 18, 1975.

Hon. WILLIAM PROXMIRE,
U.S. Senate,
Washington, D.C.
Hon. ADLAI E. STEVENSON, III,
U.S. Senate,
Washington, D.C.

This will confirm our discussion regarding the Korean Nuclear Power Project. Eximbank will not sign the credit agreement for the proposed financing of the project until the appropriate agencies of the Executive Branch inform Eximbank that the non-proliferation arrangements relating to the recycling and use of nuclear fuel are satisfactory. In order to provide the Congress with an opportunity to examine and react to these arrangements, Eximbank will notify Congress of the safeguard arrangements and will not sign the credit agreement for at least twenty-five days of continuous session of Congress after such notification. No funds will be disbursed under the credit until the equipment is, in fact, exported and that will not take place until the Nuclear Regulatory Commission authorizes the issuance of the necessary export licenses.

WILLIAM J. CASEY.

WASHINGTON, D.C.,
May 19, 1976.

Hon. WILLIAM PROXMIRE,
Chairman, Committee on Banking, Housing and Urban Affairs, U.S. Senate, Washington, D.C.

DEAR MR. CHAIRMAN: On June 18, 1975, my predecessor, William J. Casey, assured Congress that Eximbank would not sign a credit agreement for the financing of the South Korean nuclear power plant project (KoRi II) for at least 25 days of continuous session of Congress after the Bank has notified the Congress that "the appropriate agencies of the Executive Branch inform Eximbank that the non-proliferation arrangements relating to the recycling and use of nuclear fuel are satisfactory."

I am able now to report that Eximbank has been informed that satisfactory arrangements have been made. I am enclosing a copy of the notification Eximbank received from the Department of State on this matter. Deputy Assistant Secretary of State Myron Kratzer is prepared to answer any questions you have regarding the nature of these arrangements.

Sincerely,

STEPHEN M. DUBRUL, Jr.

WASHINGTON, D.C.,
February 5, 1976.

Mr. STEPHEN M. DUBRUL, Jr.,
President and Chairman, Export-Import Bank, Washington, D.C.

DEAR CHAIRMAN DUBRUL: I am writing in reference to the proposed financing by Ex-Im

Bank of the Kori-II nuclear power project for the Korean Electric Company. This project was the subject of correspondence in June of last year between ACDA Director Ikle and Chairman Casey. In addition, Mr. Casey wrote to Senators Proxmire and Stevenson and Congressman Rees on June 18, 1975, stating that the Ex-Im Bank "will not sign the credit agreement for the proposed financing of the project until the appropriate agencies of the Executive Branch inform Ex-Im Bank that the non-proliferation arrangements relating to the recycling and use of nuclear fuel are satisfactory." Mr. Casey also undertook to notify Congress of these safeguard arrangements.

The Department of State is now able to assure the Ex-Im Bank that the appropriate agencies of the Executive Branch consider that the safeguard and other non-proliferation arrangements related to this sale are satisfactory.

Since the date of Mr. Casey's letter to Senators Proxmire and Stevenson and Congressman Rees, there have been two important developments affecting this project. In the first, the Department has received written confirmation from the Korean Government that the reprocessing of any special nuclear material which Korea receives from the United States or the alteration in form or content of any irradiated fuel elements containing fuel materials from the United States is subject to joint determination that the provisions of Article XI of the 1972 U.S.-ROK Agreement for Cooperation for Civil Uses of Atomic Energy may be effectively applied. Additionally, the Korean Government has confirmed its understanding that, as an additional and separate determination, Korea and the United States must each agree that the facilities at which the reprocessing or alteration shall be performed are mutually acceptable.

Secondly, the Korean Government recently informed the Department of State that it has decided to cancel the planned purchase of a small-scale pilot nuclear reprocessing facility from France. Even though this sale was covered by a comprehensive safeguards agreement between France, the Republic of Korea and the International Atomic Energy Agency, our general policy has been to strongly favor the exploration of alternatives to national reprocessing, such as multinational reprocessing centers. We have therefore welcomed the Korean Government's decision to cancel this project.

In addition to the foregoing, I would also note that the Korean Government has adhered to the Treaty on the Non-Proliferation of Nuclear Weapons and deposited its instrument of ratification in Washington on April 23, 1975. The Korean Government has also signed a comprehensive bilateral safeguards agreement with the International Atomic Energy Agency under Article III of the Treaty.

As a result of the foregoing, the Department of State and the other concerned agencies of the Executive Branch are now of the opinion that the Korean Government has provided satisfactory assurances with respect to questions concerning safeguards and non-proliferation arrangements which have arisen in connection with the proposed Kori-II reactor sale.

In view of the foregoing, I strongly recommend that the Eximbank now proceed expeditiously to enter into the credit agreement for the Kori-II project.

Sincerely,

MYRON B. KRATZER,
Acting.

THE GUN CONTROL ISSUE

Mr. STEVENS. Mr. President, I recently read an editorial which I think is a significant contribution to the national debate on gun control.

Jack Samson, the editor of Field & Stream, wrote this editorial which appeared in the May 1976 issue of the magazine. It points out that guns do not cause crime, and reducing the number or availability of guns will not reduce crime. Crime is caused by a variety of social ills. To correct those problems will cost the American taxpayer a good deal of money. But it can reduce crime—which gun control will not do. I commend this column to my colleagues and I ask unanimous consent that it be printed in the RECORD.

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

FIELD & STREAM EDITORIAL, MAY 1976
(By Jack Samson)

Want to know the real reason for gun control laws and attempts to confiscate guns? It is basically very simple: we have gun control laws and we will have attempts to put more on the books because the politicians who administer our federal and state institutions are either too inept or too dishonest to face up to the basic truths of our society.

Americans as a whole today are not only cynical—following the political debacles of Vietnam and Watergate—they are downright disgusted at the mouthings of politicians who wish to cop out on the reasons for our social ills. One of these is the gun control issue. It is a handy cure-all for any politico who either doesn't understand what is going on or who hasn't the intestinal fortitude to run on a platform which tells it like it is. Because telling it like it is probably won't get him, or her, any votes. Neither will demanding that our dismal court system be revamped to impose stiff penalties on those committing a crime with a gun get many votes, though it needs to be done.

But even a stricter, more certain system of justice cannot answer the root problems of crime. The truth is that our unemployment rate is staggering for a country with the resources and technology we have. We have hunger and we have poverty and we have slums and ghettoes, and whenever a country has those it is going to have people committing crimes. They are going to commit crimes out of rage, frustration, hunger, and the need to feed those who depend upon them. They are going to commit crimes with guns, yes, but they are also going to commit crimes with switchblades, butcher knives, blackjacks, and pick handles.

The former mayor of the City of New York, John Lindsay, was an example of the typical politician who always turned to the gun issue whenever some poor wretch got drunk and battered somebody to death in a bar, or held up a delicatessen to get food, or tried to rob a bank and got into a shootout.

"More and stricter gun control!" shouted the mayor—as have succeeding mayors, and governors and congressman and senators across the nation—who know that it isn't guns but the suffering of people that causes crime.

But they also knew (and still know) something else: it is going to cost us millions, even billions of dollars to cure unemployment, create jobs, rebuild slums, educate minorities, stop the drug traffic, and any number of things that will make it unnecessary for people to have to steal and kill in this country. And they also know that talking about raising billions of dollars for vast social changes is going to be a highly unpopular issue with the voters because, like it or not, friend, we are going to have to pay for these social changes through taxation and bond issues, even though we are already having trouble making ends meet.

And so, rather than face up to honest issues, rather than risk losing voter support by calling for the real cures, the politicos will continue to clamber on the bandstand this bicentennial year and will harrangue us with the same old tripe: Stop crime by banning the gun, registering the gun, forbidding assembly of the gun, or outlawing imported guns—as if the gun had a blasted thing to do with the despondent, disillusioned, sick, poor soul who looks at this great country from the stinking depths of his big city slum or southern shanty town and knows he is not going to get anything in the way of a fair shake from the politicians.

We need to educate his kids to give him some hope. We need to give him, or her, self-respect and pride and a decent job in a decent place so that he won't have to steal, mug, or kill—with a gun or any other weapon!

GENOCIDAL INTENT AND OUR BASIC FREEDOMS

Mr. PROXMIRE. Mr. President, sweeping allegations have been made that the Genocide Convention will destroy our freedom of speech and thrust our domestic criminal matters into a hostile international arena. I wish to dispel these myths. Most such opposition appears to stem from a critical misunderstanding of the difinition of "genocide."

Genocidal intent—the intent to destroy an entire group—is the primary distinguishing element of the crime of genocide. The meaning of this intent was explained recently in the Foreign Relations Committee report urging Senate ratification of the Genocide Convention:

> . . . Basic to any charge of genocide must be the intent to destroy an entire group because of the fact that it is a certain national ethnical, ractial, or religious group, in such a manner as to affect a substantial part of the group. . . .

As compared to murder or libel, the convention does not aim at the violent expression of prejudice directed solely against individual members of particular groups. Harassment of minority groups, as well as general racial and religious intolerance, although deplorable, are also not per se prohibited by the treaty. Thus, charges that schoolbusing, birth control programs, lynchings, police actions with respect to the Black Panthers, and incidents at Mylai automatically constitute genocide are unfounded. The committee has made it clear that under article 1 II of the convention, none of these acts is genocide unless the requisite intent can be proven.

Mr. President, I ask Senators to consider the uniquely horrifying consequences of genocidal intent. Our ratification of this treaty in no way sacrifices our basic American freedoms. To the contrary, it is a proclamation of our belief in the universal right to life and liberty.

TRADE UNION POWER BRINGS BRITAIN TO THE BRINK

Mr. FANNIN. Mr. President, recently I was privileged to attend the National Right To Work Committee's awards ban-

quet celebrating the 10th anniversary of the successful fight to preserve State right-to-work laws under section 14(b) of the Taft-Hartley Act.

As my colleagues are aware, the National Right To Work Committee took the leadership role in galvanizing public opinion against "common situs" picketing legislation. The committee's grassroots campaign resulted in some 700,000 letters of protest to the White House and ultimately a Presidential veto. It was a great privilege to be in the presence of courageous men and women who were being recognized for their efforts in the cause of voluntary unionism.

At the awards banquet, I was pleased to meet and hear a most distinguished speaker, Mr. Robert Moss, British political commentator and author. Mr. Moss is director of the recently established National Association for Freedom, an organization that was set up at the end of 1975 to coordinate the activities of all British groups committed to the defense of individual and economic freedom, under the chairmanship of Lord de L'Isle.

Best known as the editor of the London Economist's confidential weekly bulletin, Foreign Report, Moss is a former lecturer in history at the Australian National University, and lectures at many universities and defense colleges in Britain. He is the author of many books, including "The Collapse of Democracy," in which he presents a grim warning of how Britain's political institutions could break down. The book was described by the London Daily Telegraph as "the most powerful and cogent piece of political prophecy since Orwell's '1984.'"

In that book, Moss writes:

> The existence of trade unions is one of the conditions for a free society. But equally, it may prove to be a condition for an unfree or ungovernable society if trade union power is not exercised within the common framework of law and is not kept within the bounds that apply to other economic interest groups. The guiding-reins in Britain have snapped completely.

Mr. Moss is a regular broadcaster on British and American radio and television and a contributor to many journals, including the Daily Telegraph, the Spectator, Encounter, National Review, Harper's and the New York Times.

Mr. President, in his address Robert Moss analyzed the impact of trade union power on Great Britain's economy and the British way of life. The parallels between England's current economic, social, and political crisis and America's problems are startling. I commend Mr. Moss' remarks to my Senate colleagues. It is one of the most powerful and eloquent speeches I have been fortunate to hear. I have no doubt that we shall be hearing more from this brilliant young English fighter for freedom.

His excellent statement represents a clear warning to all of us that America can be led to the brink by excessive union monopoly power and government overregulation.

Mr. President, I ask unanimous consent that the complete text of the address by Robert Moss delivered on May 14, 1976, at the National Right to Work Committee awards banquet be printed in the RECORD.

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

(NOTE.—Robert Moss—British political commentator and author—is director of the recently established National Association for Freedom, an organization that was set up at the end of 1975 to co-ordinate the activities of all British groups committed to the defense of individual and economic freedom, under the chairmanship of Lord de L'Isle. Best known as the Editor of the *London Economist's* confidential weekly bulletin, *"Foreign Report,"* Moss is a former Lecturer in History at the Australian National University, and lectures at many universities and defense colleges in Britain.

(He is the author of many books, including, most recently, *The Collapse of Democracy* (Temple Smith, 1975), in which he presents a grim warning of how Britain's political institutions could break down. The book was described by the *Daily Telegraph* as "the most powerful and cogent piece of political prophecy since Orwell's *1984*." In that book, Moss writes: "The existence of trade unions is one of the conditions for a free society. But equally, it may prove to be a condition for an unfree or ungovernable society if trade union power is not exercised within the common framework of law and and is not kept within the bounds that apply to other economic interest groups. The guiding-reins in Britain have snapped completely." Earlier books include *Chile's Marxist Experiment* and *Urban Guerrillas*, a pioneering study of modern terrorist techniques.

(Moss is a regular broadcaster on British and American radio and television, and a contributor to many journals, incldng the *Daily Telegraph*, the *Spectator*, *Encounter*, *National Review*, *Harper's* and *The New York Times*.)

Ladies and gentlemen, it's a great honor for me to be with you tonight, as well as a great pleasure. I felt deeply moved as I watched that procession of brave people come forward to take their awards. I hope that we will be able to produce a similar procession of brave people in Britain who are prepared to take a similar stand in far more dangerous circumstances in the context of a society that has not heeded any of the warnings about the long-term effect of compulsory unionization, and of the untrammeled abuse of trade union power, and is now reaping a very bitter harvest.

And may I say to you in this room, and in this country, I feel rather as a man does who's been trapped in a dark and foetid cave for a long time. I can breathe the air, I can see the light. I feel refreshed by a society that still believes in individual freedom and I feel refreshed and encouraged to be in the presence of people who are prepared to fight to maintain those liberties, because as Churchill once said, "Liberty is not a right. It is a duty." Or rather, if you are going to preserve it, you're going to have to fight for it. And that's something that many people in British society did not understand. They did not understand the long-term effects of the policies that they adopted, and what I bring to you tonight, I'm afraid, are not good tidings, but only bad ones.

Perhaps my purpose here tonight, the most useful one I can serve, is to say to you, "Look into the horror that Britain is becoming . . . Look at it closely . . . Analyze what has happened there, the risks that we now run that in my view could put an end not just to a man's right to choose his job, but to all our political institutions and traditions, could turn us into a society that is communist, with a small c, and could accomplish that within a very short span of time."

Perhaps the basic decision that will determine whether or not that is where my society is going will be taken within the next twelve months to two years, so I speak to you with urgency, and I hope for your understanding in what I'm going to say to you.

As I begin these remarks I think back to something that George Orwell, who prophesized what a totalitarian country would be like in his famous novel "1984," once said about processes that he already saw taking place back in the early 1940's. He said that for 200 years we have been sawing and sawing away at the branch that we were sitting on, and thinking that finally when we fell off the tree we were going to end up in a bed of roses, and when our patient effort succeeded and the branch came down we found there had been a slight mistake. We ended up not in a bed of roses, but in a cesspool full of barbed wire.

Well, that's where the argument that trade unions are an essential instrument of equality and social justice, and can be given unlimited legal privileges, and the right to dragoon men into unions against their will, that is where those arguments have led Britain. And may I draw a few comparisons to give you some idea of how much darker the situation we face is than anything that I think any of you are having to face in any part of these United States.

Let's take the very words, "The Right to Work". It's a marvelous phrase, but in Britain it's not used by people like you. It is used by Trotskyists, Communists, and Marxists who organize marches to protest against unemployment, and to call for further government spending at a time when my country is running a deficit that amounts to ten per cent of its gross national product. That is the way that the phrase is used. So even our vocabulary is different, even the semantics are different.

Let's look at other aspects. A lot of your work is concerned with taking legal action to defend people who are threatened with compulsory unionization. I think it's splendid and I admire the way you're doing it. We want to do that too. We had hopes of doing it in the past. But our Labor government has brought in legislation that makes it impossible for an individual to have any legal appeal against the closed shop when management and unions have agreed to accept it. The only kind of appeal that a man can lodge has to be based on his religion. There's no grounds for conscientious objection as such, and in some judgments that are coming down from industrial tribunals that are concerned with these matters in Britain we have discovered that even your religion is not a sufficient grounds for complaint, unless you can establish to the satisfaction of an industrial tribunal, half composed or a third composed of trade union delegates, that if you join a union you'll be thrown out of your religious sect.

So you have to join an obscure sect that is opposed to unionization, and then prove with documentary evidence that you'll be thrown out of it if you join a union in order to avoid the closed shop in Britain.

What legal redress do we have in Britain? The only redress we have been able to think of is to take the cases of brave men, like some of the ones who appeared here, to Europe. Well, I know Britain is part of Europe, but we still talk about Europe as The Continent.

We would have to take them to Strasbourg where there is an institution known as the European Court, and we would have to appeal to that body under the terms of the European Convention of Human Rights, and hope that we will get a judgment. We are going to do that, and we hope that we will get judgments in our favor, but my God, we are having to behave like citizens of some occupied country.

Now, that's not the end of the story. In this country if, by some accident or some tremendous upset in Congress, you've got some kind of legislation of the kind our Labor government has brought in, one would at

lease assume that you would have an opposition party, and powerful lobbies inside the government party that would be opposed to this flagrant abuse of individual freedom. The situation in Britain is, again, I'm afraid, rather different.

Our political class has been intimidated, just as much as our business class has been intimidated. In other words, they are frightened of trade union power, and they don't want to do anything that might upset trade union officials so we have a situation where our conservative party at this moment, and I hope not too much longer, is committed to the position under which it will not change a single line in the Labor government's new legislation on the closed shop.

Think about that. Where do you go if you're a man who believes on principle that it is wrong to belong to a union, or who simply doesn't want to join for personal reasons? Where do you go for political support?

All right, there are many men inside the Conservative Party, and some inside other parties in Britain that feel as we do, some of them on the council of my association (the National Association of Freedom). Some of them have spoken up very openly. We speak up very openly. I hope we will change the policy of those parties. But at this moment—I'll just say it to focus your minds of the difference between your situation and ours—the two major parties of Britain are both supporting the closed shop.

Think of our business class. Now, you might have complaints about the behavior of some elements of Big Business in this country. Many businesses are often extremely opportunistic, and this time as an advocate of market economics, I believe that they should indeed seek a profit, wherever they find it, and this will end up as a fairly rational kind of system.

But in Britain we have the situation where the other day on BBC television a Marxist trade union leader, Hugh Scanlon, who is *openly* committed to the overthrow of the capitalist system—and said so not once, but repeatedly—went on the screen with one of the spokesmen for British business, and the spokesman for British business said to him, "You are the model of a responsible trade union leader." Now that's very interesting.

Let me give you just one more indicator of the vast difference between us in terms of where our societies have gone and where trade unions have gone. That is the number of people who belong to trade unions in our two societies, and the organization or disorganization of outer pressure that might help to balance or contain their power.

You, I believe, in this country have a situation whereby a quarter, about 25 per cent, of your work force belongs to unions. We in Britain have a situation where over forty per cent of our work force belongs to trade unions affiliated to the Trade Union Congress—the TUC—and where a further five per cent belong to smaller, independent trade unions. That makes us unique in the world, I think. We have a higher proportion of our work force unionized already than I think any other advanced industrial country, and I believe than in any other country.

So that again is a small problem. And it's aggravated by the fact that there are no other social pressure groups in Britain that are organized to lobby effectively in their own interest. We have no powerful business lobbies today in Britain; we have no powerful lobbies representing small business people or professional people. These don't exist. We have no important farmer's lobby that is successful in getting its way. So you can see how much easier it is for trade unions to have their will.

And my final distinction—I think I said I was getting to the final one already, but the most serious one is coming now—the most serious difference of all is that our trade unions are run by a different kind of man from the kind of man who runs yours. I'm not condoning the way the trade unions throw their weight around in your country. I said enough already to express my total admiration for the way that your organization is operating, and I'll come back to that in a moment. Our trade unions throw their weight around the same way. Any trade union that is given the opportunity and the legal privileges will do whatever it can in the name of the members, and often enough for the bureaucracy. This is inevitable. It's in the nature of power. It's in the nature of social power.

But by and large, your trade union bosses, whether or not they behave like Marxists here, are not Marxist revolutionaries committed to the overthrow of society itself. Ten per cent, one-tenth of our trade union officials in Britain are either Communists or actively aligned with the Communist party, and in the big unions the key positions are being taken by Marxist revolutionaries. That is a slight difference, and it is producing, in my view, a prerevolutionary situation in Britain.

All right, those are some reasons why I stand here before you feeling a little bit like a messenger from another planet, or worse than that, like a messenger from an occupied country who is coming to you in your freedom to say "Please, don't give up your fight to defend it", because in the dark battles that lie ahead for us in Britain we need someone outside our own shores to hold that torch of liberty high so that we can take some of the flame from it when the flame is flickering low in our own society. We need that desperately, and I think that we need the kind of exchanges and contacts that we're getting here tonight.

But what was at the root of all this process in Britain? How did it come about in a society that would be the mother in the modern world of individual freedom and parliamentary institutions and the belief in justice? How did it come about?

Well, one reason that it came about, which is relevant to you now in America, is that back in the early days of the century a lot of complacent politicians took positions that conferred unique legal privileges on the trade unions. It dates right back to 1906 when the Liberal Party in power at that time in Britain passed the Trade Disputes Act, which almost literally put trade unions outside the law, and gave trade unions power that no other element in our society enjoys.

It gave them the power to break contracts without being prosecuted. And it gave them many other powers.

Now, our liberal politicians at that stage, back in the early days of the century, did that thinking that trade unions would never be a problem. They were weak. There were only two million people in trade unions in Britain then. By and large, their leaders were not Red revolutionaries arraying tooth and claw, they were good chaps, and this mentality, that our trade union leaders were on the whole good chaps, has persisted into very recent times. And it partly explains why there have been no serious attempts, apart from the attempt of the last Conservative government, to bring our trade unions back within a framework of law and to curb their excesses.

And the powers that were given so lightly at a time when trade unions did not look so terrifying have of course provided enormous opportunities for ideologically motivated men who want to destroy our system. It seems to me to be the perfect model in the modern world of what happens when people let themselves be seduced by the argument that if you give a man a knife he will never use it. We gave that man a knife pretty early on in the 20th century, and we perhaps shouldn't be all that surprised to find that it's now pretty close to our jugular vein.

All right, let me give you a little image of how I think that the kind of trade union power that has grown up in Britain could help to bring about the final destruction of our economy, and even the overthrow of our parliamentary democracy. That will sound a little exaggerated to you as I stand here before you, but I live with that, and my friends here tonight from England live with that day by day, and it is something that we do not take lightly for one moment.

Now our trade unions are not just bargaining over wages or trying to get more men into their ranks, they are trying to dictate the whole shape of economic and social policy in Britain. More than that, they're trying to build themselves into our political process.

For example, our Trade Union Congress has proposed that non-elected trade union delegates should sit on every local council in Britain. Our local councils—municipal councils—are elected on the principle of one man, one vote. Now we have a proposal from the TUC that they should contain non-elected union officials who will have full voting rights. That is a direct attack, if it ever becomes law, on our constitutional system. It gives you one measure of how far the challenge is going, and what is TUC policy today in our country is often enough the policy of the Labor Party and the Labor government tomorrow.

That recommendation has been accepted by the local government committee of our Labor Party. It has gone to the executive of the party, and I don't know, it could become a bill, and then legislation in the not too distant future.

That gives you one litle index. Next, I'll give you another little index. We had a new budget announced in Britain not long ago, and our Chancellor of the Exchequer stood up, and in his budget speech he made it openly plain to everyone that the key element in his policy, wage restraint, would not be government policy until it had been signed, sealed, and delivered by our TUC, our Trade Union Congress.

He made that open. Now again, in our view, those are unconstitutional acts, because under our original Bill of Rights of the 17th century, power in Britain is vested in the people as represented in the Parliament, and in the throne. Apparently not. Apparently the TUC in Britain has become the non-elected upper house, our real Senate, since the House of Lords doesn't count for much in terms of real power today. Our TUC appears to be taking its place.

So the aims of our trade union officers have become very ambitious indeed. They long ago stopped being just concerned with how much more they could screw out of the bosses, or what sort of cars they drove in. These are very subsidiary questions to them today. The real question involves power and the whole future of our form of society.

Now, Britain is on the pretty rocky road to ruin, for the moment, economically. I've already mentioned the size of our deficit. Our deficit runs to 12,000-million pounds a year, which is a lot of money for an impoverished little group of islands off the northwestern coast of Europe. We can't afford it. The TUC's pressure forces our government to continue to overspend on this colossal scale, to continue to promote nationalization programs, particularly with the private firms, and to generally waste the taxpayer's and rate payer's money in whatever new ways they find from day to day.

Now, I'm not altogether certain that in the not too distant future we won't see a situation emerge where there will be a new phase in the economic crisis in Britain where our long-patient foreign friends will get fed up with us and stop lending us money unless

we set our economic house in order. And I'm not certain that at some point we won't have to face a fairly shattering kind of decision, a decision as to whether we go on further into the kind of socialism our trade union bosses want, further towards total state regulation of our economy, nationalization of our banks (which is another thing that the TUC is calling for) and so on—a communist kind of economy with high import controls, fixed exchange rates, and all the rest of it—or whether we go in a radically different direction by trying to restore sanity, by trying to cut excessive public spending, by trying to provide new incentives for people to make their own business decisions, and the rest of it.

But I do know one thing: we will have to face that decision. And I know another thing, any government that faces that decision will not be allowed to make up its mind without a fairly devastating confrontation with our trade union movement, if it wants to go back towards curbing abusive union power, towards devolving economic power back to the private sector, and towards cutting excessive public spending.

In other words, what I'm saying to you here in a foreign land is that I see no way out of our crisis in Britain without widespread strikes, and I'm not confident, as I stand here before you tonight, that those strikes will be contained, or at any rate I'm not confident as I stand here at this moment that the elements in our society who are now convinced that the abuse of trade union power is one of our key problems, are organized to do anything about it.

Well, I didn't want to speak for too long. I think without exaggerating the picture that I may be beginning to give you some measure of where a society can go when it allows one pressure group—in this case, trade unions—to acquire and to practice monopoly power. That is where we are going. What can we do about it?

Well, I think that we have to change the whole psychology in Britain. You've done a great deal here on the basis of the slogan, The Right to Work, to show people what can be done. In Britain a lot of people have their heads bowed in the face of processes that they think are inevitable. A lot of people are totally defeated about where trade union power and the Marxist control of key unions is going to take us. In other words, they don't think we can do anything to stop the rush. We have to live with this progress. We have to appease the trade union bosses, and we can't take any stand. Indeed, it's not even worthwhile to stand up and point out the dangers of the situation.

Now, until our group came into being I think it would be fair to say that there was no rallying point, no pressure group, whatsoever in Britain of any national importance that was prepared to look these problems calmly in the face and say this is unacceptable, it is not inevitable, if we can rally a majority to the defense of individual freedom, which is a cause that's still deep in the heart of the British people, as it is in the heart of the American people, we can begin to turn things around.

We did some opinion polls. Not my organization, because it didn't even exist then, but one of our newspapers did some opinion polls back in September of 1975, and they showed, I think, the sort of results that you would get with your opinion polls here in America. They showed that 73 per cent of the British people are opposed to the closed shop, and they showed that 56 per cent of union members are also opposed to the closed shop.

Yet what are our major political parties doing? Are they reflecting that majority? If they're not reflecting it, who exists to reflect the majority feeling and to try to turn it into action? Well, we are trying to provide the answer, and we are working, really, over a very broad ground, much broader perhaps than you would think is worthwhile.

But again, you've got to remember the difference between you and us. We are trying to do the work of about twenty major organizations in this country. We are tackling not just compulsory unionization, not just misuse of trade union power, not just, for that matter, the defense of self-employed and small business people who have no effective lobby, not just the defense of independence in medicine where private doctors are being forced out of the country, not just high standards and independence in education in the face of a program which could lead to Marxist control of our primary and secondary schools, not just all those things, but also we are trying to produce a psychology of rearmament at a moment when the Labor government appears to be dismantling our defense systematically, and we're doing a lot of other things as well.

We're publishing a newspaper, and I think it's not a bad newspaper, *The Free Nation*. It's published every two weeks. And one of the curious things about this paper that may help to give you some grasp of what we are, and perhaps what we have in common, is that this paper—which I think is produced in a very high professional standard, and does include many of the best writers, at least on the conservative side of the spectrum in Britain, and a lot of members of Parliament (there are still quite a few who are on our side and prepared to say so)—is produced with no staff whatsoever. It is produced by unpaid contributors. Its editor is unpaid. It is all voluntary work.

We don't have the resources to afford vast offices and all that sort of thing, and to pay large checks to our contributors. We have none of that. We do have a handful—and I say literally this day—a handful of highly motivated people who are in effect crusaders. We feel ourselves to be in many ways the last ditch resistance in Britain, and I'm delighted to feel, amongst you, some of the same spirit and determination that we are trying to find in Britain today.

In a funny way I am confident about the younger people in Britain. I think that they are rejecting an age of compromise and appeasement, and I find a radicalism in a good sense of the word there that we can build on.

We have a national council of about fifty people. They span all walks of life, all occupations, all backgrounds. Some of their names will be familiar to you. The name Winston Churchill will be familiar to you. Young Winston Churchill, MP, grandson of the original Winston, is on our council and plays a very prominent part in everything that we do.

Our council ranges over all sorts of people, from Field Marshall Sir Gerald Camp, Britain's greatest living soldier, to brave men who are fighting the battle against closed shop, to businessmen, to academics, to journeymen, to the foremost expert of the British constitution, Lord Blake, and to many others. I think it is a very impressive group of people and that together we do represent the kind of rallying point that no one else has provided. And on the basis of that we want to break through the mythology of fear that sprang up in Britain about trade union power, about the supposed inevitability of the process I've been describing.

We want to get people out in the streets. We want to hold large rallies. We want to get 150,000 people into the streets to protest against what I think could probably be described as the Sovietization of Britain. We think we can do that. Our problem—and I wonder whether you've found this in some of your localities—is that in our situation people who feel as we do feel very isolated and often very afraid.

There's no need for that great sense of isolation in this country here. Freedom is still a popular cause and the majority is clearly mobilized on your side. In our country the majority is on our side, but not mobilized. And when Solzhenitsyn stands up, yes his words strike home, yes people are frightened, yes people believe in him, yes people know that he is right when he warned about the corruption and possible disintegration of the West. But they do not feel it in Britain yet that they can do anything about it, because they sit in front of their own television screens or their own radios and think, "We are alone".

Now, my organization wants to change that.

Well, I told you a few things about my situation, and I think that everything I've said presents a warning to you. I would just like to make one final personal comment before I sit down, and it's this; it takes me back to where I started.

We look to you, we look to this country still. I think we look to it probably more than ever, the strong right arm on which we lean, as the exemplar of liberty. And we look to people like you not to betray any of those liberties and personal rights that have been so complacently and so arrogantly betrayed in my own country. And we look to you to let your Liberty Bell ring out, because its sound brings some comfort and some encouragement to us on those distant shores. Thank you.

AN INTERVIEW WITH THE FORMER CHIEF OF THE FOREST SERVICE

Mr. METCALF. Mr. President, the Senate will soon be taking up S. 3091, the National Forest Management Act of 1976, which was jointly considered and reported by the Committee on Agriculture and Forestry and the Committee on Interior and Insular Affairs.

In considering where we are going, it is often useful to look at where we have been. In 1948, President Harry S. Truman appointed Dr. Richard E. McArdle, Chief of the Forest Service in the Department of Agriculture. Dr. McArdle continued as Chief through the 8 years of the Eisenhower administration and on until 1962 under President Kennedy, retiring voluntarily at the age of 63. Dr. McArdle is still very much around. I know that the principal sponsor of S. 3091, Senator HUMPHREY, has had a long and close working relationship with him on a whole host of conservation endeavors, as have many other Senators.

The Forest History Society has recently published an "Interview with the Former Chief of the Forest Service," which spans his career and his varied experiences.

I would like to quote portions of that interview, particularly those dealing with overall forestry management problems, the value of wilderness, and the record of the timber industry. Finally, I will ask to insert in the RECORD a letter from Dr. McArdle detailing the role of Senator HUMPHREY in passage of earlier landmark forestry legislation.

The closing note of Dr. McArdle's interview gives perspective to the issues we confront:

> The story of the organization of the past, yes, is helpful but we have to recognize that the job that the Forest Service of today faces is quite different than the job that the Forest Service of Pinchot's time had to face. For

example, in Pinchot's time there were practically no timber sales. Today they are a troublesome problem in more ways than one. Recreation was not a problem in Pinchot's time. It's a tremendous part of Forest Service activity today. Water was not a problem in those days except when rivers flooded and caused damage but today adequate water, useable water coming at a time and in the quantity needed, is a big problem. John McGuire and all his people face a different set of resource management problems than Pinchot did or I did.

One other thing that perhaps bears on your thought about the importance of history. I think it becomes more important as an organization gets older and bigger that we shouldn't lose sight of the ideas, the ambitions, the aims, the goals, the people had who started the organization. What I'm trying to say is that you don't develop a whole new historical background for an agency every time the Forest Service gets a new chief. That does not, certainly should not, mean that the Service abandons the ideals that the outfit started out with. We may need to modify them, change them a little bit, but everybody in the organization ought always to keep those original high goals and standards in mind. It helps create pride in the organization, helps to build espirit de corps. A historical record, especially if it's at least halfway human, can help immensely to accomplish that.

I was particularly struck by the view he expressed on the issue of wilderness and rather than seek to paraphrase it, I will quote it in full:

Wilderness preservation has degenerated into too much of a squabble between those who want everything preserved as wilderness whether or not it really is wilderness, and those who are opposed to all wilderness preservation, or think they must take this attitude to offset the extravagant claims of wilderness enthusiasts. The thought I'd like to end with is that this should not be an either/or proposition.

We need to preserve substantial areas in wilderness condition. I think we will need wilderness more and more as we diminish our primeval resources and as we become more urbanized and further removed from our original resource heritage. We need wilderness to renew our sense of balance and to keep our spiritual fabric in good condition. Forget about the dollar value of wilderness. Maybe there isn't any. It doesn't matter; it is worth whatever it costs.

At the same time we must use our natural resources, including some of what is now primeval and untouched, in order to live. Just caveman existence requires food, clothing, shelter, and fuel to warm the shelter. To have more than caveman living we must add to those necessities of bare existence the raw materials that must be used to make the many things we take pretty much for granted in modern life. These things have to be made from natural resources. From what else can they be made?

These are the simple facts of life. So the knot I'd tie in this discussion of wilderness is to say that enactment of wilderness legislation didn't mark the end of anything. The question still before us is not preservation *or* use of resources but how best to achieve both preservation *and* use. If this be a sermon, make the most of it!

S. 3091, pending on the Senate Calendar, is being attacked by elements of the timber industry. Not only does Dr. McArdle have a distinguished public career, but also since 1967, he has served on the Board of Olinkraft, a major forest products firm. Thus the views he expresses on sustained yield, timber production, and the pressures on the National Forests are most significant. I urge my colleagues to ponder his remarks when we begin debate to provide the kind of sound management recommended by Dr. McArdle:

The timber people were never silent. The pressures on the Forest Service for more timber cutting on the national forests have been insistent, persistent, relentless, and never ending. There was never a week that I wasn't being beat upon to raise the amount of timber which could be cut. We called it the "allowable cut," and a more disastrous term was never invented. We should have talked about sustained yield instead.

The allowable cut figure these people wanted to establish included timber that could be easily reached and timber that was entirely inaccessible, timber that was useable under present-day conditions and timber that was not usable, small trees and large trees, good species and poor species, trees that would probably never be cut under any timber sales practice, and so on. In brief, they wanted the allowable cut figure to be based on everything. This led to misunderstandings because the timber they wanted to cut was the best timber and only the best.

There is still relentless pressure for increasing the cut on the national forests. I think the present cut is around 11 billion board feet. During my term we aimed at eventually increasing the annual cut to 21 billion board feet. I think you can see that I was not opposed to increasing the cut. But to increase the cut to such a large figure would require prompt and vigorous attention to improvement of the one-third of the national forest acreage that was in immature stands. Yet little or no money of this kind was being spent on these forests that would have to provide the 21 billion feet we were aiming at. Such funds requests were consistently cut out by the Budget Bureau.

. . . At this point, I might suggest that the forest industry people who were continually pressuring us to increase the cut on the national forests, never once went to Congress during my time to ask them to appropriate money for building up the forest resource—only for money to make timber sales. The same thing is true of the 5 million acres of national forests which are lying nonproductive right now because they need plantings. These are burned areas that are not going to restock naturally. You understand that the Forest Service has a provision under the so-called KV Act (Knutson-Vandenburg Act), which deducts from the price at which timber is sold enough money to reestablish forests on logged over areas. This has been effective, but it isn't taking care of the enormous backlog. It isn't taking care of these 5 million acres. Never once during my term as chief did any member of forest industry come to my aid in asking Congress to appropriate more money for planting up these nonproductive areas.

Despite the fact that the Forest Service already has sold enough timber to keep all current purchasers going for three years, there still is pressure to put more timber on the market. You could say that one purpose is to force the price down.

Another aspect which has to do with money is the increasing difficulty in making timber sales. It will take more time in the future because more provision will have to be made for environmental factors. So the answers to this . . . are only partly money. It is, however, a matter of more money to do all the other things that need to be done along with timber sales. The trees to be harvested sixty years from today should already have been planted and they haven't.

I am not opposed to timber cutting on the national forests. Let me speak plainly: I am on record time and again favoring increasing the total cut on national forest lands to more than double what it was at the time I was chief. I still favor that. But I do not favor it at the expense of the other users of the national forests. And I do not favor increasing the cut unless we do the things that must be done to make this larger yield possible. It is one thing to say that it should be done, but it is absolutely wrong to assume that saying it should be done means that it will be done—or can be done immediately. Even if the Forest Service had all of the money that it wanted today, it could not increase the cut from 10 billion feet to 21 billion feet overnight. There isn't the manpower, and there are hundreds of other requirements that would have to be met. What particularly worries me is trying to increase the cut on the national forests without making provisions for a crop that needs to be coming along to provide a harvest fifty or a hundred years hence. We're not doing this in any adequate measure. All the shouting has been, "Cut more, cut more."

Finally, Dr. McArdle's observations on the findings of the report of the President's Advisory Panel on Timber and the Environment are instructive. That report was issued in April 1973 and called for significant increases in the amount of timber cut. Dr. McArdle, who is also an emminent research forester, labels as "ridiculous" the basis for the recommendation in that report:

There are some well-known names as consultants in the report. I think the Forest Service very likely could agree with most of the recommendations. They are along the lines we have been talking about. Most of the recommendations are like saying we should respect motherhood, and I'm sure there'd be no objections to those. There are two recommendations that require careful attention. One of these is the proposal to greatly increase the cut of timber. I would be violently opposed to this if I were chief unless simultaneously we would do these other things such as planting nonproductive areas and giving attention to immature stands. In the past, what has happened is just what you said; the Congress has appropriated money to make timber sales and it has not appropriated money to do things that we need to insure our future crop of timber. In fairness to Congress the Bureau of the Budget has seldom allowed us to recommend them. Incidentally, the recommendation in the Seaton report to increase timber cut is based on analysis of only four national forests. That is ridiculous.

The first attack on the legislation now before the Senate was that it was a timber industry proposal. Now that the bill has been reported, the timber industry is attacking it as being "anti-industry." The truth is that the bill is neither. It is a reasonable piece of legislation which attempts to provide safeguards for the public interest while permitting a certain flexibility for the managers of our forests.

As one looks at the current timber industry attacks, and compares them with Dr. McArdle's observations, one can see that the industry goal is simply to increase the cut of timber with minimal regard for the important multiple-use values and the policy of sustained yield.

Mr. President, I ask unanimous consent to have printed in the RECORD a letter from Dr. McArdle to the Forest History Society telling of the important role our distinguished colleague, Senator HUMPHREY, played in enacting the landmark Multiple-Use-Sustained Yield Act of 1960.

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

5110 River Hill Road,
Washington, D.C. August 4, 1974.

Mr. Elwood R. Maunder,
Forest History Society,
Santa Cruz, Calif.

Dear Woody: It occurred to me last night that one rather significant event in the course of getting the Multiple Use-Sustained Yield Act probably hasn't been touched on. I don't have copies of American Forests here to check Crafts' account beginning in the June 1970 issue (don't trust my memory on that date) but I don't remember that he mentioned it either in the printed version or the earlier typed version. I am quite sure that I did not mention it in my American Forests story which was deliberately made very short. I know it is too late to incorporate this story in the manuscript you folks are now typing but I will look at the ceiling for a few moments and tell it to you anyway.

You may recall that early in our interview you asked me if I had anything to add to this MU-SY story. Your question referred to my American Forests story I think. I said I had nothing more to say. (At that time I was expecting to wind our interview up in short order and had no desire to expand on my AFA account.)

I think what I am now about to tell you is significant because it may well be that we would not have had a MU-SY law otherwise. I could be wrong, but looking back it seems to me that the chances were against it.

On June 6, 1960 (I have checked this date in my diary) I was at Grand Rapids, Minnesota to make the principal speech at ceremonies dedicating completion of buildings for what was then called the Grand Rapids Research Center (now called the Northern Conifers Laboratory or some such name).

Zig (Zigmond A.) Zazada, the local research center leader, had rigged up a large flatbed truck as a speaker's stand and had placed this at one side of a pretty little meadow near the research center buildings. Out in front were hundreds of folding chairs that he had gotten from various places. The high school band was present and a big crowd of people, more than he had chairs for.

I made my talk and when I turned from the speaker's stand to resume my seat I noticed that Senator Hubert Humphrey had arrived on the platform while I was speaking. While I was greeting Senator Humphrey I had one ear pointed toward Zazada to see how, as master of ceremonies, he would recognize Humphrey. Humphrey had just told me that he had hired a plane to get from Washington to Grand Rapids especially to be present at this dedication.

Zazada told the people present that they undoubtedly had noted the arrival of Senator Humphrey and asked Humphrey to stand and take a bow. Zazada then began announcing the next event on the program. At that point I took the program away from Zig and told the audience that Humphrey had made the trip from Washington to Grand Rapids solely to be present on this occasion. I said I knew they would want him to have more of a part in the ceremonies than just to stand up and be recognized. I went on to say that as bureaucrats we saw members of Congress come and we saw them go and we had our own private opinions about their achievements especially their achievements in resource conservation. I had always admired Hubert Humphrey's sound ideas on conservation and I took this opportunity to say so. I mentioned some of his efforts to promote the cause of conservation and ended by saying that I felt sure I spoke for his Minnesota friends in suggesting that Senator Humphrey give us whatever comments he cared to make on this occasion so important to resource conservation in Minnesota. Humphrey spoke briefly and to the point obviously having intended to have a part in the program.

After the ceremonies were over and Humphrey and few others were having coffee with me he asked me if I was having any particular worries in Washington. I said I certainly was having some super worries at the moment and the chief worry was how to get the MU-SY bill enacted. I explained why this proposed legislation was urgently needed and that it would be almost disastrous to the FS if not enacted. I described the long struggle we had had getting it through Congress and that the struggle was about over. But the situation looked pretty dark to us right then because the bill had struck a snag. Humphrey asked where the bill was at that time and what the snag was. I said the bill was hung up in the Senate. It was through committee with a favorable recommendation but we couldn't seem to get it out on the floor for a vote.

From here on the story is what I learned from Spencer Smith of the Citizens Committee on Natural Resources. He told me that he was in Humphrey's office when Humphrey returned from Grand Rapids. Humphrey invited Spencer to accompany him to see Lyndon Johnson, then majority leader of the Senate. Smith said Humphrey barged into Johnson's office without ceremony and demanded (expletives deleted) why Johnson was holding up the MU bill. Johnson said there were objections to the bill, by one Senator especially. (I know who this was but see no reason to say so here.) Anyway, the long and short of it is that Humphrey blasted the bill loose. It came up for a vote, was passed and President Eisenhower signed it June 12.

We might have been able to get this bill to a vote without Hubert Humphrey's assistance but looking back on the situation I am by no means certain that we could have done it. Humphrey came to our aid at a crucial time. His help was effective. When bouquets are being handed out for credit in getting the MU-SY legislation enacted I don't want Hubert Humphrey forgotten. Without his help maybe there wouldn't have been a MU-SY Act today.

Another aspect of the MU-SY legislation that should be covered sometime by somebody is how the definitions got into the Act. Maybe Crafts told about this. The definitions were not in the draft legislation when we sent it to Congress and were not in our letter of transmittal. Senator Hart was the person mainly involved in this. The FS wrote the definitions for him.

Sincerely,

Richard E. McArdle.

SPLITTING THE OIL COMPANIES WILL NOT HELP

Mr. STEVENS. Mr. President, I am concerned about present efforts to break up the major oil companies in the United States. This effort arose out of the assumption that the majors used collusion to increase prices during the Arab oil embargo, and it has culminated in the introduction of Senate bill 2387. The bill would break up all large oil companies under the guise of restoring and promoting competition in the petroleum industry.

However, the whole premise of the bill is disputed by an article in the May 1 edition of the Washington Post by Prof. M. A. Adelman of MIT. Professor Adelman pointed out that the oil industry's greatest concentration occurs in the refining segment and even there the largest eight companies account for only 58 percent of the market. It takes the largest 20 firms to get 85 percent. This is far less concentration than steel, aluminum, or automobiles and is about average for all manufacturing. Professor Adelman also points out in his article that the full effect of disintegrating the oil companies into separate entities could actually result in a decrease in competition. There would be nothing gained by divestiture except a vast exercise in shuffling papers. The main result of the bill would be to restrict many companies with knowledge of a market from ever entering that market. For example, who knows better about the need for building a new refinery than petroleum producers and distributors.

Mr. President, the oil industry is less concentrated than many of the other major industries, and the question should be why are they being singled out? Is it possible that S. 2387 is meant to be a form of punishment of the oil companies for the increased price of petroleum products. If so, Mr. President, I am very disturbed by the implications.

The article by Professor Adelman, a distinguished professor of economics at the Massachusetts Institute of Technology, who is not tied with consumers, big oil, or any other interested factions, clearly illustrates the problems that would occur if divestiture becomes a reality.

I ask unanimous consent that the article entitled "Splitting the Oil Companies Will Not Help" be printed in the Record.

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

Splitting the Oil Companies Would Not Help

(By M. A. Adelman)

Congress should reject the proposals for disintegration of oil companies into separate entities for producing, refining, and marketing. "Vertical divestiture" would be expensive. It would diminish competition at home. It would waste our chance to increase competition abroad. And it would make almost no difference, one way or the other, in terms of efficiency.

The industry's contention, that vertical integration helps efficiency, is unfounded. Common ownership of these activities, by one company, neither saves money nor costs any. (There are bound to be some exceptions to the rule; relatively, they are unimportant.) Most companies became integrated long ago for reasons that are now history. They have stayed integrated because there is no reason to change. One oil company president says integration gives "security of supply" of crude oil to the refinery. As Frederic Scherer, chief economist at the Federal Trade Commission, has pointed out: If "security of supply" is a problem, that is a signal of a noncompetitive crude market, where sellers can deny supply to some buyers. In fact it is no problem. Anybody can buy any amount he wants, except when governments restrict the supply.

The industry's job, of arranging an immense flow of sticky combustible liquids, is made no easier or harder by common ownership of the segments. A company that on paper is balanced and produces "enough" crude for its own use actually has to dispose of much or most of it to others. Oil is where you find it, scattered in thousands of fields all over the country or the world. It often doesn't pay to bring it home.

If we could by some magic wake up tomorrow to find that three or four going concerns had overnight replaced every integrated oil company, there would be no substantial loss.

But in fact divestiture would be a vast exercise in shuffling papers, transferring title to huge assets of plant, cash, and people (and also assigning debt). Every company would try to keep the best and sell or spin off the rest. Investment decisions on the new plant and equipment and methods needed to cope with new situations today need all the attention possible. They would have to be kept on the back burner because too much money would depend on sorting out what was already in place.

When it was all over, even putting to zero the costs of delay and disruption, we would have less competition because refiners, for example, would no longer be free to enter marketing, or vice versa. Freedom of entry helps keep any trade competitive. Customers and suppliers are usually better informed about the trade than outsiders. A crude producer on one side, a marketer on the other, may know that refining some product in some part of the country is yielding some lush returns, which they would like to share. Their ability to enter refining or even the threat of new entry, helps persuade those already inside to build new capacity. If they don't, the newcomers will. Divestiture would stop vertical entry.

A Boston marketer, Northeast Petroleum, prospered and grew over the years and is now completing, in Louisiana, the only new American refinery in several years. The divestiture bill would keep such people out of refining unless they stayed small enough in marketing—in which case they would not be refining candidates.

Increasing barriers to entry is odd because the stated purpose of vertical divestiture is to increase competition in oil. But if each sector of the oil industry is competitive, there is no way by which vertical integration can make it less so. Market power at any one stage of the industry can be spread backward or forward through vertical integration. A refiner monopoly would have the crude producers and the marketers at its mercy. But if there is no power, there is nothing to spread. Hence the crucial question becomes: How competitive are the various segments of the oil industry?

In the United States, state and federal governments have often intervened to restrict output and raise prices, because the domestic industry could not rig the market by its own effort. The domestic oil industry was and is strongly competitive. Concentration is low.

The refining segment is the most concentrated. But even here the largest four sellers account for 33 per cent of sales, the largest eight for about 58. It takes the largest 20 to get to 85 per cent. This is, of course, far less concentrated than steel or aluminum or automobiles, in fact, oil refining is just about average for all manufacturing industry. Grocery retailing, per local metropolitan area, is more concentrated than oil refining nationally, and the oil market is close enough to national to make the national statistics relevant.

When the largest four account for only a third, and even the largest 20 account for 90 per cent, they cannot act together, except secretly, to restrain output or raise prices. It is no bad thing that the great size of the oil companies puts them into the goldfish bowl, their every move scrutinized.

Low concentration and many competitors insure competition because each seller—today, because of imports, even the whole American industry—is a "price-taker." He adapts to the price but cannot affect it, because he cannot affect the industry's total output—which sets the price. The burden of any independent action in expanding sales, by offering customers more, is borne by the industry, the benefit goes all to the maverick. (For this reason, an oil company owning coal mines that produce only a small per cent of the coal will act like an independent coal producer, and produce very bit of coal profitable at the current coal price. Any effect on the price of oil will penalize the oil industry as a whole and will have no effect on his profits.) and every competitor knows that if he doesn't act independently, somebody else will.

Some fear that oil companies can control output and prices through joint ventures. This fear should not survive a little reflection. Joint ventures are most important in bidding for federal lands, with payment in billions. Even a little collusion would be very rewarding. None has been alleged. (Even a small improvement in bidding procedures is well worth seeking, however.) Once a group wins a bid, the amount of production they can develop, even in the biggest lease, is tiny relative to the market. In their own interest the owners must operate the lease as though they were a single independent firm, unable to influence price. For maximum profit, they must push the output to the point where additional expansion would inflict cost higher than the price.

Finally, vertical divestiture would not disturb the cartel of the producing nations. The cartel is endangered only when more oil is offered than demanded. When and if suppliers crowd each other out by offering better terms, and a game of musical chairs begins, the price will drop.

It is a truism today that the cartel nations use the multinational oil companies to clear the market. The governments sell almost exclusively through oil companies, whose margins are too narrow to allow any but trifling price cuts. Therefore the companies cannot put additional amounts on to the market to displace a rival, who might retaliate by cutting price again. "Hard bargaining" by independent refiners, dealing with independent producing companies, will accomplish no more and probably even less than today's integrated producing companies dealing with the cartel governments.

Only the governments can oversupply, because only they have the cheap crude. So long as nearly every government refrains from independent offers, the total offered in the market adds up to the total demanded by consumers. Then the cartel holds together, and can even tolerate a maverick or two. Saudi Arabia, in the summer of 1974, earned millions of brownie points with our government by announcing a crude oil auction to bring down prices. After getting the maximum publicity, they cancelled the auction. That was a lesson. (Our State Department, which learns nothing and remembers nothing, is still high on "cooperation" with the cartelist-in-chief.) Put Aramco (Arabian-American Oil Co.) into the picture, or leave it out, and the result is the same—no additional supply, no beating down the price.

What the cartel nations really fear, as Iraq said so well last autumn in threatening Kuwait, is "competitive bidding among producers," that is, among producing nations. For the next few years the great excess of producing capacity will keep the cartel vulnerable. That excess may last into the 1980s, or it may not. But now is the time to use the excess as a lever to damage the cartel and bring down prices.

Vertical divestiture would keep Congress and the oil industry busy for years, spinning their wheels going no place, postponing investment decisions, losing a chance for active defense against the cartel, admitting finally: "I wasted time, and now doth time waste me."

ONLY BROADCAST SPEECH NOW IS NOT PROTECTED

Mr. PROXMIRE. Mr. President, the U.S. Supreme Court ruled Monday that advertising is protected speech.

What that means is that advertising has joined the daily press, magazines, pamphlets, and movies as enjoying a great deal of protection under the first amendment.

Mr. President, now only broadcasting—radio and television, the most heard voice in America—does not enjoy the full protection of the first amendment guarantees of free speech and of a free press.

The decision Monday was in a case involving the advertising of prescription drug prices, a Virginia case.

According to the Washington Post, the Court said:

> Advertising, however tasteless and excessive it sometimes may seem, is nonetheless dissemination of information.

Yet, there are too many in this land of liberty who want to impose their values, their judgments on what is broadcast on radio and television. They want to interfere in the dissemination of information.

Only last week the Federal Communications Commission found that eight California radio stations violated the so-called fairness doctrine in broadcasts of announcements by a public utility proposing the immediate construction of nuclear powerplants.

In citing the radio stations, the FCC noted the number of minutes the broadcaster gave to each side of the controversy.

The FCC did that despite a longstanding policy that stopwatches would be applied only to equal time cases, which are restricted to broadcasts by qualified political candidates.

What is more, the stations have been ordered to tell the FCC how they intend to meet their "fairness obligations" in the future. One of the stations was ordered to submit "specific information as to its future programing plans regarding the issues addressed" by the utility's spot announcements.

Mr. President, it matters not whether the spot announcements are right or wrong, for the perception by the people is not a matter for the Government to deal with. It is a matter for the people to deal with themselves. They are capable of deciding between truth and falsity.

Indeed, on June 8 the people of California will decide at the polls on the future of nuclear power.

The Government has no business under the Constitution in abridging free speech and a free press in dealing with ideas. That is why we have the first amendment.

The Supreme Court went a long way Monday in that direction when considering commercial speech on drug prices.

The time is drawing near when the commonsense of the authors of the Bill of Rights will come crashing through into the present to protect the rights of citizens over those who would use Government to control the news and information they get on radio and television.

That is why I introduced S. 2, the First Amendment Clarification Act on January 15, 1975.

AN INNOVATIVE APPROACH TO HIGHER EDUCATION

Mr. PERCY. Mr. President, I invite the attention of my colleagues to an exciting new concept in private and public post-

secondary relationships. The John Wood Community College located in Quincy, Ill., offers students a private college education at a publicly supported, low-cost tuition level. The 2-year college which has few faculty members, no buildings, and offers only a few courses has their students attend classes at one or more of the five private institutions in the area that have contracts with John Wood. As the costs of higher education continually mount, the innovative approach taken by John Wood may provide an approach that will help preserve private higher education.

I ask unanimous consent that an article by Gene L. Maeroff, published in the New York Times, be printed in the RECORD.

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

PUBLIC COLLEGE FARMS OUT STUDENTS TO PRIVATE ONES

(By Gene I. Maeroff)

QUINCY, Ill.—Residents of this quiet Mississippi River town have been given an unusual opportunity to get a private college education at a low-cost, publicly supported tuition level.

The arrangement has been made possible by the establishment here of the new John Wood Community College, which farms out almost all its 806 students to private colleges in the area.

What has resulted is a rare relationship between the private and public sectors of post-secondary education, which is not fraught with the antagonisms that so often grow out of the competition for students.

It is a situation that is expected to be watched closely by the nation's educators and legislators. There is mounting interest in finding ways to help preserve private higher education while maintaining the access to college that until now has been possible mainly through extensive subsidies of tax revenues to public institutions.

Students at John Wood, a publicly-supported, two-year college that has no full-time faculty, owns no buildings and offers but a few courses of its own, pay their tuition to the community college and then attend classes at one or more of the five private colleges that have contracts with John Wood.

Among the few similar ventures elsewhere is Hudson County Community College Commission in New Jersey, which sends students to Jersey City State and to two nearby private colleges, St. Peter's and Stephens Institute. Another such plan is under consideration for a community college district being developed in northwestern Pennsylvania.

"There was no sense in putting up another campus to provide what five schools are already offering," said James L. Reed, a farmer who is chairman of John Wood's board of trustees.

"We wanted to help the existing institutions if we could and we will give the plan every chance to work," he continued.

"But when we find that we can do it cheaper ourselves there will have to be some changes made."

Three institutions with religious sponsors, Quincy College (Roman Catholic), Hannibal LaGrange College (Southern Baptist) and Culver-Stockton College (Disciples of Christ), and two proprietary institutions, Gem City College and Quincy Technical Schools, are being paid to educate John Wood students.

Hannibal LaGrange and Culver-Stockton are on the Missouri side of the river and the other three institutions are in Quincy, a conservative, heavily German-American city of 60,000 that is the hub of the community college district, which covers an area of 1,823 square miles, where pork raising is a prime activity.

Educators here acknowledge that the concern of the private institutions over the prospect of having to compete with a community college offering its own courses and low tuition had much to do with the development of what they called the "common market" concept.

"It's not likely we could have survived in our present form," said Dr. Kenneth C. Conroy, academic dean of Quincy College. "We simply could not have competed against a full-blown community college."

As it is, Quincy College saw its enrollment fall from 2,000 in 1971 to 1,250 last year. It is the addition of the 309 John Wood students that Dr. Conroy says has helped stabilize the situation.

Quincy College's tuition of $900 a semester, for instance, is far higher than John Wood's $192.

The separate contracts that John Wood has with Quincy College and the four other institutions call for a per-credit-hour payment approximately equal to the instructional costs. John Wood is able to augment its tuition income with allocations it gets from the State of Illinois and from its local community college district tax assessments.

Students attending the private institutions through their affiliation with John Wood seem to be virtually indistinguishable from those who enroll directly in the five colleges.

They sit alongside one another in classes and some John Wood students even live in the dormitories at the participating colleges. A John Wood student was even captain of the cheerleaders at Hannibal LaGrange.

"I suppose that if I went to John Wood students and asked them the name of their college, nine out of 10 would name the school they attended instead of John Wood," said Marc Magliari, the president of John Wood's fledgling Student Government Association, which sponsors activities to bring together John Wood students from the five campuses.

Mr. Magliari, whose classes are at Quincy College, is having John Wood sweatshirts imprinted as a way of fostering a spirit of unity among the disparate student body.

There have been slight complications for John Wood students, such as being barred from varsity sports at Quincy College and not being able to join sororities at Culver-Stockton.

Also, the Federal Government for a time resisted giving aid grants to John Wood students and had to be convinced that the students should not have to apply through the contract colleges.

The degree of student assimilation is such that the North Central Association of Colleges and Secondary Schools warned in granting John Wood "candidate for accreditation" status that the common-market approach posed certain dangers.

"The college will need to develop a positive image demonstrating that it is a viable, comprehensive institution of learning and not a phantom institution which functions as a clearing house for educational services," the association's report stated.

Officials of John Wood, which is named in memory of an Illinois governor, insists that the college is much more than simply a conduit for delivering tax dollars into the private sector.

STEEL-PRODUCING NATIONS IN EUROPEAN COMMON MARKET

Mr. CANNON. I am very much disturbed by the refusal of the steel-producing nations in the European Common Market Community to negotiate orderly marketing agreements to limit American imports of stainless steel and other specialty steels.

In 1972, the full Committee on Armed Services of the Senate concluded, after comprehensive hearings before its Subcommittee on General Legislation, that the specialty steels are essential to the national security. It is impossible to have strength in weapons without having strength in the American specialty steel industry. These metals are used in airplane engines, helicopter driveshafts, tubing for the nuclear powerplants of submarines, landing gear assemblies, machine tools for weapons manufacture—just to mention a few. Furthermore, it is impossible to make weapons without electricity, and it is impossible to make electricity without specialty steels. Every electric powerplant in the country depends on specialty steels for rotors, bearings, shafts, tubing, and gears. Obviously, the industry is essential.

Yet, until very recently, the administration has been indifferent to the fact that imports of stainless and tool and other specialty steels have been conquering the American market, to the detriment of income and employment in our own industry. The most serious feature of this penetration is that unemployment means potential loss of critical skills and of income to pay for research leading to new technology closely related to our defense.

So the European refusal to negotiate for limits on imports is bad news. It is tempered by reports that Japan will agree to a limitation, and by the fact that a delegation from Sweden arrived in Washington on May 21 to negotiate a limitation. Sweden is not part of the European Common Market—which includes such specialty steel exporting nations as France, Britain, Italy, West Germany, Belgium, and Luxembourg. President Ford's March 16 announcement warned that, in the absence of successful negotiation of orderly marketing agreements, he would impose 3-year quotas on imports from the nonnegotiating nations. Japan and whatever other countries do negotiate should get preferential treatment. It is extremely important to the Nation and national employment and technology and defense that the President hold to his resolve and impose the quotas. Otherwise, we will continue to watch the weakening of an essential industry before the flood of imports.

The flood does not abate. Stainless imports in March reached 16,000 tons—the highest 1-month amount since April 1975. Tool steel imports for March reached 2,200 tons—the highest since June 1975. That is 27.5 percent of the month's domestic tool supply. Those imports exceed the level in January 1976, when the International Trade Commission determined that stainless and tool steels "are being imported into the United States in such increased quantities as to be a substantial cause of serious injury to the domestic industry."

The Trade Commission on January 16 recommended to the President that he impose quotas for 5 years. The President preferred to try to reach agreement with the exporting nations rather than unilaterally to set quotas.

The danger in the President's delay since March 16 is that his administration will be harassed by arguments to do nothing. It is argued that since economic recovery is on the way, the specialty steel industry will share in the recovery and needs no protection from imports. Another misleading argument is that prices of specialty steels have gone up since the International Trade Commission made its findings. But stainless steel prices have gone up less than costs. Current prices of many — probably most—stainless and tool steels are lower than they were at the beginning of last year. No industry can survive if its prices do not keep pace with its costs. The moderate rising of specialty steel prices is not a valid reason to deny the specialty steel industry the relief it needs from imports.

As for recovery the specialty steel import problem began long before this year's recession. It has hurt the industry in good times and bad for many years past. The International Trade Commission found that the problem of the industry is one of long standing.

The Commissioners had good foresight. Imports are continuing their upward trend, and recovery in other parts of the economy is not stopping the imports. The prospect of recovery is not a reason to ignore the imports. They must be limited.

If specialty steel were sharing the recovery in full, the industry's prices would be going up faster than they are. There is pressure on prices for increase in wages and material costs. Wages inevitably move up. Nobody wants to freeze them. But their effect on steel prices is inescapable.

Specialty steel pricing is affected by the fact it is produced in a highly competitive industry. The intense competition is a restraint on price rises due to nonmarket factors. When foreign producers, subsidized by their governments, attempt to take control of the U.S. market, prices fall precipitously. In 1975 when the quantity of imports of stainless and tool steels reached the all-time high, "the profit dropped approximately 86 percent from what it was in the same period in 1974," according to the International Trade Commission report.

Opponents of the recommendations by the International Trade Commission and the President's policy statement of March 16 accuse the Government of inaugurating a "protectionist" program. That is a false accusation.

In the Trade Act of 1974 the Congress armed the President with the means to prevent American industries from being injured by imports. The approach is fair. In specialty steels, the solution recommended by the Commission assures the exporting nations a share in the U.S. market and a share in its growth.

The course for the President now is to impose quotas on specialty steel imports from the countries that turn their backs on his offer to negotiate. The quotas should be long term, to remain in effect at least 3 years, in order to correct and overcome the long-term trend of imports which the Trade Commission cited.

The President can revive confidence by stating that the quotas will not be revoked before the 3 years are up, except on those countries which subsequent to June 14 negotiate marketing agreements. Such action will be good for employment, good for American technological leadership and good for the national security.

TEAMSTERS: HOW MUCH POWER?

Mr. STEVENS. Mr. President, recently a newspaper in my State, the Anchorage Daily News, was awarded the highest reportorial award in the country, the Pulitzer Prize for public service.

To earn this award required the investment of a large percentage of the paper's reporting staff, three reporters sent out by Publisher Kay Fanning to cover one subject for 3 months. The Pulitzer gold medal rightfully belongs to all those at the News—publisher Fanning, who was willing to make this investment and encouraged and helped the reporting team in its efforts; the reporters who wrote the stories, Jim Babb, Bob Porterfield, and Howard Weaver, who researched, interviewed and dug deeply into their subject over the 3-month period; and the entire staff of the News, who took on extra work and covered for the three reporters sent out on the assignment.

The subject of the investigative articles was the influence of the Teamsters in Alaska. This was a sincere effort at making this powerful force better known to Alaskans.

While media in other parts of the country, with far greater resources at their disposal, portrayed Alaska and the role of the Teamsters in the State in a highly exaggerated and sensationalistic manner, the News managed to take a reasoned approach and tone in its series. The validity of this approach was duly recognized with the awarding of the Pulitzer.

As these investigative articles take a more accurate look at the Teamsters, which publisher Kay Fanning described in an interview later as "powerful but finite," I think people around the country who have read and believed the sensational reports on Alaska could benefit by reading these articles, written by Alaskans who know the State and its people.

Mr. President, I ask unanimous consent that the first of the Pulitzer Prize-winning Anchorage Daily News articles be printed in the RECORD.

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

[From the Anchorage Daily News, Alaska, Dec. 4, 1975]

TEAMSTER: HOW MUCH POWER?

(By Howard Weaver and Bob Porterfield)

Teamsters Union Local 959 is fashioning an empire in Alaska, stretching across an ever-widening slice of life from the infant oil frontier to the heart of the state's major city.

Secure under the unquestioned leadership of Secretary-Treasurer Jesse L. Carr, the empire has evolved in just 18 years into a complex maze of political, economic and social power which towers above the rest of Alaska's labor movement—and challenges at times both mighty industry and state government itself.

In recent weeks the union has come under increasing observation in Alaska and outside, but basic, key questions have been left unanswered. How has the union amassed its power? Where does its structure reach? Who are its primary architects? What lies ahead?

To answer these and other questions, The Daily News made a lengthy study of the empire. These are the basic facts.

Local 959 has amassed its power in a number of ways:

With 23,000 registered members, the union is by far the most influential and successful special interest group in the state;

No other group—including the Republican party, which elected the governor—even approaches the concentration of power which Teamsters have vested in Carr, the secretary-treasurer and moving force of the union.

By means of a pension fund rapidly approaching the $100 million level and an investment policy which gives it considerable influence over the state's major financial institution, 959 represents the most potent financial force of any Alaska-directed organization. Measured in terms of Alaska interest, this appears true even in comparison with the oil giants and emerging Native corporations now operating in the state.

Despite an occasional upset, no other group has displayed such consistent political power here as the Alaska Teamsters. Spanning as it does both party and ideological boundaries, the union outstrips either political party in this respect.

The web of Teamster power stretches across the face and beneath the surface of Alaska society, manifesting itself in a wide variety of forms. Local 959 and its related enterprises own property in Anchorage, Fairbanks, Juneau, Valdez and Palmer. It is developing multi-million dollar headquarters, office, commercial and recreational facilities here and in Fairbanks, and plans development in other areas when justified by the rapidly growing membership.

The union also has invested more than $80 million drawn from four trust funds to which employers contribute money. By channeling that money through the National Bank of Alaska (NBA)—where Carr sits on the board of directors—and investing it almost entirely in Alaska, the union has achieved considerable influence in the Alaska financial community and has become one of the area's biggest landlords. In past years the investments were divided between mortgages, real estate, bonds and the stock market, but lately have been solely directed toward Alaska housing and development.

The trans-Alaska pipeline, disputed though its ultimate impact on Alaska may be, has unquestionably been good to Local 959. The swelling employment rolls and spiraling salaries generated by construction of the oil line have pushed the fortunes of the union to alltime highs—and likely will have an impact greater than their dollars.

Since many of the union workers employed on the pipeline project—some 8,000–9,000—are unlikely to remain in Alaska long enough to become eligible to collect from retirement funds collected on their behalf, the pipeline dollars are a double bonanza for the union.

Not only do the pipeline funds mount unquickly since some workers will never claim their retirement, a lot of that money will stay put.

In addition, the union and its building corporation have direct property holdings as well—some $33 million in planned assets, at the last count.

That total includes more than $25 million for the planned mall-hospital-professional office complex which will sit on a controversial state land lease at Airport Heights Road and 15th Avenue. Now under challenge from the state—which has declared the contract invalid—the lease first was called to question in November, 1974 when The Daily

News reported the contract had been negotiated with former state officials to allow the union to pay less than $350 monthly to lease the 20 acres of public land.

Also in the Teamsters portfolio is a 44.14-acre site in Fairbanks—now valued at about $3 million—on which the union is constructing another massive office-headquarters complex. Advance publicity has put the eventual price tag there at $6.5 million.

The former Anchorage union hall, located at 1833 E. Fifth Ave., pales in comparison—but is itself assessed at about $661,350. The empire also owns a lot and building in Valdez worth $154,000; the 14.2-acre site of a planned recreational complex near the intersection of Boniface Parkway and Tudor Road valued at $355,000; a large lot near Lake Otis Parkway and DeBarr Road pegged at $354,600; three downtown Fairbanks lots worth about $317,525; and a lot and building at 306 Willoughby Ave. in Juneau valued at $35,100.

The Medical Dental Building Corporation, associated with the union through involvements with Anchorage Community Hospital, controls another $1.5 million in property.

Teamsters also have access to their own credit union, a federally chartered institution which began in 1964. Now managed by Emmitt Wilson, who served as commissioner of Commerce under Gov. William A. Egan, the facility automatically enrolls Teamsters through a seven cents-per-hour payroll deduction plan and claims more than $2 million in assets. More than 8,000 members earn 7 per cent interest on deposits with the Alaska Teamsters Federal Credit Union, which has in its 11-year history handled more than $10 million in loans.

The union also commands three leased aircraft and employs two pilots to fly the sleek Lear jet and two Merlin turbo-props. The aircraft are on standby as emergency medical evacuation ambulances for Teamsters, a chore they handle an average of seven times monthly, but also are used to ferry Carr and others to meetings in Alaska and Outside.

Local 959 has built its empire on a number of foundations, but the most important clearly is its ability to win hefty contracts from employers in Alaska.

Representing nearly 80 crafts and trades ranging from surveyors to long distance telephone operators, the impact of Teamster-won wages and fringe benefits spreads pervasively throughout the state. The fact that Teamsters earn such hefty incomes and have services from medical care to recreation, some employers say, means other Alaskans must pay more to live in the 49th State.

A survey published by The Daily News last week reported a grocery basket filled with the same 26 items would cost $8.48 more in Anchorage than Seattle—but pegged only $1.79 of that difference to freight charges. Although higher costs in rents and utilities help boost local prices, an Anchorage grocer said, the difference is largely due to labor costs which are almost double the Seattle figure.

One large Anchorage firm recently tallied up the cost of employing one Teamster-represented worker here and compared that total with a similar worker in Seattle. The difference in one year: almost exactly $12,000 more in Anchorage.

The tally showed graphic differences in some cost categories. Contributions to the union pension fund were $1,144 yearly in Seattle; in Anchorage the total was $4,368. The Seattle worker was paid wages of $13,344 for working 1,920 hours; the Alaskan received $18,087 for working 80 hours less.

The overall total for a Seattle worker was $15,732.92 for a year. In Anchorage, the total was $27,730.80.

The dollar cost of employing Teamsters isn't the only worry which employers express.

Gov. Jay S. Hammond has voiced strong reservations about state employes being represented in bargainings by the Tri-Trades Public Service Council composed of Teamsters, Laborers and Operating Engineers. He questioned the conflict of loyalty which could come from having state workers dispatched directly from union halls.

Hammond also got into hot water after he was quoted in the Los Angeles Times saying Anchorage police—whose employe association is represented by Teamsters at bargaining time—are "Teamsters first and police second." Although the governor quickly said he did not mean that as a blanket condemnation—and despite immediate, angry denials from the Anchorage police chief and association leaders—Hammond's assessment finds support among a number of law enforcement personnel in Alaska—including some within the Anchorage Police Department.

One example comes in the area of overtime paid for court appearances. Under the Teamster-negotiated contract, a policeman who appears in court even five minutes beyond the end of his shift is automatically paid for four hours overtime. One patrolman, according to informed sources in the municipal government, boosted his salary by $1,154 in one month by overtime paid for court appearances. He was an officer in the Teamster-affiliated association, but others cashed in on the overtime provision as well. The total in court overtime for one month this year was $11,875.46—with $2,396.53 going to three officers.

The high salaries and good benefits won for Teamsters Union members have inspired in them a number of reactions—one of the most important of which is loyalty. "Given the salaries and that womb-to-tomb care, it's not hard to understand why Teamsters are willing to back Jesse (Carr) and the union," one observer said.

And back him they do.

There are more registered independent voters (87,657), more Democrats (47,192) and slightly more Republicans (25,422) than card-carrying Teamsters in Alaska—but that is hardly a measure of the union's political clout. Backed by its ability to deliver money and votes and by the services of lobbyist Lewis M. Dischner, Local 959 has time and again demonstrated why it is rated the most consistent political force in Alaska.

As the last gubernatorial election dramatically illustrated to political analysts, the behavior of traditional political groups is largely unpredictable—and that dilutes their power.

In the face of that political unpredictability, the ability of the union to deliver a large bloc of ballots is especially impressive. While Hammond's victory in some measure refutes the union's reputation as kingmaker, the Teamsters are yet a force with which any political candidate must reckon.

In addition to votes represented by the membership, the union also delivers other key ingredients of political campaigning: dollars to fuel the campaign machine and manpower to keep it rolling.

In the 1974 elections, the union's voluntary political arm reported spending more than $21,000 in campaigns in the state. As always, the political funds were spread across a wide range of candidates representing diverse political philosophies.

Although traditionally aligned on the issues with Democratic candidates, the union does not hesitate to back friendly hopefuls from any party. As early as 1962, for example, the union reported backing Republican Mike Stepovich with a $2,000 contribution and allotted $500 to Bruce Kendall, then a GOP candidate. Almost half the $5,850 of organizing funds spent on politics that year went to Republicans.

Teamster political activity doesn't stop when the votes are counted. The union paid Dischner $7,500 last year to keep its position before the Alaska Legislature.

The Alaska Teamster story is far from over. Daily, Teamster involvement in Alaska grows with its bank accounts and membership list. Daily, the arms of the empire enfold still more of the state.

NASA SAVES MONEY BY TALKING MORE, TRAVELING LESS

Mr. MOSS. Mr. President, I am pleased to report that the National Aeronautics and Space Administration saved almost $1.3 million last year by using telephone conferences to replace travel by Government officials.

NASA traditionally has been one of the better-managed Government agencies. This saving shows what can happen when responsible congressional oversight stimulates an agency to keep a close watch on costs.

The space agency made these savings by setting up a teleconference system at 34 locations in its installations and key contractor facilities throughout the Nation. These rooms are linked by high-fidelity telephone lines for voice communications and special facsimile equipment that allows charts and graphs to be displayed at each conference site. This network is controlled by a switchboard at NASA's Marshall Space Flight Center, Huntsville, Ala.

NASA estimates that using the teleconference system replaced 4,663 trips in 1975. The agency found in September 1974 that the average official trip cost $309. That figure surely would be higher today. NASA computes the saving in travel costs at $1,440,867. Subtracting the teleconference circuit leasing cost of $157,344 gives a net saving of $1,283,523.

This net saving was about 9 percent of NASA's travel budget last year. This year, the agency tells me, it expects to save about 20 percent of its travel budget through more extensive and efficient use of the teleconference system.

Mr. President, NASA performance in cutting costs by reducing Federal travel costs and reducing the number of personnel by saving time sets a standard that other Government agencies should emulate.

TIMBER MANAGEMENT

Mr. FANNIN. Mr. President, recent court decisions affecting timber management on National Forests in Alaska and West Virginia based on a narrow interpretation of the 1897 Organic Act have nationwide significance.

If left unchanged the impact of these decisions throughout the Nation could result in a reduction of timber supply from the National Forests of approximately 50 percent. This would lead to widespread unemployment throughout the wood products industry and to higher prices to consumers.

Legislation to correct the problems raised by the court decisions has been approved by the Committee on Agriculture and Forestry, which held joint hearings and markup sessions with the Committee on Interior and Insular Affairs. While the reported legislation, S. 3091,

does correct the 1897 Organic Act provisions which led to the court decisions, several sections of the bill have raised some concerns about limitations on timber management and their effects on the economy. If these concerns are justified it is hopeful that clarifying amendments can be adopted when the legislation reaches the Senate floor.

Mr. President, to illustrate the interest in this situation beyond West Virginia and Alaska, I ask unanimous consent to have printed in the RECORD a joint memorial recently adopted by the Arizona Legislature.

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

A *Joint Memorial* urging congressional action to protect and promote the multiple-use concept of national forests

Whereas, federal court decisions based on narrow interpretations of the 1897 Organic Act that restricts management of the Monongahela and Tongass National Forests have severely reduced supplies of timber, pulpwood and other wood products from nine national forests in a four-state region of the eastern United States and in part of Alaska; and

Whereas, these decisions have established strong legal precedents and other court cases are pending or foreseen that could apply a restrictive interpretation of the United States Forest Service's forest management and timber sales authority to all of the nation's one hundred fifty-five national forests, including the seven national forests in Arizona; and

Whereas, on a nationwide basis, the resulting timber sales "embargo" would drive the prices of lumber, plywood, paper and other forest products beyond the reach of many customers, eliminate the jobs of more than one hundred thousand people directly dependent on national forest timber, adversely affect the livelihood of four million others who depend to varying degrees on timber resources, escalate the cost of housing already in short supply to even greater heights, impede the recovery of the home construction and forest products industries which have yet to emerge from their worst slumps on record, increase inflationary and recessionary pressures and generally disrupt the national economy in the same manner as the recent Arab oil embargo; and

Whereas, in Arizona more than four thousand people are employed in forest related operations largely dependent on timber sales from the seven national forests in the state that contain more than two million three hundred thousand acres of commercial forest land which would be impacted by application of the Monongahela decision in Arizona; and

Whereas, twenty-five per cent of the receipts of the federal treasury from national forest income, of which timber sales is the major contributor, that annually go to counties in lieu of land taxes to help pay for schools and roads would be dramatically reduced and create fiscal problems for thirteen counties in Arizona; and

Whereas, the court decisions ignore nearly eighty years of advances in the development of scientific forest management practices by upholding a law passed three years before the first forestry school was opened in the United States; and

Whereas, the court decisions effectively prohibit the practice of professional forestry in the national forests and therefore seriously retard the improvement in tree growth and forest management that are needed to insure adequate supplies of timber for future generations; and

Whereas, the restrictions in forest management would reduce the quantity and quality of browse and forage needed by wildlife and livestock; and

Whereas, the restrictions in forest management would adversely impact the regulation and protection of water resources, a particularly vital matter for industrial, agricultural and domestic users in Arizona; and

Whereas, the decline in timber sales would retard the construction and maintenance of roads needed for access into the forest not only for timber removal, but for recreation, mining and protection against natural catastrophes such as fire, insects and disease; and

Whereas, the court decisions generally prevent the Forest Service from achieving the management directive set forth in the 1960 Multiple Use-Sustained Yield Act, which requires "the achievement and maintenance in perpetuity of a high-level annual or regular periodic output of the various renewable resources of the National Forests without impairment of the productivity of the land"; and

Whereas, the Society of American Foresters, a national organization with twenty thousand members representing the forestry profession in the United States, has formally stated it is "gravely concerned about the adverse impacts on forest land management" of the court decisions, and sees a "clear need" to revise the 1897 Organic Act in order to "encourage flexibility in forest management so that management prescriptions for each forest area are appropriate in terms of the area's capabilities and provide for continuing fulfillment of human needs in a way which is environmentally sound"; and

Whereas, the courts, which have called the 1897 Organic Act an "anachronism" and recognized the serious economic repercussions of their decisions, have said it is up to Congress, not the courts, to remedy the situation.

Wherefore, your memorialist, the Legislature of the State of Arizona, prays:

1. That the Congress of the United States enact legislation immediately to assure that the forest product needs of consumers and the well being of those whose livelihood depends on our forest resources in Arizona and elsewhere across the United States will not be further jeopardized by an abandonment of the multiple-use concept, which directs the use of our national forests for a broad range of needs and purposes, including watershed protection, fish and wildlife development, rangeland for livestock grazing, recreation, scenic enjoyment, as well as a source of wood fiber.

2. That such legislation not restrain professional management of our national forest lands that is so essential now for the use and enjoyment and to meet the needs of future generations.

3. That copies of this memorial be dispatched to the President of the United States, to the President of the United States Senate, the Speaker of the United States House of Representatives, and to each member of the Arizona Delegation to the United States Congress.

THE SOUTH CAROLINA GENERAL ASSEMBLY SUPPORTS H.R. 8318

Mr. HOLLINGS. Mr. President, on behalf of Senator THURMOND and myself, I would like to bring a concurrent resolution, passed by the South Carolina General Assembly, to the attention of my colleagues in the Senate. It memorializes Congress to enact H.R. 8318 in order that certain citizens will not be deprived of medicaid and other benefits.

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 memorializing Congress to enact H.R. 8318 in order that certain citizens will not be deprived of medicaid and other benefits

Whereas, effective July 1, 1976, many citizens of this State, as well as many other states, will become ineligible to receive Medicaid and certain other benefits because of cost of living increases in benefits from Social Security or other federally funded programs; and

Whereas, a Bill H.R. 8318, is now pending in the United States Congress which would remedy this problem. Its title reads "A Bill to amend the Social Security Act to make certain that recipients of supplemental security income benefits, recipients of aid to families with dependent children, and recipients of payments under the veterans' benefit programs and certain other Federal and federally assisted programs will not have the amount of such benefits, aid, or payments reduced because of increases in monthly social security benefits." Now, therefore,

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

That Congress is hereby memorialized to enact H.R. 8318 in order that many deserving citizens throughout the United States will not be deprived of Medicaid and certain other benefits because of cost of living increases in Social Security benefits and other federally funded programs.

Be it further resolved that copies of this resolution be forwarded to the Clerk of the United States Senate, the Clerk of the United States House of Representatives and to each member of Congress from South Carolina.

HOW POSTAL COSTS ENDANGER AMERICA'S READING HABIT

Mr. STEVENS. Mr. President, the distinguished Senator from Arizona (Mr. GOLDWATER) recently wrote an eloquent statement regarding increased postal rates and their impact on a free press. Many of our colleagues joined Senator GOLDWATER, Senator MCGEE, and myself in proposing legislation which would mitigate the dramatic postal rate increases for second class or newspaper or magazine postage rate. Senator GOLDWATER has been in the forefront in the fight to insure public access to a free press. I ask unanimous consent to have printed in the RECORD the remarks of the junior Senator from Arizona as they appeared in the Journal of Legislation, Notre Dame Law School.

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

[From the Washington Star, May 2, 1976]

HOW POSTAL COSTS ENDANGER AMERICA'S READING HABIT

(By Barry Goldwater)

A serious threat to the American reading public has gone almost unnoticed. The news media conveyed little information to the public about the problem, treating it more as in-house business than as the legitimate news story it really is.

But haunting the American press today are monstrous increases in the cost of sending its product in the mails. This financial burden on the press endangers its very existence as a diverse, numerous and independent institution.

As a result of the reform of the old Post Office Department from a governmental unit

into a quasi-independent, private business known as the U.S. Postal Service, the rate for mailing publications has shot up drastically. At one point in 1975, the ruling of a single administrative law judge for the Postal Rate Commission threatened to increase mailing rates for local newspapers by 250 percent, books by 96 percent, magazines by 121 percent and nonprofit publications by 132 percent.

Although the Rate Commission did not adopt the recommendations of the law judge in full, stunning increases are nevertheless scheduled under two decisions already made by that body. For example, the rates currently paid by magazines and metropolitan newspapers have doubled since 1971, when the Postal Service began operations. As a result of the most recent rate decision and new Postal Service proposals, the average rate paid by these publications will be nearly four times greater than what they were in 1971. In dollar terms, these magazines and newspapers paid $128 million to the Postal Service in 1971, and they will pay more than $450 million in 1979. Average rate increases for nonprofit publications will be up 700 percent to 1,000 percent by 1981!

The impact of these increases can be disastrous to publications trying to keep their economic heads above water. Many nonprofit and profit magazines and newspapers that depend on mail delivery will simply fold up. Libraries will be forced to curtail their book-by-mail services and their book purchases. (The total circulation of newspapers and magazines in the mails is almost 9 billion issues a year; half the books purchased by American libraries are delivered by mail.)

It's the general public that stands to suffer the most. And remember, our society is based upon the premise that a self-governing people will receive the knowledge and information that is necessary for us to make responsible decisions.

And if churches find it too expensive to distribute religious materials in the mails, if retired persons' groups are unable to meet the cost of mailing news bulletins to their membership, if schools must trim mail purchases of classroom publications because of higher rates, or if small-circulation newspapers that meet the special needs of local communities disappear, who can predict what the impact upon the culture of the American people might be?

With this in mind, I sponsored legislation with other members of Congress, eventually enacted, phasing large postal rate increases on mailers of publications over a longer period of time than originally mandated by the Congress when it changed the postal structure. "For-profit" magazines, newspapers and books are given until 1979 to adjust to the rising postage rates. Nonprofit publications are allowed until 1988 to cope with these increases. In other words, mailers of publications will pay the full rate of all postage increases by the end of their respective adjustment times, but instead of having to meet what is in effect several years of increases in a single year, publications will be given a reasonable period of time for absorbing the costs. During the phasing period, Congress is to appropriate for the Postal Service budget the difference between the rate actually paid by mailers and the rate which would have been paid absent the phasing.

The bill's sponsors had inserted language in the legislation which they believed would make the annual appropriations process nearly automatic, but did not count on the resourcefulness of the Office of Management and Budget in defending what they believe is an executive prerogative. So it shall be my aim to persuade Congress and the President to carry out the commitment we made in putting the law on the books by funding the phasing program each year until it ends.

How can a political conservative who ordinarily is skeptical of more public spending support this program? Basically there are six grounds which appear compelling:

First, no permanent federal payments are provided. By 1988, all publications will be paying the entire amount of all postage increases.

Second, the rate increases were unanticipated and unforeseeable consequences of action taken by the government when it transformed the old Post Office Department into the Postal Service. Instead of stabilizing postal costs as Congress expected, the change created a postal nightmare in the form of alarming rate increases.

Third, the increases are beyond the control of mailers, and not the result of bad business judgment by publishers.

Fourth, there is solid proof that mailers have made every feasible effort they could to cope with increased mailing rates by implementing numerous cost-cutting measures which verge on affecting the very nature and quality of the publications being mailed.

Fifth, the circulation of the printed word in the mails has historically been treated as a public service which should be promoted by the government.

Sixth, this is an area in which the subject of free speech, and all that means to the general public and our way of life, is truly involved.

Does aid from the government in this case hold any possibility of undermining the freedom of the press? With the historic acceptance of freedom of the press by the American people as a fundamental component of our liberty, there can be no serious fear that our press would yield its independence for a chance to feed at the public trough. The press in the United States would reject public aid long before it became too pervasive. The American public would never accept press aid at a level where it would approach the danger point—even if a rare publication could be found that would accept it.

Thomas Jefferson once wrote that "were it left to me to decide whether we should have the government without newspapers, or newspapers without a government, I should not hesitate a moment to prefer the latter." His words do not end there, as is a common misconception, but with the added warning that "I should mean that every man should receive those papers, and be capable of reading them." Media historian John Tebbel writes: "Jefferson understood that the effectiveness of the press in a democracy is in proportion to the number of people who are able to read its publications and take the time to do it."

A relatively small amount of public funds is needed to provide time in which American publications can adjust to steep increases in postage rates. Surely this program is deserving of the support of all who support freedom.

WHITHER AMTRAK?

Mr. PELL. Mr. President, the Senate is now preparing to consider legislation to provide funding for the National Rail Passenger Corporation—Amtrak—for the coming fiscal year (S. 3131).

During the past 3 years a great deal of time has been spent by the Congress on reorganizing and revitalizing our rail system. Under the leadership of Senator HARTKE, the main block of such legislation has been completed. Now the task has begun of putting to good use the money Congress authorized.

The main thesis of rail reorganization legislation is that if trains are made fast, comfortable, reliable and safe, riders will be attracted, thereby lessening the need for Federal involvement and lessening the strain on other modes of transportation and needed resources. Yet Federal involvement is necessary in these initial stages to insure that rail transportation is brought up to an acceptable level. The Nation's taxpayers are now compensating for decades of neglect by private rail companies in the Northeast/Midwest region.

We have already seen how travelers have responded favorably to improved rail service in the Northeast corridor. I believe that high-speed rail will be the mode of the future in megalopoles such as Boston-Washington, Chicago-Detroit, Los Angeles-San Francisco, and others. But clearly high-speed rail must be given a chance. To atone for the mistakes and inaction of the past will not be easy, but it is essential if our Nation is to survive a time of energy and resource scarcity, combined with increased mobility.

Mr. President, the Washington Post of Sunday, May 9, 1976, contained an excellent analysis of Amtrak at the crossroads, written by assistant financial editor William H. Jones.

I ask unanimous consent that this article be printed in the RECORD.

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

WHITHER AMTRAK? WHO WILL PAY THE FUTURISTIC FREIGHT?

(By William H. Jones)

Secretary of Transportation William T. Coleman Jr. was approached some time ago by a Midwesterner, who expressed an appreciation of Amtrak and urged that the federal government continue to support a national passenger train network.

Coleman recalls that he asked how often this person rode an Amtrak train. The answer was about once a year—to visit a sister several hundred miles away.

As Amtrak celebrates its fifth birthday, having been born at 12:01 a.m. on May 1, 1971, the central question about the future of rail passenger service in the United States is whether millions of dollars of taxpayer money should be spent to permit a very small portion of the population the luxury of riding an intercity train.

In the view of Coleman and many other Ford administration leaders, as well as most officials of the railroad industry itself who speak out on such matters, the once-a-year travel example cited above is a misuse of federal funds. It would be cheaper, Coleman notes, to send the citizen by taxicab or commercial aviation.

The fact is that less than 1 per cent of all intercity travel in America today is by rail and the train service that exists is being underwritten by evergrowing federal subsidies.

A new report by the General Accounting Office, the congressional watchdog agency, concludes that from 1976 through 1980, at least $6.2 billion of federal funds will be needed to underwrite Amtrak's losses. This projected deficit is about $3.2 billion more than that estimated by the National Rail Passenger Corp. (Amtrak's formal name).

Amtrak has reported losses each year since it was established by Congress as a "for-profit" corporation, to rescue a skeleton system in intercity passenger service. In the absence of the federal solution sought by the government, private rail companies were eliminating unprofitable passenger trains as quickly as they could and the financial condition of some companies was worsened by losses on passenger trains that the Interstate

Commerce Commission found to be necessary for the public interest.

As of June 30, 1975, Amtrak's operating losses totaled $839 million. Only about 50 per cent of all costs are covered from passenger fares; in fiscal year 1975 Amtrak had expenses of $560 million and took in revenues of $247 million, for a net loss of $313 million. Federal grants have been given to cover these losses in addition to loan guarantees to finance capital improvements.

Although this spending is far less than the federal taxpayer has offered to subsidize highways for buses and cars, or airports and air-control facilities for planes, the reality is that around 85 per cent of all intercity trips in this country take place in a private automobile.

In the third quarter of 1975, the latest period for which data are available at the Department of Transportation, the non-auto portion of intercity travel broke down as follows: 4 million passengers by Amtrak, 36.5 million passengers by bus, 55.4 million passengers by air. These figures do not include nearly 61 million passengers carried on non-Amtrak trains, since virtually all of these riders were commuters.

Although Americans may not ride the trains very often, there is no question that many still love the trains, if only to have them around for the infrequent occasions when they want to use them—if planes are grounded in a storm, for example.

But the attachment runs deeper; for many people, riding the train is part romance, part nostalgia. And there simply is no more relaxing way to travel than on a comfortable train, with passing cities and countryside, people to talk with and a chance to read. There's a combination of fun and adventure on a train ride and a link to the country's past that highways and airports can't capture.

In a 1907 classic, "The Boys' Book of Locomotives," J. R. Howden tried to figure out some of man's fascination with the train. Ultimately, he said, there is a romance because "man sees in this product of his genius some reflection of himself." Said Kipling: "The locomotive is, next to the marine engine, the most sensitive thing that man has made."

Still, Coleman says he can't figure out why anyone would want to spend the better part of a day traveling by train between Boston and Chicago when the same trip consumes only a couple of hours by plane, especially since every train rider won't pay enough to cover the full fare.

Compared with other forms of intercity transportation, the GAO report noted, rail travel has received a much smaller share of federal expenditures in recent years. In fiscal 1976, for example, highway outlays totaled $5.2 billion, air spending $3 billion, waterways $2.4 billion, mass transit $2.1 billion, and rail only $700 million. Clearly, rail travel is not a top priority in the federal budget.

There was a day in America when the passenger train was the best way to travel between cities, before automobiles and buses and highways, and before the airplane. Railroad companies even competed for the business of riders, not so long ago.

Take the example of service in 1902 between Philadelphia and Atlantic City. Many businessmen established their families on the shore for the summer months and commuted to work by either the Reading (56½ miles of track) or the Pennsylvania (59 miles). Both railroads whose tracks were virtually parallel, operated morning and evening expresses, including 10 minutes needed to ferry passengers across the Delaware River to the rail terminal in Camden, N.J.

The Reading made the trip in 46½ minutes in 1902, with an average speed of 71.6 miles an hour; for 35 consecutive miles on a typical journey, the train was running as fast as 85.7 miles hour. Although the Pennsylvania train was a bit slower, the point is that the two companies were competing for business, with each running modern vestibule cars and seeking fast service.

Today, the competition for riders comes from the private automobile, the intercity bus and the airplane. In most cases, the trains are slower than the fliers that used to speed toward Atlantic City from Philadelphia on a warm summer evening in 1902. Outside of the South, where Southern Railway continues to operate some passenger trains on its own (having elected not to turn over its business to Amtrak), Amtrak has a national monopoly.

Despite cynical comments by some Washington politicians and others, comparing Amtrak's mounting losses to those of the U.S. Postal Service and lumping the two together as examples of what happens when business is taken over by government, the record to date shows that Amtrak has made significant strides in improving passenger service.

Five years ago, Amtrak assumed rail operations that had been causing annual losses for private rail firms of around $500 million a year. Thus, the economy in general and financially squeezed railroads in particular were aided by this new government venture from the start, by placing the burden for these losses on the general taxpayer.

When it began, Amtrak operated trains on 21 domestic routes designated by the federal government as a "basic" system. Today, Amtrak has 35 routes covering about 25,000 route miles, with four points that connect for service in Canada and Mexico.

During its initial years, Amtrak had to depend on the private rail companies for personnel, maintenance, stations and equipment. The passenger cars were old, the personnel often were surly and the stations were dirty.

In the Northeastern states, where Amtrak carries most of its passengers, the rail system was deteriorating almost daily under the managements of bankrupt companies, particularly at the Penn Central. Trains operating on schedules that didn't compare in speed with those of decades earlier, arrived late more often than not.

When the energy crisis hit in the winter of 1973, Amtrak's facilities were pressed beyond capacity and some riders were turned off by bad service. But business boomed on the rails and the gasoline shortage and oil embargo combined to give Amtrak a psychological lift, cementing support for an intercity network on Capitol Hill.

By now, most of the rail corporation's early problems have been solved. With new equipment being added every week, particularly along heavily traveled routes, it is the worst possible time to start talking about a cutback in service in order to trim the federal budget deficit, according to Amtrak president Paul H. Reistrup.

Only today, he argues, can a true test begin for public acceptance of quality intercity passenger travel. He agrees that some money-losing routes should be changed, either by different scheduling to make trains more attractive or by outright elimination if there is no evident appeal. But "the country seems to want" better rail passenger service, Reistrup says, despite the administration's call for cutback.

Amtrak's management has cited a number of "early indications" to support the belief that a test of public acceptance over the next five years will amount to a vote of confidence. In the Northeast corridor, primarily New York to Washington, rail travel has become competitive with other types of transportation and may become profitable. Between Detroit and Chicago, new turbine trains replaced conventional equipment and a more frequent schedule was started, resulting in a 72 per cent boost in riders.

Coleman agrees that Amtrak should continue to provide these corridor-type services between large cities, with federal aid as needed. Where he parts ways with Amtrak's management and a majority of the rail firm's directors in the future of longer distance intercity travel, such as the Chicago-to-Florida route, which operated with a loss of $8.3 million in the period from October 1974 to February 1975, taking in revenues of only $2.2 million. Even on the popular New York-to-Florida trains, where revenues totaled nearly $13 million for the period above, expenses were $32 million for a net loss to Amtrak of $19 million.

With new cars, faster speeds, and new routes for some trains, the management of Amtrak believes it can trim losses on its long-distance trains. Thus the future of Amtrak is being put to the vote of the public.

A crucial period for Amtrak has started with major decisions expected in short order. Federal funding for the next fiscal year must be decided soon, with the Ford administration asking for a level of spending that Reistrup says will force his management to eliminate all but a few trains between key cities. Congress is expected to vote on the side of higher spending but the threat of a presidential veto has been mentioned.

In addition, Amtrak's directors voted to cast aside administration objections and to acquire the passenger rail system between Boston and Washington; the Department of Transportation favored a lease arrangement. Talks on this ownership, including negotiations with labor unions, now are in progress and must be concluded this year.

In any event, a key development for Amtrak is required federal spending to improve the rail facilities between Boston and Washington, holding out the promise of vastly improved regional rail services within three years. A number of new trains also are being studied and a daily Washington-Richmond service will be added later this year.

In Baltimore, the federal government will spend $385,000 to clean up the old Pennsylvania Station, $200,000 of city money will be used to improve the station site and $369,440 of Amtrak funds will be spent to renovate ticket counters and restrooms, among other improvements.

Congress has authorized $1.6 billion to improve the Northeast corridor service for 120-mile-an-hour trains; within five years, Washington-to-New York travel time will be cut to 2 hours and 40 minutes.

For longer trains, meantime, Amtrak has launched extensive advertising and promotion campaigns, as well as discount price tickets and other fare experiments, including a new U.S.A. RailPass, offering unlimited travel for certain fixed prices (higher cost in summer, lower in winter).

Nearly everyone agrees that the government was wrong five years ago to set up Amtrack as a for-profit company. As a period of testing quality rail service begins, perhaps lasting another five years, the question for American taxpayers is how much of a rail passenger loss are they willing to subsidize every year as service the government should provide for the public at large. It will never make a profit. What sort of loss is acceptable, if any is?

NONDEGRADATION FACT SHEET

Mr. MUSKIE. Mr. President, many questions have been raised in this Chamber regarding the policy of nondegradation under the Clean Air Act. This is an important policy first contained in the 1967 Air Quality Act. It is a policy I helped develop and one I continue to support.

I believe the Senate Public Works Committee has produced an important

clarification of that policy in the Clean Air Amendments of 1976—a clarification that is definitely superior to the present Environmental Protection Agency regulations which have governed the Nation for the past 18 months. On April 29 in the CONGRESSIONAL RECORD on page 11761, I gave a detailed explanation of the reasons why the committee bill is preferable to continuing the Environmental Protection Agency regulations, as the Moss amendment would do.

I continue to believe that Congress has an obligation to try to define these policies as has been done in the committee bill, even though we can abandon that obligation and leave resolution of the issues to the Agency and the courts, as the leading floor amendments would do.

There are presently 18 printed amendments and half a dozen unprinted amendments to the committee bill. As I said upon introduction of amendment 1656, rather than rewrite this bill on the Senate floor, it is preferable to adjust the No_x auto standard and extend the act for 3 years.

Many of the floor amendments proposed for nondegradation from misconceptions regarding nondegradation policy. In order to help Members evaluate the pros and cons of such a policy, I would like to provide some facts which I believe rebut the erroneous or misleading allegations which have been raised against the committee's nondegradation proposal.

ALLEGATION

Legislative hearings have not been held on this provision.

FACT

Since enactment of the 1970 clean air amendments, the Subcommittee on Environmental Pollution has held 56 days of hearings to review implications of that act. Specific hearings on nondegradation were held in 1973, 1974, and 1975. In 1975, 14 days of hearings were held and 48 markup sessions were conducted. One entire day of hearings was focused completely on nondegradation in 1975, and the subject was discussed in numerous other hearings that year. Legislative proposals submitted to and considered by the committee included President Ford's proposal, the Environmental Protection Agency's existing regulations, and legislative proposals from the following organizations: The American Paper Institute, the American Mining Congress, Dupont, the National Association of Manufacturers, Shell Oil, Utah Power & Light, Cast Metals Federation, Chamber of Commerce, National Association of Counties, the Electric Utility Industry, Continental Oil Co., the Sierra Club, and the State of New Mexico. The hearings were a combination of oversight and legislative hearings.

ALLEGATION

States have not been involved adequately in developing these amendments.

FACT

Twenty States joined the Sierra Club or submitted independent suits requesting the courts to require a nondegradation policy. These States joined the initial Sierra Club suit: Alabama, Connecticut, Florida, Kansas, Louisiana, Maine, Massachusetts, New Mexico, New York, North Carolina, Ohio, Oregon, Pennsylvania, South Dakota, Vermont, Texas. These States filed independent suits requesting the courts to require a nondegradation policy: Illinois, New York, Texas, California, Michigan, and Minnesota—Minnesota adopted the Michigan brief. Only three States opposed the suits requesting the courts to require a nondegradation policy: Utah, Arizona, and Virginia.

In addition to joining suits, the following States have expressed support over the past several years for a policy of prevention of significant deterioration: Alaska, Colorado, Georgia, Hawaii, Idaho, Indiana, Kentucky, Maryland, Montana, Nevada, New Jersey, North Dakota, West Virginia, Wisconsin, and Wyoming.

Eight States testified in 1975 during the clean air hearings: New Mexico, Nebraska, Texas, Colorado, New York, California, Montana, and West Virginia. All submitted comments on nondegradation. Three meetings were held between the committee staff and State air pollution control officials representing the Members of the Governor's Conference. In addition, 12 meetings were held between individual State officials and committee staff members.

It was on the basis of the suggestions made in such meetings and statements from these witnesses that caused the Committee to make substantial changes in the legislative proposals regarding nondegradation.

On May 12, the Chairman of the National Governor's Conference, Gov. Robert D. Ray of Iowa, sent a telegram opposing the delay of congressional action on this issue and said this:

> I would like to advise that the policy of the National Governor's Conference (NGC) call for a decision for Congress to allow each State maximum flexibility to incorporate local guidance in its decisionmaking. An amendment to be offered by Senator Moss to S. 3219 would put off Congressional action on this action.
>
> 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 overall 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.

ALLEGATION

No studies have been done. A further 1-year study is necessary to have adequate information upon which to base a decision.

FACT

This is totally untrue. Ongoing studies of implementation should be conducted, but extensive studies already exist analyzing nondegradation policy and options.

The Environmental Protection Agency has spent approximately $1 million in studies on nondegradation policies. This is one of the most extensive and expensive series of studies which has been conducted on environmental regulations. Prior to promulgation of the final EPA regulations on December 5, 1975, EPA compiled the following studies:

First. Technical Support Document—EPA Regulations for Preventing the Significant Deterioration of Air Quality, Environmental Protection Agency, January 1975.

Second. "Sierra Club et al. Litigation—Significant Deterioration," B. J. Steigerwald, September 27, 1972.

Third. "Summary of Responses Received Regarding the Prevention of Significant Deterioration."

Fourth. "Summary of Responses Received Regarding the August 27, 1974, Proposal To Prevent Significant Deterioration of Air Quality."

Fifth. "Summary of State Responses on 'Significant Deterioration' Proposal."

Sixth. "The Impact of Proposed Nondegradation Regulations on Economic Growth," volumes 1 and 2, Harbridge House, Inc., November 1973.

Seventh. "Implications of Nondegradation Policies on Clean Air Regions: A Case Study of the Dallas-Ft. Worth AQCR (215)," U.S. Department of Commerce, May 1974.

Eighth. "Analysis of the U.S. EPA's Proposals to Prevent Significant Deterioration Relative to the Development Outlook for New York State," New York State Department of Environmental Conservation, October 1973.

Ninth. "Impact of the Proposed Nondegradation Alternatives on New Power Plants," TRW, Inc., September 28, 1973.

Tenth. "Economic Growth and Development Impacts of Proposals to Prevent Significant Deterioration of Air Quality."

Eleventh. "Scientific Factors Bearing on Regulatory Policies to Assure Nondegradation of Air Quality."

Twelfth. "Availability of Air Quality Data in Areas Generally Below the NAAQS."

Thirteenth. "Technical Data in Support of Significant Deterioration Issue."

Fourteenth. "Nondegradation and Power Plant Size," J. A. Tikvart, August 12, 1974.

Fifteenth. "Significant Deterioration in Zone I Areas and the Relative Location of Power Plants," J. S. Tikvart, October 15, 1974.

Sixteenth. "Discussion Paper on the Magnitude of the Class II Increment in the Significant Deterioration Regulations."

Seventeenth. "Emissions of Sources Subject to Significant Deterioration Issue."

Eighteenth. "Guidelines for Air Quality Maintenance Planning and Analysis, Volume 10: Reviewing New Stationary Sources," EPA, September 1974.

Nineteenth. "Guidelines for Air Quality Maintenance Planning and Analysis, Volume 12: Applying Atmospheric Simulation Models to Air Quality Maintenance Areas," EPA, September 1974.

Twentieth. "Findings of Task Force on Significant Deterioration," R. G. Rhoads, December 20, 1973.

Twenty-first: "The Largest Annual Average, Maximum 24-Hour and Minimum 3-Hour Concentrations of Sulfur Dioxide Produced Per Year by a Modern 1000-MW Electric Power Plant Meeting the New Source Performance Standards for Sulphur Dioxide Emissions," Enviroplan, Inc., 1974.

In addition, the Environmental Protection Agency received over 3,000 pages of

testimony at the hearings held on its proposed regulations. Ninety-one comments were received from industry.

The following studies have been conducted on various Senate committee proposals:

First. "An Analysis of the Impact on the Electric Utility Industry of the Alternative Approaches to Significant Deterioration", EPA/FEA, October 1975;

Second. Chamber of Commerce Analysis and Discussion Papers;

Third. Analysis of the Impact of the Senate Proposals on the State of Alaska;

Fourth. "A Preliminary Analysis of the Economic Impact on the Electric Utility Industry of Alternative Approaches to Significant Deterioration", EPA, February 5, 1976;

Fifth. "Impact of Significant Deterioration Proposals on the Siting of Power Plants" by Environmental Research and Technology, Inc., February 18, 1976;

Sixth. "Impact Analysis of the Effective Proposed Clean Air Act Amendments and Existing EPA Significant Deterioration Regulations on Electric Utilities in Minnesota and Wisconsin" by David Hoffman, James Bechthol, November 14, 1975;

Seventh. "Technical Studies for Assessing the Impact of Significant Deterioration Regulations" EPA, May, 1976;

Eighth. "Summary of EPA Analysis of the Regional Consumer Impact of the Clean Air Act on Significant Deterioration" EPA, May 3, 1976;

Ninth. "A Preliminary Critique of FEA's Analysis of the Impact of Significant Deterioration on Oil Consumption", May 3, 1976;

Tenth. "Estimated Cost for the Electric Utility Industry of Non-significant Deterioration Amendments Currently Considered by the United States" NERA, April 16, 1976;

Eleventh. American Petroleum Institute Report by John J. Anderson, April 19, 1975;

Twelfth. "Summary of EPA Analysis of the Impact of the Senate Significant Deterioration Proposal", April 28, 1976;

Thirteenth. "Proposed Clean Air Amendments: Implications of Proposed Rules for Nondeterioration of Air Quality on the Construction of Kraft, Pulp and Paper Mills", Environmental Research and Technology, Inc., for the American Paper Institute, September 9, 1975;

Fourteenth. "Proposed Clean Air Amendments: Implications of Nondeterioration Rules on Maine", Environmental Research and Technology, Inc., for the American Paper Institute, August 28, 1975;

Fifteenth. "The Effect of Proposed Nondeterioration Rules on the State of Maine," Environmental Research and Technology, Inc., for the American Paper Institute, October 30, 1975;

Sixteenth. "A Summary of the Background Levels of Air Quality Parameters for the Oil Shale Tracks in Colorado and Utah from September, 1974 through February, 1975", American Petroleum Institute, July 14, 1975;

Seventeenth. "Power Plant Impacts on National Recreation Resources", Department of the Interior, March, 1976;

Eighteenth. "An Air Quality Evaluation for the Intermountain Power Project," Westinghouse Electric Cooperation Environmental Systems, October 16, 1975;

Nineteenth. "Health Basis for Preventing Significant Deterioration: An Ounce of Prevention," December 3, 1975;

Twentieth. "Benefits From Preventing Significant Deterioration of Air Quality", April 14, 1976;

Twenty-First. "Impact of Proposed Non-significant Deterioration Provisions", Draft Interim Report, Inter-City Fund, Inc., April 14, 1976;

Twenty-second. "Impact of Significant Deterioration Proposals Upon Western Surface Coal Mining Operations," Environmental Research and Technology, Inc., for the Federal Energy Administration, May 5, 1976;

Twenty-third. "An Evaluation of Additional Production Costs for Significant Deterioration and Best Available Control Technology Proposals", General Electric Company, April 26, 1976.

All of these studies have highlighted the fact that the conclusions reached depend very heavily on the assumption used in conducting the study. Many studies by industry contained untrue allegations that large portions of the country would be blocked from further development. These studies were inaccurate because their initial assumptions were flawed.

Proposals to delay any nondegradation policy while further studies are conducted are merely a smokescreen for the desire to have no such policy at all.

ALLEGATION

EPA's basis for requiring pollution clean up has been challenged and EPA staff has been charged with deliberately distorting data regarding the effects of pollution.

FACT

These charges have effectively been laid to rest. Hearings held Friday, April 9 by the House Interstate and Foreign Commerce and the House Science and Technology Committee established the following:

First. Current national ambient air quality standards were established prior to the initiation of the study in controversy—the Community Health and Environment Surveillance System Study—CHESS. Even if the CHESS studies were discarded, this would not affect any of the national standards or EPA's implementation policies, all of which are based on a number of studies, of which CHESS is only one.

Second. The CHESS studies, however, should not be discarded; though no study is perfect—and epidemiological studies are particularly difficult to conduct—the CHESS studies have been characterized as the best of their kind in the world and the most reliable epidemiological studies ever carried out.

On April 13, on page S. 5656 in the Congressional Record, the statement of Russell Train, the Administrator of the Environmental Protection Agency, is printed. This statement explains the Agency's analysis of the controvery surrounding the allegation of distortion. I recommend that statement to those who would like to gain some perspective on this whole controversy. Disagreement among scientists always occurs; to equate this with deliberate fabrication and distortion is to misunderstand the nature of such comments from scientists.

ALLEGATION

Costs of construction delays as a result of the Senate non-degradation policy may be extensive; therefore, no such policy should be adopted.

FACT

Greater uncertainty will occur by eliminating the Senate provision than by accepting it and establishing congressional policy in this area. If Congress remains silent on this subject now, that will only aggravate uncertainty, not erase it.

The policy contained in the Senate Committee bill will clarify policy and reduce uncertainty. Sources may then apply for the right to construct new facilities knowing the ground rules. At present no such certainty can occur.

Moreover, present EPA regulations are subject to court challenge. If the Sierra Club wins, then EPA will be required to tighten its requirements. Even if EPA is sustained, it still could revise its regulations to make them more stringent. On the other hand, by prescribing the requirements in the bill, EPA's authority to promulgate more restrictive rules is curtailed.

ALLEGATION

A no-growth buffer zone of 60–100 miles will be required to prevent pollution of the Federal parks.

FACT

This is totally false. Under the Senate bill (but not the EPA regulations), the Class I increment which protects such areas is used as an initial, not a final, test. An appeal is allowed which would permit construction of a major facility regardless of the test for a Class I area if the applicant can demonstrate no adverse impact on the air quality values of the Class I area.

In addition, according to joint EPA–FEA calculations, a well-controlled 1,000 megawatt coal-fired powerplant could locate as close as 6 miles from a Class I area without causing that area's increment to be exceeded.

ALLEGATION

At least 80 percent of many States would be off-limits to new development.

FACT

One percent of the Nation's land would be directly placed in a Class I category, which is designed to protect these important national resources: all international parks, and each national park, memorial park, and wilderness area over 5,000 acres.

ALLEGATION

Amendments not only ban new manufacturing plants, but even new housing, farming operations, and recreation.

FACT

This is false. The provisions only apply to "major emitting facilities" which emit over 100 tons of the pollutant per year and which are listed as a major emitting source category in the bill.

ALLEGATION

The increments (of allowable degradation of air) are often found to be violated by natural emissions which occur in rural and scenic areas. Therefore,

further development already is taken up by nature in many areas.

FACT

The increments are in addition to any existing baseline air quality. Such a baseline includes natural emissions and existing manmade sources. The increment is an allowable quota which is added to the existing air quality. Nature cannot use it up. The secondary standards, including natural pollution, establish the limits on growth. No one supports violating secondary standards.

ALLEGATION

Most Federal lands would be class I, effectively ruling out most land in some States.

FACT

This is false. Under the Senate bill, only existing national parks and national wilderness areas over 5,000 acres would be Class I. All other Federal lands, including national forests, Indian lands and monuments could only be redesignated as Class I with State concurrence.

ALLEGATION

The number of mandatory Class I areas will increase as new national parks and national wilderness areas are created.

FACT

This is not true. The mandatory Class I designation only applies to national parks and national wilderness areas over 5,000 acres which are in existence on date of enactment.

ALLEGATION

The prevention of significant deterioration provisions is a Federal land use policy based solely on one criterion—air quality.

FACT

The Senate bill does not require any land classification scheme to be undertaken by the State. The bill in question only regulates air quality and emissions, not land use. The States are free to use the land as they see fit.

Of course, air quality is not the only, let alone the decisive, factor in influencing a State's growth decision. It is merely one factor to be considered.

ALLEGATION

The nondegradation policy would have a much more severe impact in some States than in others.

FACT

This allegation comes from a misunderstanding of the use of air quality increments proposed in the committee bill.

Even without a nondegradation policy, an air quality increment already exists in clean air areas. The increment is the amount of pollution which could be added to the area until the ambient air quality standards are reached. In areas of flat terrain, that increment is large. In areas of severe terrain, that increment—up to the national ambient air quality standards—is smaller because pollution concentrations build up rapidly against mountainsides. Therefore, States with flat terrain have a greater competitive advantage if no nondegradation policy exists.

Under nondegradation policy, this uneven competitive disadvantage would be diminished. The amount of additional pollution allowed in all areas will be the same. Areas of uneven terrain are frequently constrained by the national primary and secondary ambient air quality standards. The terrain effects would provide constraints with or without a nondegradation policy. In such cases, the nondegradation requirement for the use of best available control technology will enable such areas to control pollution and allow further growth.

ALLEGATION

Western States will be held at their present levels of development and not be allowed to develop their energy resources. The Nation will be asked to curtail its industrial output.

FACT

These allegations are false. They echo the erroneous position of the Chamber of Commerce since the summer of 1975—a line which has not been altered even though it has been fully discredited. In responding to the Chamber's allegation, Roger Strelow, Assistant Administrator of the Environmental Protection Agency said:

I have just read your article in September's Washington Report. . . . The article claims that the Environmental Protection Agency's regulations for the Prevention of Significant Deterioration of Air Quality would endanger States' development and 'ban development in areas 60 to 100 miles adjacent to select Federally owned lands such as national parks and forests.' This is simply not true.

First, the regulations do not apply to all development, but only a select number of the major stationary industrial sources. Thus, contrary to what the article concludes, activities such as construction, farming, light manufacturing, and residential development are not affected by the regulations.

I would like to comment on the article's contention that Congress in amending the Clean Air Act, is considering a 'no growth federal land use policy' based solely on air quality. That is nonsense. In response to the Administration's request to consider all alternatives and to give explicit guidance on a prevention of siginficant deterioration policy that allows a balancing of environmental, economic and energy objectives, the Congressional Subcommittees have provided proposals that give the States the authority to make their own determinations of what constitutes significant deterioration within a framework of allowable air quality levels. Like EPA's regulations, these proposals require the States to consider and balance their various objectives, with full public participation. The proposals apply only to major industrial sources.

The public wants to preserve clean air. According to an August 1975 poll commissioned by the Federal Energy Administration 94 percent of the American people favor preserving our clean air regions.

The EPA analysis of energy facilities indicates that coal gasification, oil shale, coal-fired powerplants and other such energy facilities can meet the nondegradation requirements.

In the CONGRESSIONAL RECORD on April 29, 1976, on page 11761, a new EPA study is printed showing that all major industries could build under the Senate committee's nondegradation proposal. These include powerplants, papermills, smelters, refineries, and so forth.

In sum, Western States will not be precluded from development, and the Nation will not be asked to curtail its output. It will be asked to insure that its growth is clean and that analysis of future development occurs in a rational policy rather than on the basis of piecemeal, private decisionmaking.

ALLEGATION

There will be a loss of employment due to the nondegradation provisions.

FACTS

This is incorrect. In addition to the fact that this provision only applies to new facilities—to employment not yet developed—the pollution control requirements imposed in the committee bill will increase employment, not reduce it. In an immediate sense, more jobs will be needed in order to construct the pollution control facilities associated with compliance—facilities which might not have been installed without these amendments. In an economy with high unemployment, this is a plus.

Studies of the Council on Environmental Quality and Chase Econometrics shows the economic effects of pollution control. These requirements have led us to the creation of one million new jobs, according to CEQ.

ALLEGATION

We do not know which areas of the Nation are clean enough to qualify for coverage under the nondegradation provision and, therefore, must wait for further information before determining that such areas should be protected from significant deterioration.

FACTS

This criticism misses an important difference between nondegradation areas and dirty areas; it implies that expansion in nondegradation areas will somehow be more restricted than expansion in areas which have exceeded national ambient air standards.

This is untrue. In fact, expansion in dirty areas is more difficult. The health and welfare standards have already been exceeded in such areas, and a substantial burden rests on any applicant for a new source to demonstate that he will not worsen that situation or interfere with cleaning up to the national *standards;* such a source must make the case that any pollution should be allowed.

Absolute knowledge does not exist. There are many gaps in data on monitoring of existing air quality. But this does not provide a reason for delaying a policy to protecting existing air quality. Most States will be able to make intelligent judgments of air quality in areas where little monitoring data exists. As new applications are submitted, information will be gathered as part of the permit approval process.

ALLEGATION

Technology does not exist to model the projected emissions from new sources or for monitoring the emissions from these sources. Therefore, Congress should not act until precise tools exist.

FACT

This criticism has a "Catch-22" approach. It says that sources should be allowed to pollute because science has not developed precise techniques for telling exactly how much pollution is created; by the time such techniques are

developed, they could very well be useless in protecting air quality, since deterioration would have made the question moot.

For years State air pollution control agencies and Federal agencies have used modeling projections to analyze applications for new sources that would continue under the nondegradation proposal. There is no other way of determining the impact of a source that has yet to be constructed.

In most cases, the errors identified show that more pollution is occurring, not less. This indicates a need to control such pollution now.

ALLEGATION

High quality air in clean areas is a luxury—a luxury that must be sacrificed in order to allow industry to grow.

FACT

Clean air is not a luxury and growth need not be sacrificed to keep it. If we attempt to sacrifice air quality now for short-term gains, we will find our water becoming more acid, our crop production deteriorating, our esthetic experience in wilderness areas declining, and our health being damaged by long-term low-level exposure.

In addition, we will find that we have lost one of the most useful, growth-preserving options available—the option of determining how air resources will be used prior to their use. Without a nondegradation policy, new sources may well adopt lesser control technologies and thereby use up the available air quality without providing room for the growth of industries that follow in subsequent years.

ALLEGATION

A nondegradation policy will harm the poor and those on fixed income.

FACT

This is erroneous. Those who use this argument cite competing and mutually exclusive arguments. On the one hand, nondegradation allegedly hurts the city dweller because growth in the clean portion of the metropolitan areas will not be allowed and plants will therefore be forced to flee to outlying areas. On the other hand, cities argue that growth will be restricted in rural clean air areas because of the nondegradation provision and sources will be required to remain in urban areas.

Neither allegation is correct. Dirty air areas usually have some portions that continues to be clean and new sources, if carefully controlled and properly sited, can be located in such urban areas. Growth will continue and the metropolitan area will attract jobs and industry. In addition, the 1976 amendments contain new provisions to allow expansion in such areas. In rural areas, development of new facilities is clearly allowed and nondegradation requirements only insure that the growth be as clean as possible.

ALLEGATION

The 24 hour or 3 hour increments are unnecessary and should be dropped. The annual average increment levels are sufficient.

FACT

Eliminating the short term—3 hour and 24 hour—increments from the bill would completely undermine the protection provided by the nondegradation policy.

An annual average is the sum of a year's daily pollution readings. Since they are only averages, they can mask high air pollution concentrations. In response to a letter I wrote on this subject, Russell Train, Administrator of the Environmental Protection Agency, has said:

The short-term increments are generally controlling for sources with elevated emission points (e.g., power plants). . . . For example, it is entirely possible that a new power plant could meet the annual Class II increment for both sulfur dioxide (SO2) and particulate matter (TSP) yet cause short-term concentrations that would approach the short-term national ambient air quality standards (NAAQS).

Thirty-three existing plants were analyzed. . . . Clearly, sole application of the annual increment would not, in many cases, provide a significant margin of nondeterioration protection beyond the primary and secondary NAAQS if a source could create short-term concentrations up to the 24-hour or 3-hour national standards.

In addition, . . . allowing degradation up to the three-hour secondary NAAQS, could possibly result in damage to certain commercial crops.

. . . the 24-hour concentration of particulates has a considerable impact on visibility. For example, degradation up to the 24-hour NAAQS would reduce visibility from more than 70 miles to about 5 miles. Sole use of the annual increment for nondeterioration would, in many cases, allow such a reduction in visibility to occur.

ALLEGATION

EPA will have the final control over which sources may get permits to construct.

FACT

This is true under present EPA regulations but not true under the Senate bill. The States are responsible for deciding whether to issue permits to new sources under the Senate bill. No State permit may be disapproved if the procedures are followed and if the ceilings and increments set in the bill are observed.

REV. JESSE JACKSON'S "SELF-DEVELOPMENT" CRUSADE

Mr. PERCY. Mr. President, last month I brought to the attention of my colleagues the efforts of the Reverend Jesse Jackson's "Push for Excellence," a crusade to motivate and encourage parents and students to value education.

Today, I would like to share with my colleagues the Reverend Jackson's philosophy on self help and improvement for black Americans. Although some may not want to hear this theme, I agree with Reverend Jackson that it needs to be said. I ask my colleagues to read or reread an article on the Reverend Jackson's "self development" crusade. I ask unanimous consent that the article, published in the New York Times Magazine on April 18, 1976, be printed in the RECORD.

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

"GIVE THE PEOPLE A VISION"—A CIVIL-RIGHTS VETERAN CALLS FOR A NEW "SELF-DEVELOPMENT" CRUSADE. BLACK AMERICANS, HE SAYS, MUST TAKE GREATER RESPONSIBILITY FOR THEIR OWN PLIGHT.

(By Jesse L. Jackson)

(NOTE.—The Rev. Jesse L. Jackson was closely associated with the late Rev. Dr. Martin Luther King Jr. He was prominent in the civil-rights struggle of the 60's; he headed Dr. King's Operation Breadbasket, an economic mobilization program that included boycotts of some white businesses in Chicago; he was present when Dr. King was assassinated in 1968. In 1972, he left the slain leader's Southern Christian Leadership Conference to form his own organization, People United to Save Humanity (PUSH). This article was written with the assistance of Bryant Rollins, former executive editor of The (New York) Amsterdam News, now an editor of The Week in Review section of The New York Times.)

It is time, I believe, to reexamine the causes of the social and economic plight in which black Americans—and particularly the poor blacks of the Northern cities—still find themselves, despite the legal advances of the 60's. Since so many past analyses of this problem have failed to bring about satisfactory improvement, I think it is time to suggest some new approaches, based largely on new values. It is my view that such a fresh start offers the best hope not only of lifting up the black people but of saving America's cities.

I also believe that it is fruitful to think of these problems within a larger context—the relationship between the United States and the third world. For the white racist attitudes that are part of the problem at home have also been an often unconscious element in the policy failures of the white political leadership vis-à-vis the emerging nations, most recently in Africa. And the natural pride of American blacks in the achievement of black leaders abroad is a factor in their own struggle.

As a starting point, let us take a noteworthy statistic: There are now 130 black mayors in the United States. We blacks have populated the cities; we must now learn to run them. The need is urgent. The ethical collapse, the heroin epidemic, the large numbers of our people who are out of work and on welfare, and the disruptive violence in our schools all indicate that the cities may be destroying us.

The thrust of my argument is that black Americans must begin to accept a larger share of responsibility for their lives. For too many years we have been crying that racism and oppression have kept us down. That is true, and racism and oppression have to be fought on every front. But to fight any battle takes soldiers who are strong, healthy, spirited, committed, well-trained and confident. This is particularly true when the enemy is as tough and elusive as American racism. I don't believe that we will produce strong soldiers by moaning about what the enemy has done to us.

It is time, I think, for us to stand up, admit to our failures and weaknesses and begin to strengthen ourselves. Here are some of the things I am talking about:

There is a definite welfare mentality in many black communities that derives perhaps from slavery but that must now be overcome.

We have become politically apathetic. Only 7 million out of 14 million eligible black voters are registered to vote. Yet politics is one key to self-development. In terms of votes, we have more potential strength

than labor or any other single bloc. We have a responsibility to use it to the full.

We too often condemn blacks who succeed and excel, calling them Toms and the like, when the ideal ought to be for all of us to succeed and excel.

We are allowing a minuscule minority of criminals in our midst to create disorder, ruin our schools and sap the energy we need to rebuild our neighborhoods and our cities.

Many leaders who are black, and many white liberals, will object to my discussing these things in public. But the decadence in black communities—killings, destruction of our own businesses, violence in the schools—is already in the headlines; the only question is what we should do about it. Others will object that to demand that we must meet the challenge of self-government is to put too much pressure on the victims of ancient wrongs. Yet in spite of these objections, in spite of yesterday's agony, liberation struggles are built on sweat and pain rather than tears and complaints.

In facing up to the new reality of black concentration in the Northern cities, the flight of whites to the suburbs, and the decay of the inner cities—particularly their black comunities—in many parts of the country, many black and white leaders demand Federal aid as the only solution. More Federal aid is certainly needed, but money alone, or in combination with minor reforms, will not significantly change the welfare system, reduce crime, build enough new houses, improve education, restore stable families or eliminate drug abuse. A multitude of Federal antipoverty and urban-renewal programs should have proved that by now. But if more Federal money will not solve the problem, what will?

I believe we should look to the third world for an answer. The message from there is clear: Through the proper use of money and a positive attitude, we can stimulate self-development and give the people a vision. It has been fascinating for me to observe what has happened in South Vietnam in the past year. The new Saigon leaders have spent little time talking about the Americans who carpet-bombed and defoliated their country. Instead, they have concentrated on rebuilding, putting people to work, inculcating new values and attitudes. They did it with military authority and a liberated attitude. We black Americans can rebuild our communities with moral authority. We need a blueprint, such as an urban Marshall Plan, but at its base there must be moral authority and sound ethical conduct.

This is not unrealistic. It was the moral authority of the civil-rights movement, not the Federal marshals—who stood back initially and let whites have their way with the demonstrators—that changed the face of the South. It was a disciplined struggle—and such a struggle can be waged again, to good purpose, in the cities of the North.

We need to tell our young people in those cities: "All right, we'll get all the state and Federal money that we can; but first and foremost, we need to put your hands and your bodies and your minds to work building our communities." What we must do for our young people is challenge them to put hope in their brains rather than dope in their veins. What difference does it make if the doors swing wide open if our young people are too dizzy to walk through them?

I often wonder what would happen if Coleman Young, the Mayor of Detroit, who has inherited a city of much moral and economic decay, were to go into one of Detroit's stadiums and had 50,000 or 60,000 people in there—just as Jomo Kenyatta has done, and Castro, and President Samora Machel of Mozambique—and delivered a resounding State of Detroit messeage.

"All right, people," he could say, "Detroit needs 200 doctors in the next 10 to 15 years, and here is what we will do to make certain that it happens. And we will need 200 lawyers and 400 electricians and 250 nurses, and here is what we will do to make sure it happens. I cannot pass a law about these things, but I am appealing to you parents and you children to cooperate. Parents, you must keep your children at home every night from 7 to 9 to study, and get them into bed by 10. Every morning the city will provide physical-training directors in city parks. We will close off one block in every neighborhood for half an hour every morning for exercise—we want you out there getting your bodies healthy for this struggle for independence."

I have been visiting major cities across the country, preparing for a crusade next fall that will stimulate people along these lines. Everywhere I go, from Washington to Los Angeles, I meet young people in schools that the politicians have given up on. I frequently find myself addressing 3,000 or 4,000 young people in a rundown assembly hall. Each time I suggest a program of self-development, they respond with overwhelming enthusiasm. Black teen-agers—some of the roughest, most street-wise dudes you will ever meet—respond to that appeal.

There is another parallel with the third world that is very much to the point. The emerging countries have had to proceed by stages—from a situation in which they were outright colonies, and their white rulers simply grabbed up the countries' natural resources; to a state of neocolonialism, in which the people attained nominal independence but the former colonizers remained in de facto control of the resources, which they continued to exploit primarily for their own benefit; to a situation of real independence in which the people take over control of their resources and work out mutually beneficial production arrangements with the former colonizers.

We black Americans feel we have been exploited, too, although the natural resources we had to offer were not minerals in the ground or produce in the field but the human resources of brain and brawn. And we feel we are at a stage at which we can emulate the third-world countries by moving from "neocolonialism," as it were, to real "independence." The lessons, of course, must be applied to situations that often are vastly different from those facing the leaders of the economically underdeveloped countries of Africa, Asia and Latin America, but the principle of self-reliance in place of dependency is the same.

Let me give a practical example. In the 60's, many black leaders, myself included, were picketing in front of Sears and A. & P. and other supermarkets in the black neighborhoods, demanding more and better jobs for blacks and more equitable financial arrangements with the community. And we succeeded. Some of these stores began to appoint black managers, put products of black companies on their shelves, hire black contractors for building new stores, and place their accounts in black-controlled banks. But today we find ourselves in Chicago, East Orange, N.J., and elsewhere, lying down at Sears' back doors begging the man not to fire us all and close down.

We want those white-owned branches, with the services and jobs they provide, to stay, but if they want to go, we should not be left with nothing to take their place. The point is that if we had pulled together in the intervening decade, if we had not lost so many good minds to the jails and the drug culture, if we had taken the pooling of our money more seriously, we would today have the ready capital and trained managers and communal organization to buy out those white-controlled stores that want to close down, direct all black business to them, and make them economically successful. But that takes discipline and purpose and dedicated leadership at many levels, and that is where I think the experience of the third-world countries can be of help to us.

It is bad to be in the worst slums in the country; it is even worse if those slums are internalized, become part of you. Hence the therapeutic effect of the Black Power symbolism of the 60's. But some black students became so caught up in the symbolism of black nationalism and black liberation that they forgot about such basic skills as reading, writing and thinking.

God knows that I recognize the need for black self-pride. But that monument must be built on a solid foundation; we must not, as Dr. Martin Luther King Jr. used to say, confuse symbolism with substance. When I stand in front of an audience of 3,000 black high-school or college students and we chant back and forth, "I am somebody, I am somebody," I can feel them telling me: "I need to be told I am somebody, I need to know I am somebody." But shouting "I am somebody" is only the first small step toward independence.

In the last 10 to 12 years, many of us missed the chance to grow intellectually and chased Superfly instead. Many of us spent more time on lottery and luck than looking for a job. Many of us did not use the opportunities we had. But it is time to cut that now. That backward trend goes against our own best traditions. Africa's great leaders, from Nkrumah to Machel, have all been learned men.

Preoccupation with symbolism has also made it hard for many of us to distinguish service from servility.

As I travel around the country, I often eat in restaurants run by the Nation of Islam. One reason is that the waiters are the most courteous and prompt you will find anywhere. They enjoy serving black people: you will never find a Muslim waiter with an "attitude." Unfortunately, the same is not true of all blacks. I know of black contractors who have gone out of business because their black workers were not prompt or had negative attitudes. I know young black workers who talk with pride about going to work any hour they feel like it, taking a day off when they feel like it, wearing Apple Caps on the job, playing loud portable radios on the assembly line. They're rebelling against the system, they say; they're exhibiting their independence. (There are many white workers, it should be added, who do the same.) What they're really exhibiting is ignorance of work in the black community that is one of our proudest legacies.

Slavery is over now, but you can't free a man who still has a slave mentality, just as you can't enslave a man who has a free spirit. We don't need to carry chips on our shoulders, fearing we are being treated in a servile manner. This does not mean we cannot be angry and loud and onery on occasion, as all mortals have a way of being, but we should always try to use the power that derives from true courtesy.

The process of "internalizing" conditions that should instead be banished has another tragic effect.

According to black historian Lerone Bennett Jr., the first black people arrived in America in 1619. That means that black people have been in this land for 357 years. For 244 of those years we were slaves; for 113 years we have been technically free; but real freedom has only just come since the turn of the 20th century. Although welfare was set up mainly to aid poor whites, and two-thirds of the recipients today are white, our history of slavery and oppression, and the decades of forced dependency, do seem to have carried over into what I call the welfare mentality. There are black families that have not had an opportunity to be independent

of a white-controlled system of one kind or another for as many generations back as they can account for. It is time for that syndrome to end. We cannot afford it any longer.

My own approach to the welfare situation is mixed. We need all the reforms the progressives argue for—guaranteed minimum income; an end to the humiliating spying and investigating by case workers; passage of the Humphrey-Hawkins full-employment bill now before Congress; an end to the "make a dollar, take a dollar" regulations that penalize people on welfare who get part-time jobs; incentives to encourage people on welfare to go to school and improve themselves. On the other hand, as the job market expands, we must inspire people to get off that debilitating welfare system and say to them: "We need you to help us rebuild our communities." Then we must supply the tools for the urban poor to work with. We need jobs for self-esteem, self-confidence and character—not just money.

The greatest potential for self-development is to be found in the public schools in our cities. That is also where there is now the greatest potential for explosions. Predominantly black schools in most urban areas with high concentrations of black people—New York, Washington, Detroit, Chicago, Los Angeles, St. Louis, Boston—are largely out of control. Violence against students and teachers, perpetrated by students, is steadily and dangerously increasing. Drug abuse is an accepted fact of life; pushers operate freely in many schools, and police patrol the corridors. Discipline has broken down. In a number of New York schools, teachers complain that the places are run not by the principals but by the gangs. We need to change this because it is normally right, because it is necessary for our development, and because no one else is going to do it for us.

The principals are not alone: Parents, teachers, superintendents, school boards have failed to impose discipline and create a proper atmosphere for learning. And if our young people are not learning today, we will not have the doctors, engineers, lawyers, mechanics, nurses, clerks and accountants that we will need to manage the cities.

A few years ago there was a sizable movement for community control of the public schools. But the community-control movement never did seriously address the problem of control of the students by their parents. Many black students turned the movement into a cynical rebellion against any authority—black or white, sympathetic or unsympathetic, healthy or destructive. A people seeking independence cannot tolerate that.

A related problem is the misconception, perpetrated on many parents, that a parent with little formal education is in a position to dictate on pedagogical matters to teachers and educators. Parents have something more fundamental to offer: motivation, love, care, discipline—and sometimes chastisement. Children cannot be allowed to play the game of "teach me if you can catch me." Children must be taught that they have a responsibility to learn as well as a right to an education. Busing is absolutely necessary, but without a will to learn, busing is irrelevant.

With all that in mind, PUSH (People United to Save Humanity), the organization that I direct from Chicago, has begun a national program, "PUSH for Excellence," to address urban problems, beginning with the public schools. The models for this project are in Washington, Los Angeles and Chicago, but we have already found great interest in the approach in other cities.

We have begun in Washington by stimulating high-school students to organize a city-wide Council Against Drugs, Racism and Violence and for Discipline. A student conference will be held by this council in the spring. We have had large numbers of students turn out for planning meetings, and we have aroused substantial mass support at high-school assemblies. Parallel and sometimes coordinated meetings have been held with teachers, athletic coaches, superintendents and school boards. Mayor Walter Washington has shown great interest—as have Mayors Maynard Jackson of Atlanta, Coleman Young of Detroit, Richard Hatcher of Gary, Ind., and Thomas Bradley of Los Angeles for similar initiatives in their cities.

Our program is simple. We want to get black men from the neighborhoods to replace the police in patrolling the school corridors and the street corners where the dope pushers operate. We want all parents to reserve the evening hours of 7 to 9 for their children's homework. We want student leaders and athletes to help identify and solve discipline problems before they get out of control. We want the black-oriented media to find ways to publicly reward achievers. We want the black disc jockeys, who reach more black kids than the school principals, to inform and inspire as well as entertain.

A crucial element in our program is the black church. The church is the most stable influence in the black communities. It is the only place where all segments of the community come together, once a week. An estimated 11 to 13 million men, women and children are members of black churches. Historically, the black church has been involved in or behind every black movement of any significance. I have been involved with high schools in Washington, Chicago and Los Angeles that are working with churches, and if there is anything the experience has shown me, it is that black ministers still carry moral authority with our people, except for a hardcore few, and most people want moral authority.

America is in the midst of a crisis, both in regard to its cities and in regard to its position in the world. Black Americans, inheritors of the role of the restless and disenfranchised minorities of the past who helped make America strong, have a historic opportunity to show that the cities can be saved. We can do so by stimulating change in the schools and the communities we control.

Also by virtue of our special empathy for the colored peoples of the third world, and particularly Africa, black Americans can contribute to the foreign-policy debate by exposing the racism at the root of some of our Government's worst domestic and foreign blunders. It would be tragic if our nation lost its potential for true greatness by letting racist legacies deflect it from its proper course.

Vital though this second task may be, it must, for the moment, take second place. The first and immediate task for American blacks is to rise up from the decadence in which we too often find ourselves in the cities, and, to do so by the force of our will, our intellect, our energy and our faith in ourselves. It is a historic opportunity we cannot afford to miss.

A VIEW FROM THE COUNTRY: HOW THE NATION'S NEWSPAPERS SEE THE GRAIN INSPECTION BILLS

Mr. CLARK. Mr. President, yesterday's meeting of the conference committee on H.R. 12572, a bill to reform our national system of grain inspection and weighing, was postponed indefinitely.

In the first two meetings, little progress was made. I wish I could be more optimistic about the chances for progress in the next meeting.

The fundamental obstacle to agreement appears to be the sharply differing perceptions of the problem of corruption and scandal in the grain trade. My reading of the House bill suggests that the majority of its authors simply do not view the problem as seriously as the Senate does.

Apparently, it is the view of the House that the problem can be corrected by continuing to allow the Department of Agriculture to delegate much of the responsibility for grain inspection. It is the view of the Senate that the problem can be solved only by a new system—a nationwide, uniform system handled by a new Federal entity that hopefully would be free of many of the problems that have affected the present system which exists, within the framework of the Department of Agriculture.

Beyond that, I am concerned that the President of the United States does not see the problem in the same light as either of the Houses of the Congress. He has said on more than one occasion that he would veto any reform bill that went much beyond the House version.

I suspect that the President has been too preoccupied with other concerns in the last few weeks to have taken time to read the editorial comment in the Nation's daily newspapers about the problem of corruption in the grain trade.

Mr. President, many newspapers editorial writers have analyzed the grain inspection problem in recent weeks—and most of them have concluded after some serious analysis that the Senate version is the proper, if not the only, way to correct these serious shortcomings.

And I am not talking about the so-called eastern establishment media; these are the hometown newspapers of the agricultural heartland of this country. They are from Tennessee, Texas, Nebraska, South Dakota, Iowa, Minnesota, Missouri, Indiana, Mississippi, Kentucky, and elsewhere.

Almost every one of them supports one or more of the major provisions of the Senate bill where it differs from the House version.

One of the more recent editorials, from the Chattanooga, Tenn., Times, describes the problem best in a terse headline: "Harvest of Shame."

On May 10, 1976, one of the more conservative editorial pages in the United States, the Indianapolis, Ind., News, led its editorial in this way:

> Nations that import corn, wheat and soybeans from the United States have been getting a dirty deal.
>
> Literally.

The Indianapolis newspaper and its sister publication, the Phoenix, Ariz., Republic, in an editorial on April 28, 1975, provide this dramatic conclusion:

> Normally, the less the Federal government meddles in business, the better. However, grain exports are a matter of national concern. The fact that we can produce a surplus of grain while the Communists must scramble abroad for it has been viewed by the world as a sign of the superiority of the U.S. economic system over the Communist system.
>
> Shoddy practices reflect on the nation.
>
> Since investigation has disclosed that U.S. grain exporters cannot be depended upon

to avoid shoddy practices, some kind of Federal control over them seems necessary.

Mr. President, those words are not from the typewriters of those who hold the so-called expanionist view of the bureaucracy. This call for stronger Federal action comes from newspapers who have consistently espoused the "limited" view of Government power, and as such they should be accorded great consideration.

The Memphis, Tenn., Commercial Appeal is a major regional daily newspaper in a city which is the headquarters for one of the largest grain companies in the world. Its May 7 editorial states:

The victims of these tricks and cheatings have been both U.S. farmers and foreign buyers of U.S. grains. But in a larger sense all of us have been the victims, for grains are a major source of foreign exchange for the nation and unless foreign buyers have confidence in U.S. products and U.S. trade practices, the nation loses that income from abroad and the value of the U.S. dollar suffers.

Then the Memphis newspaper concludes:

It is essential, therefore, that the federal government move just as swiftly as possible to follow up on these court cases which have brought into the open the scandals in the grain trade. The government must have closer control over the grading, inspection and weighing of grains.

The Commercial Appeal, analyzing the report of the General Accounting Office which recommended essentially all-Federal inspection, had concluded, in an editorial on February 18, 1976:

There is no guarantee that an all-federal inspection service will be 100 per cent honest. But the chances of corrupting such inspectors surely will be far less than what it was under the farmed-out system we have had in the past.

Congress should act promptly to comply with the recommendations which now have been made not only by the GAO but also by senior members of the congressional agriculture committees who are fully familiar with the problem.

The Lincoln, Nebr., Star made similar observations on the GAO conclusions, which were made in response to a request by the House and Senate Agriculture Committees and only after one of the most thorough GAO investigations which has come to my attention. Pointing out that opposition from the grain companies and the Ford administration was almost certain to develop—it did—the Nebraska newspaper said:

But a federal takeover of the inspection system seems to be essential to protect the good name of American farmers and to keep this nation in a healthy, competitive position in the world grain market.

There does indeed seem to be massive rot in the present system. Although it may cost more money to have the government test grain, it would be worth it.

Similar thoughts are expressed by a respected regional farm weekly newspaper, the Delta Farm Press, which is published in Clarksdale, Miss. Its February 20 editorial, entitled, "Grain Inspection Needs USDA Takeover," described the shortcomings of USDA's supervision to date and added:

No system is fool-proof. But complete federal administering of the program would go a long way in reducing possible conflicts-of-interest. As long as other persons are involved, the door to such temptations is still ajar.

The Houston, Tex., Post outlined the weak points as well as the strong points in the GAO's recommendations, in its February 29 editorial:

While it would inescapably create a new federal bureaucracy, direct government control of inspection would also largely do away with the present system under which the government licenses state and private inspectors to enforce federal standards on grain. This is somewhat like hiring a private police force to enforce the laws.

And it pointed out the $12.5 billion stake which the United States has in grain exports every year, adding this conclusion:

Considering what is at stake, we should give high priority to reforms that will restore the confidence of overseas customers in our ability to deliver the goods, all the goods—undiluted. The government should take direct responsibility for guaranteeing the quality and quantity of grain sold for export.

The Sioux Falls, S. Dak., Argus-Leader is another newspaper that is not given to frequent endorsements of proposals which would expand the Federal Government. But on March 29, 1976, that newspaper wrote:

We believe that the federalization approach taken by Clark, McGovern, Humphrey and Talmadge is on the mark. Congress should pass the Senate measure—and the Ford administration should lend its assistance to the effort.

During debate in the House of Representatives, a proposal to adopt Federal inspection at all export elevators was rejected on a narrow vote, and instead the House accepted the provision to allow States to continue their inspection services if the Department of Agriculture allows them to do so.

In this context, the Minneapolis, Minn., Tribune calls the House proposal just what it is:

Partial federal inspection strikes us as a halfway measure for dealing with a problem that deserves full federal attention.

The Nashville Tennessean, is a newspaper with a worldwide reputation for investigative reporting. Its reporters have done an outstanding job uncovering scandals in the grain trade and its editorial writers also assess the House bill accurately in an April 10 comment:

House proponents of stronger legislation called the measure that was approved a "grain-trade" bill and "a Band-Aid on a gaping wound."

These views seem to be substantially accurate.

The Lexington, Ky., Herald observed in an April 9 editorial that the Department of Agriculture "has been anything but dynamic in its leadership and supervision" and made the following three points:

Out of the Senate Agriculture Committee has come the kind of reform that is needed in this country's grain inspection program.

A fight over the two versions is expected. But during the debate, Congress should not lose sight of the need to drastically reform grain inspection programs. The Senate version would do a much better job of this.

Farmers in Kentucky and across the nation stand to lose if the U.S. is not able to convince its customers that it plans to be a good partner to do business with. This has not always been the case in the past.

Mr. President, perhaps no newspaper has been closer to the scene of most of the corrupt activities that have come into public view than the New Orleans, La., States Item. In two editorials last month, that newspaper has developed conclusions based on the fine investigative reporting of its reporter, Jack Davis, by concluding editorially on April 10 that:

If the nation's image as an honest exporter of commodities is to be salvaged, Congress must pass tough inspection legislation. Continuing with a system that relies on the Agriculture Department entails high risk. Congress must either take the inspection responsibility out of the hands of the department or assure itself that there has been a fundamental turnabout within the agency, both in capability and attitude.

Four days later, after the President of the United States made his first remarks about the proposed legislation, the New Orleans newspaper editorialized:

President Ford, speaking in El Paso, Tex., seemed totally oblivious to the record or the problem. He called congressional action aimed at beefing up grain inspection machinery overreaction to the scandals. He vowed to veto a bill eliminating private grain inspection companies.

Either President Ford does not know the facts, or he chooses to ignore them. Major reforms are needed in the grain export industry.

The St. Paul Pioneer-Press in Minnesota gets at the fundamental weakness of the House provision and the President's threat to veto the tougher Senate bill when it writes, as it did on April 30:

Spare us from needless proliferation of the federal bureaucracy, but in the case of grain inspection, there is good reason for the proposed agency (which would be contained within the Department of Agriculture).

A largely state-controlled system might be an improvement, but it would be open to the inconsistencies inherent in such a piecemeal, state-by-state setup. The standards of Minnesota, for example, might differ a great deal from those of, say, Louisiana. The latter state, incidentally, is the site of the largest grain shipping port (New Orleans) and has, as well, an unfortunate but well-established tradition of public corruption.

The export of grain is a national concern (as is all foreign trade) and logic recommends federal inspection.

A number of newspapers over the past several days have written about the task facing the conferees as they attempt to reach a compromise on this critically important legislation.

On May 1, one of the Nation's most respected newspapers, the St. Louis Post-Dispatch, concluded its editorial in this manner:

Senate conferees will have a difficult task when they try to persuade the House that sufficiently tough controls are necessary, but they should make every effort to retain as much of their bill as possible. The continued integrity of grain exports demands that the Government ensure complete and competent inspection of this valuable commodity.

On May 6, the Des Moines Register, whose reporter, James Risser, has just been awarded the Pulitzer Prize for his coverage of the grain scandal, opened and closed its editorial as follows:

The grain inspection bill approved by the

U.S. Senate is a blueprint for a uniform inspection system that would restore the integrity of U.S. grain inspection in foreign and domestic markets.

* * * * *

The conference committee has an obligation to consider the country's stake in grain inspection and not weaken the Senate bill.

And on May 10, the St. Louis Post-Dispatch concluded another editorial like this:

Investigations are continuing, and there is reason to believe that more indictments will be filed and more wrongdoing will be disclosed. As the scandal has amply illustrated, current federal oversight has not been adequate, and strong measures must be taken to restore credibility to the grain export trade. A bill passed by the Senate would come much closer to providing sufficient safeguards than would a House version. For this reason, we urge the Senate conferees to make every effort to gain acceptance of as much of their bill as possible.

Mr. President, I ask unanimous consent that the texts of these and other editorials be printed in the RECORD.

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

[From the Des Moines Register, May 6, 1976]

IN PUBLIC'S INTEREST

The grain inspection bill approved by the U.S. Senate is a blueprint for a uniform inspection system that would restore the integrity of U.S. grain inspection in foreign and domestic markets.

The Senate bill would replace the present hodgepodge of private and state inspection agencies with federal inspection of grain at all export points and the 25 largest inland terminals. Responsibility for the new inspection system would be given to a federal agency largely independent of the U.S. Department of Agriculture (USDA).

The House of Representatives has passed a grain inspection bill that would abolish private inspection agencies at export points, but it would permit state inspection agencies to continue their work at export points if they met certain conditions. The House bill would allow private and state agencies to continue functioning at inland terminals, and would leave responsibility for supervising the inspection system with the USDA.

The differences between the bills will be ironed out by a Senate-House conference committee. House conference committee members will be led by Representative Thomas Foley (Dem., Wash.), chairman of the House Agriculture Committee and an advocate of continued state inspection.

Three of the eight Senate conference committee members are opposed to federal inspection at inland terminals and to the creation of a new federal grain inspection agency.

The odds thus are against passage of a strong grain inspection bill. But reform of grain inspection should be based in the public interest rather than on abstract ideology or the desires of those who have benefited from the present system. The conference committee has an obligation to consider the country's stake in grain inspection and not weaken the Senate bill.

[From the Des Moines Register, May 8, 1976]

ACTIONS SPEAK LOUDER

"I would like to congratulate Jim Risser," President Ford said at a huge banquet in Washington the other night. "He has done an outstanding job."

Our Mr. Risser has indeed done an outstanding job reporting on the scandal in the grain-export business—a scandal that seems to grow daily. His outstanding job has won him virtually every major journalism award, including the Pulitzer Prize.

We are pleased that the President, too, has taken notice of Mr. Risser's work, and we are of course happy with the presidential words.

But actions speak louder than words, and if President Ford really believes Mr. Risser has done an outstanding job the Persident is in a position to show it. He could urge the House and Senate conferees to come up with a grain-inspection bill like the Senate-passed version instead of the House-passed measure.

The Senate bill calls for federal inspection of grain at ports and large inland terminals; the House version calls for governmental inspection at ports, but it primarily modifies the current system of state and private inspections—a system that is, to put it charitably, inadequate.

The President has made it clear he would veto a Senate-type bill. We doubt very much that the President will change his mind just because Jim Risser has won a Pulitzer Prize. We doubt very much that the President will change his mind just because the Senate bill is in the public interest and the House bill isn't. We doubt very much that the President will change his mind just because indictments keep coming up by the batch.

So, while we appreciate the President's rhetoric, we aren't getting our hopes up about a strong grain bill. We know, what those nice words were. Nice words.

[From the St. Louis (Mo.) Post-Dispatch, May 1, 1976]

CAREFUL GRAIN COMPROMISE

After defeating a last-minute, Administration-backed attempt to weaken the grain inspection bill, the Senate has passed a strong measure that should provide ample protection against continued corruption within this system. The major battles are still ahead, however, for the House already has passed a much weaker bill, and its members are unlikely to embrace the complete Senate version in conference. In addition, President Ford has threatened to veto anything stronger than the current House bill. The Senate conferees may well be forced to compromise but they should strenuously resist proposals that would gut their bill.

Under the present system, grain is inspected, weighed and graded by either privately owned agencies or state inspection agencies. The Agriculture Department supervises routine inspections and will conduct "appeal" inspections. The accurate inspection of grain that is to be sold for export is essential because it certifies the quality and quantity of grain and thus determines the price. However, ongoing federal investigations into grain exporting have resulted, so far, in more than 60 indictments for misweighing, misgrading, grain theft, bribery, conspiracy and income tax evasion. These indictments and a report issued in February by the General Accounting Office amply demonstrate the need for stricter controls.

The Senate bill would provide an all federal system for inspection—at port elevators and at the 25 largest inland grain elevators—by a new grain inspection agency that would be connected with the Department of Agriculture. The legislation would also mandate federal weighing of grain at the ports with federal supervision inland, would stiffen criminal penalties for violations of grain laws, would prohibit financial conflicts of interest between grain firms and inspectors and would require registration of grain exporters that would include disclosure of financial interests in inland operations.

The House version would authorize the Agriculture Secretary to delegate inspection and grading to state agencies; this federal oversight of inspection would only be in effect at port elevators, not inland. Control of weighing would be set up in a similar manner, with federal supervision only at export points, and a study of the current practices inland. The House did include some new provisions that should minimize conflicts of interest, but even these are not as tough as the Senate's.

Grain exports were valued at 12.5 billion dollars in 1975, and such an important part of this country's international trade should be subject to sufficient regulation so that buyers have confidence in their purchases. The GAO report noted an erosion of this confidence, and anything less than an all-out attempt to clean up the scandal-ridden system will not do.

Perhaps the strongest criticism of the Senate bill has been leveled at the federal inspection of large inland terminals. Although all the indictments in the grain scandal to date have been based on irregularities discovered at port facilities, the Des Moines Register reported that Agriculture Department auditors have found "evidence that seems to indicate past patterns of 'short-weighing' of grain at both export elevators and large inland elevators"; and in its report to Congress, the GAO noted that conditions that led to abuses at export elevators are also present inland. Federal inspection thus would seem to be necessary at these places.

Senate conferees will have a difficult task when they try to persuade the House that sufficiently tough controls are necessary, but they should make every effort to retain as much of their bill as possible. The continued integrity of grain exports demands that the Government ensure complete and competent inspection of this valuable commodity.

[From the St. Louis, (Mo.) Post-Dispatch, May 10, 1976]

MORE REVELATIONS

As Senate and House conferees try to agree on a federal grain inspection law, continuing disclosures of questionable practices by the large grain companies emphasize the need for the strongest possible legislation. In New Orleans, where more than 50 defendants have been convicted for offenses related to the grain scandal, Cook Industries, Inc. and Mississippi River Grain Elevator, Inc. pleaded no contest to charges of conspiracy in systematic thefts of grain from foreign commerce. Continental Grain Co. was recently fined the maximum penalty of $500,000 after pleading no contest to 50 counts of false declarations on the weights of foreign shipments. Only a few days before, the investigative branch of the Department of Agriculture turned over some of its findings to the Senate Agriculture Committee. This investigation disclosed discrepancies in the inventory records of three large grain exporters that may indicate that export shipments had been shortweighted. In addition to these developments, the government of India has filed suit, charging that five grain exporters "willfully, knowingly and secretly defrauded" it.

Investigations are continuing, and there is reason to believe that more indictments will be filed and more wrongdoing will be disclosed. As the scandal has amply illustrated, current federal oversight has not been adequate, and strong measures must be taken to restore credibility to the grain export trade. A bill passed by the Senate would come much closer to providing sufficient safeguards than would a House version. For this reason, we urge the Senate conferees to make every effort to gain acceptance of as much of their bill as possible.

[From the Indianapolis (Ind.) News, May 10, 1976]

SHODDY GRAIN PRACTICES

Nations that import corn, wheat and soybeans from the United States have been getting a dirty deal.

Literally.

This has been established by the U.S. attorney's office in New Orleans and by the General Accounting Office in Washington.

GAO investigators visited Britain, West Germany, Israel, Japan, The Netherlands, India, Spain and Italy. Everywhere they heard complaints.

The grain the nations received was lower in quality than what they had paid for. Wheat and corn frequently contained foreign matter and showed signs of heat damage. Soy meal was laden with foreign matter and very low in protein content.

The nations said the problems they experienced with imports from other countries were minor compared with U.S. grain.

This is simply inexcusable.

U.S. grain exports make the difference between favorable and unfavorable balance of trade. Quite aside from that, they are an important political weapon, for they dramatize the efficiency of the private American farmer as compared with the inefficiency of Communist collectives.

One might imagine that, simply as a matter of good business practice, grain exporters would give foreign customers what they are paying for. Call it stupidity on their part, but they are not.

They have taken advantage of the fact that state and Federal supervision over grain exports is light. Many grain inspectors are private contractors. The GAO found that some of them also are principals in the grain exporting companies whose output they are charged with judging. It also found that bribery is rampant.

The Senate Agriculture Committee has proposed the establishment of a new Federal Grain Inspection Agency within the Department of Agriculture. Its administrator would be appointed for a 10-year term, subject to Senate confirmation.

All grain exporting companies would be required to register with the agency and disclose the names of their principal officers. They would be certified by the agency. This certification would be revoked if agency inspectors found them engaging in any hanky panky.

The agency inspectors would supplant private and state inspectors.

Normally, the less the Federal government meddles in business, the better. However, grain exports are a matter of national concern. The fact that we can produce a surplus of grain while the Communists must scramble abroad for it has been viewed by the world as a sign of the superiority of the U.S. economic system over the Communist system.

Shoddy practices reflect on the nation.

Since investigation has disclosed that U.S. grain exporters cannot be depended upon to avoid shoddy practices, some kind of Federal control over them seems necessary.

[From the Memphis (Tenn.) Commercial Appeal, May 7, 1976]

GRAIN TRADE SHENANIGANS

Continental Grain Co., one of the world's largest handlers of grain in international trade, has pleaded no contest to federal charges that it short-loaded ships which were taking U.S. grains to foreign ports.

The federal court case involved just 50 instances of such short-loading. But the firm readily admitted in court that it was a practice that had been going on for four years. The sums involved were not estimated, but obviously they were large.

The $500,000 fine which the court assessed for this may appear large, too, to ordinary citizens. But surely to a firm doing business in the volume that Continental does, that was merely a token fine—a small part of the cost of doing business.

The Continental case was just the latest in a series of developments stemming from federal investigations of the grain trade, investigations resulting mainly from exposures reported by a Des Moines newspaper interested primarily in protecting the interests of thousands of farmers in the Midwest whose grains must pass through the channels of trade to reach the export markets.

Federal grand juries have returned indictments against seven companies and 48 individuals. The charges include conspiracy, bribery, theft and income tax evasion. They involve practices in the weighing, grading and shipping of grains. There have been 51 convictions thus far.

Yesterday Cook, Inc., of Memphis also was indicted by the New Orleans grand jury. Cook officials have said the company will not contest the charges and a $370,000 fine against it, either, explaining that the wrongdoing was the fault of employes no longer with the firm. It adds that the company itself has been the victim of these actions.

But all these shenanigans in the grain trade have been the result of loose supervision by both the top managements of the firms involved and by the federal government.

The victims of these tricks and cheatings have been both U.S. farmers and foreign buyers of U.S. grains. But in a larger sense all of us have been the victims, for grains are a major source of foreign exchange for the nation and unless foreign buyers have confidence in U.S. products and U.S. trade practices, the nation loses that income from abroad and the value of the U.S. dollar suffers.

The federal government already is suffering the consequences of an erratic grain export policy over recent years. Regular and heavy buyers of U.S. grains in the past have helped to establish new sources of such commodities. If now they feel compelled to expand those new sources or to find other alternatives for U.S. grain, the cost to this nation could over the years be heavy.

It will be a cost not only because of the loss of those foreign markets but also because with an agricultural plant geared to production far beyond domestic needs the loss of foreign markets will mean added cost to U.S. taxpayers for holding tremendous surpluses in storage.

It is essential, therefore, that the federal government move just as swiftly as possible to follow up on these court cases which have brought into the open the scandals in the grain trade. The government must have closer control over the grading, inspection and weighing of grains.

[From the St. Paul (Minn.) Pioneer Press, Apr. 30, 1976]

GRAIN INSPECTION

President Ford has threatened to veto any bill setting up full federal inspection of grain bound for export. The Senate has passed a bill providing such federal inspection and setting up an agency to handle it. The House has passed a bill for a joint state-federal inspection system, with the emphasis on state control.

The President would favor a joint state-private inspection setup, incorporating the threat of federal intervention if it fails to function properly, but he has indicated he will accept a bill based on the House version.

The President has said his principal objection to the Senate bill is in the creation of another federal bureaucracy "for no good reason."

Spare us from needless proliferation of the federal bureaucracy, but in the case of grain inspection, there is good reason for the proposed agency (which would be contained within the Department of Agriculture).

Grain is the mainstay of American agricultural exports, and these exports are not only in turn a mainstay of American agriculture but vital to the nation's economic health. Our foreign customers, however, have become increasingly unhappy over the quality of these exports. Shortweights, adulteration, misgrading—these threaten the American suppliers and already are encouraging the customers to look elsewhere (Brazil, for a prime example) for the products.

Obviously, the present grading system, privately controlled, cannot be allowed to continue. The wonder is it has been allowed to go on these many years. A largely state-controlled system might be an improvement, but it would be open to the inconsistencies inherent in such a piecemeal, state-by-state setup. The standards of Minnesota, for example, might differ a great deal from those of, say, Louisiana. The latter state, incidentally, is the site of the largest grain shipping port (New Orleans) and has, as well, an unfortunate but well-established tradition of public corruption.

The export of grain is a national concern (as is all foreign trade) and logic recommends federal inspection. As Sen. Hubert Humphrey said, in commenting on the Senate bill the other day, federal inspection of grain is inevitable. He likened it to federal inspection of meat, a step that was bitterly opposed in its day but has for decades been taken for granted. Federal grain inspection, too, will someday be taken for granted, and a start on it is overdue.

[From the New Orleans (La.) States Item, Apr. 14, 1976]

FORD AND GRAIN

President Ford showed a remarkable ignorance of the facts in his remarks over the weekend on the issue of tougher grain inspections.

Shortweighting and thefts at grain elevators constitute one of the monumental scandals in the nation's commercial history. Grand juries have returned almost 100 indictments in connection with misgrading and shortweighting of grain bound for export. There have been more than 50 convictions on charges of bribery and various other offenses. Every level of the grain handling industry is involved, from the crooked inspector, to the top grain company executive.

The nation's good name as a participant in international trade has been dragged through the dirt.

President Ford, speaking in El Paso, Tex., seemed totally oblivious to the record or the problem. He called congressional action aimed at beefing up grain inspection machinery overreaction to the scandals. He vowed to veto a bill eliminating private grain inspection companies.

"I see no reason to replace private interests with government controls," said Mr. Ford.

Private inspection companies, licensed and supposedly supervised by the United States Department of Agriculture (USDA) often have operated as an extension of the grain companies they were set up to police. Indeed, some inspection companies turn out to be subsidiary firms owned by the grain companies they were set up to inspect.

The question is not, as Mr. Ford seems to believe, whether the private inspection companies should be replaced.

The Senate bill calls for the establishment of a new federal agency to conduct the inspections. The House bill calls for state inspection agencies closely supervised by the USDA.

Sen. Dick Clark, D-Iowa, whose Senate Agriculture Committee has conducted extensive investigations into the grain scandals, was understandably "dismayed and disappointed" at Mr. Ford's remarks.

"After all the indictments and convictions, after all the evidence of corruption . . . it is hard to believe that the President is against changing the present system in any basic way," he said.

Either President Ford does not know the facts, or he chooses to ignore them. Major reforms are needed in the grain export industry.

[From the New Orleans (La.) States Item, Apr. 10, 1976]

GRAIN SCANDAL BILLS

The House and Senate are far apart on legislation aimed at dealing with widespread grain handling scandals at U.S. elevators and ports. Failure to enact sufficiently tough legislation during the current session of Congress would be a mistake.

The Senate Agriculture Committee approved a bill Wednesday calling for a new Federal Grain Inspection Agency at ports and at the 25 largest inland grain terminals. The current system—private and state inspection agencies federally licensed—would end.

The Senate approach seems much tougher than the House proposal. The House bill places primary responsibility for inspections with the Agriculture Department. The Agriculture Department would delegate inspection and weighing supervision to state agencies, but with beefed-up federal supervision. Thus, the House plan is not really much different from the existing system.

The two plans present a serious problem, which is likely to be settled in a conference committee compromise. On one hand, there is a good argument to be made for not setting up another federal agency. The federal bureaucracy already is burdensome. Conversely, the Agriculture Department has shown itself to be incapable of policing grain inspections.

The inspection mess has created a crisis of commercial integrity at home and abroad. Thefts and shortweighting participated in by grain companies and inspectors have given the country an international black eye.

If the nation's image as an honest exporter of commodities is to be salvaged, Congress must pass tough inspection legislation. Continuing with a system that relies on the Agriculture Department entails high risk. Congress must either take the inspection responsibility out of the hands of the department or assure itself that there has been a fundamental turnabout within the agency, both in capability and attitude.

[From the Sioux Falls, S. Dak. Argus-Leader, Mar. 29, 1976]

A FEDERAL OBLIGATION

The House has passed a bill aimed at reforming the nation's grain inspection system. However, the measure falls short of what should be done and ought to be strengthened in the Senate.

The bill provides for federal control of the inspection and weighing of grain at export terminals and increases penalties for bribery, misweighing, misgrading and other violations of the U.S. Grain Standards Act.

The need for these reforms has become apparent during the inspection scandals which have hit the grain industry over the last several months. Several employes of private agencies and three employes of a state inspection agency in Louisiana have been indicted in a federal investigation of corruption in the grain trade.

The House bill would eliminate about 20 privately operated grain inspection agencies now operating in grain ports and give responsibility to the federal government.

However, the Secretary of Agriculture would be authorized to delegate the responsibility to state agencies, so that little would be gained.

A proposed amendment, which unfortunately, was defeated, would have eliminated this authority of the secretary and required use of federal inspectors at grain ports.

House proponents of stronger legislation called the measure that was approved a "grain-trade" bill and "a Band-Aid on a gaping wound."

These views seem to be substantially accurate. Under the House bill, grain inspection at interior terminals would continue under the system now in use, operating through private or state agencies. Something better is needed.

The General Accounting Office, the investigative and auditing arm of Congress, has done its own study of the grain inspection situation and recommended outright federal inspection. This is the type of reform that should be passed. The states are not the agencies to carry out grain inspections in international trade. Nor are they competent to do so.

A stronger bill more in line with the GAO's recommendations has been passed by the Senate Agriculture Committee. This is the inspection system the nation needs and it should be passed.

[From the Lexington (Ky.) Herald, Apr. 9, 1976]

GRAIN INSPECTION REFORM NEEDED

Out of the Senate Agriculture Committee has come the kind of reform that is needed in this country's grain inspection program.

The bill calls for federal inspection of grain at export points and major inland terminals.

The bill would remove state and private agencies from the inspection process. This is extreme action which is in contrast to a bill passed by a House committee which would still allow the Department of Agriculture to let state agencies conduct investigations.

A fight over the two versions is expected. But during the debate, Congress should not lose sight of the need to drastically reform grain inspection programs. The Senate version would do a much better job of this.

The General Accounting Office conducted an investigation last year into the grain industry after several indictments were issued against persons and firms for alleged violations of grain-inspection laws.

The GAO study, reported out in February, said "Weaknesses in the national inspection system have led to extensive criminal abuses, such as intentional misgrading of grain, short-weighting and using improperly inspected carriers."

The weaknesses in the inspection program are a threat to grain trade between this country and other nations. Other countries have already started boosting their production in certain grains to supply nations who have decided to cut down on their business with the U.S.

The grain inspection weaknesses have caused serious doubt among U.S. customers about the integrity of this country's agricultural trade system.

For the U.S. to convince its customers it is serious about correcting weaknesses in the system, extensive reform is needed.

The Department of Agriculture has been anything but dynamic in its leadership and supervision of the grain inspection program. Changes in its attitude and the law itself are needed.

Farmers in Kentucky and across the nation stand to lose if the U.S. is not able to convince its customers that it plans to be a good partner to do business with. This has not always been the case in the past.

[From the Des Moines Register, Apr. 8, 1976]

NOT GOOD ENOUGH

The U.S. House of Representatives has taken a major step toward reform of the grain inspection system by approving a bill to abolish private inspection at export points. The measure takes a tough stand against conflicts-of-interest by private inspection agencies at inland points and addresses other inspection problems.

Much of the corruption in grain inspection has involved the inspection by private agencies of grain for export. The bill's substitution of federal inspection for private inspection is an essential step to restore the image of U.S. grain in overseas markets.

Conflicts-of-interest in private agencies at inland points also are a major source of abuse. The bill tries to insure integrity in the inspection of grain for domestic use by eliminating such conflicts.

But the bill falls short of creating the uniform inspection system needed to eliminate the inaccuracies in grain grading, weighing and sampling that have plagued inspection at export and inland points.

The House bill would eliminate private inspection of export grain but it would allow state inspection agencies approved by the U.S. Department of Agriculture (USDA) to continue inspecting export grain. The General Accounting Office has found that state inspection agencies generally are unwilling "to cooperate fully [with the USDA] in the proper administration of the inspection system," and often "resent . . . federal supervision."

The provision to permit private inspection at inland points would add to the inspection hodgepodge.

The responsibility for supervising the grain inspection system would rest under the House bill with the USDA, even though the department has compiled a sorry record in attacking inspection abuses and inadequacies.

The major weaknesses of the House bill would be overcome by a bill by Iowa's Senator Dick Clark approved by the Senate Agriculture Committee. The Senate bill would federalize grain inspection at all export points and at major inland terminals. Responsibility for the system would rest with a new federal grain inspection agency, which would be largely independent of the USDA.

A federal inspection system run by an agency independent of the USDA offers the best hope of correcting shortcomings in grain inspection.

[From the Sioux Falls, S. Dak. Argus-Leader, Mar. 29, 1976]

PASS SENATE GRAIN INSPECTION BILL!

Three South Dakota, Iowa and Minnesota United States senators are among the cosponsors of the new, tough Senate bill designed to reform grain inspection in this country.

The chief author of the measure is U.S. Sen. Dick Clark, D-Iowa. His bill is co-sponsored by senators George McGovern, D-S.D., Hubert H. Humphrey, D-Minn., and Herman Talmadge, D-Ga.

Humphrey's agriculture subcommittee approved the bill last week. It will go before the full Senate Agriculture Committee April 7, where a hard fight is expected on the measure.

The bill would federalize inspection at all export elevators and federal agents would also handle inspection duties at 25 major inland grain terminals in 10 states. The bill is designed to combat the scandals uncovered in handling of grain for export. Investigations thus far have resulted in indictments against 62 individuals and firms, on criminal charges which include misweighing, misgrading, grain theft, conspiracy, bribery, and income tax evasion.

A much milder bill has been approved by the House Agriculture Committee.

The Ford administration opposed the provision in the Senate bill which would set up all federal inspection at ports and inland terminals, and also the language in the measure which would set up a new, semi-inde-

pendent federal grain inspection agency within the U.S. Department of Agriculture.

The grain trade, private agencies which handle inspections now and state departments of agriculture oppose federalization. They all want to keep their roles in the present inspection system.

Congress should enact a measure that will remove a blight on American agriculture: the situation in which foreign buyers of United States grain have been cheated on weights, quality, etc. The buyers in Europe or Asia now can't be sure they'll get what they order from United States firms.

We believe that the federalization approach taken by Clark, McGovern, Humphrey and Talmadge is on the mark. Congress should pass the Senate measure—and the Ford administration should lend its assistance to the effort.

Untied States grain exports amount to $12 billion a year—the largest source of income from overseas. Serving that market well is essential to the future of South Dakota and other farmers in the nation. The United States credibility as a nation which will not tolerate cheating in export shipments is also at stake.

[From the New York Times, Mar. 9, 1976]

. . . AND GRAIN SCANDALS

Scandals have disfigured this nation's grain sales to the Soviet Union and other foreign nations. Shipments have included defective and contaminated grain. When cargo ships were hard to get, dirty, ill-maintained vessels have been pressed into service.

These abuses could occur because the inspection system is seriously deficient. Except for state-run inspection systems that vary in size and competence, grain inspectors have been licensed employees of private firms in the grain trade. The opportunities for conflict of interest and corruption were numerous. A spate of indictments suggests some inspectors were quite willing to exploit these profitable opportunities at the expense of foreign consumers and of America's good name.

In the wake of these scandals, Congress has been considering remedial legislation. There is strong support in the Senate for a bill introduced by Senators Clark of Iowa and Humphrey of Minnesota to establish a Federal inspection service at all seaports and at the 25 largest inland terminals. At smaller terminals, the Agriculture Department would be authorized to contract out the inspecting responsibility to the states and to private individuals. These provisions of the Humphrey Clark bill are in accord with the findings of a General Accounting Office report on the grain inspection scandals in New Orleans and other major ports.

Unfortunately, the House of Representatives is likely to act on this problem first; and the bill now being drafted in final form in the House Agriculture Committee is significantly weaker. It purports to ban conflict-of-interest situations and would permit Federal inspectors to make spot checks on their own initiative without waiting, as they are now required to do, for an appeal by one of the interested parties. But, in deference to the parochial traditions in the grain trade, the bill would allow state inspectors and licensed private individuals to continue to do most of the work as long as they met Federal standards.

The boom in grain exports in recent years caused, in part, by the huge, unanticipated Russian purchases had the unintended effect of calling public attention to some shoddy, indefensible practices. The House cannot blink these disclosures away. A completely independent Federal inspection, as envisaged in the Humphrey-Clark bill, is essential to genuine reform.

[From the Minneapolis Tribune, Mar. 6, 1976]

GRAIN INSPECTION: A 'MINNESOTA PLAN'

Shortcomings in grain inspection at U.S. export points have become so obvious that there is no longer any question about the need to overhaul the system. A question does remain as to which of two approaches to reform would better serve the country. That favored by Rep. Bob Bergland—and by other Minnesotans on the House Agriculture Committee, Republican as well as Democratic—seems to us preferable.

Bergland's proposal for an all-federal inspection system, and the support for that idea by his Minnesota colleagues, carries added weight because of this state's unblemished reputation. State inspection of grain exported from Duluth has produced none of the charges of fraud and theft that have plagued Southern ports, Louisiana in particular. The Minnesota congressmen are therefore not urging legislation to correct faults in their own state, but are looking for federal remedies to what is essentially a national problem.

The reluctance of the administration and a slim majority on the House committee to face the problem squarely is, we think, the flaw in their alternative proposal. The alternative does take the essential step of removing private agencies from the grain-inspection business, but laxity by some state agencies has also been a cause, direct or indirect, of many of the indictments handed down so far. The administration would meet that problem by tightening supervision of state inspectors by the U.S. Department of Agriculture. That might prove adequate. But we think Bergland is right in calling the situation serious enough to justify full federal inspection—which would be similar to practices followed with other commodities.

Bergland's bill lost in a close committee vote this week. But legislation similar to his is being offered in the other house by Sen. Humphrey, and there still is a chance of reviving the Bergland bill on the House floor. That is what we hope takes place. Partial federal inspection strikes us as a halfway measure for dealing with a problem that deserves full federal attention.

[From the Houston (Tex.) Post, Feb. 29, 1976]

ALL THE GOODS

Pressure is building to overhaul the nation's scandal-ridden grain inspection system. But the Ford administration and some members of Congress are at odds over how to curb abuses in the inspection and movement of grain, especially that destined for shipment abroad. The General Accounting Office, the congressional watchdog agency, wants the government to take over grain inspection, removing it from the more than 100 state and private agencies that now do the job under federal licensing and supervision. The administration opposes the GAO recommendations, preferring instead to make reforms within the framework of the existing system. The U.S. Department of Agriculture has proposed several changes to eliminate possible conflict of interest between the grain companies and the inspection agencies. But the GAO contends that the USDA's reforms would not remedy basic weaknesses in the present system.

The grain scandals grew out of an investigation into allegations of widespread theft, bribery, fraud and other wrongdoing that initially centered in New Orleans, but has now expanded to other parts of the country. The probe has so far resulted in the indictment of 61 persons and four firms on nearly 300 violations of the federal grain inspection laws. In recent years a growing number of foreign buyers of U.S. wheat, corn, soybeans and other grains have complained that they were shortchanged in both quality and quantity. Charges of excessive dirt in shipments, substandard grain and short weights have poured into the Agriculture Department from disgruntled customers throughout the world.

If the government took over the grain inspection system, it would have to hire hundreds of inspectors and samplers. By far the largest number of experienced people work for the state and private inspection agencies. New inspectors, whether they were hired to replace or supplement the present ones would have to be trained. The GAO has proposed a force of about 3,000 federal employees to weigh, inspect and grade grain and to supervise the remaining contract inspectors in less-active inland shipping points. While it would inescapably create a new federal bureaucracy, direct government control of inspection would also largely do away with the present system under which the government licenses state and private inspectors to enforce federal standards on grain. This is somewhat like hiring a private police force to enforce the laws.

Our export of agricultural products is a major factor in our favorable balance of trade. The U.S. sold $21.8 billion in agricultural commodities abroad last year. Grain sales accounted for $12.5 billion of that total. Considering what is at stake, we should give high priority to reforms that will restore the confidence of overseas customers in our ability to deliver the goods, all the goods—undiluted. The government should take direct responsibility for guaranteeing the quality and quantity of grain sold for export.

[From the Delta Farm Press, Feb. 20, 1976]

GRAIN INSPECTION NEEDS USDA TAKEOVER

It is time for the USDA to get into the grain inspection business on a full-time basis and for the states' independent inspectors and trade associations to withdraw.

Because of widespread abuses and conflicts-of-interest, the U.S. grain farmer could find his $21-billion-a-year export business in serious jeopardy.

Even with more than 60 individuals and four firms indicted for alleged violations of grain inspection laws, the USDA is still insisting only on a rather minor adjustment in its role as inspector of U.S. grain shipments.

According to a spokesman for the Agricultural Marketing Service in Atlanta, the changes proposed in the inspection regulations would:

(1) Avert potential conflicts of interest by prohibiting ownership of grain inspection agencies by boards of trade or any other similar organization whose membership includes grain companies or grain company officials.

(2) Make clear that each grain inspection agency is fully responsible for the conduct of its employees.

(3) Provide for USDA to temporarily suspend the designation of a grain inspection agency without first affording an opportunity for a hearing.

(4) Provide that AMS approve the schedule of fees each inspection agency charges for its grain inspection services.

(5) Require an independent annual audit of how each inspection agency uses the fees it collects.

This is all well and good. But the scandals that have infected the grain inspection system, from shortweighing to deliberate inclusion of trash and other foreign matter in shipments, have been so wanton and widespread that it behooves the USDA to effect a full takeover of the program.

No system is fool-proof. But complete federal administering of the program would go a long way in reducing possible conflicts-of-interest. As long as other persons are involved, the door to such temptations is still ajar.

Following a month long investigation, the General Accounting Office has found that the current inspection system has operated without effective controls, tolerated conflicts of interest between the grain inspection and merchandising operations and has been unresponsive to federal supervision.

Thus, it seems to us, that merely tightening of federal strings within the system will not do. The key phrase in the GAO report is that the system "has been unresponsive to federal supervision." Mere further federal monitoring and supervision does not appear to be the answer.

The USDA contends that its proposed changes "would give officials a stronger hand in dealing with the grain inspection agencies it designates and with members of the grain trade who use inspection services.

But USDA misses the point. As long as members of the grain trade and others are involved, the conflict remains.

Under current law, the USDA acts only as an overseer of grain inspection, leaving the actual checking and weighing to federally licensed inspectors who work for the states or private trade groups. The new proposal does little more than tighten the same old regulations.

This is not enough. There is too much at stake. GAO, in its lengthy probe, reported that many foreign customers of U.S. grains believed that they regularly received lower quality and weight than they paid for. Many buyers have already reduced their purchases of U.S. grains and are buying more from other countries. A few have completely stopped buying our grain, altogether, said investigators.

Neither the farmer or the nation can continue with this program if there is even the slightest hint that sweeping reforms have not been conducted and that the taint has been completely cleansed from the system.

We must agree with the GAO in its recommendation to Congress that it direct the USDA to assume responsibility as soon as possible for sampling, grading and weighing grain and for issuing the required inspection certificates at all ports where grain for export is loaded.

This authority in no way should be delegated. There is simply too much at stake. We *must rebuild* confidence in our exports on the part of foreign buyers and do it now.

[From the Christian Science Monitor, Feb. 20, 1976]

SWEEP UP THE GRAIN SCANDAL

A seven-month investigation by the General Accounting Office (GAO) now confirms what recent reports and court actions had indicated: the U.S. grain shipment industry is so tainted by corruption that swift and major action by the federal government is imperative.

Investigations which began in New Orleans one and a half years ago so far have resulted in 60 indictments on 280 specific criminal acts including theft, bribery, misgrading, tax evasion, and conspiracy in the grain industry. Four companies and several industry executives have been convicted so far.

The Grain Standards Act of 1968 established the present system whereby grain inspections are made by private or state agencies with what has turned out to be inadequate federal supervision. Since the private agencies are paid by the grain companies, an obvious conflict of interest arises: the inspectors depend for their own well-being on the companies they are supposed to police.

There has been widespread "short-weighting" of grain shipment records and the falsifying of cargo grade levels. There have been instances of bribes taken by U.S. Agriculture Department employees charged with overseeing the inspection process.

The short-weighting was particularly prevalent in shipments to those poorer countries which lacked the facilities to check imports, including Food for Peace recipients. Countries which import U.S. grain have continually complained about the quantity and quality of shipments and some have switched to other sources for their imports.

The Ford administration wants to beef up federal supervisory capabilities, while keeping the system of private inspection agencies in place. But the GAO and many career professionals within the Agriculture Department have concluded that only a federal inspection system can eliminate the abuses of the past. Indeed, we fully agree with Senator Humphrey, chairman of the Senate subcommittee on foreign agriculture policy, when he says that "the failures of the present system are so massive that they cannot be corrected by tinkering."

At present, federal authorities may not even make inspections in those areas where the licenses of corrupt private inspectors have been suspended. Congress should act quickly to give the Agriculture Department this emergency authority, as requested by the department.

But in order to clean up and restore confidence in the important $12 billion U.S. grain exporting business, lawmakers should give serious thought to establishing an independent federal inspection system.

[From the Lincoln (Nebr.) Star, Feb. 20, 1976]

CLEAN INSPECTIONS, CLEAN GRAIN

A federal takeover of grain inspections as suggested by the General Accounting Office (GAO) appears necessary to restore overseas confidence in U.S. grain exports.

Shortweight and low quality grain shipments to foreign buyers have given the American grain export trade a severe black eye. The trouble has been traced to scandals involving major exporters and the present system of state and private firm grain inspections. There are conflicts of interest in many cases in which grain inspection firms are owned or controlled directly or indirectly by major grain companies. Indictments alleging more than 280 criminal acts connected with grain inspections, mainly at port terminals, have been handed down.

Shortweight and low quality shipments—allegedly the result of purposeful manipulations during the inspection process and blending down to grade at export elevators—have caused some foreign buyers to quit purchasing American grain.

This is a tragic injustice to American grain farmers, who produce high quality grain.

The GAO has recommended that the U.S. Agriculture Department be given immediate authority to step in and inspect grain in areas where "serious problems" with state or private inspection systems are found. After the initial emergency stage, the Agriculture Department would take control of inspection services "at the earliest possible date", including sampling, weighing and grading, at all ports. Then under the recommendation Congress would direct the department to extend the new system to major inland terminals and provide services at minor inland terminals and country elevators either through federal agents or through contracts with federally-supervised state and private agencies.

Sen. Hubert Humphrey intends to introduce immediately a bill to carry out the plan. Opposition from the major grain companies and the Ford administration is predicted.

But a federal takeover of the inspection system seems to be essential to protect the good name of American farmers and to keep this nation in a healthy, competitive position in the world grain market.

Humphrey believes that mere federal supervision or monitoring of the present system is not enough. "Failures of the present system are so massive they cannot be corrected by tinkering," he says.

There does indeed seem to be massive rot in the present system. Although it may cost more money to have the government test grain, it would be worth it.

[From the Memphis (Tenn.) Commercial Appeal, Feb. 18, 1976]

FEDERAL GRAIN INSPECTORS

The General Accounting Office now has issued its report on the unfolding grain inspection scandals and it calls for the Agriculture Department itself taking responsibility for the sampling, grading and weighing of grain shipments rather than farming out that business to private interests.

The GAO hardly could recommend otherwise.

The evidence of corruption in the grain inspection system in recent years has been overwhelming. The list of indictments and convictions already is long, and the grand jury system still has not completed its work by any means.

What the GAO is calling for now is what some senators were demanding as early as last June when Senate Agriculture Committee members were looking into the first news accounts of the scandal.

The Agriculture Department has been dragging its feet in getting the situation corrected. Secretary Earl Butz spent a lot of time saying there were only a few bad apples in the grain inspection business and that the amount of exports involved was but a small fraction of the total. Other USDA officials begged Congress to hold off on any orders to beef up the federal supervision of the inspection service, saying it needed time to train new supervisors.

But as the revelations of corruption increased, the department has been forced to start moving. On Jan. 23 of this year it finally announced it was juggling the work schedules of already overworked and short-handed federal supervisors to provide night and weekend supervision. And that day, also, the department announced it finally was hiring and training 210 new employes to enlarge the grain division field office staffs.

All this is tacit admission by the USDA that it has failed to supervise the inspection services properly in the past. And it is also admission that the scandal at the ports has been far greater than the USDA was willing to admit a year ago.

There is no guarantee that an all-federal inspection service will be 100 per cent honest. But the chances of corrupting such inspectors surely will be far less than what it was under the farmed-out system we have had in the past.

Congress should act promptly to comply with the recommendations which now have been made not only by the GAO but also by senior members of the congressional agriculture committees who are fully familiar with the problem.

[From the Chattanooga (Tenn.) Times, May 12, 1976]

HARVEST OF SHAME

Fines totaling $930,000 have been levied on three major corporations engaged in international grain sales for systematically stealing grain from foreign commerce, appropriate punishment for criminal activity that was breath-taking in its audacity.

It may be some time before the Justice Department closes the book on the scandal. Already the list of companies and individuals convicted in the affair is a long one and the investigation of officials of the companies fined Thursday, Cook Industries of Memphis and Mississippi River Grain Elevator, Inc., of New Orleans, is reportedly continuing.

The indictments returned against Cook and MRGC (and a similar one that precipitated a $500,000 fine against Continental Grain Co.) demonstrate that the officials conducted the conspiracy with business-like efficiency.

Orders were handed down directing that ships bound for the Mediterranean, South Asia or the Midwest be systematically short-weighted by 1½ per cent—later increased to 3 per cent for some destinations—presumably because docks in those countries lacked the necessary equipment to detect the shortages. Ships bound for Europe, however, where scales were more sophisticated, were short-weighted only eight-tenths of one per cent. It is interesting, too, that tolerances allowing or permissible shortweighting—which reflected the assumption that exact weight was impossible in grain shipments—were at times simply adopted as policy, thus assuring consistently dishonest sales.

The government still has a long way to go in attempting to clean up an industry shot through with corruption. Wholehearted cooperation by the industry's leaders is absolutely essential and should be forthcoming.

[From the Memphis (Tenn.) Press-Scimitar, May 8, 1976]

COOK AND THE GRAIN SCANDALS

As news stories unreeled about the scandalous short-weighting practices of some of the largest U.S. grain exporters, we had hoped Memphis-based Cook Industries, Inc., would not be drawn into the deplorable picture.

Unhappily, that isn't the way it turned out.

A federal grand jury in New Orleans indicted Cook Industries Thursday on 37 counts of short-weighting grain shipments to foreign countries over a five-year period. Company officials pleaded "no contest" to the charges and accepted a $370,000 fine.

And there may be more to come. A U.S. attorney said additional indictments are possible in connection with Cook's operations.

In Thursday's indictments it was charged that Cook officials conspired at a Memphis meeting in 1970 to steal grain from ships being loaded at the firm's elevator near Reserve, La.

The only bright side we can see in this situation is the statement by E.W. (Ned) Cook, board chairman of Cook Industries, that those involved in the alleged fraud are no longer employed by the company—and that the short-weighting incidents had occurred without his (Cook's) knowledge.

The indictment of Cook Industries, the nation's third largest grain exporter, followed by two days a similar indictment on 50 counts against Continental Grain Co. of New York, which was fined $500,000.

Last year, 52 individuals and firms, including three top grain exporters, were indicted in connection with grain fraud.

Conspiracies to cheat on shipments to foreign nations—on top of the revelations of widespread bribery of foreign officials and business leaders by U.S. exporters—can serve only to lower the esteem of the United States on the international scene.

Perhaps the saddest part of the short-measure conspiracies is that it involved food—much of which was bound for nations such as India and Pakistan, where hunger and malnutrition are widespread. The government of India has filed suit already for $215 million against Cook Industries and four other firms to reclaim alleged losses.

In attempts to solve the export problems, the U.S. House and Senate have passed different bills—both aimed at substituting government inspectors for private grain inspection firms at export points. They are trying to resolve differences between the two bills.

Strict regulations controlling the sale and shipment of grains to foreign countries are called for if the United States is to retain its good name in the markets of the world.

[From the Nashville (Tenn.) Banner, May 8, 1976]

U.S. IMAGE HURT BY "GRAIN" FINES

We are truly saddened by the fines levied against Cook Industries, Inc., of Memphis and Continental Grain Co. of New York and other major grain exporters.

We are saddened because we are once again the "ugly American" who plain cheated our foreign customers. The events create a slur against all American businessmen.

Remember when the words "Made in Japan" were synonymous with junky products and poor craftsmanship? How does the phrase "Cheated by the U.S.A." make you feel?

Someone is going to try to take the position that these companies actually pleaded "nolo contendere" to the multiple counts that they had cheated foreign customers. And that the pleas mean the defendants did not choose to contest the charges but that they didn't admit anything.

Don't buy it. A nolo contendere plea is a guilty plea and stands on the books as such. The blame can't be set aside by saying the companies are all so busy that it was easier to pay the fines than have a long court fight over a debatable matter.

The companies involved are the major shippers of American grain to Europe, Asia, South America and elsewhere. The question of whether some of those shipments caused inflated consumer prices here at home is complex. At best, we hoped that we were doing the right thing by the have-not nations in sharing our grain abundance.

But whatever good government intent was behind it is marred by commercial chiseling of one to three per cent by shortweighting, polluting, stealing or otherwise failing to deliver what was purchased. And that's sad.

The international image of the U.S. is bad enough in a lot of places. This adds damage in excess of the fines levied against the companies.

[From the Kansas City Times, May 7, 1976]

GRAIN SHIPMENT FRAUDS ARE A NASTY BUSINESS

In the beginning nearly two years ago, it appeared that frauds in the shipment of U.S. grain abroad from the Gulf ports, particularly New Orleans, were the work of a few dishonest individuals. But Gerald Gallinghouse, United States attorney in New Orleans, and his staff continued digging into mounting evidence. It now is apparent that export frauds were widespread and pervasive, a virtual network of organized crime which included several of the huge international export houses.

The latest revelations involve the Continental Grain Company, Cook Industries and Mississippi River Grain Elevator, Inc., which pleaded no contest to charges of shortweighing ships loaded with grain for our good foreign customers. Earlier, the Bunge Corporation was involved through actions of its executives. Continental accepted a $500,000 fine, Cook $370,000 and Mississippi $60,000, the maximums provided for violations of the Export Administration Act.

It is vital now to continue the investigation. It also is important for the grain industry, which is composed mainly of six or seven exporting giants, to realize that it is affecting adversely the economy of the entire nation when it misweighs and misgrades export grain, a $22-billion business annually.

Farmers, politicians and industry spokesmen argue correctly that such exports have had a major role in paying for the nation's rising oil imports as well as other U.S. needs. Anything which undermines the ability of the U.S. to sell its grain abroad eats away at that buying power, which, in turn, endangers the jobs and livelihoods of millions of Americans.

More than that, such tomfoolery also endangers the entire grain marketing structure of the United States. It could induce Congress, many of whose members are already leaning in that direction, to pass legislation placing the grain industry in the hands of the government. That legislation might even eliminate such valued and historically sound pricing and marketing institutions as privately operated Boards of Trade. The new charges against Continental and Cook are causing members of the Kansas City Board of Trade concern for the future. The same is true of other major futures markets in Chicago and Minneapolis.

The time for simplistic defenses on the part of the industry is past. Executives of grain companies now must either take positive action to insure that unlawful practices are ended—or be removed in favor of those who will. In the name of competitiveness, the grain trade traditionally has operated in secrecy, but perhaps the best route now is a thorough public airing.

The American public is tired of hearing that it should have more confidence in big business, when elements of big business continues to give it reason for doubt. The record of bribes and scandals here and abroad in recent years is unsavory. The grain industry might be a good place to start. In fact, a move in that direction already is occurring. Farmer-owned co-operatives, such as Far-Mar-Co., Inc., of Hutchinson, Kans., and organizations like the American Farm Bureau Federation and the National Farmers Organization are beginning to provide marketing alternatives.

So far those efforts have been minimal. Such groups export only 9 per cent of the U.S. grain sold overseas; the major companies handle the rest. But those alternatives should be considered by farmers, who are being victimized directly by the shoddy performances that have come to light.

Most grain farmers continue to prefer private marketing arrangements, rather than state trading, and for good reason. The system, up until recently, has served American agriculture and the public well. But neither farmers, nor the public, will be willing to tolerate any more mischief by the private and secretive grain giants. For both economic and humanitarian reasons, the stakes are too high.

[From the Phoenix (Ariz.) Republic, Apr. 28, 1976]

NECESSARY REGULATION

Nations that import corn, wheat and soybeans from the United States have been getting a dirty deal.

Literally.

This has been established by the U.S. attorney's office in New Orleans and by the General Accounting Office in Washington.

GAO investigators visited Britain, West Germany, Israel, Japan, The Netherlands, India, Spain and Italy. Everywhere they heard complaints.

The grain the nations received was lower in quality than what they had paid for. Wheat and corn frequently contained foreign matter and showed signs of heat damage. Soy meal was laden with foreign matter and very low in protein content.

The nations said the problems they experienced with imports from other countries were minor compared with U.S. grain.

This is simply inexcusable.

U.S. grain exports make the difference between a favorable and unfavorable balance of trade. Quite aside from that, they are an important political weapon, for they dramatize the efficiency of the private American farmer as compared with the inefficiency of Communist collectives.

One might imagine that, simply as a matter of good business practice, grain exports would give foreign customers what they are paying for. Call it stupidity on their part, but they are not.

They have taken advantage of the fact that state and federal supervision over grain exports is light. Many grain inspectors are private contractors. The GAO found that some of them also are principals in the grain exporting companies whose output they are charged with judging. It also found that bribery is rampant.

The Senate Agriculture Committee has proposed the establishment of a new Federal Grain Inspection Agency within the Department of Agriculture. Its administrator would be appointed for a 10-year term, subject to Senate confirmation.

All grain exporting companies would be required to register with the agency and disclose the names of their principal officers. They would be certified by the agency. This certification would be revoked if agency inspectors found them engaging in any hanky-panky.

The agency inspectors would supplant private and state inspectors.

Normally, the less the federal government meddles in business, the better. However, grain exports are a matter of national concern. The fact that we can produce a surplus of grain while the Communists must scramble abroad for it has been viewed by the world as a sign of superiority of the U.S. economic system over the Communist system.

Shoddy practices reflect on the nation.

Since investigation has disclosed that U.S. grain exporters cannot be depended upon to avoid shoddy practices, some kind of federal control over them seems necessary.

SPEECH BY VIRGINIA H. KNAUER

Mr. SCHWEIKER. Mr. President, Virginia Knauer, Special Assistant to the President for Consumer Affairs, recently addressed the graduating class of Our Lady of Angels College, Aston, Pa. Her speech is timely and informative, and I ask unanimous consent that it be printed in the RECORD in order that others might have an opportunity to review it.

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

ANCHORING THE PENDULUM

(Remarks by Virginia H. Knauer)

President Madonna Marie, members of the faculty, distinguished guests, ladies and gentlemen:

I feel especially privileged—and honored—to be with you today to help you celebrate this most important event.

My first official duty as a commencement speaker is to congratulate you for surviving four years of rigorous exams, finals, assignments, and various indignities administered by insensitive faculty members. My second official duty is to express the official hope that you will survive all the celebrations planned tonight.

My third duty is a bit more painful. The stated purpose of a commencement speaker is to give some insight to the graduates about the times we live in. One might say that this is a high purpose of education—to understand our world and from understanding, cope.

It is perhaps unfortunate that it is often customary for commencement speeches to be filled with glowing words about high expectations and high hopes for the future. I bring you no such soothing words today, no dramatic or romantic visions about what to expect tomorrow—no pablum.

I want today to present to you a broad mosaic of our country. I want to share with you some of the problems, the fears and the hopes of our major institutions, and from this I want to ask your help, because your help is sorely needed.

There is a saying about our country that its philosophy is somewhat like a pendulum—we move to liberalism one decade and a decade later to conservatism. But the premise has always been that there will be something there to hold the pendulum as it swings back and forth. And that something is our major institutions—the family, the school, the church, the law, and the government. All of these institutions have been built to a greater or lesser degree on a Judeo-Christian heritage. This heritage, based on the belief in God, gave us a system of values which in essence is the bedrock of a viable civilization. Honesty, charity, knowledge, respect for the law, respect for property, self respect, self discipline, restraint, tolerance, perseverance, courage, modesty, humility—we inherited these principles. And as Pope Paul VI recently reminded us, we put many of these values into a Constitution, into a Bill of Rights, and into a Declaration of Independence, and these principles, these values, helped to make our nation grow and flourish.

This is not to say that we have not had our failures, or that throughout our history we have always been a nation of principle. There is, the philosophers tell us, in each of us a Dr. Jekyll and a Mr. Hyde. Sometimes Mr. Hyde succeeds in reaching high places of power in government, in business, in the church, or in the schools. This is the nature of all human institutions. But the many Judeo-Christian principles which we inherited have—by and large—acted as a beacon so that we may steer the ship of state safely and so that we ourselves may have our laudable self goals—so that Dr. Jekyll will be the rule and not the exception. Attempting to adhere to or live up to this notable heritage, we have in the past been able to form first a viable individual, second, a viable family, and from these form viable communities, schools, businesses and government institutions. The pendulum held in place no matter whether the current vogue was liberalism or conservatism as defined by the ages one lived in. There could be and would be emotional debate over whether government could best solve the problem or whether it was best left up to the private sector. But there would be no debate over cherished, historic principles. The institutions would hold, and the pendulum would stay in place.

But one questions today whether that pendulum will stay anchored. Are we in effect losing our Judeo-Christian heritage, and, as a result, witnessing the decline of our institutions? The answer to that question is difficult and complex, and I for one am not about to declare unequivocally that we are going the way of the Romans.

I am also aware that it is a trait of older generations to state unequivocally that the younger generation is going to the dogs. I do not think that. Rather, I think that it is the younger generation that has the best hope of rescuing us from what could be terminal cancer. And by that I mean that if we but briefly look at some of our major, historic institutions, we find that they are in deep trouble, trouble in which only a recommitment to our values can save us.

St. Thomas Aquinas had a saying about there being no need to prove that which was self evident. J. Walter Thompson, a major national advertising agency, recently visited the University of Pennsylvania for the purpose of showing to the students a self-evident lesson it was trying to get across to its clients. The lesson was that business has a greater responsibility today to citizens than just making a profit. What J. Walter Thompson did was quite simple and quite self evident. It gave the students a capsule history of what entertains us. In the 1950's we were entertained by Marilyn Monroe, Milton Berle, cowboys, and swing bands. Today, we are entertained by brutal violence, bedroom scenes, harsh and crass commercialism, disasters, hedonistic game shows and massage parlors. We are given these things we are told, because we demand them through the Nielsen ratings and through the cash register box. J. Walter Thompson is suggesting that perhaps it might be a better idea for business to think first about what is sold and how it's sold; that business has an ethical and a moral responsibility as well as the duty to make a profit.

It would be erroneous, of course, to attempt to evaluate our country simply on the basis of mass culture. But it is one relevant sign of the time, and possibly a portent of things to come. The question can be raised if mass culture standards declined so rapidly between the Fifties and the Seventies, what will the standards be in the Eighties? One central question, of course, is what does it say about the value of those who buy and those who sell? Another central question is the effect of a degrading mass culture on our children.

More symptomatic of our nation's health is the state of well being of some of our major institutions. History tells us that from the time when man first existed as a predatory creature, the family and the community have been the core of civilization. Yet the Census Bureau tells us that the family as an institution is breaking up and so are communities. One out of every two marriages ends in divorce, young people are putting off marriages in growing numbers, more children live with only one of their parents, and more children are born out of wedlock. The Census Bureau also tells us that more and more Americans—one out of every five every year—are moving with little chance to form the type of communities necessary to make local institutions prosper.

While there are many legitimate causes behind the rate of failing marriages and mass movements, the question again can be raised how many failures are due to a lack of proper values? In the past, spouses attempted to stick together through thick and thing, and loyalty and fidelity were considered prime virtues. Now it appears that the first big argument is a cause for breaking the marriage vows.

We find that the career woman is glorified while the important role of spouse and mother is downgraded. The word housewife has become a dirty word. We are all told that "doing one's own thing" is tantamount to happiness, but we forget that doing one's own thing is also the definition of a savage. And that definition rules out one which says that happiness comes from giving.

It is said that one can quote statistics to prove any point, and I suppose there is a great deal of truth in that statement. But what are we to say about statistics that show the rate of violent crime increasing every year, with poorly educated young people commiting most of the violence? What do we say about statistics that show that in the past, most murders were crimes of passion, while today more deaths are caused by strangers? Further, fewer criminals are caught, fewer are prosecuted, and fewer are sent to prison. Our Attorney General believes all this creates its own snowballing effect with more people attracted to the life of crime because of the inability of the legal institutions to properly apprehend and prosecute. And interestingly enough, our Attorney General states that the decline of some of our cherished institutions—the family, the community, the church, and the schools, have been a causative factor behind the crime surge.

These institutions set, supported and enforced community values, but what happens to that support when families and communities desintegrate?

Right now, many of our citizens live in terror behind heavy armoured, padlocked doors. They, in effect, live in a prison while the terrorists roam the street free. Communities become impossible to form because neighbors are afraid to visit neighbors even in broad daylight. If the crime rate continues, as some think it will, fear and terror rather than tranquility will be the dominant social emotion. The effects of these characteristics on our society are horrifying to contemplate.

What are we to say about the statistics concerning our schools? Each year, the scholastic achievement tests for graduating high school seniors gets lower and lower. More and more students don't know how to read, don't know how to write, and don't know how to add. We know from nationwide tests conducted by the National Assessment of Educational Progress that very few adults—about 16 percent—have the mathematical capability to balance a check book.

We find the colleges blaming the high schools, the high schools blaming the grade schools, the grade schools, the parents, and the parents, the TV set.

Professor Bartlett Giamatti of Yale University reminds us that language is at the core of all growth. If we do not understand language, he says, we can never find out who we are, and we will stay in an eternal playground, never becoming fully developed citizens. The same can be said of math. Simply to exist in this complex, rapidly changing marketplace, we must have a sound grasp of this basic subject.

Looking at other barometers, we find through the national polls that few citizens hold much respect for any of our major institutions. The government, business, the courts, the law—few institutions hold the high esteem they once held.

Few people trust, respect, or believe any institutional leader. To be in with the public, it appears, one must be outside an institution, so that there can be no suspicion of any self-interest.

But if this attitude remains, how will we be able to solve problems? Right now there is an energy crisis which will get worse every year as our domestic energy resources decline. Yet no matter how many leaders attempt to warn the public about this problem, few citizens believe we are in serious trouble. We are all suspect of crying "wolf." Yet the wolf will most certainly come during your lifetime unless we can arouse the support of our citizenry.

Through all the gloom and all the gray there are a few encouraging signs. We know that many citizens are moving away from the cities not for new business opportunities in large metropolitan areas, but to small localities where they can live in peace and establish caring communities.

In the past few years, we have made tremendous gains in obtaining justifiable rights for blacks, women, and consumers. We are creating a more just society for these important segments of society.

The New York Times informs us that the decline in enrollment in Catholic schools has apparently halted. More and more parents and even more and more students are recognizing the need for moral and spiritual values.

The Christian Science Monitor tells us that something similar is happening in public schools. More and more classes in ethics are beginning.

We find many of our educators turning away from new concepts that haven't worked to old ones that did. The basic skills and discipline are starting to become acceptable once again.

The polls tell us that the public too is starting to think about past values lost. The Gallup poll recently reported that 79 percent of the American people want instruction on morals and moral behavior taught in our schools.

We are starting to lose our thirst for the new just because it is new. We are starting to recognize that the principles of the past also apply to the future. We are learning not to confuse liberty with license.

Are these positive movements temporary anomalies or the beginning of spiritual, moral, and educational re-awakening? We don't know.

For the answer to that we come back to you, the graduating class of 1976 from Our Lady of Angels College.

We cannot risk that the fulcrum will fall, that the tremendous values given to us by our Judeo-Christian heritage will be replaced by characteristics more suitable to savages than to spiritual beings. We cannot risk that the beginning of an apparent re-awakening will fail.

You have those values—both spiritual and educational—and that is why you are so important. You need not to be told or to learn what so many in this country are seeking, or what so many have lost.

The question for you for the future is whether these values will become for you a commitment, and whether you will have the courage to stand by them in times of great adversity.

There is a new book out in the marketplace right now which says that we don't have any heroes anymore. I don't agree with that. Too often today we don't hear about real heroes because we don't read about them in the newspapers and watch them on talk shows. Good, decent, honest people don't often make news, and they are not entertaining enough to make it on the Mike Douglas Show every day. Yes, there are many heroes in America today; they weren't all born in 1776.

It will take courage and heroism to stand up for your values. If you stand up for honesty, you will be viewed with skepticism; if you say you are religious and believe in God, you will be called sanctimonious; if you say you abhor crime, you will be called a right-winger; if you say you believe in sex only after marriage, you will be called old-fashioned and probably lose a number of dates; if you try to improve your school system as a parent, you will be called a troublemaker.

All of this is not to say that you will always adhere to values or that you will always persevere. I have sometimes failed in life and so will you. This is both the glory and the tragedy of being human. The question is not whether we always succeed but whether we always try. Will you try?

If your answer is yes, and if graduates from other schools with religious programs answer the same way, then I have faith that the pendulum will not fall, and that America will regain its bearings.

My class, the class of '38, thought we had before us a number of great challenges. There were great challenges, but they are nothing compared to what you face in the world of tomorrow.

You have to help put the rudder back in place. We had no such problem.

That is why those of us who are in office need your help.

And that is why also, we wish you, from the bottom of our hearts, good luck and Godspeed!

THE SKIDDING ON SKID ROW CAN BE STOPPED

Mr. JAVITS. Mr. President, it is well known that alcohol is the Nation's No. 1 drug of abuse, and that alcoholism is a major, serious public health problem that afflicts not only its victims but also all of society.

While alcoholism respects no economic distinctions, the skid-row drunk has come to be the symbol of the alcoholic's ultimate degradation. Certainly, this kind of alcoholic presents the most difficult challenge to the helping professions who strive to reach out, help, and rehabilitate.

Far from giving up on the recalcitrant and seemingly hopeless problems of derelicts who are ravaged by alcohol, the Beth Israel Medical Center in New York City has developed an innovative, multifaceted program. The program is described in a recent Washington Post article by Colman McCarthy entitled "The Skidding on Skid Row Can Be Stopped."

Beth Israel, long famous for its pioneering work in research and treatment of addictive diseases, is once again proving that, despite fiscal constraints, it is willing and able to lead in the search for solutions to national problems.

Mr. President, I commend Mr. McCarthy's article to the attention of my colleagues and I ask unanimous consent that it 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, May 6, 1976]

"THE SKIDDING ON SKID ROW CAN BE STOPPED"

(By Colman McCarthy)

NEW YORK.—The tour bus rolled along Bowery Street on the lower East Side. After visits to Little Italy to gawk at the ethnics and Greenwich Village for the gays, some sightseeing in skid row was now in order. Seeing the bus from the sidewalks, the defeated and scorned alcoholics gazed back blankly. They are said to resent the tour buses coming through, but as with most other forces in their shadowed and despairing lives, they are powerless to stop them. Resigned, they go on with life. As the buses came and went, one of the important events of Bowery life was in progress: the convening of what is called a bottle gang. Four or five homeless alcoholics gathered at an alley entrance and passed around a bottle of cheap wine. The drinking was aimless and destructive, yet in the Bowery subculture the bottle gang closely resembles a family system. Something precious is shared, communal conviviality is felt and individual members feel they are helping each other along.

Although skid row sots in places like the Bowery are less than five per cent of the nation's population of eight to ten million alcoholics, their illness has a severity that often attracts the best and most dogged health professionals. A current example of this is the alcoholism treatment program of the Beth Israel Medical Center in lower Manhattan.

The program was taken over three years ago by Dr. Robert Senescu, a psychiatrist who earned a national reputation for his innovative work at the University of New Mexico medical school. When he came east to Beth Israel, he decided to involve himself personally in working among the alcoholics of the Bowery. His program and the staff he has assembled at the 500-patient clinic at 50 Cooper Square represent a bold gamble that the skidding on skid row can be stopped and that there is no reason to dismiss the victims as lost.

The Beth Israel program, which receives basic support from city, state and third-party payments, has three parts: an outpatient clinic, halfway house and detoxification center. That each operation is clean and quietly efficient is obvious to anyone walking through, but the full value isn't appreciated until the dismal treatment offered by the city of New York is seen. A few blocks away, a city shelter for about 1,000 alcoholics is a vision of hellish degradation, with a small staff fighting valiantly to keep the place functioning despite budget cuts and city hall

indifference. The city's current budget chaos means that, when cuts come, the Bowery people get hit first. When the middle class in New York is getting along, the Bowery has a place in the collective conscience, but when times get hard among the affluent, then the Bowery can be forgotten.

At Beth Israel, funds are tight, but a compensating reliance on imagination can be seen. In the 50-bed halfway house, for example, the patients are expected to join in the daily cleanup in late afternoon. Beds are made, rooms tidied, the houseplants watered and the halls swept. Poetry, written by the patients, is framed on the wall. Olive Jacob, director of the out-patient clinic, believes that "all of us respond to the kind of place we live in. If the patients are in a place that allows them to urinate in the corners they'll urinate in the corners. But we think that if everyone is expected to help make the atmosphere pleasant, then each patient will feel a sense of elevation. Such psychological boosts are crucial in treating alcoholism."

The Beth Israel program is elevated a little itself. It is well beyond a survival center that only dishes out soup or offers flophouse relief. Those who join the program need to have some inner idea that they are worth something. "This isn't easy," Ms. Jacob said. "These patients' lives have been all but wrecked, and it isn't easy for them to see any reason to stop drinking."

Stability is not easily measured, but occasionally a glimpse of it appears. The other morning, eight patients traveled uptown to the offices of the National Council on Alcoholism where they stuffed 10,000 envelopes with literature. "The men returned vibrant," recalls George Payne, supervisor of the day activities program. "They had done something meaningful. They worked to help someone. They were accepted. All alcoholics trying to recover have a fear they won't be accepted, so these men felt good about themselves. They had an alternative to drinking."

The role of pleasurable feelings in the treatment of alcoholics has been given careful thought by Dr. Senescu. "You can't beat fun. That sounds simple, but it has profundity too. If you're starving and have only a crust of bread, you'll fight me if I try to take it away. It's that way with many of the Bowery alcoholics. His pint is all he has for fun—it satisfies his pleasure requirements, however temporarily. So when we come along and try to restore his health, he sees us as denying him his fun. So he resists. We are all that way. The alcoholic hit upon drinking as a prime means of securing pleasure. If he hasn't any other means, liquor looms larger. We want him to give it up, but he asks the question, "For what?"

The answer is no mystery: a job, family life, identity and some measure of social stability. Yet, so many in the Bowery have been persistently homeless, physically damaged and unemployable that merely qualifying for welfare is often an achievement. Medicaid is impossible without a fixed address. Even staying alive can be a victory; of the program's first 500 patients four years ago, 15 per cent are now dead. Nationally for the same period, the death rate was less than four per cent.

For now, the Beth Israel program is a respected and useful effort involved in what is perhaps the last outpost of American health: the street alcoholic. Progress is slow, results hard to measure, and the constant pressure is rooting around for funds. Even if the main health problem is cured and the patient accepts substitutes for drinking, the larger problem often remains: Cured of alcoholism, the patient is sent back to the same environment that helped cause his sickness in the first place. What kind of progress is that? Such an issue is one that public officials, foundations, churches and the community outside of the Bowery must deal with. It is doubtful they ever will, but if an example of persistence and compassion is needed, the Staff at Beth Israel's program is at work daily.

SAMUEL ELIOT MORISON

Mr. MATHIAS. Mr. President, Samuel Eliot Morison, a great historian—and a great American—is dead. It is fitting for the Senate to pay homage to Professor Morison and the legacy he leaves to the American people. Professor Morison's many books—including his biographies of Christopher Columbus, John Paul Jones, and his masterful Histories of the American Republic and People—have endowed our country with a priceless record of our past.

It was Socrates who said that "wisdom begins in wonder." Professor Morison, a man of great wisdom, wrote not only on the basis of documents and other conventional sources, but to answer his own wonder as to how great men acted and great events transpired. To write about Columbus' discovery of America, he relied upon his own impressive seamanship to follow the very routes traveled by the Great Navigator. And he was on board U.S. Navy ships throughout World War II to write his multivolume history of the Navy in the Second War.

Professor Morison was in the tradition of great historians that began with Herodotus. Indeed, Edith Hamilton's description of Herodotus might well have been applied to Professor Morison:

> He set out to travel over the earth as far as a man could go. It required a hungering and thirsting for knowledge and all the explorer's zest to send a man on the travels Herodotus undertook; undertook, too, with keen enjoyment. He was the first sightseer in the world, and there has never been a happier one. He filled his book with the marvels to rejoice a man's heart—marvels of which the great earth was full.

There are other parallels between Herodotus and Morison. In chronicling the story of the U.S. Navy in World War II, Morison followed Herodotus' path in telling the story of the great naval battle at Salamis, where the tiny navy of Athens defeated the thousands of ships of the Persian Xerxes, thus making safe Athenian civilization and her contribution to Western culture.

Mr. President, I ask unanimous consent that tributes to Samuel Eliot Morison, published in the Washington Star and the New York Times, be printed in the RECORD.

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

SAMUEL ELIOT MORISON

No American historian since Francis Parkman has brought more of the alchemist's magic to historical writing than Samuel Eliot Morison. He made the past glow with life and movement. Professor Morison's death at 88, after a career in which he wrote brilliantly on subjects as various as Columbus, John Jaul Jones, Harvard University and the Navy in World War II, prompts us to wonder why a nation that produced a Morison is generally so indifferent to history—"the most humane and noble form of letters," as he once called it.

Professor Morison was, of course, extraordinarily endowed by family heritage. His earliest success as a student historian had much to do with being a descendant of Harrison Gray Otis, an eminent Federalist, whose papers happened to repose unexplored in the Morison wine cellar in Boston. But accidents of heritage by no means fully explain those qualities of character and technique that he brought to history and biography.

To begin with, like all truly memorable historians, Samuel Eliot Morison deemed it his first obligation to engage the common reader—the non-professional—not by vulgarizing history but by focusing on the human dimension that gives it significance. "Italy," he observed, accepting the Balzan Prize in 1963 before a largely Roman audience, "Italy well names history *storia*, for history is primarily the study of man. Even before writing was invented, the storyteller had to be able to hold an audience." Narrative strength—establishing suspense, shaping random facts to plot and point—marked every book and article he wrote; even when he theorized about the nature of history—which was rarely—he told stories. He believed, as the work of lesser historians suggests they do not believe, that human traits, not vast impersonal forces, are decisive in history.

He also believed in leg work, the exploration of the historical reporter. The accounts he coaxed from the past were not to be found in written documents alone, the basic sources of most historians, but in first-hand viewing of the physical setting, the landscape, that had been the stage of events.

Often, for Professor Morison, this was the sea. An accomplished sailor, he retracted the routes of Columbus's voyages and confirmed the testimony of documents for himself. Commissioned by President Roosevelt to write the story of the U.S. Navy's performance in World War II, he watched many of its actions unfold. His work had the texture that comes only to the first-hand observer.

Not even his widely-used textbooks (The Growth of the American Republic, the later Oxford History of the American People) reflected the drearier conventionalities of academic judgment. Unlike most of his professional colleagues, for example, he did not consider Andrew Jackson a great president and he said so. Lincoln, though a great man, seemed to him a democratic despot and he said so. He had no taste for mediocrity. Calvin Coolidge was "a mean, thin-lipped little man, a respectable mediocrity" and Professor Morison made no secret of that estimate. On the other hand he could, in a few brief pages, transform "The Young Washington" from an inert monumental effigy into a real and believable man.

Why is it then, returning to the initial question, that a profession enriched with Samuel Eliot Morison is scanted in the schools, hated by those so unfortunate as to think of history as a stale chronicle of dates, treaties and battles, and generally ignored? For this failure, Professor Morison never hesitated to blame professional historians who seem to carry their studies farther every year into specialized and esoteric byways where few common readers will follow.

In his pamphlet "History as a Literary Art," Samuel Eliot Morison—admonishing young historians—left this spirited injunction: "Bring all your knowledge of life to bear on everything that you write. Never let yourself bog down in pedantry and detail. Bring history, the most humane and noble form of letters, back to the proud position she once held; knowing that your words, if they be read and remembered, will enter into the stream of life, and perhaps move men to thought and action centuries hence, as do those of Thucydides after more than two thousand years."

If Professor Morison's fellow historians would heed those words they would find a wider audience, and the nation would be wealthier and wiser for their effort.

ADM. MORISON, 88, HISTORIAN, IS DEAD

(By Alden Whitman)

Samuel Eliot Morison, the undisputed Grand Old Man of American historians, died yesterday in the Massachusetts General Hospital, Boston, from the effects of a stroke. He was 88 years old and lived in Boston during the winter and in Maine in the summer.

A prodigiously productive writer, Admiral Morison published "The European Discovery of America" when he was 80 years old, and a book on Samuel de Champlain when he was 82. A master narrative historian, he was a pleasure to read for his figure of phrase and for his enthusiasm. These were characteristics of his prose that suffused virtually every page of his books.

Last year, Professor Morison was described by Archibald MacLeish in a Bicentennial poem as "Our Yankee Admiral of the Ocean Sea." . . . You know better, none better how the Bay wind blows fierce in the soul." It was an apt description, for Professor Morison was the author of a biography of Christopher Columbus under the title "Admiral of the Ocean Sea," and he himself was often addressed as Admiral because he was a retired rear admiral in the Naval Reserve. Much of his renown, moreover, was based on books about the sea and, besides, he had the commanding presence of an old-fashioned admiral.

Like Francis Parkman, the great 19th-century American historian, and Thucydides of ancient Greece, Professor Morison combined impeccable scholarship with adventure in chronicling voyages that he himself re-enacted. This gave his books a special vividness and depth, which won for them not only academic laurels, but also such popular accolades as the Pulitzer Prize.

"My constant aim has been to write history and historical biography in a manner that would be authentic and interesting," the tall, spare, salt-water-beaten professor said in an interview several years ago.

"I have always endeavored to live and feel the history I write," he went on in his Boston voice. "For example, 'The Maritime History of Massachusetts' was a product both of research and of my hobby of sailing along the New England coast.

"In preparation for 'Admiral of the Ocean Sea: A Life of Christopher Columbus,' I made voyages to the West Indies and across the Atlantic in sailing vessels, checking Columbus's routes, methods and landfalls.

"And for 'The History of U.S. Naval V Operations in World War II, [it came to 15 volumes] I obtained a commission in the United States Navy, took part in many operations [he won seven combat stars and a Legion of Merit with a combat clasp] and learned at first hand how the Navy fights."

WON $51,000 PRIZE

The naval narrative with its crackling prose was unofficial—some called it "Sam Morison's history"—and won the Swiss-Italian Balzan Foundation Prize of $51,000 in 1963. His Columbus biography had taken the Pulitzer Prize in 1943; and a second such prize was awarded him in 1960 for "John Paul Jones," a life of the Revolutionary War figure who is often considered the father of the American Navy.

"The European Discovery of America: The Southern Voyages A.D. 1492–1616" was an extension of Professor Morison's earlier interest in Columbus, but, more, it was a synoptic account of the voyages of discovery and exploration undertaken by Columbus, Magellan and Sir Francis Drake. Two of the crowning achievements—those of Columbus and Magellan—were made in the service of the King of Spain, while the third was under British patronage.

The greatest voyage of all, Professor Morison concluded, was the one led by Ferdinand Magellan through its most difficult stages and completed by Sebastian de Elcano.

Magellan sailed from the River Plate with nearly half the earth's circumference stretching unknown before him, Professor Morison pointed out. He brought his fleet (less one ship that deserted) through the 300-mile strait that modern sailing manuals describe as impossible for sailing ships and dangerous for steam, and took off westward with nothing to guide him but an idea of the latitude of some of the places on the farther side of the Pacific and his own erroneous notions about its width and shape. His first touch with civilized life after leaving the Canary Islands was in the Philippines, in March 1521.

Professor Morison's biography of Champlain, if a less-majestic work than "The European Discovery of America" was nonetheless an attractive, lively portrait of a person that the author clearly considered to be one of the eminent men of the 17th-century Age of Exploration.

Like its forerunners, this book was full of sea lore, and it bore traces of the fact that Mr. Morison had followed Champlain's footsteps through Canada and along the New England coast.

Professor Morison's magisterial volume on the Southern voyages had been preceded, in 1971, by his book on the Northern explorations. His chronicle covered the period from A.D. 500 to 1600, and as was his wont he undertook many of the trips himself, before describing them. The book contained the customary Morison bursts of gusto. His final paragraphs conveyed the flavor. They read:

"In closing let us not forget the gallant ships and the brave mariners who lost their lives pursuing these voyages for a century after Cabot, or men like Raleigh who financed them: Cabot himself and both Corte Reals lost with all hands no one knows where; Gilbert, lost with all hands off the Azores; Frobisher, mortally wounded in the war with Spain; John Davis slain by Japanese pirates; Verrazzano, killed and eaten by cannibals; Raleigh, beastly executed by James I as part of his cringing policy toward Spain.

"These men, and the thousands of mariners whose remains lie under the seamless shroud of the sea, deserve to be perpetually remembered as precursors of two great empires in North America."

Professor Morison's favorite book, however, and the one of which he was the proudest, was "The Oxford History of the American People," published in 1965. "It's my legacy to my country," he told this reporter in a conversation in 1969 at his Boston home. "It represents my cumulative knowledge over almost 50 years and my mature thinking about American history."

The 1,176-page volume (its title derived in part from its publication by the Oxford University Press) traced the major strands in the nation's history from prehistoric man to the assassination of President John F. Kennedy in 1963. Intended for the general reader, the book, without neglecting political history, treated popular sports and pastimes, eating and drinking customs, developments in fine arts, music and medicine, sexual mores and the Indian. And, of course, there were paragraphs in praise of great ships and their builders, such as David McKay and his Flying Cloud.

Typical of Professor Morison's feeling for these ships, and typical also of his general prose style, was this description of 19th-century American sailing vessels:

"These clipper ships of the early 1850's were built of wood in shipyards from Rockland in Maine to Baltimore. Their architects, like poets who transmute nature's message into song, obeyed what wind and wave had taught them, to create the noblest of all sailing vessels, and the most beautiful creations of man in America.

"With no extraneous ornaments except a figurehead, a bit of carving and a few lines of gold leaf, their one purpose of speed over the great ocean routes was achieved by perfect balance of spars and sails to the curving lines of the smooth black hull; and this harmony of mass, form and color was practiced to the music of dancing waves and of brave winds whistling in the rigging.

"These were our Gothic cathedrals, our Parthenon; but monuments carved from snow. For a few brief years they flashed their splendor around the world, then disappeared with the finality of the wild pigeon."

Primarily a narrative writer in the 19th-century mold, Professor Morison told history dramatically and splendidly. He was less given, however, to discerning the dynamic processes, controlling social change, a circumstance that differentiated him from such other historians as Frederick Jackson Turner, Charles Beard and William Appleman Williams. His impact on the intellectual life of history was, it seemed, slight in an age when concept history, or interpretation, was more esteemed than descriptive history.

New England was the earliest and most profound influence on the patrician historian. He was born July 9, 1887, in Boston at 44 Brimmer Street, a mansard-roofed house in the Beacon Hill area that his grandfather, Samuel Eliot, had built in 1869 and in which Professor Morison lived. His parents were John and Emily Eliot Morison, who raised their son, he once recalled, in "an atmosphere where scholarship, religion and social graces were happily blended."

After preparation at St. Paul's School, the young man entered Harvard in 1904, hoping to major in mathematics. He was detoured to history, he said in 1908, by Prof. Albert Bushnell Hart, who suggested that the Harvard junior write a theme on an American figure who meant something to him personally. The choice was his great-great-grandfather, Harrision Gray Otis, the Federalist leader, whose papers were filed in the student's wine cellar.

The theme led to a doctoral thesis and to Professor Morison's first book, "The Life and Letters of Harrison Gray Otis, Federalist," which was published in 1913. "It was a success d'estime, selling only 700 copies," he recalled more than a half-century later when he revised it as "Harrison Gray Otis, 1765–1848: the Urbane Federalist." The book, though, was the foundation for his early reputation and his first teaching appointments at the University of California and at Harvard.

Professor Morison's interest in mathematics was not entirely wasted, however, for he used his knowledge of it in navigation. "The proudest moment of my life was making a landfall in the West Indies on the first Columbus expedition in the face of doubts from my shipmates," he remarked in 1969.

After serving in the Army in World War I, Professor Morison was an attaché to the Russian division of the American Commission to Negotiate Peace, and he was also a delegate on the Baltic commission of the Paris Peace Conference. Displeased by the Versailles Treaty, he resigned in 1919 and resumed teaching at Harvard.

His courses included one on the history of Massachusetts, from which sprang "The Maritime History of Massachusetts," one of his most successful books, as well as "Builders of the Bay Colony." As a teacher, Professor Morison was among Harvard's most popular, for he not only took his students out of the classroom on field trips to historic sites, but also lectured to them with grace and wry wit.

In 1922, Professor Morison went to Oxford for three years as the first incumbent of that university's new chair of American history. There he worked on a textbook for British students of United States history, parts of

which were enlarged into "The Growth of the American Republic," a textbook for American students that was written in collaboration with Prof. Henry Steele Commager of Columbia. It became a classic, going through a number of editions from 1930 to 1970.

Appointed a professor at Harvard in 1925, Dr. Morison devoted the next 10 years largely to studies about that school, culminating in a multi-volume "Tercentennial History of Harvard College and University," which appeared in 1936 and which won for him the Jusserand Medal and the Loubat Prize, both academic distinctions.

After that, he embarked on his study of Columbus for the 450th anniversary of the discovery of the New World in 1492. Between 1937 and 1940 he made four trips in sailing vessels in the waters that Columbus had explored, crossing and recrossing the Atlantic in 1939–40 as commodore of the Harvard Columbus Expedition.

"No biographer of Columbus [before me] appears to have gone to sea in quest of light and truth," Professor Morison said rather tartly in the preface to his "Admiral of the Ocean Sea," adding:

"And you cannot write a story out of these 15th and 16th century narratives [the usual sources of Columbus biographies] that means anything to a modern reader merely by studying them in a library with the aid of maps. It may be compared with those ancient books on natural science that were compiled without field work or experimentation."

The book, hailed alike for its erudition and good writing, commended Professor Morison to President Franklin D. Roosevelt, himself a sailor, in 1942, when the historian proposed to write "a full, accurate and early record" of the Navy's role in World War II. For the purpose, he was commissioned a lieutenant commander in the Naval Reserve (he was retired with the rank of rear admiral in 1951), and between 1942 and 1945 he covered almost all the battle areas and naval operations of the war.

He was an eyewitness to the North Africa landings in 1942 and participated in the Central Solomons campaign the following summer and in the Gilbert Islands assault. He was at Salerno in 1944, and he saw the battle for Okinawa from the bridge of the Tennessee. In all, he served on a dozen ships, jotting down his notes in pencil on yellow pads. These, with official reports and enemy records, became the basis for his narrative, the first volume of which came out in 1947. The complete work took 15 years.

During these years Professor Morison also wrote eight other books, including "The Story of the Old Colony of New Plymouth," "Intellectual Life of Colonial New England" and "John Paul Jones: A Sailor's Biography." This, too, was the fruit of on-the-scene research into Jones' principal battles.

Almost 10 years later, in 1967, he produced another biography of an American naval figure: "Old Bruin—The Life of Commodore Matthew C. Perry." It, too, was adjudged a minor masterpiece of research and writing.

Professor Morison was often crusty and witty in his judgments of American personalities. For example, in his magnum opus, "The Oxford History," he gave these assessments of some Presidents:

"Thomas Jefferson was no social democrat but a slave-holding country gentleman of exquisite taste, lively curiosity and a belief in the perfectibility of man. His kind really belonged to the 18th rather than the 19th century."

"President Jackson had so many limitations that it is doubtful whether he should be included in the ranks of the really great Presidents. His approach to problems was too personal and instinctive, his choice of men, at times, lamentably mistaken; and unlike the Roosevelts, he had little perception of underlying popular movements, or of the ferment that was going on in the United States."

"Lincoln wielded a greater power throughout the war than any other President of the United States prior to Frankin D. Roosevelt; a wider authority than any British ruler between Cromwell and Churchill. Contemporary accusations against him of tyranny and despotism read strangely to those who know his character, but not to students of his Administration. Lincoln came near to being the ideal tyrant of whom Plato dreamed, yet, nonetheless, he was a dictator from the standpoint of American constitutional law."

"A mean, thin-lipped little man, a respectable mediocrity, [Coolidge] lived parsimoniously but admired men of wealth, and his political principles were those current in 1901. People thought Coolidge brighter than he was because he seldom said anything; but, as he admitted, he was 'usually able to make enough noise' to get what he wanted."

"Franklin D. Roosevelt was one of the most remarkable characters who ever occupied that high office. A patrician by birth and education, endowed with an independent fortune, he was a Democrat not only by conviction; he really loved people as no other President has except Lincoln, and as no other American statesman had since Franklin. Appreciation he prized in return, but opposition did not sour him. He combined audacity with caution; stubborn as to ultimate ends, he was an opportunist as to means, and knew when to compromise."

"Eisenhower was one of the best men ever elected President of the United States. Yet he failed in the historic role cast for him. What went wrong? To put it simply, Dulles on the international scene, and the President's want of experience on the domestic scene."

"With the death of John Fitzgerald Kennedy something died in each of us; yet the memory of that bright, vivid personality, that great gentleman whose every act and appearance appealed to our pride and gave us fresh confidence in ourselves and our country, will live in us for a long, long time."

Professor Morison's first wife was Elizabeth Shaw Greene, a painter, whom he married in 1910. They had four children—Elizabeth Gray (Mrs. Edward Spingarn); Emily Marshall (Mrs. Brooks Beck); Peter Green Morison and Catharine (Mrs. Julian Cooper).

In 1949, four years after his first wife's death, he married Priscilla Barton, some years his junior. She accompanied him on his travels to the Far East to revisit scenes of World War II and on his trips to collect material for his biographies of Jones and Perry. She also shared her husband's hobby of sailing his yawl out of Northeast Harbor on Maine's Mount Desert Island, his favorite vacation resort. Mrs. Morison died in 1973.

Professor Morison considered that life had dealt well with him. "I've had a very happy career," he remarked in 1969. "I have been very fortunate in combining a hobby of sailing with a profession of history. I have no complaints against life at all."

DESEGREGATION AND THE CITIES; PART X—AFTER THE BATTLES STOP: REPORTS FROM SEVEN DISTRICTS

Mr. JAVITS. Mr. President, school desegregation is an issue that can make a community nationally famous for a few days, can fuel a few years of local political strife—and, once the shouting stops is generally accepted and ignored. Education writers on newspapers in a number of cities which desegregated some time ago have sent in recent reports. In a surprising number of cases they really had not written anything about it for a long time because no one had mentioned the issue at a school board meeting. The fact that this bitterly contentious issue does settle down into a routine fact of life is, of course, one of the most important stories of all. It is easy for a television film crew or a newspaper writer to cover dramatic public conflict. It is much more difficult to follow and explain gradual changes in individual schools over years of quiet desegregation. Yet that is where the real story is.

Today's insertions are recent articles from seven papers reporting what has happened after years of desegregation in six school districts and analyzing the very successful management of locally designed desegregation in a sixth community.

The first report comes from the New Rochelle, N.Y., district, the first system in the United States to implement court-ordered busing to remedy de jure segregation. The second is from Pontiac, Mich., where a national storm of protest and antibusing organizing began in 1971. The third covers Prince Georges, Md., the Nation's ninth largest local district and the site of difficult middle-of-the-year desegregation in January 1973. The fourth is from Las Vegas, where a metropolitan-wide plan was implemented in 1972 in a school district larger than several Eastern States. Next come reports from two university towns in Illinois, Evanston and Champaign, which implemented desegregation plans about a decade ago. Finally, a report from Racine, Wis., shows the way one community chose to accomplish peaceful, well-planned desegregation last fall.

All of these communities together have not attracted even a tiny fraction of the national and international attention lavished on those who have disrupted the desegregation process at two Boston high schools. Racial violence is a very important story, but the quiet efforts of teachers and students in peacefully desegregated school systems is far more important for the future of our cities. I hope that Members of the Senate who have come to think of angry mobs as the essence of the busing issue consider the genuine accomplishments in many districts.

I ask unanimous consent that these articles be printed in the RECORD.

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

[From the Los Angeles Times, Dec. 15, 1975]

BUSING STILL GOING WHERE IT ALL BEGAN

NEW ROCHELLE, N.Y.—Twelve years ago this well-to-do suburb of New York City closed one dilapidated old school in the black central district and began transporting its students to white campuses, thereby becoming the first Northern community to desegregate by means of the school bus.

Today most consider busing to be a limited success here, although many blacks and whites agree that the original plan probably would not be acceptable now.

In an era when large school districts are employing hundreds of buses to transport thousands of students at a cost of millions of dollars annually, New Rochelle's program is something of an anomaly.

When the buses rolled for the first time here in 1963, they carried only 400 students, all black. Even now, only 850 (out of a total enrollment of 11,000) ride buses. The annual cost is only $270,000.

Blacks and whites alike concede the plan might have been impossible to implement if it had required white children to be bused into black neighborhoods, as is the case in more recent court-ordered desegregation plans.

Mrs. Hallie Taylor, a plaintiff in the 1961 suit that brought about the program, says it simply was more practical to tear down the old school and bus the black children. Many black parents resented the inequity of the situation, but most shared Mrs. Taylor's view that it was more important for their children to be educated in a desegregated environment.

Mrs. Taylor admits that today it probably would be much more difficult to convince black parents of the wisdom of the plan.

"We've had a mixed result," said Asst. Schools Supt. Richard Olcott in commenting on the educational effects of busing. "There's no question that for some students, it's been the best thing that could have happened. It hasn't hurt any gifted children from either community.

"For the kid in the middle, there's probably no effect. But for kids at the bottom the ability scale, contact with other kinds of children . . . with kids from a higher socioeconomic background, the effect has been positive."

Olcott believes there have been some changes in housing patterns as a result of busing. Some neighborhoods that were ethnically exclusive are now integrating as parents buy homes near schools to which their children are assigned.

"I won't say it's happened at a spectacularly speedy rate," he says, "but it is clearly discernible."

There are negative aspects. Black children are limited in their participation in after-school club and playground activities because of rigid bus schedules, according to Olcott. And when at day's end a child is sent back to an almost totally segregated neighborhood, Olcott says, "He very quickly comes to understand that the experience he has in school is artificial."

Napoleon Holmes, president of the local NAACP, agrees with Olcott on this point, but disagrees with Olcott's view that changing housing patterns are a result of busing. "It is (a result of) the fact that some black folks can earn money now," he says, "and that certain laws say you can't keep them out of the neighborhood if they've got the dough."

Regarding the busing plan itself, Holmes says. "A better idea would have been to have a uniform system whereby everybody in the same grade level is learning the same things regardless of the school he's in. Quality education—that's where it's at."

But Paul Dennis, past president of the NAACP chapter and a leader in the busing movement, disagrees.

"Desegregation here has been a great success," says Dennis. "I would lend my efforts to it again . . . Some of the first kids (bused) have gone on to college now. They've made good grades . . . One has been offered a Rhodes scholarship. It's helped change our community."

[From the News Democrat, Ill., Nov. 17, 1975]

PONTIAC, MICH., 5 YEARS LATER

(By Bruce H. McIntyre)

For most of this century Pontiac, Mich., was known to the nation as a place where a car was made. Today, however, it kindles images of burning school buses, mothers marching in protest, and a T-shirted protest leader named Irene McCabe.

As an editor who witnessed the school busing controversy, and as a father whose children have attended the Pontiac schools throughout it, all that I intend to offer the reader here is a personal impression.

There is no reliance here on statistics, quotations, research—or even on objectivity. This testimony is from an involved witness who has formed certain distinct opinions. For example:

No one really knows whether busing was good or bad for school children in Pontiac. It probably will be years before any accurate conclusion can be reached.

Busing has prevented a great deal of potential violence in the schools, completely aside from what it accomplished or failed to accomplish educationally.

In the first year or so after busing began in 1971, it had the effect of causing "white flight." Many white parents, those who could afford it, either moved out of town or put their children into private schools. In the last two to three years, however, this has slowed considerably.

Today, there is very little controversy about busing. It goes on quietly. Opinion surveys indicate that the original attitudes of blacks and whites toward it haven't changed much, but it is accepted.

When I moved to Pontiac in the spring of 1971, the school district had lost its last legal appeal and it knew that busing would have to start under a federal court order in September.

Until late summer, oddly, the 85,000 people in the city seemed unaware of pending change. The onrush of clamorous protest started only a month or so before the buses were due to roll.

A few days before school opened, some school buses were firebombed and Pontiac was national news. (Later the Klu Klux Klan was identified as the responsible group.)

Pontiac's reputation as a hotbed of anti-busing fervor was strengthened by the shrewd public relations antics of Mrs. Irene McCabe, a Pontiac housewife who led the National Action Group (NAG).

The attractive Mrs. McCabe did much of her public protesting in a highly visible NAG T-shirt. She was assisted by a smart, ambitious lawyer named L. Brooks Patterson.

There was no "other side"—no vocal, identifiable group in favor of busing. Instead there were individuals and small groups of people who had determined that they would not allow Pontiac to be destroyed by the controversy.

The PTA was among these. So was a group of clergymen. So were a number of student groups in Pontiac schools.

The school board, although its members were hardly pro-busing, insisted on maintaining order. The city administration, which controlled the police, took a like view. And the school superintendent, a savvy veteran named Dr Dana Whitmer, kept unbelievably cool throughout it all.

Those things made Pontiac different than Boston, where politicians thrived on anti-busing sentiment. A few did in Pontiac, but they were outweighed by more responsible leadership.

For the first six months after busing began, tensions spilled over to the ranks of teen-aged students and left the Pontiac schools in turmoil. There was violence and there was a great deal of tension.

You might almost have written off that year for educational purposes. Some classrooms remained calm but the students often were distracted by the battle that raged in the community that winter.

There is no saying when things calmed down, but midway in the first year you could feel the atmosphere begin to change. By the fall of 1972 near-normalcy had returned.

Pontiac schools now have about 40 per cent black students, with an additional, sizeable group of Latinos. In my opinion, the fact that racial groups were dispersed throughout the school system starting in 1971 has eased a lot of the tension that could have led to violence.

By some testing standards, the ability of Pontiac students has fallen since 1971. There is no way to know whether this was affected by busing.

The quality of education in the district has suffered in the same period, although very little of the budget is actually devoted to transportation. My guess is that the tightness of financial resources is more to blame than the busing plan.

Nevertheless, my children have received a good education and two of them were accepted into excellent universities.

Two of my daughters were beaten by a rampaging bunch of black students two days after school opened in 1971. Today, I doubt if they often remember it, and there is no racial distinction among their friends.

None of this should suggest to you that I became a "fan" of busing. I continue to believe there's a better way, but I can't define it.

What happened to the players in the drama of 1971?

Dr. Whitmer, the school superintendent, is still on the job.

Irene McCabe made an unsuccessful race for county commissioner, and has retired from the public eye. She sells real estate.

Lawyer Brooks Patterson got the most political capital out of it. He was elected county prosecutor and is best known today as an anti-pornography, anti-welfare fraud campaigner. He has his eye on state or national office.

And the kids, God bless 'em, keep growing up and going to school probably wondering what all the adults were fussing and feuding about.

[From the Washington Post, Sept. 4, 1975]

BUSING WORKS IN ONCE-BITTER PRINCE GEORGES

(By Elizabeth Becker)

Two weeks before Prince Georges County desegregated its public school system, Virginia Dillard organized an anti-busing rally at Rosecroft Racetrack where 15,000 protesters cheered local politicians who vowed to fight the court order all the way to the Supreme Court.

That was two years ago and Mrs. Dillard, who built a 45,000-member white anti-busing movement from a core of 30 embittered housewives, now has a new perspective on the impact of busing.

"After two years, I guess it did nothing. Other than discipline problems, schools are not any worse or any better from busing," she says, adding that she is still against busing.

But Dillard never removed her five children from the county's public schools although she organized the "day of mourning" class boycott on the first day of desegregation.

Why? "My kids like school," she says. "I think we have a pretty good school system."

Despite some dissenters, the evidence shows that in Prince Georges County, the largest suburban school district in the United States, busing is working. Those who carried out the order—the students and the teachers—are the most enthusiastic. And even old opponents are resigned to busing and say there are many more pressing problems today than desegregation.

Few if any of the fears—of violence, a decline in test scores, a massive white flight—have materialized, and the few problems that have beset the schools are not on the scale many had predicted.

On the contrary, many now consider the county a model for peaceful desegregation. Actual racial incidents were few in the first year of desegregation, and although reported assaults jumped by 40 per cent in 1973, the increase rate was sliced to half that last year.

"We have nothing to show that these assaults have anything to do with racial prejudice," says Peter D. Blauvelt, school security director. "It's absurd for anyone to pretend otherwise."

He attributes a good share of the rise in the assault rate simply to the doubling of his staff, which began the first systematic reporting of assaults, "not just reports of busted color televsion sets like they did before."

Both Blauvelt and Mrs. Dillard believe drugs are behind much of the new school violence, which has hit school systems of all kinds across the country.

Test scores, another presumed victim, actually rose the first year after busing in seven of the 12 exams given countywide.

And, in the wake of busing, many students and parents actually have shown a renewed involvement in all aspects of education.

"Busing was a blessing," says Geneva Jenkins, a former anti-buser who now is a leader of Citizens Advocating Responsible Education. "Once I looked into school I found I didn't like a lot of what they are doing and teaching."

Because county school officials smoothly executed the busing program that transferred 33,000 of the 151,000 students to new schools, most student reaction has been enthusiastic.

"Integrated schools have shown me that the rumors I grew up with were a bunch of baloney," says Linda Ficken, a white senior at Largo High who is bused from New Carrollton, site of the greatest anti-busing sentiment in 1972.

"Everybody at first was scared . . . that we would be beat up by black kids but nothing happened. We got the wrong ideas from parents who have always been segregated," she continued.

"School is more exciting now because of our differences . . . differences parents don't appreciate because they haven't been to school with us. Like—I know this sounds dumb—like music, and dancing, and new friends."

Linda said the greatest proof that race relations had improved came last year when a friend, John Jenkins, was murdered on the school parking lot.

"John was white . . . and the police arrested three black guys and we were scared that something would happen," she said. "But everyone—black and white—was sad that John was killed and there was no racial tension."

Adonis Hughes, a 1975 graduate of Highpoint High School who before busing was "a token black" there, found an unexpected benefit from the mixing of races.

"I grew up as a black in a predominately white community and it was good for me to get to know more blacks," he says. "I've always had a white identity . . . I dated a lot more white girls than black but never at my school."

"Once, after busing, a popular white pompom girl and I decided to pretend we were going together, to see if attitudes had changed. We walked around school for a couple of days planning it to write up in the student paper. But her old boy friend got mad because I was black and started talking . . . Her parents are very racist, if they had heard about it she could have gotten into trouble.

"Now I know that I have missed out on a lot. It's still easier for me to identify with whites but I have become aware of a black existence; the way they dress, the way they relate to each other, more casual and close than whites. They don't have as many cliques and social divisions. It's made me see there is something called the black experience."

Other students talk about details as small as the cafeteria menu—adding lasagna for the whites and cornbread for the blacks—and rules against wearing hats.

At one high school a caucus of students and teachers convinced a principal that a rule banning hats indoors should be thrown out because black students wore them indoors—"just like other cultures wear turbans."

Another student remembered a search to find a solution to black demands for a soul band to play at the prom, which clashed with white demands for a rock group. "The Fancy Colors," which features soloists of both races, was the solution. Another integrated band, "Cream and Cocoa," was booked for a winter dance.

E.V.I.L., was born in the busing era.

The club—Everyone Very Interested In Loving—was created by black and white students at Laurel High after a 1974 racial incident threatened to upset the whole school.

Racial tensions still pervade some junior high schools, according to interviews with students, teachers and parents, but most often these problems are linked to other troubles that beset adolescents.

In general, the safety issue that frightened parents two years ago has died down, and some families are sending their children back to the public system.

Penny Davies, a mother who worked against busing, for example, is allowing her daughter and son to leave the parochial school they attended last year to return to a county elementary and junior high.

"This year they both chose to go to public schools," she explains, "so I talked with the guidance counselors and the neighbors and they all said it was safe and that the schools were good. Of course, I'd pull them out again if I had to."

Another mother, Peggy Hillman, says her son refused to let her place him in a private school.

"Central High has a reputation that is not deserved," she now says. "I was terrified when I heard he was going there. Last year I got involved in a booster club and met the parents of the black students and they are lovely people. My son is happy and that's what's important."

Black parents are also pleased.

"I can best explain it all to you through my daughter Olivia," says Sylvester Vaughns, president of the county's NAACP chapter and one of the eight parents who filed the 1972 desegregation suit.

"At Kent Junior High (formerly all-black) she made the honor roll. The following year when she was bused to Kenmoor Junior High she didn't make it and she was doing just as well. That's what was unfair—that the white standards were higher than at black schools. I never thought that the only way my child could learn was to sit next to a white child, but that's where the quality education was and that's what it's all about."

Another black junior high student, Pam Hampton, made a similar discovery. An honors student at a primarily white junior high, she was discouraged when she was bused to a formerly all-black school and found the standards there much lower.

At my old school, Robert Goddard, there was more variety in our programs. You could really become academically involved if you wanted to," she says. "But when we were transferred to Kent we found it wasn't there. As a matter of fact, only six people were in my math class and all of them came from Goddard."

Others, however, retain strong opinions about desegregation hurting Prince George's.

"I believe busing is the single most disruptive thing that has happened in the history of the county," says Winfield M. Kelly Jr., county executive. He believes that a "feeling of instability" created by the busing turmoil both triggered white flight and frightened off new middle-class families that otherwise might have moved in.

"I could give you two arms lists of names . . . of people I've really been saddened to see leaving the county. It's the stability thing that pulled them away . . . everything suffered . . . including racial relations."

But Kelly, like others, declines to produce a list of names of those who may have left for this reason, and it is impossible to measure how many white may not have moved in because of school desegregation.

The racial make-up of the county, which has acquired a 25 per cent black population in little more than a decade, had begun changing before school desegregation, part of a trend of blacks moving to close-in suburbs that is occurring elsewhere.

Both the black increase and the white decline were being reflected in county school enrollments before busing for desegregation was ordered, though there was a larger than normal drop—9 per cent—in white enrollments during the first year of busing and its protests.

The following year, however, the white decline slowed to 5.4 per cent, and Charles Wendorf, director of pupil accounting for the school system, sees a trend toward stabilization of the racial mix.

"I think the population is integrating naturally, and I don't think busing has anything to do with it now," he remarks.

Jesse Warr, the only black member of the county school board, notes that "the black population change began before busing."

Black enrollment, remained steady during the first busing year, climbing at 1.5 per cent as it has over the past seven years, according to Wendorf. The greatest black influx came in the late 1960s, and population authorities say this coincided with open-housing legislation in the county and urban renewal in the District of Columbia.

"To use the economy and instability to say busing isn't working is a lot of baloney. Those are scapegoat tactics to blame me, a black person, as the cause of it all," says Warr.

Many opposed to busing also claim that the housing market was hurt by desegregation. But realtors generally say that the change in school assignments had little effect on their sales, which have improved in the past two years.

The black community also found fault with a situation they say grew out of busing. Last November, the NAACP filed a suit charging the school system with discriminating against black students by suspending them at a higher rate than whites.

The first year after busing, 48.2 per cent of suspensions were meted out to blacks, who made up 28.9 per cent of the school population, according to school statistics. That suit was settled out of court last spring.

Other desegregated school systems have also been charged with "pushing out" black students through suspensions or discriminating against them through "ability grouping," with blacks put in the lowest groups.

The Department of Health, Education, and Welfare recently reported that it has required the shifting of classes for 250,000 children in the last year and a half to halt such "second generation" segregation, mostly in Southern systems.

But in Prince Georges most residents say that, considering the history of the county, desegregation has gone smoothly. Until 1954, the schools were segregated by law and little changed until the mid-60s when, under federal pressure, the school boundaries were redrawn to break up 24 all-black schools.

In 1972 when the federal courts in Baltimore ordered the mid-term transfers, the schools quietly prepared an intricate busing

plan while the county erupted in protests.

"We transferred twice as many students as they did in Boston, a logistical feat comparable to putting a man on the moon," says Carl W. Hassel, school superintendent.

"We guaranteed that every student would have the same courses in their new schools, that sports would continue, that student officers could retain their position . . . And on D-day we didn't have one single disruption. Compared to what I've seen in other places, this is really remarkable."

[From the Las Vegas Review Journal, Mar. 22, 1976]

COUNTY SCHOOL DESEGREGATION PLAN DETAILED

EDITOR'S NOTE: School desegregation in Clark County has continued since the fall of 1972 under a federal court order. The plan, proposed by administrators and the school district trustees, established seven sixth grade centers.

About 5,400 students attend the centers in the predominantly black West Las Vegas area. White sixth graders are bused from other parts of the city to the centers and first through fifth grade black students living in the West Las Vegas area are bused to schools in the metropolitan area. The centers also include kindergarten for the black children who are not bused out of their neighborhoods.

In these two reports, the educational program at the centers is examined. Dr. Brian Cram, an assistant superintendent, gives an overview and the staff at Jo Mackey Sixth Grade Center describe the program this year and the changes that have occurred in the last four years.

(By Rick Keir)

The psychological and physiological changes 11-year-olds begin to experience as they enter sixth grade place special demands on their educational environment.

They have great physical energy and studies have shown their attention span is little more than that of kindergarteners.

With a concentration of these pre-adolescents, the sixth grade centers in the Clark County School District are in a unique position to meet these demands, according to Dr. Brian Cram, an assistant superintendent.

"They are right between the rather self-contained elementary school experience," Cram said, "and the departmentalized junior high school experience. In elementary school, the students usually stay with one teacher and in junior high school, they move from teacher to teacher.

"In the centers, we emphasize a 'core' program in which one or two teachers combine language arts skills like penmanship, spelling, reading and vocabulary with social studies.

"The students also move to other rooms for math and science every day and then to other rooms for art and music a couple of times a week. In this way, they have a transition from the self-contained system to the departmentalized one."

The disruption of the education process during the last four years has been minimal at the seven centers, Cram emphasized.

He praised the teachers and administrators for their willingness to view the sixth graders in a new light and work toward improving the curriculum.

"Our aim is to stress fundamental skills. This is an excellent time in the child's education for regrouping in an attempt to make sure all of them have the basics.

"At the end of the fifth grade," Cram continued, "the students take a (nationwide) standardized achievement test which determines their ability in a broad range of subjects including math, language and spelling.

"We get a general idea of their progress by looking at the scores. We can see in what area a student is having trouble or excelling. Then, we give them a test developed by the district which will tell us specifically what kind of problem the student has.

"For instance, by looking at the scores on the standardized test, we may see a student is having trouble in math. And we can tell by our test if he is having trouble with addition, subtraction, multiplication or division.

"Then, we attempt to give a program to the particular student which fits his level. We have remedial and accelerated programs at most of the centers.

"This fits well into the core program, too. If a student is reading on a fifth grade level, the teacher is more apt to consider this in the social studies lesson."

The centers organize the program differently although each revolves around the central theme of a core program.

District administrators provide direction in policy guides each year.

During this year, the policy guides from the district have emphasized Cram's back-to-the-basic approach. For example, improved penmanship has been promoted. "We are looking for acceptable legibility of cursive writing (long-hand) and not how pretty it is," Cram said.

Teachers have received guides which indicate the different levels of legibility. "We're trying to give teachers an idea of what to look for and how to correct it," he said.

"And we emphasize that the different courses should be integrated. It's unrealistic to teach composition at one time and social studies at another. Teachers in every subject area are responsible for penmanship," Cram explained.

He added the centers are using a common spelling book for the first time this year. "We try to put the words they learn in science classes on the spelling tests," he said.

The centers also offer a wide variety of non-academic activities to channel some of the boundless energy of the students.

The activities are carried on during the school day in the same fashion as clubs in the high schools.

One center has 24 clubs including such diverse activities as needlepoint, model building, television broadcasting, chess and rug hooking. The students attend these activities at different times. At one center they go once every two weeks.

One of Cram's main concerns is to develop aa sense of continuity for the sixth grader as he enters junior high school.

As the assistant superintendent for intermediate education, Cram administers the junior highs as well as the centers.

"We now have a uniform system of describing a student's achievement from sixth to ninth grade and we're getting an increase in consultation between the sixth grade teachers and the junior high teachers.

"We're asking the teachers for goals and they're getting together to talk a lot more. We're getting more specifics about how we can coordinate the curriculum rather than the nebulous complaints about the school or that school," Cram said.

He pointed out the district is moving toward the implementation of the "middle school" concept in a modified form. In several states, a middle school includes sixth, seventh and eighth grades.

In the district, ninth grade has been shifted to many high schools from the junior high.

POD BENEFITS STUDENTS—"SCHOOL-WITHIN-A-SCHOOL" CONCEPT WORKS

The desegregation plan is blending well with an experimental education program at Jo Mackey Sixth Grade Center, according to Principal Herschel Williams.

The program is organized along the lines of a "school-within-a-school" concept.

Each school-within-a-school is called a pod and each pod contains four teachers and a minimum of 120 students. There are four classrooms in each pod and the students go from one room to another for the various lessons.

As in the other sixth grade centers, the curriculum revolves around the core courses of language arts and social studies. In addition, students learn math and science skills from teachers in the pods.

They also go to other classrooms outside of the pod to learn from specialists in music, art and physical education. They also can choose from a wide range of non-academic activities like clubs.

For the academically talented students, there is a specially designed program to allow them to complete in depth research.

For the students with academic problems, there is a special assistance program in various areas. A special reading teacher works with students with reading problems. Those who need this assistance attend the regular classes but work in reading and mathematics resource rooms at certain times during the day.

In this pod system, the students spend at least half a day each day studying the core courses of social studies and language arts.

The physical structure of the pod promotes better instruction, according to Williams. He said some of the rooms are separated by a sliding partition that can be opened if the teachers want to combine two classes and team teach by integrating two subjects like science and math.

The pod system differs from the departmental organization in that each science or math teacher has his or her own equipment in a different pod. Under the departmental organization, all the science equipment or math equipment is in one area.

However, Williams explained, the pod structure allows the teachers of the four subjects to exchange information more easily.

"The teachers in each pod have one planning period a day when they get together and discuss the program and how each student is progressing. I think this is very helpful for the teachers. Often, with the departmental system the science teacher doesn't get the chance to talk with the math teacher about a particular student.

"I think this is also very helpful for the parents when they come in for a conference. All four teachers can talk about the child's progress in the different area," he said.

Williams explained the school at 2726 Englestad St. has gone through many changes since he became principal six years ago.

It has changed from a regular neighborhood elementary school in 1970 to a "prestige" school where whites were encouraged to send their children in a voluntary integration program in 1971 to a six grade center in 1972.

The pod structure was instituted this fall after Williams surveyed the teachers about their concerns.

"I found that many teachers wanted more planning time and I decided the pod system is the best way to make this available. So far, it has been very successful. We are going to evaluate the experiment at the end of the year and look for areas where we can improve it," he said.

Nancy Brock, a language arts teacher who is chairman of a pod, said she believes the school has been a "pioneer" in establishing better teaching procedures.

Pam Jones, a science teacher, said the main advantage of the pod system is the teachers can easily share the same students. She said she likes the deaprtmental organization in one way since all of the science equipment can be kept in one place.

"The pod system is advantageous because we are able to have a planning period but we've had to give up a smaller class size for it. It would be better if we could keep the class size down as well," according to Linda Cochran, a math teacher. She said about five

students have been added to each class. The classes have about 32 or 33 students in them.

As the learning atmosphere has changed over the years at Jo Mackey, so has the social atmosphere.

The constant phone calls by parents of black and white students about real or imagined racial problems during the first year as a center have given way to an easier attitude.

"During that first year, I was receiving many calls from parents with concerns that had no basis in fact," Williams said. "Now, their concerns are centered around how a student is doing in a particular class.

"More white parents are apt to come into the area voluntarily. For instance, if their child has a doctor's appointment during the day, they are more willing to come and pick him up.

"And they see that people around here are really interested in keeping up the appearance of their property," he said of the middle class residential section surrounding the campus.

"We have many well-kept homes around here as opposed to apartments and when the white parents come here they see different things than they had heard about."

The sixth graders have adjusted well, too, Williams said.

"No one has developed an instrument to show the change in the degree of acceptance of a person of one race for a person of another. But, on the surface, it seems the interplay between the boys and girls has improved. They have become less standoffish," said the young, black principal.

Williams is planning to write a dissertation for a doctorate in education from the University of Houston on the changes of racial attitudes. He pointed out the dissertation is in the planning stage and he plans to gain permission from the Clark County School District, parents and students before he begins the study.

"I've come to some minor conclusions already. Due to the fact that many of the boys and girls have brothers, sisters and cousins who have been through the center, they are having a better time. Much of the apprehension felt by everyone—parents, students and teachers—during that first year is gone.

"And I want to emphasize one of the main reasons for this has been the hard work of the teachers, many of whom have been here three or four years."

[From the Chicago Sun-Times, Oct. 12, 1975]

EIGHT YEARS LATER, EVANSTON BUSING STILL A SUCCESS

(By Andy Shaw)

Controversial educator Gregory Coffin is just a memory these days in north suburban Evanston, but his legacy—one of the nation's first school busing programs—quietly and effectively lives on.

On any school day, the yellow buses can be seen rolling along tree-lined Evanston streets, carrying 1,900 children—1,000 white and 900 black—to 11 of District 65's 21 elementary and junior high schools.

Evanston, like the big city just south of it, is proud of its neighborhoods, which vary in ambience and populace nearly as much as Chicago's. There are distinct enclaves of rich, poor, middle class, black, white, Protestant and Jewish—yet every school is integrated.

Willard School, in posh, WASPish northwest Evanston, has 11 per cent black students, the fewest of any school, while Central School, in racially mixed north central Evanston, has 51 per cent black pupils, tops in the system. In all, blacks make up 30 per cent of the system enrollment.

Robert Dawkins, director of pupil services for the district, smiles when he says: "Here we have just the opposite of Boston and Louisville—people are asking, 'Why aren't my children bused?' "

In 1971, four years after busing began, a national study showed that black pupils' reading and math skills had improved since the schools were integrated, even though blacks still lagged far behind whites in overall performance.

While no busing-related study has been conducted since then, recent tests found improved achievement by blacks and whites.

Evanston's busing program has been so successful that District 65 administrators have been consultants for planned school integration projects in other cities, including Jackson, Miss.; Dayton, Ohio; Oklahoma City; Gary, Ind.; and Danville, Ill.

Coffin came to Evanston in 1966 to design and implement the desegregation plan, although groundwork had been laid by various community groups and school officials during the previous five years

Coffin moved swiftly, shifting attendance boundaries, dispersing students from two predominantly black schools, and transporting all pupils who lived more than 1½ miles from their new schools.

The Martin Luther King Jr. Elementary School was established to replace a formerly all-black school. It was opened with an enriched program to attract white pupils from around the city.

By the September after Coffin arrived, integration in the Evanston school system was a reality.

Along with White Plains, N.Y., Evanston was the first school district in the country to desegregate voluntarily with busing. They soon were followed by Berkeley, Calif.

Although there was some initial community resistance to Coffin's plan, it came off well because community residents were involved every step of the way.

Schools Supt. Joseph Hill, a black who attended Evanston schools, became a teacher and then rose through the administrative ranks, said the program has been a success because "it evolved from the community. It wasn't handed down by the school board like an edict and it was not a court order. It came from a community that was concerned that there was de facto (unintentional) segregation."

To allay initial concerns, Coffin and the board formed teams of school officials and community representatives to explain the implications of the plan at every school instead of bringing residents from all over the city into mass meetings.

At each school, parents were shown maps and drawings and the busing project was explained. According to Hill, "When people saw that it wasn't such a big deal, those who came with some anxieties had those anxieties taken care of."

Evanston, of course, had some advantages when it began, such as schools with an impressive national reputation and a relatively well-educated, socially conscious citizenry.

Even so, Coffin was less successful than his program. For reasons still not entirely clear, he was fired by the school board in 1969. Some say he moved too agressively with integration; others believe he scared people with other innovative ideas, while still another camp simply speaks of personality conflict between him and board members.

Whatever controversy Coffin generated, it quickly subsided when he departed. City Manager Edward Martin notes that during his five years on the job, "I've never heard a controversial or bad thing about the busing program."

Despite periodic questions by some residents and groups about the continued need to bus children, "none of these things has ever led to a generated attempt to change anything," Martin adds.

Supt. Hill thinks integrated education is the best approach, and "this is a two-way street. The youngster who grows up in isolation—black or white—is at a disadvantage. Children of both races have a great deal of experience to share.

"To wait until youngsters get to high school or college, when so many attitudes, myths and stereotypes have been formed, is to expect hostility. People just can't relate then."

While Hill admits it is infinitely harder to pull off school integration in large cities—Chicago has one of the nation's most segregated systems—he says much more can be done than has been so far. If the problems of distance, time, cost and community resistance cannot be overcome, he adds, systems at least should work harder to integrate facilities.

"I've seen some beautiful relationships develop between teachers and students of different racial backgrounds," he said.

[From the Champaign (Ill.) News Gazette, Feb. 15, 1976]

BUSING IS A FACT OF SCHOOL LIFE

(By Barbara G. Betz and Jim Bray)

Like cold breakfast cereal, homecoming and tax referenda, busing has become a fact of school life in Champaign and Urbana.

Each weekday morning for nine months of the year about 900 black students in the two cities wait for the yellow buses that will take them past neighborhood schools and distribute them throughout the district. All this is done in the name of building a better society and equal educational opportunities.

Considering the uproar created by busing in several metropolitan areas, local desegregation was comparatively calm 10 years ago, and is accepted without visible protest in 1976.

Nearly 5,000 students board buses each day to go to school in District 116 or Unit 4. About one fifth of those are bused to schools from outlying areas.

In Urbana, 1,984 students boarded buses the day of the last head count in January. Of that number, 488 students, including about 349 northwest Urbana blacks, are bused to maintain racial balance in each of the district's eight schools.

The remaining 139 students bused for desegregation are children of parents who live in university housing in Orchard Downs. Many are foreign-born and require special bilingual help. Not white students from other areas of the community are bused for desegregation.

Northwest Urbana black students are distributed in the schools according to a formula attempting to achieve a similar percentage throughout the district.

For all Urbana elementary buildings, the percentage of black students is about 16 percent. Of that percentage, northwest Urbana blacks comprise about 10.2 per cent.

The largest percentage of nonlocal black students in Urbana are bused into Webber School. Of 43 blacks in the school, 37 or 16 per cent of the school's population are bused.

Washington School appears to be the most naturally integrated elementary school in Urbana. Only six per cent of the school's population, 17 of the school's 51 blacks, are bused in.

Urbana's desegregation plan was developed in 1966 after a group of concerned citizens protested to the board in May that nothing had been done to achieve racial balance in the schools.

The board of education adopted a busing policy in July 1966 and busing started in the fall.

Prior to 1966, the school board had provided extra money to give King School (former J. W. Hays School) in northwest Urbana what it termed "a superior staff and facilities with a reduced class size."

While maintaining that the King School plan had been successful, the board adopted a new guideline on July 26, 1966.

"Convinced that racial balance in all schools of the district is educationally sound

as well as morally right," the guideline read, "the board has decided to place the majority of Hays School area pupils in other schools.

"Although it has heretofore been a policy of District 116 to plan for neighborhood schools and to transport pupils only for special classes and because of lack of space, the board recognizes there is no other feasible way to achieve racial balance under present conditions."

That motion provided for busing of northwest Urbana black students and moved Orchard Downs children into the previously predominantly black school.

Although the Champaign school board committed the system to desegregation in 1963, little was done to reach that goal until 1967—on the heels of Urbana's surprising decision to desegregate.

The voices in Champaign's black community strengthened after the Urbana move. Most of the publicity at the time was generated by the Coordinating Committee for Quality Education (CCQE).

The CCQE was a coalition of black conservatives and liberals and was the "last strongly unified voice of the black community," according to Ken Stratton, Champaign's director of pupil accounting and the highest ranking black in the Unit 4 administration.

The pressures from Champaign's blacks, coupled with the endorsement of desegregation by the Champaign Education Association and citizen groups like the League of Women Voters, left the school board little choice but to desegregate.

The board appointed an Equal Educational Opportunities Committee (EEOC) composed of some members of the CCQE as well as representatives of the white community. The EEOC was chaired by Harold Baker, local attorney and future member of the school board.

Committee recommendations for the first steps toward integration were implemented by the board with desegregation of junior highs accomplished in 1967 and elementary schools the following year.

However, not everyone was satisfied. The CCQE wanted the elementary school plan to take effect in 1967, and an organized petition drive against busing had produced some 2,500 signatures. Neither side changed the board's plans.

Major changes were made in the boundaries for elementary schools in 1968. Two schools with the greatest proportion of blacks—Gregory and Marquette—were closed. A third—Washington—lost its population and became an experimental school with enrollment on a voluntary basis.

Blacks from the same northeast section of the city were bused to eight elementary schools with predominantly white enrollments.

The same arrangement exists today, with the bused area also attending Jefferson Junior High and Centennial High on the southwest side of Champaign.

In 1968, the board also purchased 10 new buses for the added transportation needs and hired 10 drivers in 1968 for a combined total of about $80,000.

Today, 31 buses cover about 1,500 miles each day with about 2,900 students. About 550 of those are blacks bused strictly for desegregation purposes.

Accurate estimates of current transportation costs for desegregation were not available from the Unit 4 administration.

Costs for busing all the students in Urbana were about $198,500 in 1974–75. Clarence Gast, director of School Transportation Inc., which contracts Urbana bus service, estimates about one-fourth of that total is attributed to busing for desegregation.

The number of buses has increased by five in Urbana since busing was authorized in 1966.

The longest route in the district covers 15 miles from a rural address to Thomas Paine School. In all, Gast says 994 miles are travelled by buses each day, most of them to bring in rural students.

The average length of a ride for students is about 20 minutes, Gast says. The longest is 55 minutes and the shortest about five.

According to recent reports, desegregation in the schools has not accomplished everything its proponents had once hoped it would.

After eight years of busing in Urbana, a report in the fall of 1974 indicated achievement tests scores of black students had not risen much since the schools were desegregated. The scores of black children still ranked lower than average scores in the district.

School officials explain that more black children are now included in the testing program and that achievement tests are not always accurate indicators because of bias. But they do agree that busing is not the panacea people once believed it would be.

"The achievement scores of black students still run below those of whites," said Unit 4 Supt. of Schools Marshall K. Berner. "There is beginning to be more of an overlapping of scores than there used to be."

Berner said a careful analysis would be difficult because of the lack of a "control" school untouched by the changes. Only a control would allow comparison of test data.

[From the New York Times, Oct. 22, 1975]

SCHOOL INTEGRATION GAINS IN RACINE, WISCONSIN, PROGRAM VIEWED AS MODEL FOR THE NATION

(By Paul Delaney)

RACINE, WIS., Oct. 16.—The two Hochstein children—Steven, 9 years old, and Brian, 6—meet the yellow school bus every morning at 8:30. They leave cozy, white suburban Harbor View to attend Jefferson Elementary School in the city's black community.

At about the same time, Daimon Stevenson, 7, boards a bus near his home in a black neighborhood of the inner city for the long ride to Caddy Vista Elementary School, described by his mother as being "way out in the country."

Beyond concern about the distance that children have to travel—about 15 miles each way—Gwendolyn Hochstein and Lillie Stevenson said they had no qualm with the way desegregation of elementary schools has gone, that the long bus ride was "worth it to achieve something important, integration of the schools."

Of Racine's 15,000 elementary school pupils, 2,200 are being bused—about half of them white, and half black. There are 29,000 students in the city's school system—one-fifth of them black.

The effort in Racine seems to be one of the more successful examples of school integration in the North to date, officials say. Desegregation here could serve as a model for other cities as the drive for integration moves from smaller towns to bigger cities, not only in the Middle West, but also across the country.

SOME PROMISE

So far, desegregation in the Middle West has been spotty, with some notable accomplishments, some repetition of mistakes made by other communities and some promise for the future. As the evidence points to retrenchment in the South and a change of heart among some liberal proponents over busing, clearly the desegregation action now is here in the Middle West.

There is a variety of approaches, from the use here and in other cities of magnet schools to the establishment of "fifth-year centers" for all fifth-graders in Oklahoma City. There is still strong resistance, but there appears to be a growing acceptance even of busing by communities where it has been in effect for some time, such as in Pontiac, Mich.

In addition, there is court-ordered integration, as in Oklahoma City and Omaha. Officials in Kansas City, Mo., are under a desegregation directive from the Department of Health, Education, and Welfare, while the state of Iowa is pressing Des Moines to desegregate. And some communities, such as Racine and Minneapolis, have taken steps to eliminate segregated schools voluntarily.

INTEGRATION-RELATED DEATHS

On the other hand, the only integration-related deaths in this school year have occurred in the Middle West. A white student was shot by a black youth at U.S. Grant High School in Oklahoma City, and a court-appointed desegregation specialist in Dayton, Ohio, was shot by a man apparently upset that his children where to be bused. Both incidents occurred last month.

Nevertheless, a pattern seems to be emerging in some places of seeking peaceful, sincere, workable and—some say hopefully—voluntary solutions to the problems of dismantling dual schools. The merger of predominantly black city schools with predominantly white suburban schools, a solution rejected last year by the Supreme Court, is being debated as a method of achieving more lasting desegregation by cutting off some of the sanctuaries of whites fleeing the city.

Here in Wisconsin, a proposal before the Legislature would merge two Milwaukee high school districts with two suburban districts. Three superintendents in suburban Omaha said they favored voluntary rather than mandatory integration and would cooperate in such a program with the city.

The school board in Kansas City, Mo., has authorized its attorney to investigate the possibility of a lawsuit or other schools in the metropolitan area. However, some black leaders regard the move as a delaying tactic rather than an earnest effort by the board.

COURT ACTION AWAITED

About a dozen cities, mostly in Ohio, are awaiting court orders or other court action. In Ohio, the National Association for the Advancement of Colored People, in a new strategy, is concentrating on the entire state, with suits either pending or planned in such cities as Cleveland, Cincinnati, Columbus, Dayton, Arkon, Toledo, Youngstown and Canton. Court action is also pending in Milwaukee and Indianapolis.

Then there is Chicago. For the moment, Chicago is considered too tough to tackle because it would take a tremendous amount of effort and resources. The Federal Government has been reluctant to move and so has the state of Illinois. Similarly, blacks in Chicago have hesitated to file suit because of the expense it would entail and the anticipated level of resistance.

But this southeast Wisconsin city of nearly 100,000 on the shores of Lake Michigan is perhaps a model of how desegregation should be accomplished.

The same factors that resulted in strong resistance in other places exist here. There has been racial tension. A high school and a junior high school were closed for three days last year after racial fighting broke out.

School officials here believe that Racine avoided many pitfalls that other cities experienced because the school board took the initiative and ordered a plan drawn up in 1973. Support came from the school administration staff and from a citizens committee set up to recommend alternative plans, according to C. Richard Nelson, superintendent of schools.

INVOLVEMENT OF PARENTS

This attempt to involve parents in the process and to devise a voluntary plan (although the board did not accept the plan

recommended by the committee) seems to have prevented the build-up of substantial opposition.

Some of the features that made desegregation in Racine different from that in other cities include the following:

Desegregation was two-way, with black children transferred to suburban schools on the outer reaches of the 100-square-mile Racine unified school district that encompasses a third of Racine County, while white youngsters were sent to schools in the inner city. One-way desegregation of black children to white schools have been a major concern of black parents, and accounts for some of their opposition to busing. The racial composition at Jefferson Elementary School changed from nearly 90 per cent black to 40 per cent black, and the white majority at Caddy Vista dropped from 97 per cent to 80 per cent.

The plan met no public opposition from elected officials. None of the eight candidates for the school board in last year's primary made desegregation an issue.

There was some opposition to desegregation, however. On Oct. 11, a judge dismissed a suit challenging the right of the board to bus children long distances.

There is also evidence of some white parents pulling their children out of the public schools, but it is minimal here, in contrast to Oklahoma City.

Referring to the racial strife that has disrupted schools in Boston, Mr. Nelson said Racine residents were determined not to "become another Boston," and added, "This was felt even by people opposed to busing." He attributed the city's success to several factors.

"We had two years to work on the plan, to build support for it after the board adopted desegregation as policy," he said in an interview at the Racine Unified School District building. He added:

"When the plan was adopted, the community accepted it. But the momentum for integration was there already. We desegregated high schools and junior high schools in the nineteen-sixties, so movement toward desegregation of elementary schools was logical."

NO POLITICAL FOOTBALL

Racine was one of the few cities in the nation to integrate its schools without making desegregation and busing a political football. Historically, school officials and other political leaders have adopted a stance of defiance.

A RETURN VISIT TO CAMP LEJEUNE

Mr. TAFT. Mr. President, in August of last year I sent my staff assistant, Mr. William S. Lind, to Camp LeJeune, N.C., to report to me on certain manpower problems of the 2d Marine Division. I noted in the RECORD at that time that the Commandant of the Marine Corps, General Wilson, was taking effective steps to deal with those problems. General Wilson was then in the process of giving the troop commanders the tools they needed to deal with some long-term personnel problems which they faced.

Last week I again sent Mr. Lind to Camp LeJeune to observe how the manpower situation has changed since last August. It is evident to me from his report that the Commandant's new manpower policies are succeeding. The statistics clearly show that manpower problems are decreasing in the 2d Division. Unauthorized absences are down from a monthly average of almost 30 per 1,000 men last August to 14 in April of this year—more than a 50 percent drop. The desertion rate has declined from 21 per 1,000 in August to 9 in April. Assaults have dropped from 11 in the division in August to 1 in April. The quality of new recruits to the 2d Division has risen sharply in the same period. In August of last year, only about 40 percent of new recruits had a high school diploma; in April of this year, almost 60 percent had high school diplomas. The level of GT scores, the basic proficiency test score for recruits, has risen nearly 10 points in the same period.

The strongly positive impression made by these statistics is a testimonial to the policies of the Commandant, and equally to the officers of the 2d Division who have worked hard and skillfully to put the Commandant's policies into practice. The positive impact of the statistics was, in addition, reinforced in conversations my staff assistant held with officers from the 6th Marine Regiment to the 2d Division. These officers, of the ranks of major, captain and lieutenant—the people who work with the troops on a daily basis—stated that the new recruits they are receiving are of "excellent to outstanding" quality, and that today's situation compared to that of last year is "the difference between day and night." They noted that the Commandant's new expeditious discharge program was working extremely well, and that it was of benefit not only to the Marine Corps but also to individuals who proved unable to adjust to service life.

A somewhat surprising and very positive indication of how much the situation has improved was provided by these officer's answer to the question of, "What are your most serious problems with your troops?" Not one officer mentioned problems relating to troop quality or discipline, although all indicated a quantitative shortage of troops needed to meet the 2d Division's many commitments. When asked specifically about what had previously been problem areas, these troop commanders noted that the drug problem, while still serious, is "leveling off;" robberies and assaults had decreased greatly; and racial problems were "a thing of the past."

The direct personal observations of the troop commanders thus support the statistics. Both together clearly indicate that the 2nd Division has replaced negative with strongly positive trends, as far as manpower problems are concerned. I think this is particularly important for the Congress to note; it is on trends that we should focus our attention, because it is these which show how the policies of the present Commandant are working. It is clear General Wilson's policies are working well, and that, in my view, they deserve our strong support.

There was, however, one area in my staff's report which caused me some concern. On asking battalion and company-grade officers of the 6th Regiment how much of their time went to personnel-related matters and administrative tasks, the unanimous answer was, "All of it." This is potentially a serious problem. If an officer's time goes entirely to personnel and administrative matters, then he has no time for personal professional development. He has no time to devote to what should be his prime concern: the potential battlefield. My staff specifically inquired how much these officers knew about Soviet-model forces, their most likely opponent, and how much time they were given to study Soviet forces—their tactics, equipment, etc. It was clear that, while the interest in these battlefield issues was great, opportunities to acquire the needed knowledge were practically non-existent. Because personnel and administrative needs are given top priority, there is virtually no time in a commanding officer's day for professional study.

This situation should be of particular concern to the Congress, because to some extent it is congressional mandates which have produced the enormous paperwork load which commanding officers must bear. I have long attempted to draw attention to the negative impact of federally required paperwork on the individual citizen and, especially, on the small businessman. Clearly the impact on a military officer commanding a troop unit is at least as severe. Congress must become more sensitive to the paperwork requirements generated by legislation.

At the same time, the Marine Corps must realize that it is a classic peacetime error of military establishments to permit personnel and administrative requirements to take precedence over preparing for the battlefield. Unfortunately, it is an error that can easily lead to military defeat. While some personnel-related and administrative work is always necessary, a balance must be struck that permits commanding officers time for professional development. It should not be seen as a dereliction of duty if a company commander is found reading, for example, a book on Soviet military thought. I feel a strong policy statement to this effect may be needed in the Marine Corps. A specific program designed to free a troop commander's time for additional study of the potential battlefield, plus a system of providing more and better information on the capabilities and practices of the potential opponent, might also be desirable. We cannot permit peacetime personnel-related and administrative practices to absorb all of a troop commander's time, thus leaving him unprepared for combat.

In summary, it is clear that the Commandant's policies on manpower are working well. Both the statistics and the comments of troop commanders from the 2d Marine Division make it clear that the trends are in the right direction. The Commandant is deserving of the full support of the Congress, both for his efforts and for his success.

I would like to extend my sincere personal thanks to the officers and men of the 2d Marine Division for their time and their hospitality for my staff assistant. I would especially like to thank Gen. W. G. Joslyn, Commanding General, 2d Marine Division; Col. H. D. Glasgow, Commanding Officer, 6th Marine Regiment; Major Griggs, escorting officer

from 2d Marine Division; and the officers of the 6th Marine Regiment, particularly the escort officer from the 6th Marine Regiment, Lieutenant Culver.

OTTO KERNER: A FINAL TRIBUTE

Mr. PERCY. Mr. President, last week both family and friends of the late Otto Kerner gathered at Arlington National Cemetery to pay their last respects to the former Illinois Governor.

The service was a fitting tribute to a man who had served his country and his State as a distinguished military officer and public servant.

The service underscored the fact that throughout his life Otto Kerner was a public man. His father served as Attorney General of Illinois and as a judge on the U.S. Court of Appeals. Like his father, Otto Kerner chose a career in law and went on to serve as a Cook County judge and a U.S. attorney.

Otto Kerner is best remembered for his service as Governor of Illinois. As chief executive of Illinois, he was a champion of equality and compassion for all citizens. He gained national prominence as Chairman of the National Advisory Committee on Civil Disorders. The committee's report, commonly referred to as the Kerner report, placed much of the blame for civil disorders in our cities on longstanding discrimination.

There was an overwhelming element of tragedy in Otto Kerner's life. The great contributions of his public career were marred by a mistake in judgment.

As the former Governor himself said, a person's reputation is more valuable than life itelf. To the end Otto Kerner fought to clear his name.

Our society seeks to apply the principles of law and justice without regard to power or position. Otto Kerner was committed to those principles and sought throughout his ordeal to act within their bounds.

It is my earnest hope that Otto Kerner will always be remembered for his good deeds. Many of his accomplishments as Governor of Illinois, such as his efforts on behalf of the mentally ill, are the most appropriate monuments to his career. I know many Illinoisans join me in the hope that Otto Kerner's outstanding contributions to his fellow citizens will be the keystone of his public memory.

We join also in extending our deepest sympathy to his family. Above all else, it is love of family that fills our lives with joy and sustains us in times of trouble. Otto Kerner was a devoted son, husband, and father who shared abundant joy and sustenance with those he held most dear. I was gratified to hear directly from Otto Kerner shortly before his passing that he had derived comfort from the devotion and faith of his mother, daughter, son, other family members and friends.

ANNOUNCEMENT OF POSITION ON VOTES

Mr. STEVENS. Mr. President, because of longstanding commitments which required my presence in Alaska this past weekend, I was not able to attend the sessions of the Senate on Thursday and Friday of last week and Monday of this week. I would like the RECORD to indicate how I would have voted had I been here:

MILITARY CONSTRUCTION AUTHORIZATION

Rollcall No. 182, Tower amendment to military construction bill, "nay."

Rollcall No. 183, military construction authorization bill (H.R. 12384), "yea."

MILITARY PROCUREMENT AUTHORIZATIONS

Rollcall No. 184, McGovern amendment to bar use of funds for B-1, "nay."

Rollcall No. 185, Culver amendment to delay funds for B-1, "nay."

Rollcall No. 186, Dole amendment on reserve manpower ceiling, "yea."

CHILD CARE AND SOCIAL SERVICES

Rollcall No. 187, Curtis amendment deleting added funding, "nay."

Rollcall No. 188, child care and social services bill, final passage H.R. 12455, "yea."

SPRINGER NOMINATION

Rollcall No. 189, nomination of William Springer to Federal Election Commission, "yea."

BYINGTON NOMINATION

Rollcall No. 190, nomination of S. John Byington to Consumer Product Safety Commission, "yea."

FINDINGS OF THE UNIVERSITY OF KENTUCKY TOBACCO AND HEALTH RESEARCH INSTITUTE

Mr. HUDDLESTON. Mr. President, on tomorrow, May 27, the Subcommittee on Public Health of the Committee on Labor and Public Welfare will resume its hearings on S. 2902 introduced by the Senator from Colorado (Mr. HART) and the Senator from Massachusetts (Mr. KENNEDY). As I see it, the bill has no virtue. Congress by legislative fiat would decide a highly complex scientific riddle and scientists would be freed to go on to spending Government funds to resolve the very question Congress will have already answered—namely, that cigarettes cause disease.

The smoking and health controversy is centuries old and today millions are being spent in research by Government and industry to get real answers, as distinguished from conjectures. My own State of Kentucky supports a tobacco research program which has the respect and regard of the entire scientific community. The areas of research into the smoking and health controversy are too numerous almost for comprehension. However, in the May 24 issue of the Louisville Courier Journal there is an article outlining some of the avenues being explored by the University of Kentucky Tobacco and Health Research Institute.

I ask unanimous consent that this article be printed in the RECORD. Its contents are quite appropriate to controvene the unscientific presumptions on which S. 2902 is predicated.

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

RESEARCH SUGGESTS SMOKING MAY POSE HAZARD TO ONLY A FEW

(By Phil Norman)

Researchers at the University of Kentucky have found evidence suggesting that cigarettes pose a major health hazard for only a relatively small number of "high risk" smokers.

And the researchers are experimenting with a new blood test that might identify "high risk" smokers, who could be warned of their vulnerability to lung cancer and possible other diseases associated with smoking.

Recent tests on hundreds of individuals have tended to support the "high risk" theory, Dr. John J. Hutton, a UK medical professor who is conducting the experiments under a grant from the UK Tobacco and Health Research Institute, said in a recent interview.

The theory is being pursued, also, by other research groups across the country, Hutton said. He said the combined effort could lead to conclusive findings within two or three years.

Hutton said the researchers already have found important differences in individual reactions to cigarette smoke.

He explained that the body produces enzymes that break up harmful chemicals in the smoke. But, he said, the process tends to create new and even more dangerous chemicals, including some associated with lung cancer.

By performing smoke tests on certain blood cells, Hutton said, his group has found a "wide variation" in the rate at which the potentially harmful chemicals are produced in healthy individuals.

A high-risk smoker would be one who produces large amounts of the dangerous chemicals. If such an individual smoked one pack of cigarettes a day, Hutton explained, he might be "the equivalent of a five-pack-a-day smoker."

More sophisticated studies are needed to "sew up" the apparent connection between the smoke-related chemicals and the incidence of lung cancer, Hutton said.

Still, his are among the most tangible and optimistic findings to emerge from tobacco-and-health research in Kentucky.

Since its founding in 1970, the institute at UK has administered most of that research. Through last month, the institute had received a total of $17.9 million from a special tax of one-half cent on each pack of cigarettes sold in the state.

In the simplest terms, the institute's job is to help get to the bottom of the health controversy that threatens the state's tobacco economy. About 140,000 Kentucky farmers have been receiving more than $400 million a year from burley tobacco, a major ingredient in cigarettes.

The job of identifying and removing any harmful elements in cigarettes is turning out to be immensely complicated, however.

Researchers point out that a cigarette contains about 1,000 chemical substances, which are turned into about 5,000 compounds in the form of smoke, which undergoes still more chemical change in the body. To further obscure the problem, many of the chemicals can be found somewhere else in the environment.

Laboratory research has shown that cigarette smoke does contain groups of

chemicals identified with lung cancer or associated to some degree with heart and other disorders. Yet, it remains to be clinically demonstrated that any substance in the smoke actually causes a specific disease in humans.

Because the problem is so poorly defined, the institute has been unable to concentrate on any single line of research, according to its director, Dr. John P. Wyatt. Rather, it has awarded grants for scores of highly specialized projects, whose very definitions represent a linguistic puzzle to most agricultural leaders trying to keep track of the institute's progress.

Many of the projects are suggested by individual researchers, scientists at UK and the University of Louisville, who are trying to fill gaps in work being done in other parts of the country.

Under its latest budget, the institute is supporting 46 projects, including a continuation of Hutton's "high risk" experiments. (The "high risk" project is receiving $65,944 one of the larger grants in the budget.) In addition, the institute provides many research-support services, which will be concentrated in a $4 million center being built by the institute on the UK campus.

The slow pace of the work has been frustrating to the state's agricultural interests and to UK plant geneticists who hope to develop safer strains of burley.

G. W. Stokes, associate dean of the UK College of Agriculture, said that UK researchers have been able to change the chemistry of burley. But he said they will be "shooting in the dark" until they are given more specific information on what to "breed out" of the plants.

One of the UK researchers, Dr. Glenn B. Collins, said that dramatic reductions have been made in the nicotine levels of experimental burley plants. But he said the latest trend is toward the development of plants with relatively high nicotine and low tar levels.

Collins said that cigarette companies could use their own technology to further reduce the tars while retaining adequate levels of nicotine. The current thinking of some scientists is that people tend to smoke more cigarettes when nicotine levels are too low.

UK researchers are in the early stages of the effort to reduce tars, which have been associated more closely with the health problem than has nicotine. They are moving also toward the reduction of nitrogen, thought to be a key element in the health puzzle, and some other suspect chemicals in tobacco plants.

Despite the handicaps, researchers seem to agree, gradual progress is being made in the drive for a safer cigarette. In a recent report on the institute's work, Wyatt listed these and other promising research projects:

An effort to develop the chemistry for a highly selective, chemically active cigarette filter.

This innovation is ready for a costly development process at the manufacturing level, according to Dr. George A. Digenis, who heads the project. But he said no company has picked up the idea.

Digenis said the research has demonstrated a way to remove selected combinations of harmful chemicals from cigarettes. Currently, he said, the researchers are working on the possibility of adding flavor to cigarettes as part of the filtration process.

Cigarette "puff profiles" compiled at U of L by Dr. William Anderson. One of the findings was that the harder a smoker puffs on a cigarette, the more carbon monoxide he takes into his blood stream. Researchers say this process could be harmful over a long period.

Efforts being made at U of L to determine the effects of smoking on human cells that act to immunize the body against disease.

Cancer research by several investigators, including Dr. Katherine Sydnor at UK. One of her experiments has shown that certain tumor-producing agents in cigarette tars "can be identified and, in the interest of a safer cigarette, removed," according to Wyatt.

Work being done with UK's "isolated lung" system, which utilizes mechanically operated animal lung to study the effects of cigarette smoke on that part of the body.

SENATE RESOLUTION 68, TO AMEND RULE XVIII

Mr. BENTSEN. Mr. President, I would like to take this opportunity to comment upon the discussion which has developed over Senate Resolution 68, the resolution to amend rule XVIII recently reported by the Rules Committee. The resolution has been criticized as an attempt to provide the Senate with a "gag rule." As a principal sponsor of the original resolution, I can state most unequivocably that it is not.

Early during the first session of this 94th Congress, our distinguished colleague and my good friend from Rhode Island, Senator PASTORE, seven other cosponsors, and I introduced Senate Resolution 68. At that time, Senator PASTORE, who I know has long been deeply concerned about this problem, and I said that too often the Senate finds itself embroiled in issues, to quote Shakespeare, "full of sound and fury and signifying nothing." Nongermane amendments are debated heatedly for days, delaying the Senate, and then summarily dismissed in conference with the House of Representatives because of its rules for dealing with nongermaneness.

Mr. President, we know, too, that particularly during the close of a session, a mad rush ensues to find seemingly any legislative vehicle for amending, irrespective of whether the bill and the amendment bear any relationship whatsoever. I want to cut back on these Christmas Tree amendments that clutter up too much Senate legislation. I believe many would agree that this practice is often sheer demagoguery and political posturing that does nothing but delay the business of the Senate.

We therefore proposed a rules change which would permit the Senate, upon a two-thirds majority vote, to require that all amendments subsequently considered be to the point of the business at hand. In introducing our resolution, we said that we considered the matter important enough to ask the Rules Committee to examine it, and we welcome its thoughts and the improvements its members might wish to make. The committee has acknowledged our request, amended the resolution, and now reported it to the full Senate for its consideration.

The resolution we propose would amend rule XVIII to permit consideration of a motion to limit further debate on a bill or resolution only to those amendments germane to that legislation, unless the amendment were offered by the committee reporting the bill.

I would emphasize, however, that germaneness would be required only when two-thirds of those Members present and voting so approved. That two-third's requirement has been the test for obtaining cloture under rule XXII for most of its history in this body, and I do not have to remind my colleagues how difficult it has been to obtain. Our proposal would not restrict any Senator's right to debate an issue but would merely allow a two-thirds majority of the Senate to insist following its adoption, that subsequent amendments be germane to the pending business.

Once the germaneness requirement were invoked, Mr. President, no limitation would be imposed upon the number of amendments which could then be introduced, considered, and passed. The Senate would only have agreed that their content be germane to the business at hand.

Just last year, we were embroiled for many long weeks in a most important debate on how we might more properly limit the ability of a minority to prevent the Senate from completing action upon a matter before us. Proponents of that change, of which I was one, argued that the Senate must have the ability to deal effectively with the problems before it and the means for bringing those often difficult matters to a resolution through a vote. The American people had the right to expect that we were more than a debating society.

The dilemma, of course, was balancing the need to protect the right of a minority to express its reservations about a given measure, a right which this body has always cherished, with that other need to have an issue brought to a vote and resolved. A judicious compromise honoring both those needs was found, and I believe the change we propose to rule XVIII provides for a similar balancing. A Member would have the right to propose any amendment and have it debated, but our proposed rules change would permit the Senate to decide that it must stick to the business at hand, once a two-thirds majority had so decided.

Germaneness is already required in certain situations. Under paragraph 4 of rule XVI, amendments to general appropriations bills must be germane. When cloture is invoked under rule XXII, amendments must be germane. Under some unanimous-consent agreements, amendments must be germane.

In short, we are proposing a modification of rule XVIII to permit a Member to file a motion to limit subsequent debate only to amendments which are germane to the matter before the Senate. Such limitation would be imposed, however, only when two thirds of the Senate has so agreed. I believe that to be a responsible reform which will help this body to be more effective and which has adequate assurance to prevent its abuse. I am hopeful that the Senate will concur.

LOW RISK LEVEL IN NUCLEAR OPERATIONS

Mr. BAKER. Mr. President, along with a myriad of Presidential primaries which will culminate in California on June 8, will be a referendum on whether or not to continue nuclear power development in that State. The issue is couched in terms relating to the "safety of nuclear

power," rather than in the traditional nuclear-anti-nuclear schemata.

A number of conscientiously concerned citizens are questioning the likelihood or unlikelihood of a major nuclear accident. Perhaps, the surest indication of what the American record has been, and is likely to continue to be, is a report recently released by America's insurance industry. These are the people and the companies who would bear the brunt of financial liability if massive economic or personal harm were to occur.

Forbes magazine in its June 1 issue references the latest report of the nuclear insurance industry and summarizes the success the insurance industry has had in this area. Mr. President, in order that the public might be more fully informed regarding the low level of risks that accompany nuclear operations, I ask unanimous consent that the Forbes article be printed in the RECORD.

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

INSURANCE EXPERIENCE INDICATES THAT NUCLEAR IS ONE OF THE SAFEST INDUSTRIES ON EARTH

California voters will say yes or no to nuclear energy June 8. The proposition they're voting on was drafted by the antinuclear forces with a certain amount of cynicism. It does not ask the voters whether they do or do not want nuclear power. It asks them, among other things, to require the power companies to assume unlimited liability for their plants. Unlimited? Why, yes. Suppose a whole city went up in a mushroom cloud?

The idea is ridiculous, of course. The odds of an accident involving even 100 fatalities are about one in every 1 million plant-years. But the proposition has a reasonable sound to it: If the utilities are so sure, why don't they buy unlimited insurance?

The answer, of course, is that there is no such thing as "unlimited" insurance. What the "antinukes" really want is to outlaw nuclear power plants in California—only they lack the courage and the confidence to put such a proposition on the ballot.

The whole argument on the need for "unlimited" insurance ignores the experience of the insurance industry itself, which shows that nuclear energy has been a very safe bet.

Property and casualty insurers have had underwriting losses on just about every other line of business they're in the past few years. In nuclear energy—by sharp contrast—they have made nice profits for 20 years, collecting over seven times as much in premiums as they've paid out in claims. The Government also sells insurance to some nuclear facilities, and has never had to pay a penny.

Nuclear business has proved so good, in fact, that insurance companies are looking to expand in it. "Nuclear facilities and their suppliers have had exceptionally good experience," says Warren Levy of the Insurance Information Institute. "No one ever has been injured because of a nuclear accident at a power plant and only a few isolated incidents have occurred among suppliers."

The numbers look like this. On the liability side, insurance companies have collected $74 million in premiums since Congress authorized nuclear power plants in 1954. They have paid out only $570,562 in claims and claim expenses. On the property side, where the companies provide "all risk" insurance (insuring the nuclear facility for everything, not just nuclear-related losses), the companies have collected $117 million and paid out under $26 million.

The difference between premium income and loss expenses isn't all profit. The companies maintain nuclear engineering staffs to inspect facilities, and they have sales and administrative expenses. But so much of it is pure gravy that almost ten years ago the companies began thinking up ways to reduce premiums without actually cutting rates.

On the liability side, they started a premium refund program. Seventy percent of the premiums collected in any given year are held in a reserve for losses. Ten years later some percentage of that reserve is refunded, depending on loss experience. Last year the entire 70%, or $1.5 million of the total collected in 1965, went back to customers. In total, the companies have refunded about $8 million. In addition, last year the companies did reduce rates 20% on liability insurance over $100 million.

On the property side of the business, insurance companies have developed a more extensive rate reduction program. Each year they determine on the basis of the previous 20 years' loss experience a "rate modification factor." In 1972, the first year of the program, rates were reduced by 7.7%. In 1975 they were cut 24.1%. This year they will be reduced 29.5%.

COMING AROUND SLOWLY

It is true that insurance companies have not always been eager to be involved. "It used to be almost a patriotic gesture," says Burt Proom, general manager of NEL-PIA, the stock companies' nuclear insurance pool. In 1957, when the need for insurance began to develop, no one knew how great the risk was.

The fact that there were no plants posed another problem. The idea of insurance, of course, is to collect premiums from the many to cover the losses of the few. But in 1957 there were only a few plants in the planning stages, so the insurance companies had to scratch hard to find a formula they could live with.

The companies did what they have done before in similar situation—as when they have to insure airplanes. They formed pools. Instead of spreading the risk among the insured, they spread it among themselves.

In 1957 the industry determined it could provide $60 million in liability insurance per plant and $60 million in property insurance, the most it had ever provided for a single risk.

Because Congress was encouraging private industry to develop nuclear energy, it decided by means of the Price-Anderson Act to sell utilities additional liability insurance to bring the total available up to $560 million, an arbitrary figure. And it limited the utilities' liability to that amount.

Since then the insurance industry has steadily increased the amount of insurance it provides—for both liability and property insurance. Today it provides $125 million in liability and $175 million in property insurance to customers. In the meantime, the Federal Government has reduced its share accordingly.

Whatever happens in California June 8—or in the courts thereafter—changes are coming to the nuclear insurance business. The Price-Anderson Act, which was due to expire in 1977, was extended last December and revised in such a manner that the Federal Government's role will slowly end. Beginning next year, in the event of a loss that exceeds the amount available from the pools, the utilities themselves will provide $2 million to $5 million per reactor in retrospective premiums. When the number of reactors increases to the point where available retrospective premiums combined with insurance available from the pools equals or exceeds $560 million, the Federal Government will be out entirely.

That the nuclear safety record has been so good is no guarantee, of course, that it will always be thus. But then neither is the safety record of the airlines or of fire protection guaranteed. Who is to say that ten fully 747s couldn't crash in a single day? Or San Francisco fall victim to another earthquake? Insurance, after all, is meant to protect against the probable, not against the theoretically possible.

MORE THOUGHTS ON SPENDING REFORM

Mr. MUSKIE. Mr. President, in the May 22 issue of the Nation, Richard Leone, State treasurer of New Jersey, has presented a thoughtful argument in support of the so-called "sunset" bill which was approved by the Subcommittee on Intergovernmental Relations on May 13 and is now pending before the full Government Operations Committee.

Earlier this spring, Treasurer Leone testified before the subcommittee on this legislation—S. 2925, the Government Economy and Spending Reform Act of 1976—introduced by Senators ROTH, GLENN, BELLMON, and myself. His testimony at that time was most persuasive and so I am delighted to have the benefit of his additional insights on the "sunset" concept and on zero base budgeting, as presented in the Nation article.

Because of Mr. Leone's direct experience with zero base budgeting, and because of the large number of cosponsors S. 2925 now has in the Senate, I would like to share Mr. Leone's thoughts on this subject with my colleagues today. In patricular, I would like to call attention to two observations which I find especially interesting.

First, Mr. Leone notes that the zero base approach tends to reveal just what the constituency is for every program. This is important in the democratic system. Programs ought to have a constituency or they are probably not worth continuing. There is probably nothing better than the discussion of total dismantling as a short cut to finding out who supports a program, how much importance they place on its continuance, and what those people have in terms of alternatives.

A second advantage of the zero base approach, notes Mr. Leone, is that it "allows policymakers to deal more effectively with the question of equity in spending public tax dollars. We frequently look at equity in terms of how money is raised—that is, who pays how much. But there are also arguments of equity in terms of how the money is spent. In New Jersey, for example, it costs us about $500 in State money to provide the rail subsidy for each rail commuter. Few of the latter group think of themselves as equivalent to 'people on welfare' but they cost us about as much. (Zero base) analysis makes it easier to determine who gets hurt and who gets helped by budget decisions."

S. 2925 does not require the implementation of zero base budgeting per se, as it was adopted in New Jersey's budgeting process. The bill does require, however, that the executive branch and the Congress review the consequences of eliminating individual programs and activities, as well as of funding them at below current levels, and so I think that Mr. Leone's comments are quite relevant to the upcoming debate on this legislation.

I ask unanimous consent that

Treasurer Leone's article, entitled "How to Ride Herd on the Budget," be printed in the RECORD.

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

THE "SUNSET PROPOSAL"—HOW TO RIDE HERD ON THE BUDGET

(By Richard C. Leone)

TRENTON.—Until recently, progressives viewed Congress as the enemy of change. Much was made of the "stranglehold" of ancient conservative committee chairmen and of the coalition between Republicans and Southern Democrats. The Congress proceeded slowly, if at all, and opportunities to delay or kill a program far outweighed the prospects for enactment. A liberal like Joseph Clark, then a Senator, called the national legislature "the sapless branch."

But for more than a decade now, the progressives have been dominant in Congress. Sometimes in partnership with the executive, but now more often against Presidential wishes, the Congress has been enacting and funding hundreds of progressive domestic programs. They have set before the people and the state and local governments, a $60 billion smorgasbord of grants-in-aid and related programs—up from $12 billion for this portion of the budget in 1966.

Much of what has been done has had a good effect; nearly all of it is well intentioned. But with power, sooner or later comes accountability, and these liberal successes have now spawned doubts, even among liberals, about the wisdom of all this spending.

A good many people who not long ago would have opposed anything that made it easier to kill a program in Congress, have come to believe that we should take a fresh look at the more than 1,500 domestic spending programs, and find new ways to evaluate the defense and foreign affairs portion of the budget.

A symbol of this changing attitude is a bill now before the Congress, sponsored by Sen. Edmund Muskie (D., Maine) and supported by members of both parties, the so-called "Sunset Proposal." (The name originated with a proposal backed by Common Cause in Colorado.)

In effect, the bill would create new Congressional opportunities to kill programs, and it would also subject programs to close review and critique from within the government itself. The essence of the proposal is that nearly all federal programs should expire after four years, unless re-enacted by the Congress after thorough consideration by both the executive and the legislative branches. The bill also establishes a zero-base budgeting system for the federal government, similar to that currently in use in several states, including New Jersey.

The notion is that all federal programs, with the exception of some of the mandated expenditures, would be grouped into four categories:

(1) National Defense, International Affairs, General Sciences and Law Enforcement and Justice.

(2) Agriculture, Commerce and Transportation, Community and Regional Development, all Education, Public Assistance and other income supplements (public housing only).

(3) National Resources, Environment, and Energy, Health, Income Security (except public housing), and Veterans' Benefits and Services.

(4) Training and employment, other labor services, Social Services, General Government and Revenue Sharing and General Purpose Fiscal Assistance.

Each year, the spending authority for programs in one of the categories would expire, unless individually re-enacted after the review process. During the year preceding scheduled expiration the programs would be analyzed by the Office of Management and Budget, the Congressional Budget Office, and the General Accounting Office.

There is little doubt that the major public debate of the next decade will focus on seeking a solution to the increasing costs of government programs, given the limits of available resources. These limits may soon become "real" in economic terms; perhaps even more important, they are already apparent in political terms. It is evident that, whatever the real economic constraints on government spending, we are at or very near the limit of the public's will to see a larger and larger share of national income spent in the public sector.

The Democratic Governors, who are getting so much attention for espousing this view, have not all abandoned liberal principles, nor have they given up the fight to reverse the trends of decay and urban blight in their cities. What they have been forced to do is recognize that there are limits to what their governments can do about these problems. This recognition, sooner or later, will have to come also at the federal level.

I draw a distinction between those officeholders who perceive their jobs—and popularity—as deriving from *asking* interesting questions about spending, rather than *answering* such questions. Governing, as I understand it, involves meeting problems—but given the inevitable limits on time and resources (financial and political) it also involves choosing among both competing demands for action and alternative responses to problems. And, already short of money, many urban governors and mayors understand, as Hugh Carey puts it, that the days of wine and roses are over. In New Jersey, in 1975, Governor Byrne noted, "There has been, perhaps, a touch of mindlessness in the steady increase in public expenditures. A period of fasting may be a good thing for state government. . . ."

There is a need in such times to heighten the "tension" in the process by which federal programs are developed. The forced reexamination aspect of the Sunset bill does just that, and is a sensible antidote to the way we have had it in the last ten years. Zero-base budgeting may help as well.

From the standpoint of policy makers, the budget process must be judged ultimately by how well it helps them to evaluate and compare competing demands—and thus to make choices. In fact, given scarce resources, an effective process should appear to force choices. Too often these choices are masked by routine or are only vaguely perceived because of the sheer complexity of large public budgets.

The zero-base approach moves policy makers away from the traditional "incremental" approach to budgeting by requiring every agency, in effect, to construct its budget from 0 to 100 per cent or beyond of current appropriations. At least theoretically, Congress and the President will then be able to review options for each governmental activity at various spending levels.

This approach also tends to reveal just what the constituency is for every program. This is important in the democratic system. Programs ought to have a constituency or they are probably not worth continuing. There is probably nothing better than the discussion of total dismantlement as a short cut to finding out who supports a program, how much importance they place on its continuance, and what those people have in terms of alternatives.

The zero-base approach also allows policy makers to deal more effectively with the question of equity in spending public tax dollars. We frequently look at equity in terms of how money is raised—that is, who pays how much. But there are also arguments of equity in terms of how the money is spent.

In New Jersey, for example, it costs us about $500 in state money per Medicaid recipient. It also costs us about $500 in state money to provide the rail subsidy for each rail commuter. Few of the latter group think of themselves as equivalent to "people on welfare" but they cost us about as much. This type of analysis makes it easier to determine who gets hurt and who gets helped by budget decisions.

The zero-base approach is not without its disadvantages. It is hard to measure output in government, even harder to judge the value to society of output, and it is difficult to judge what you really buy at different levels of expenditures. Obviously, such an approach cannot be applied across the board to every governmental agency. Little will be accomplished by having the federal prison system prepare a zero budget, since it is not at present a realistic option to close prisons and release inmates. It may be an option, under severe fiscal pressures, to reduce particular programs within the prison system.

Despite the disadvantages, the zero-base approach probably is superior to other ways of cutting a budget—especially to "across the board" cuts of a given percentage, which assumes that, no matter how scarce the resources, every program maintains its same level of importance. Zero-base budgeting, indeed common sense, tells us that it is not so. Organizing a budget is not just an exercise in arithmetic. Some parts of a state budget, for example, pension payments, may grow at a mandated and very high rate. Others increase because of change in conditions or federal policy.

Whether the zero-base approach would succeed, should it be adopted by the federal government, is open to question. In New Jersey, it has had a measure of success because the state has a constitutional requirement to maintain a balanced budget and has faced two years of marginal revenue growth and rapidly growing needs, particularly in three areas: Medicaid, Public Assistance and educational support for local school districts. Ultimately, the need to meet a target for budget cuts was more of a force in weeding out unneeded spending than any procedural change in budgeting.

The federal analogy with this process cannot be exact because of the crucial role federal spending policies play in the national economy, but the requirements of the new Federal Budget Act may be one way for Congress to force itself to meet budget targets. Another way would be to require agencies which propose spending increases in some of their programs to suggest offsetting cuts in other programs they administer.

In the end, when dealing with scarce resources and marginal dollars, all you can do is try to look at how many people are going to be affected and to what extent. In doing so, you may reveal what the extra dollars mean.

There is no magic in any budgeting system. The zero-base approach is better than others but it cannot be a substitute, nor should it be, for the political process which determines budget outcomes. I suspect that as the competition for scarce public dollars intensifies, the purely "political" aspects of the process will become an even more important determinant of the way we spend public dollars.

The Sunset Proposal can force clear choices on the legislative and executive branches; it may help to stop the process of spreading money around, maintaining programs indefinitely and never facing up to the need to abandon failed activities.

There remains a nagging doubt, however, that because of the size and persistence of some of our social problems, it is unrealistic to test and perhaps abandon programs after three or four years. The political process tends to leaven attempts to concentrate resources and solve very deep human problems. Because of this tendency toward superficial and slow-moving programmatic activity, it may be that even after a few years'

experience with a program only a few of its options will have been tested. There is no reason why a good program analysis cannot point out that this is the case and urge the continuation of a program and perhaps concentration of resources.

Reassurance on this point is important if you believe, for example, that some of our key problems—education of the underprivileged, redevelopment of central cities, etc.—require a specially concentrated and tenacious approach.

But finally, one shouldn't worry much that programs will be judged too harshly or curtailed prematurely. There is no evidence that the present system is working to meet social problems efficiently, or even providing the kind of framework in which it will be more likely that decisions to deal with those problems will be made. Euthanasia for failed or failing programs may, in the long run, enable us to breed a set of federal responses to our most urgent human needs which have the strength and focus actually to make a difference.

THE 50TH ANNIVERSARY OF THE SYNAGOGUE COUNCIL OF AMERICA

Mr. PELL. Mr. President, I had the great good fortune of attending the ceremony which Vice President ROCKEFELLER addressed on May 23, 1976, in Newport, R.I., honoring the 50th anniversary of the Synagogue Council of America. The ceremony fittingly took place in beautiful Touro Synagogue, the oldest synagogue in the United States and long identified together with Rhode Island as a symbol of religious freedom. In fact, Rhode Island was founded in this tradition by Roger Williams and through the years since our State has lived up to it. Touro Synagogue was the recipient of a letter from George Washington in which he said, "To bigotry no sanction, to persecution no assistance."

Touro Synagogue, too, was the site where Vice President ROCKEFELLER delivered a very moving and excellent speech which touched the hearts of those who listened. I ask unanimous consent that it be printed in the RECORD.

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

TEXT OF REMARKS BY THE VICE PRESIDENT

Ambassador Linowitz, Senator Pell, Chairman Burns, Rabbi Lookstein, Rabbi Siegman, Rabbi Lewis, Rabbi Rabinowitz, I thank you for the privilege of allowing me to participate in this important gathering, which is one of the high points of the Bicentennial celebration. To stand in the simple beauty of this historic temple is to return to the very roots of our nation. Indeed, there was a Touro Synagogue before there was a United States of America.

And Jewish families lived and worshipped here in Rhode Island for over a century before the synagogue was completed. They chose Rhode Island with good reason—because the founders of this colony had guaranteed freedom of religion. Those early Jewish settlers made a decision shared by so many millions of immigrants of all faiths who arrived on these shores over the past two centuries. Their loyalty was to the new land, while, at the same time, they determined to remain firm in their religious beliefs.

Nowhere has our Nation's commitment to religious and personal liberty been voiced more eloquently than in the letter which George Washington wrote to the congregation of Touro Synagogue, "To bigotry no sanction," Washington proclaimed, "to persecution no assistance."

This freedom which our forefathers sought in the new world benefited both the people who found it and the land which extended it. For not only did the openness of American society offer opportunity for new life to the poor, the oppressed and the persecuted, but those who came here—and their children after them—gave new life to this Nation. As it says in the dreams of the Hebrew prophets, we have been enriched by the gathering of the exiles from all over the world.

The Jewish experience in America is a particularly vivid illustration of opportunity for the individual being translated into betterment for all. We could not subtract the Jewish contribution from American life, without impoverishing our science, our literature, our art, our commerce, our law, indeed, without vastly diminishing America. The Jewish contribution to the American experience is beyond calculation—and out of all proportion to the numbers of Jewish Americans involved.

Today, I would like to discuss the American moral heritage which created this environment for individual fulfillment which led in turn, to our nation's unmatched achievement. The spiritual and religious forces which inspired our founding fathers, shaped life in America from its very beginnings. These forces inspired the Declaration of Independence and the Constitution of the United States.

And, most important of all, these spiritual and religious forces have continued to shape the American character to this day, a character dominated by such qualities as respect for the dignity of the individual, kindness, generosity, neighborliness, equality of opportunity, equality before the law, a restless energy, a willingness to take risks, and faith, hope and love. The contributions of America to religious freedom are as monumental as its contributions to political liberty and to economic freedom.

Settled by people of many faiths—Church of England, Catholics, Presbyterians, Baptists, Jews, Huguenots, Quakers and many others, Americans through trial and experience developed not alone an understanding, but a mutual respect of one faith for another. And it is this framework of diversity within unity—of people of so many faiths—which has been the greatest source of America's strength and vitality.

Life for our forebears in early America was rugged. In this testing environment, there developed a belief not alone in individual rights but an equally firm conviction of individual responsibility. Survival depended upon individuals shouldering their responsibilities fully as much as asserting their ambitions and employing their energies in their own ways. The individual was held responsible for his actions. He was expected to contribute to the community.

In young America and in the struggling communities behind it, people's moral and religious assertions were judged by their performance. For his acts, the individual was deemed answerable to himself, to his God and to his community. He could take no refuge in blaming others or in blaming society for his actions. He expected to suffer the consequences of his own behavior. This is the unique essence of American life and character.

Today, the basic principles of America's founding and its growth—its dedication to human dignity and the spiritual nature of man, its trust in free individuals taking responsibility for their actions—are being seriously challenged. Totalitarian socialist societies have developed which ignore the concept of man as a spiritual human being. They repress personal liberty and they forbid religious freedom. They deny individual economic freedom.

In the present world, centrally-controlled, Marxist power is on the march throughout the world, supported by subversion, so-called wars of liberation and growing military power. Unfortunately, in this period, we have seen some striking failures of moral example both in public and private life here at home. This can be dangerous. Uncorrected, it can weaken the moral fiber of our society.

There is a growing tendency in our times to excuse immoral conduct because we think we understand the forces that produced it. One suspects there is a connection between this kind of thinking and the movement away from the basic American tenet of individual responsibility for one's life and actions.

Every society in the history of man has had its strengths and its weaknesses. But no society can endure for long by allowing criminals to escape the penalty for their crimes by reference to some vague theory or concept of a collective guilt, or personal stress, or because it is alleged that "everyone does it."

It is time for all of us, as individual American citizens, each in the discharge of our several responsibilities, to reaffirm the basic concepts that a man's moral and religious assertions are judged by his performance, that he is answerable for his acts to himself, to his God and to his community. For only in this way are we going to preserve our free society, its values, its opportunities, its blessings. Each of us, as an individual American must return to the basic concepts of individual responsibility for our own acts upon which this society was founded.

Your faith, the teachings of Judaism, is based on a moral vision of mankind—on a reverence for individual uniqueness and individual dignity. Judaism teaches, too, that individual dignity and freedom must be accompanied by an acceptance of moral responsibility on the part of the individual. These convictions are so much in keeping with the moral philosophy of our Nation's founding fathers that it is hardly surprising that Jewish Americans have made such an enormous contribution to America's emergence as the greatest, freest Nation on Earth.

America is grateful for your spiritual heritage and for those priceless contributions which you have made through two centuries of American nationhood. What those who worshipped here in Touro Synagogue heard in 1776, what all Americans heard in that fateful year still rings with relevance today.

The men of the Revolution declared their commitment to human dignity in these unforgettable words: "With a firm reliance on the Protection of divine Providence we mutually pledge to each other our lives, our fortunes and our sacred honor." Dare we do less today? I think not.

THE PUZZLES OF THE 1976 CAMPAIGN

Mr. PERCY. Mr. President, the current races for the Presidential nominations in both the Republican and Democratic Parties underscore the wisdom of the observation made nearly 30 years ago by Winston Churchill in a speech to Parliament:

> Many forms of government have been tried, and will be tried in this world of sin and woe . . . no one pretends that democracy is perfect or all-wise. Indeed, it has been said that democracy is the worst form of government, except all those other forms that have been tried from time to time.

The 1976 primaries have fielded an unprecedented number of Presidential can-

didates. Almost weekly there have been surprises and upsets as candidates alternately switch positions as front runners and underdogs. Because the races for the Presidential nomination in both parties will probably not be decided until the national conventions this summer, we can look forward to even more unpredictable developments in the primaries and State conventions that remain.

The mood of the national electorate is especially hard to read this year. In fact, the so-called anti-Washington mood that seems to be so strong this year appears to be an antiprediction mood as well. The voters are telling the politicians and the pundits that all bets are off.

Another phenomenon marks this election campaign. Both parties seem to be in a contest to see who can lose the election. On the Republican side, the debate over various foreign and domestic policies is providing ammunition for use by the opposition in the general election campaign. And on the Democratic side, party skepticism about the front runner has certainly planted doubts in the public's mind.

In spite of this strange twist on the art of campaigning, the fact remains that in the end the system will serve us well. As Churchill remarked, the system may not be perfect or all-wise, but it works far better than any other system that has been tried.

James Reston captured the trend in the current campaign in an article headlined "How To Lose the Election," which appeared in the May 23 edition of the New York Times. I ask unanimous consent that the article be printed in the RECORD.

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

HOW TO LOSE THE ELECTION

(By James Reston)

PRINCETON, N.J., May 22.—The Presidential campaign seems to be turning into a test of which party has the best formula for losing the election, and on this negative proposition, the Republicans are ahead, but not by much.

Their problem of how to divide the G.O.P. and minimize their chances of winning was not easy. They were weak in the Congress and the state governments, but they had the Presidency, a rising economy, and peace—not a bad foundation.

No young Republicans had appeared to challenge the conservative policy of the party. All middle-aged doubters like Senator Mack Mathias of Maryland, and old progressives like Nelson Rockefeller, had been discarded, leaving President Ford and Governor Reagan, two men in their 60's, who agree on most things except ambition.

Mr. Reagan's strategy has been to challenge the only strengths the Republicans have left. He has attacked the President, questioned the peace and the recovering economy, and raised issues about Mr. Ford's defense budget and Panama policy. This has unified Mr. Rockefeller and Barry Goldwater, of all people, against him. Nobody since George McGovern in 1972 has come up with a better plan for helping the opposition.

The Democrats have not quite been able to match this suicidal strategy, but they're trying and may even be catching up. They are, they say, the innovators in American political life, the party of reform that has dominated our politics for most of the last fifty years, and the party of the young that welcomes new ideas and candidates.

This election campaign supports at least part of their claim. Out of the state capitals and the Congress, where they have large majorities, they have come up with new men, even if most of them are spouting old conservative Republican ideas.

It is a bewildering Democratic cast of characters, running from George Wallace and Lloyd Bentsen, through Fritz Mondale, Birch Bayh, Frank Church, Jerry Brown, then Scoop Jackson, to Mo Udall, Hubert Humphrey and old-time populists like Fred Harris and dreaming poets like Gene McCarthy on the left, with the accidents of life like Teddy Kennedy on the side. All this is confusing, but the Democrats are at least alive and diverse, and kicking for change.

So much so that they don't quite know what to do with it, and like the Republicans, they could blow their chances. Jimmy Carter has knocked the political and labor elders of the Democratic Party off balance. He has swept most of the primaries. He gives promise to restoring the South to the party, and by his moralistic and even religious approach to politics cuts across the Republican hope of creating a "new silent majority" in the North, but something about him holds the Democratic leaders back.

They say they want something new, but complain that the "new" is not familiar. Carter has entered more primaries, fought more state battles, visited more newspaper and network offices, answered more questions, and been more specific than Ford, Reagan and most of his Democratic opponents, but still he lost in Maryland to Jerry Brown, who is the fuzziest newcomer.

The next few weeks until the end of the California primary in early June are not likely to resolve the dilemmas of either party. Most of the state tests are in the West, where Messrs. Ford and Carter are at a geographical disadvantage against their opponents, so in the end nobody may have a decisive majority and the issue will have to be settled after all in private talks for the uncommitted delegates.

In the Republican Party, most of the uncommitteds will probably go to the President, with the support of both Goldwater and Rockefeller, on the ground that the Presidency, peace, and the rising economy are their best hope for victory in November.

In the Democratic Party, the issue will be more complicated. For the Democratic power centers really favor a Humphrey-Carter ticket in the belief that Humphrey would be a better President and could hold the North, while Carter as the Vice-Presidential nominee could hold at least part of the South and cut across Republican strength in the "Bible Belt" of the Middle West.

Mr. Ford and Mr. Carter, however, are still likely to take it all, even if they lose some of the primaries in the next few weeks. Both parties need them and their supporters, if they are not to throw away the election.

For the moment it is not clear how either party can unify itself and win, but it is fairly clear how both could split apart and lose. Reagan and Ford are cutting one another up and providing the Democrats with yards of TV film that can be used against them in the autumn.

Meanwhile the more Carter wins, the more the old Democratic "regulars" try to stop him and replace him with the old guard. Maybe they'll all close ranks after the conventions, but by then, Ford, Reagan, Carter, Brown and Humphrey are all likely to look a little weak and tarnished. It's a funny way to "win" an election, but both sides almost seem determined to throw it all away.

TEMPE, ARIZ., URGED AS LOCATION FOR SOLAR ENERGY RESEARCH

Mr. GOLDWATER. Mr. President, a very few areas in this country have the necessary prerequisite to serve as the Nation's solar energy research center. By this I mean areas that have almost maximum uninterrupted sunshine and are located near excellent research facilities of an academic nature

One such location is in Tempe, Ariz., which is situated in close proximity to the Arizona State Univerity and its excellent research facilities. Because of this, the City Council of Mesa, Ariz., has adopted a resolution urging the Arizona congressional delegation to take all possible action to assure approval of the Tempe location. I ask unanimous consent to have this resolution printed in the RECORD.

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

RESOLUTION NO. 4068

A resolution of the City Council of the city of Mesa, Maricopa County, Arizona, endorsing the site in Tempe for the Solar Energy Research Center

Be it resolved by the City Council of the city of Mesa, Maricopa County, Arizona, as follows:

Section 1: That the City Council of the City of Mesa does hereby approve and endorse the site in Tempe proposed by the State of Arizona for the national solar energy research center; that this site is ideally situated by being in close proximity to Arizona State University with its excellent research facilities, and with the capability of providing such additional research facilities and research manpower as may be necessary, and because it is in an area which receives the nearly maximum uninterrupted solar energy.

Section 2: That the City Council of the City of Mesa does further hereby urge our Congressional delegation and the Legislature of the State of Arizona to take all possible action to assure that a solar energy research center will be located in this area.

Section 3: That copies of this resolution be furnished to the Congressional delegation and to members of the State Senate and House of Representatives.

Passed and adopted by the Mayor and City Council of the City of Mesa, Maricopa County, Arizona, this 17th day of May, 1976.

QUORUM CALL

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

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

The assistant legislative clerk proceeded to call the roll.

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

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

PRIVILEGE OF THE FLOOR—H.R. 12438

Mr. LEAHY. Mr. President, I ask unanimous consent that Douglas Racine of my staff be accorded the privilege of the floor during the debate and voting on the military procurement bill today.

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

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

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

The assistant legislative clerk proceeded to call the roll.

Mr. ROBERT C. BYRD. Mr. President,

I ask unanimous consent that the order for the quorum call be rescinded.

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

RECESS UNTIL 9:30 A.M.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the Senate stand in recess until the hour of 9:30 a.m. today.

There being no objection, the Senate, at 9:17 a.m., recessed until 9:30 a.m., whereupon the Senate reassembled when called to order by the Acting President pro tempore (Mr. METCALF).

DEPARTMENT OF DEFENSE APPROPRIATIONS AUTHORIZATION ACT, 1977

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will now proceed to the 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 ACTING PRESIDENT pro tempore. The pending amendment is No. 1662, proposed by the Senator from Colorado (Mr. GARY HART), on which there is not to exceed 30 minutes of debate, to be equally divided between and controlled by the Senator from Colorado (Mr. GARY HART) and the Senator from Mississippi (Mr. STENNIS).

The yeas and nays have been ordered on this amendment.

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

Mr. GARY HART. I yield.

Mr. GOLDWATER. Mr. President, I ask that Mr. Old, of my staff, have the privilege of the floor.

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

Mr. GARY HART. Mr. President, I ask unanimous consent that Peter Gold and Thomas Moore, of my staff, have the privilege of the floor during the consideration of and the vote on this amendment.

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

Mr. TOWER. Mr. President, I ask unanimous consent that Will Hall, of my staff, have the privilege of the floor during the consideration of and vote on this amendment.

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

How much time does the Senator yield?

Mr. GARY HART. The Senator from Colorado yields himself as much time as he may need under the order.

Mr. President, a parliamentary inquiry.

The ACTING PRESIDENT pro tempore. The Senator will state it.

Mr. GARY HART. Under the previous order, it is necessary actually to call up my amendment?

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

The assistant legislative clerk read as follows:

On page 15, line 4, strike out "$6,196,300,000" and insert in lieu thereof "$6,076,300,000".

Mr. GARY HART. Mr. President, the issue before us this morning is $120 million which the Committee on Armed Services has added to the military procurement bill by a vote of 9 to 6: Money that the Pentagon did not request and which the Air Force has said that it does not need. This $120 million is intended to purchase an additional 24 A-7D aircraft for the Air National Guard.

Mr. President, the record that was before the Committee on Armed Services clearly shows that the Defense Department does not want this airplane.

General Currie, testifying before the House Armed Services Committee, said that the purchase of this airplane will not in any way improve the quality of the aircraft available to the National Guard.

The fact is that this procurement of 24 additional aircraft, will only result in either breaking the budget ceiling of the Defense Department budget to which we have already agreed, or in cutting into the procurement of other necessary weapons systems, troop levels, or base commitments for construction.

The fact is that the purchase of these aircraft will not hasten in any way whatsoever the modernization of the Air National Guard. The Air Force already has a planned modernization program for the National Guard which, will completely replace the F-100 as the A-10's, F-15's, and F-16's become available for the regular force by 1979, the earliest A-7D's could become available for the National Guard.

The net effect of this amendment, frankly, is once more to use, in a classic way, the Defense procurement policies of this country as a public works project, to keep people working or to increase the workload of existing Defense contractors in particular States. The Air National Guard will not benefit from this program. They will get their modernized planes by fiscal 1979 and 1980 without this expenditure, and procuring these planes at an additional cost to the taxpayer of $120 million and with possible cuts in other important procurement policies—will not help the National Guard or anyone else, except the Defense contractors.

We will hear this morning that it has been the policy in the past for the Pentagon to slight the National Guard and to give them the tail end of every bit of equipment; and that the purpose of this proposal put forward by the Armed Services Committee really is to beef up the National Guard and to make them as important as they should be; but that is not the issue before us.

I do not think any of us would quarrel with the general policy of beefing up the National Guard, making them important, and preparing them to deal with the best equipment available in case they have to fill a gap in our national defenses in the future. That is not the issue this morning, even though I am sure it will be argued, as it was in the Armed Services Committee.

This issue is whether we are going to force upon the Defense Department $120 million worth of airplanes that they say they do not need and which will not hasten in any way the buildup in the capabilities of the National Guard.

Mr. President, I would like to quote for the benefit of my colleagues from a fact sheet that the Air Force has made available to the Armed Services Committee:

Additional A-7D's are not required by the Air Force.

That should be in the RECORD.

I would also like to point out the statement made by General Currie in which he detailed the effect of forcing the procurement of these additional 24 aircraft on the Defense Department.

Then what would we do with the very capable aircraft coming out of the Active Force that are being especially modified, the F-4's and A-7's that are going to go to the Reserves? Certainly we *would not* want to take our latest F-4D's and F-4E's and put them in the bone yard by having purchased A-7's for the Guard and Reserve.

In other words, if we go ahead with this procurement request by the Armed Services Committee, the net effect will be to make some very valuable airplanes that are being programed in a modernization program for the Guard obsolete, particularly the F-4D's. We do not need to do that.

The military experts in this area, have a modernization policy, and they have laid out that policy. We cannot affect that program except to give them some planes they do not want and say they do not need, at a cost to the taxpayer of $120 million. This expenditure is totally worthless and unnecessary.

General Currie said before the House Armed Services Committee:

But if the committee should, or the Congress should, provide A-7's to the Guard or Reserve by next year the committee should also take into account, the delivery time of those weapons system. Two years after we have an appropriations bill and are ready to go on contract, those aircraft would be available. So therefore we are talking in the order of 1979 before those aircraft would be available. By that time, should the rest of our procurement requests before the Congress come about in the area of A-10, F-15, and F-16, we would essentially have completed our modernization program for the fighter force in the Reserve. The F-100 would be out.

In other words the F-100's will be phased out before the first of these additional planes could become available.

I also point out that in a recent edition of Aviation Week and Space Technology, dated May 24, 1976, there is the following language:

Navy and USAF also have serious problems with the TF41 engine in the A-7, and the services have jointly agreed on some fixes to

try to solve them. Both are testing the engine by using partial engine cycling developed by USAF's Aeronautical Systems Div.

In an eight-month period in 1975, nine A-7s were lost, with the majority related to engine failures.

The fact is that the engine on this plane is having trouble. The fact is that the Pentagon and the Air Force do not want this plane. The fact is that it will in no way help modernize the Air National Guard, a policy with which I think we are all in agreement. The fact is that all we will accomplish will be to cut into the muscle of the defense budget with a request that is totally unnecessary, for the sole purpose of providing some jobs in public works projects for specific areas of this country. This is not the way for Congress to exercise its responsibility over defense contract procurement.

Mr. President, with that, I reserve the remainder of my time and yield the floor.

The ACTING PRESIDENT pro tempore. Who yields time?

Mr. TOWER. Mr. President, I ask unanimous consent that I may control the time in the absence of the distinguished chairman of the committee.

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

Mr. TOWER. Mr President, I think most Members of this body share an appreciation for the budgetary constraints that are imposed on each of the services in planning and allocating funds in the annual submission of the Defense budget. Each of us on the Committee on Armed Services is aware of the priorities on which that budget is based—priorities which generally afford just and fitting emphasis to the procurement of aircraft, weapons systems, and other equipment for the first-line units of our Active Forces. It has been my experience on the committee that on occasion, however, insufficient priority is given by DOD to the equipping of our Guard and Reserve Forces with the quality of equipment which ought to be provided—indeed, the type of equipment our men and women who serve in these units have the right to expect if they are to remain ready to perform their mission when called

Time and again, we are faced with evidence of Guard and Reserve units which are inadequately or improperly equipped, which are nonetheless unable to obtain a sufficient priority for their needs in order to have an adequate program approved up through the layers of budget analysts in the parent services, the Department of Defense, and the Office of Management and Budget

In the past, it has been Congress—not the services, not the Department of Defense, but Congress—who has recognized many of these neglected needs and responded with the support necessary to keep our Guard and Reserves equipped and maintained as they should be. I am sorry to report to my colleagues that this year is in several respects no different—no different at all.

In the proposed budget for the next fiscal year, the Department of Defense requested a cut of nearly 50 percent in the Naval Reserve personnel strength. Our committee, following the recommendations of its Subcommittee on Manpower and Personnel, so ably chaired by the Senator from Georgia, approved the addition of 27,500 personnel above the level requested in the budget in order to avoid what we considered a potentially serious degradation in the capabilities of our Naval Reserve Force. I add here that we were indeed pleased to note that some progress is being made this year in meeting our long-standing concern for having the Naval Reserve provided with additional ships of varying types.

The committee report contains language which further urges the Navy to transfer even more ships of certain types to its Reserve Forces.

Similar evidence of the low-budget priority assigned to Guard and Reserve programs may be found in the recommended reduction by half in required drills for units of the National Guard. In keeping with its support for increased reliance on the Guard and Reserve within the total Force, the committee disapproved this proposal, even though this action entails authorizing $15 million not requested in the President's budget.

The issue at hand addressed by this amendment is the adequacy of DOD's plans to provide for the modernization of the Air National Guard. Again, as has been the case in the past, it is my view that Congress must take an initiative where the Defense Department has failed to do so. The existing official modernization program carries with it a host of assumptions keyed to the simultaneous modernization and expansion of regular Air Force tactical air units.

That we are today reliant on 20-year-old, obsolete F-100's and outdated F-105's for over 70 percent of our Air National Guard tactical aircraft is itself a fact which raises serious questions as to the wisdom of our past priorities and the dedication of DOD analysts to the readiness of the Air Guard.

I point out to my colleagues that under the current DOD modernization plan for the Guard, the overall aircraft force level will decline by 56—roughtly three squadrons worth of aircraft—from that planned for next year to that projected for fiscal 1979. From fiscal 1977 to 1980, we will see an even further drawdown in aircraft strength by an additional 12. This plan, I would add, assumes no delay whatsoever in the delivery of 936 new aircraft planned for the Air Force between now and 1981—deliveries permitting the resultant hand-me-downs given to the Guard. Critically, if there is any slippage in projected delivery schedules—and if past experience is any gage, there indeed will be—and if foreign sales to Israel retard, as is likely, the transfer of F-4's to the Guard, the current Air Guard modernization plan will be stretched out significantly from 1979-81. The resultant shortfall would be acutely felt in the air-to-ground attack mission assigned to A-7's and A-10's. The additional 24 A-7D's recommended by the Committee on Armed Services would commence delivery in the last half of 1978 and would permit the much-needed stability and continuiity in the Air Guard modernization plan.

The National Guard Association of the United States has put together a comprehensive study on Air Guard modernization, which, in its conclusion, recommends that Congress continue its vital support and leadership in the modernization program. Many of my colleagues in the Senate received copies of this study, along with letters from State adjutants general urging continued procurement of aircraft for the Air National Guard.

In summary, I simply ask my colleagues to face the facts before us. I can appreciate the position of the Department of Defense in supporting only those items contained in the President's budget. This is the case with any alteration made to the Defense budget without their request and approval. I recognize also the record of the Department of Defense in setting inadequate budget priorities for the Guard and Reserves, as was this year the case, in my view, for the Naval Reserve strength, the National Guard drill levels, and the support for the Air National Guard modernization plan.

The committee has given a very comprehensive review to this entire bill, making significant reductions in some areas and a few additions in others where we disagree with the Defense Department's budget priorities. If we are to be serious in our support of the total force policy, we cannot fail to take the initiatives required to provide the Guard and Reserves with the modern equipment they need to do the job.

I urge my colleagues to support the committee's recommendations on this matter and defeat the amendment supported and offered by the Senator from Colorado.

I reserve the remainder of my time.

Mr. GOLDWATER. Will the Senator yield?

Mr. TOWER. I yield 5 minutes to the Senator from Arizona.

Mr. GOLDWATER. Mr. President, the Senator from Colorado has made a very eloquent and very understanding presentation of his position and, if I had not had so much experience with the Air National Guard and the Reserve, I would be strongly inclined to agree with him, but, as good as the Air Force has been about the Air National Guard, they are not all that good. For example, the Air Force has a plan to modernize the Air National Guard that is contingent upon current programs going as planned. These plans include the procurement of 749 F-15's, 650 F-16's, and 743 A-10's. If the current plans are modified in the out years by funding restrictions, quantity reductions, or technological problems on any of these programs, the modernization plan will obviously suffer.

Mr. President, we know that plans can be changed in this body almost—I would not say willy-nilly, but at the desire of a few against the advice of those men who know what they are doing, the people in the Pentagon and its subdivisions.

The Air National Guard today is equipped with the F-100. The first Air Force 100 was flown before 1957. The airplane was flown back in the early 1950's. The F-4, which is to replace the F-100 was first flown in 1957, although it was a Navy aircraft at that time.

We have the A–37, only 36 of those. It has very limited combat potential. As to the old F–105, we have 85 left of those, and it is 15 to 20 years old.

So, Mr. President, while the A–7 may not seem like the ideal aircraft for Air National Guard units assigned to Air Defense Command, nevertheless, it is a jet aircraft; it is not an expensive aircraft; and it can keep the units with their hands in, so to speak, so that they can move into a more modern aircraft without any great degree of trouble.

The engine difficulty that the Senator from Colorado mentioned has been corrected. The TF–41 engine is a derivative of the Rolls Royce Spey engine and is built by the Detroit Diesel Allison Division of General Motors, under license from Rolls Royce.

The engine, as originally built by Allison, performed to its specified thrust limits and had a 600- to 700-hour time between inspections. In order to simplify design, reduce production costs, and increase required inspection time up to 1,000 hours, turbine blades and the turbine and compressor inlet guide vanes were redesigned. This redesign was not sufficiently tested prior to installation in production engines and as a result, excessive local heat was experienced within the engine, which caused turbine blade and guide vane failure after in anywhere from 200 to 300 hours of operating time.

I might tell the Senate, Mr. President, that the F–100 engine is experiencing the same problems. It is not exactly the same as the engine I have described. Keeping the F–100 flying is now a major operation. The combat crew training station of the Air National Guard is located at Tucson, Ariz., and the aircraft availability down there is far below the acceptability rate. This is a squadron that is recognized for its great proficiency in maintaining aircraft. The engines are just getting old.

I might say something I have said time and again on this floor: the United States of America is lagging behind in jet engine development. I think it is incumbent on this body to appropriate the proper amount of money next year and get into research and development so that we do not have airframes sitting around waiting for engines. We have very few engines flying today that are up to the task. I should like to see this country regain its position as No. 1 engine developer and producer in the world.

Mr. President, I support the amount of money that has been put in the budget, even though the Air Force did not request it. This is not the first time that the Pentagon has not requested things that they have received, nor would it be the first time that the Pentagon has asked for things that we did not give them. We sort of held back on the B–1 the other day, one of the most important aircraft developments in the history of this country. Although I am sure that will be changed, nevertheless, this body took what I consider to be the wrong step.

This proposal was supported by a vote of 9 to 6 in the full committee. Its total purpose was to support the modernization of the Air National Guard by actions not by words. The total force concept, if it is to be valid, means the Air National Guard must have modern equipment. The A–7, Mr. President, is probably one of the finest aircraft flying. It has one of the best fire control systems ever placed on any of our combat aircraft. The nice thing about it all is the price of the aircraft has stayed relatively close to the original concept of price when we first talked about it, and I hope that my colleagues will recognize that the total force concept, so far as modernization, includes the Air National Guard.

With that in mind, I hope they will defeat the amendment of the Senator from Colorado.

Mr. GARY HART. Mr. President, I yield 3 minutes to the Senator from Georgia on my time.

Mr. NUNN. Mr. President, I have great respect for the Senator from Arizona and the tremendous work he has done on the Air National Guard. The same is said for my colleague from Texas, but I will have to agree with the Senator from Colorado on this particular amendment.

Mr. President, I am opposed to authorizing funds for 24 additional A–7D aircraft. Neither the Air Force nor the Department of Defense has requested such funds. It is difficult enough to determine the relative merits of the aircraft the Air Force does want without foisting upon the Air Force planes that it does not want.

The argument that the A–7D add-on will accelerate modernization of the Air National Guard simply does not survive exposure to the facts. There is no question that the 400 obsolescent F–100s now in the Guard should be phased out as soon as possible. We all agree on that. However, if 24 A–7D aircraft are added to the fiscal year 1977 authorization bill and subsequently funded by the appropriations act, production could not possibly be initiated before October 1, 1976. Although the airframes might be produced in 18 months, the engines would take 2 years. Thus, the first A–7Ds could be delivered to the Guard no earlier than October 1978—the start of fiscal 1979.

Yet, Air Force Chief of Staff David C. Jones and Brig. Gen. James B. Currie have testified before the House Armed Services Committee that, under present programs, all F–100's will be eliminated from the Guard by 1979. That is under the presently funded program. This goal will be attained by the production rate of 9 F–15's per month for the intervening 30 months, for a total of 270 F–15's by October 1, 1978, and by delivery of 133 A–10's by the same date. Two F–16's also will be available to the Air Force. As each of these planes enters the active inventory, an F–4, A–7D, or A–10 will have been transferred to the Air National Guard. Thus, these 405 planes will liquidate all the F–100's now in the Guard inventory.

Mr. President, I believe that the constraints upon our defense spending are severe enough without imposing upon our military services programs which they neither want nor need.

Surely $120 million in this case could be spent on a higher priority program. I support the Senator from Colorado's amendment.

The ACTING PRESIDENT pro tempore. The Senator's time has expired.

Mr. STENNIS. Mr. President, may I have 1 minute? This is an item voted in by the committee. It is the only item of any money amount at all that was not in the budget. I am supporting the committee on it for this reason: Everyone agrees that the F–4's are on their way out. Everyone agrees that something more should be done for the Air National Guard and Reserve, and I think we can help them more by giving them modern weapons than we can by just increasing the number over and over the number of personnel they are allowed. So for that reason I am going to vote against the Senator's amendment.

The ACTING PRESIDENT pro tempore. Who yields time?

Mr. GARY HART. Mr. President, I thank the Senator from Georgia for his statement. We have heard a great deal in recent weeks about the judgment of the former Secretary of Defense, Mr. Schlesinger, and about what he has to say about our falling behind the Soviet Union.

I would point out to my colleagues, particularly those who are opposing this amendment, that in his posture testimony in February of 1974 before both the House and Senate committees, former Secretary of Defense Schlesinger stated that part of the problem he had as Secretary of Defense was that the Congress thrust money on the Pentagon that it did not want, and he specifically cited as instances of the A–7 aircraft.

If we are going to take the judgment of people like Mr. Schlesinger as to what the future of this country's national security and defenses should be, I think we ought to take all of it and not just part of it. He stated that it was congressional actions of this type, the forcing of pet projects and programs on the Defense Department, that resulted in the kind of budget-busting that ultimately weakens national security instead of a strengthening it.

The undisputed facts lead to the conclusion that this will not accelerate the modernization of the Air National Guard, and will not increase the national security of this country. About all this measure might do is provide some jobs for a few defense contractors. But even the principal prime contractor in the A–7 procurement continues to make aircraft and to have production lines for foreign sales anyway, so even that minor effect might not happen.

The facts of the matter are that the Air Force has testified against this procurement, that this is $120 million of taxpayers' money that is not needed, and that this will not have the effect that its proponents say that it will.

Even though this passed the Armed Services Committee by a vote of 9 to 6, a relatively close vote, it is not too late to strike this additional unnecessary procurement and to save the taxpayers some money.

That is the issue before the Senate here this morning.

I reserve the remainder of my time.

Mr. TOWER. Mr. President, I very much dispute the Senator from Colorado. I think this is necessary to hasten the modernization of the Guard, and the Guard thinks so.

What he is doing is using the argument advanced by the people who planned the modernization in the first place. Obviously they are not going to say their plan is faulty.

Again I want to say that Congress has always taken the initiative in beefing up the Reserves, as we have with the Navy, and the drill period for the Army National Guard, and we are doing a little bit of the same here. They are wrong about this not hastening the modernization of the Guard.

To begin with, all F-1s are being phased out with the addition of some new A-7's plus older F-4's and A-7's transferred from regular Air Force units; the 48 A-37's would begin to be replaced by 36 new A-10's; and in sum, 312 modern aircraft would have replaced 480 obsolete aircraft, hardly an even exchange for the Guard.

The ACTING PRESIDENT pro tempore. All the time of the opponents has expired. The Senator from Colorado has 1 minute.

Mr. GARY HART. Mr. President, as I stated already the issue before the Senate is not whether the National Guard will be able to fulfill its mission, or wheher it will quickly get the most modern equipment available. The Air Force, the Pentagon and the Defense Department have all testified that they have a program for modernization, and that that program already provides F-4's and A-10's for the National Guard at the earliest possible date.

Spending $120 million this morning will not accelerate that program 1 minute. The engine on this plane is having trouble. We will do nothing but waste $120 million if we vote for this procurement. I urge Senators to support my amendment.

Mr. BENTSEN. Mr. President, I would like to join those members of the committee who oppose the amendment offered by our colleague from Colorado.

The Armed Services Committee has this year acknowledged that the Air National Guard's aircraft should be upgraded. The 24 A-7D's which it has authorized will advance the Guard's overall modernization program and will hasten the retirement of its obsolete F-100's and A-37's. These 24 attack aircraft, which comprise an entire squadron, will improve both its training capability and the ability to meet its mission in the event of mobilization.

I am aware that the Department of the Air Force did not originally request these planes. I know that it has tried to keep its budget request in line, but I know, too, that providing for the needs of the Air National Guard is one of its lesser priorities. In authorizing these 24 A-7D's, the committee has taken the initiative for meeting the needs of the Air Guard, and I believe that it has exercised good judgment in doing so.

One of the most attractive features of the A-7D is its price. At approximately $4.7 million a piece, it is one of the less costly aircraft now being acquired for our defense arsenal. The deletion of the 24 craft authorized by the committee could well result in the closing of an A-7D production line and, accordingly, higher unit costs for its sister plane, the A-7E, which the Navy is currently obtaining.

Mr. President, the A-7D is widely regarded as an excellent aircraft. I believe the committee has acted wisely in authorizing the procurement of 24 of them for the Air National Guard, an action which will significantly upgrade the Guard's capability and help restrain the costs of the craft being obtained by the Navy.

I would, therefore, urge rejection of the Senator's amendment and hope that the committee's action is reaffirmed.

Mr. CANNON. Mr. President, I oppose the amendment of the Senator from Colorado (Mr. HART), which would delete the funds to buy 24 A-7D's for the Air National Guard. I believe it is imperative that we have a Guard which is combat-capable, equipped with modern weaponry, and supported in a meaningful way by the Defense Department and by the Congress. Providing 24 A-7D's specifically for the Air National Guard will further these ends.

The Senator from Colorado is correct in his statement that these airplanes were not in the original budget request. However, I would point out to my colleagues that this is not the first time that the Congress has seen fit to step in and provide equipment to support the National Guard.

Also the Senator from Colorado is correct in a technical sense that present planning figures show the F-100's now in the Guard being replaced by more modern planes, transferred from the Active Duty Forces, by the 1979 time frame. However, this plan is just a plan, and it is dependent on the production of all of the new airplanes now intended for fiscal years 1977, 1978, and 1979 being funded and built according to the current schedule, and this rarely happens without subsequent revisions. Also the Air Guard will still be flying A-37's and F-105's into the early 1980's, and these, too, must be replaced with more modern weaponry.

Therefore, I believe that these 24 A-7D's in this bill will provide a much needed acceleration to the modernization program for the Air National Guard, and I urge the defeat of the amendment.

Mr. BEALL. Mr. President, I rise in support of the amendment of the distinguished junior Senator from Colorado (Mr. GARY HART) which would delete the 24 A-7D aircraft from the Military Procurement bill.

I think there are several basic reasons why we should not purchase these 24 A-7 aircraft;

First, the Air Force did not request funds for the purchase of any more A-7's, in part because they are rapidly becoming obsolete.

Second, the Allison engines which are used to power the A-7D's have encountered persistent mechanical problems which have, to date, defied satisfactory correction. Some sources estimate that difficulty in procuring these engines may delay the delivery of these 24 aircraft until fiscal year 1980.

Third, the Air National Guard Units will be re-equiped more rapidly if we proceed with the purchase of the A-10 aircraft. The committee has earmarked these 24 A-7D's for the modernization of the Air National Guard, but such a purchase would probably slow down rather than accelerate this process. This would be especially true if these A-7D's are not available until fiscal year 1980. In a February 9, 1976, letter to Representative MAJORIE HOLT, a member of the House Armed Services Committee, Maj. Gen. Edwin Warfield III, the adjutant general of Maryland, urged the purchase of additional A-10 aircraft. General Warfield noted that an expanded A-10 program would "speed up the modernizaton of our Air National Guard tactical fighter units, particularly those flying the older aircraft such as the F-100's."

Fourth, we should look at cost of this add-on procurement, especially in light of the limits placed on the defense budget by the President and the first concurrent budget resolution. As a member of the Senate Budget Committee, I believe that we owe it to the American taxpayer to get the maximum benefit from his or her tax dollar. I cannot justify spending $120 million on a trouble prone weapon system that is nearing the end of its useful life expectancy. When you stop to think that the House added-on an unnecessary purchase of A-6's—totaling approximately $130 million—you begin to see how we could end up with a budget busting Military Procurement bill that does not properly address itself to the true defense needs of this country.

Mr. President, I support a strong national defense posture for this country. We live in a dangerous and volatile world and we canot allow the United States to slip into a position of military inferiority. This is not just rhetoric on my part, Mr. President—my voting record reflects my deep commitment to the maintenance of a strong America. That is precisely why I urge my colleagues to support this amendment to strike the purchase of 24 unneeded A-7D's from H.R. 12438.

The PRESIDING OFFICER (Mr. LEAHY). All time has expired. The question is on agreeing to the amendment (No. 1662) of the Senator from Colorado (Mr. GARY HART). 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 South Dakota (Mr. ABOUREZK), the Senator from Idaho (Mr. CHURCH), the Senator from New Hampshire (Mr. DURKIN), the Senator from Michigan (Mr. PHILIP HART), the Senator from New Mexico (Mr. MONTOYA), the Senator from Rhode Island (Mr. PASTORE), the Senator from Illinois (Mr. STEVENSON), the Senator from Georgia (Mr. TALMADGE), the Senator from California (Mr. TUNNEY), and the Senator from Wyoming (Mr. MCGEE) are necessarily absent.

I further announce that the Senator from Montana (Mr. MANSFIELD), the Senator from South Dakota (Mr. MCGOVERN), the Senator from North Caro-

lina (Mr. MORGAN), and the Senator from Alaska (Mr. GRAVEL) are absent on official business.

I also announce that the Senator from Wisconsin (Mr. NELSON) is absent attending the funeral of Horace W. Wilkie, Chief Justice, Wisconsin State supreme court.

I further announce that, if present and voting, the Senator from Rhode Island (Mr. PASTORE) and the Senator from North Carolina (Mr. MORGAN) would each vote "nay."

Mr. GRIFFIN. I announce that the Senator from Tennessee (Mr. BAKER), the Senator from New Jersey (Mr. CASE), the Senator from Hawaii (Mr. FONG), the Senator from North Carolina (Mr. HELMS), the Senator from Alaska (Mr. STEVENS), and the Senator from South Carolina (Mr. THURMOND) 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. HUGH SCOTT) are absent on official business.

I further announce that, if present and voting, the Senator from South Carolina (Mr. THULMOND) would vote "nay."

On this vote, the Senator from New Jersey (Mr. CASE) is paired with the Senator from Pennsylvania (Mr. HUGH SCOTT). If present and voting, the Senator from New Jersey would vote "yea" and the Senator from Pennsylvania would vote "nay."

The result was announced—yeas 38, nays 37, as follows:

[Rollcall Vote No. 191 Leg.]

YEAS—38

Allen	Hart, Gary	Mondale
Beall	Hartke	Muskie
Biden	Haskell	Nunn
Buckley	Hatfield	Pell
Bumpers	Hathaway	Proxmire
Byrd, Robert C.	Huddleston	Randolph
Chiles	Humphrey	Ribicoff
Clark	Javits	Roth
Cranston	Kennedy	Schweiker
Culver	Leahy	Symington
Eagleton	Mathias	Weicker
Ford	McIntyre	Williams
Glenn	Metcalf	

NAYS—37

Bartlett	Fannin	McClellan
Bayh	Garn	McClure
Bellmon	Goldwater	Moss
Bentsen	Griffin	Percy
Brock	Hansen	Scott, William L.
Burdick	Hollings	Sparkman
Byrd, Harry F., Jr.	Hruska	Stafford
Cannon	Inouye	Stennis
Curtis	Jackson	Stone
Dole	Johnston	Taft
Domenici	Laxalt	Tower
Eastland	Long	Young
	Magnuson	

NOT VOTING—25

Abourezk	Helms	Pearson
Baker	Mansfield	Scott, Hugh
Brooke	McGee	Stevens
Case	McGovern	Stevenson
Church	Montoya	Talmadge
Durkin	Morgan	Thurmond
Fong	Nelson	Tunney
Gravel	Packwood	
Hart, Philip A.	Pastore	

So Mr. GARY HART's amendment (No. 1662) was agreed to.

Mr. GARY HART. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. NUNN. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. May we have order in the Chamber? Will Senators cease their conversations? The bill is open to further amendment.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the distinguished Senator from Ohio be recognized at this time to call up his amendment, and that upon the disposition of that amendment——

The PRESIDING OFFICER. May we have order in the Chamber?

The assistant majority leader is addressing the Chamber. The Chair requests order in the Chamber. If Senators are having conversations we ask that they please cease the conversations or carry them to the cloak room.

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

Mr. President, I ask unanimous consent that upon the disposition of the amendment by Mr. GLENN, the distinguished Senator from Maine (Mr. HATHAWAY) be recognized to call up his amendment.

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

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the time for the quorum call which I shall now ask for not be charged against the time of the distinguished Senator from Ohio (Mr. GLENN).

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

Mr. JAVITS. Will the Senator yield for a unanimous-consent request?

Mr. ROBERT C. BYRD. I yield.

Mr. JAVITS. I ask unanimous consent that Win Wheeler of my staff be granted the privilege of the floor during the consideration of the pending legislation.

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

Mr. FORD. I ask unanimous consent that Jane Matthias of my staff be granted the privilege of the floor during consideration and votes on the pending legislation.

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

Mr. ROBERT C. BYRD. Mr. President, Mr. GLENN will be recognized when the quorum call is rescinded; is that correct?

The PRESIDING OFFICER. That is correct.

Mr. ROBERT C. BYRD. And without the time being charged to him on his amendment?

The PRESIDING OFFICER. The Senator is correct.

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

The PRESIDING OFFICER. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. TAFT. 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. TAFT. Mr. President, I ask unanimous consent that Mr. William Lind of my staff have the privilege of the floor during the debate and voting on this measure.

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

Mr. CRANSTON. Mr. President, I make the same request in behalf of Emily Thuber and Bill Jackson of my staff.

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

Mr. MOSS. Mr. President, I make the same request for the following members of the Commerce Committee staff when the vote is taken on the Byington reconsideration: Messrs. Pertschuk, Sutcliffe, Cohen, and Merlis.

Mr. ROBERT C. BYRD. As in executive session.

Mr. MOSS. As in executive session.

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

Mr. ROBERT C. BYRD. Mr. President, I suggest the absence of a quorum, and I ask unanimous consent that the time not be charged against the time on the Glenn amendment.

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

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

AMENDMENT NO. 1691, AS MODIFIED

Mr. GLENN. Mr. President, I call up my amendment No. 1691, as modified.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk read as follows:

The Senator from Ohio (Mr. GLENN) proposes an amendment numbered 1691, as modified.

Mr. STENNIS. Mr. President, may we have quiet so that we can hear?

The PRESIDING OFFICER. The Senator from Mississippi is correct. The Senate will be in order, so that the clerk may be heard.

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

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

Mr. GLENN's amendment (No. 1691, as modified) is as follows:

Modify amendment to read as follows:

On page 17, line 13 after "force structure", delete the period and add "together with a comprehensive identification of base operating support costs and an evaluation of possible alternatives to reduce such costs.".

The PRESIDING OFFICER. Without objection, the amendment will be so modified.

Mr. GLENN. Mr. President, this amendment would call for a study to be conducted by the Secretary of Defense on base operating support costs and the advantages to be had by combining some of those costs where appropriate.

There has been an analysis of some of this by the Defense Manpower Commission, and also a Rand study done for the Air Force. The Defense Manpower Com-

mission study indicated 14 overlapping employee systems that we have in the military support structure, and indicated a potential saving—they do not predict this, but they say a potential saving of some 26 percent on these support costs, which would run into very sizeable appropriations, obviously, if we would knock out some of the overlapping nonmilitary functions of the support structure.

Such a study would expand upon studies already planned and provided for by an amendment put on in subcommittee, I believe by Mr. CULVER.

This amendment has been discussed with the Senator from Georgia (Mr. NUNN), and I believe he supports it. It has been discussed on both sides of the aisle. I do not call for a record vote on the amendment; I think we should be able to pass it, and hopefully we can get this enacted in time to result in some savings when next year's budget comes up.

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

Mr. GLENN. I yield to the Senator from Arizona.

Mr. GOLDWATER. Mr. President, I support the amendment of the Senator from Ohio. The Pentagon has the authority now, though it is not used as much, possibly, as it should be. I would cite the contract that has been in effect for a long time with Lockheed to maintain the squadron of F-104's at Luke Air Force Base. It has worked out very well.

The only danger that can be foreseen on this is that if we go too far on the civilian flight maintenance, we will cut down on the number of men and the proficiency we would need to maintain the aircraft in combat. But I think it is a very good idea.

Mr. GLENN. Mr. President, I appreciate very much the comments of the Senator from Arizona, and I could not agree more. It is not the intent to cut into any support structures that would have a direct application on a mobilization basis. It is the more general functions we are talking about here, which the Pentagon has done some study on already, but where we think the additional savings could be effected if we give them a chance to study it more thoroughly.

Mr. STENNIS. Mr. President, I yield myself 2 minutes on the Senator's amendment, and then I want to yield some time to the Senator from Georgia (Mr. NUNN) who has worked on this matter. It comes within the field of his subcommittee.

Mr. President, something was said about modifying the amendment. As I have the amendment before me, it proposes to amend the bill on page 17, line 13, after the words "force structure," by deleting the period and adding "together with a comprehensive identification of base operating support costs and an evaluation of possible alternatives to reduce such costs."

I thought the RECORD ought to show just what we were passing on here, as this is not a regular printed amendment.

Mr. President, this is a matter on which the committee has done quite a bit of work, led by the Senator from Georgia and his subcommittee and others. I am glad to support the amendment in its present form. I yield some time now to the Senator from Georgia. I hope that he will seek recognition and explain something about what the committee is doing, and how this fits in.

Mr. NUNN. I thank the Senator from Mississippi.

I rise to support the Glenn amendment as modified. I think that of all the areas where there remains a good bit of softness in military manpower it is very likely to be in the area of base operating support. Our subcommittee and the full Committee on Armed Services have looked at this area intensely in the last 2 years. In fact, we made a good many cuts in this area in both civilian and military. In this year's bill there is language inserted on page 17 which says and I quote:

". . . Such report shall also identify, define, and group by mission and by region the types of military bases, installations, and facilities, and shall provide an explanation and justification of the relationship between this base structure and the proposed military force structure.".

This amendment that was inserted in our subcommittee and approved by the full committee gets right at the heart of the same problem the Senator from Ohio has so well identified and is concerned about. By modifying the Glenn amendment to add to the previously existing report that is required, we end up having one report rather than two reports. They are almost on the same subject. The Glenn amendment does increase the information that we will obtain from this report. It also identifies specifically that the base operating support costs are a prime concern of the Senate, and it also requires an evaluation of possible alternatives to reduce such costs, meaning the cost of base operating support.

So I believe that this amendment to the Glenn amendment, taken together with the existing committee requirement, will require the Department of Defense to go through a stringent exercise and study in determining whether there are alternatives by which base operating support can be further cut.

I might say in closing, Mr. President, that the committee has already zeroed in on this area pretty hard and we have already made rather significant cuts in base operating supports, but I think this study will greatly assist us in pursuing that avenue of cost saving and cost effectiveness.

I recommend that the Senate agree to the Glenn amendment. I think it is a contribution to this bill.

Mr. GLENN. I thank the Senator from Georgia.

Mr. STONE. Mr. President, will the Senator yield for a brief comment?

Mr. GLENN. I yield.

Mr. STONE. The Senator from Florida spent some time during the previous recesses visiting some of the bases where civilian employees are a significant factor.

In making this new study, the Senator from Florida would urge upon the Defense Department careful analysis in areas such as the naval air rework facilities and analysis not merely of a headcount of how many people work and how much it cost to pay them to work but analysis of the dollars lost while the pennies are saved in connection with how often; for example, they bring in equipment or airframes to be reworked and what that means in terms of replacement costs and useful life of that equipment and those airframes.

It is true they can stretch out the use of some of these airplanes and some of this equipment and not bring it in for an extra month, 2 months, or 6 months, and it will still fly. But what happens when they have not reworked it according to the manufacturers and the services recommended timetable? What happens when they then have to procure new units, much earlier than they otherwise would have had they conditioned and reconditioned them?

So the Senator from Florida urges a careful study of that particular situation, because the Senator from Florida saw some vivid examples of some shortening of airplane and equipment lives because of the stringent budget requirements on this rework facility, and I have a feeling that they may be parallel circumstances taking place.

So what the Senator from Florida urges is not simply how much can we save in the civilian sector of the naval budget or the armed services budget on base support, but what is the mission of those people and what will the dollars be if they save those pennies?

Mr. NUNN. May I say in response to the Senator from Florida, I think he is absolutely correct in his analysis that we must maintain our Navy equipment, aircraft, and so forth, in a better way than we are doing now.

I might say, though, that our subcommittee has fully supported the logistics and manpower requests of the administration, and this area is in the logistics area. The base operating support area is another area altogether and has nothing to do with the maintenance of aircraft or the maintenance and overhaul of ships. Base operating support has to do with bowling alleys, golf courses, PX's, commissaries, and has nothing to do with airplanes and ships.

I am not saying base operating support is not important, but I am saying that that is different from logistics and I am saying that our subcommittee, contrary to some of the rumors that have been floating around from the Pentagon, has supported vigorously and not only supported vigorously but we have had strong language in our reports indicating that more needed to be done in the area of logistics and in the area of maintenance of aircraft and ships. I think that that is an area that has been neglected. If there is additional manpower needed in the military services and in the civilian ranks, it is in the area of overhaul and maintenance, but that is a different matter from what I believe the amendment of the Senator from Ohio is getting to.

Mr. GLENN. That is correct. If the Senator will yield for a comment, this gets into the areas not only that he

just mentioned, but also into areas, where bases are not too far apart from the fuel supply. Can these be combined? Can there be changes in the food supplies coming into different areas that are coming into bases that are within the same area?

Mr. STONE. Does the Senator also suggest hospital support and medical support and medical services?

Mr. GLENN. Yes, those things can be better done on the central based basis or with area alined control within a certain area. The Grant study, in particular, indicated considerable savings could be made.

So it is not only in the recreational activities that the Senator from Georgia referred to but also in the more basic support structure that is fundamental to base operations.

Mr. STONE. If the Senator will yield, I also refer to the fact it is not only a question of how much money can people save when they go to a PX. It is also a question of, is there such a facility within range? If people have to drive 20 or 30 miles in order to do their grocery shopping, can they serve on that base? And people who just indiscriminately say, "Let's eliminate all PX's," sometimes do not have reference to the logistics involved in just the ability to survive to buy food.

Mr. NUNN. I agree with the Senator on that comment. Of course, I also reemphasize, however, that our committee has never cut logistic support.

Now I read a comment by the Secretary of the Air Force in a newspaper the other day where he is going around saying that he certainly regrets that certain logistic r.i.f.'s had to take place because of the action of Congress. He is incorrect in that statement.

The PRESIDING OFFICER. All of the time of the opponents has expired.

Mr. NUNN. May I have 1 more minute?

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the Senator from Ohio may have an additional 5 minutes.

The PRESIDING OFFICER. The Senator has 7 minutes.

Mr. ROBERT C. BYRD. And the Senator from Mississippi have an additional 5 minutes, if needed.

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

Mr. NUNN. If the Senator from Ohio will yield me a minute, I shall conclude my comments. A lot of rumors are floating around about this personnel area. The Air Force itself has cut some of its logistics, but it has nothing to do with the mandate of Congress.

That is their decision, but then, when it gets down to the crunch of explaining where it comes from, they have the habit of saying, "We did this because of Congress."

In the case of logistics, that is simply not true and where we have put pressure on—and we admit it—is in the area of base operating support. I think there needs to continue to be a review of the base operating support area, because we have a tremendous number of people involved in that area, and I believe that cost-effective measures can be increased, and I believe productivity in that area can also be increased. So I support the Senator's amendment.

Mr. GLENN. If the Senator will yield, this base operating support is the broadest base of what we are referring to for those who are doing this report to help them with guidance. It is very basic. I am looking at base support where we sometimes use military personnel now to perform those functions, with all the permanent station changes, and things that go on with rotation of military personnel. It is in some of those areas where it appears that major savings could be made across the board in basic support, where the food and the fuel come from, where the guards are at the gate, et cetera. It is that type of basic support that we have trimmed already.

Mr. STONE. If the Senator will yield for one comment, the Senator from Florida is gratified with the remarks of the Senator from Georgia about r.i.f.'s in the logistic areas of our defense budgeting because the Senator from Florida did hear the statement made frequently that the reductions in force of those logistic personnel and the ability to perform their mission was because of congressional requirements.

When the Senator from Georgia says that that has not been the case, and is not the case, and that the Senator from Georgia and his subcommittee do not recommend these RIF's in the logistics area, the Senator from Florida is most gratified.

Mr. NUNN. Let me clarify one point. I think that everything the Senator from Florida has said is correct. There perhaps has been some pressure on the OMB accounts that come from appropriations committees. The Senator from Georgia has not agreed with those decisions, but the Armed Services Committees in the House and Senate, with which I am familiar, so far as we are concerned, have moved in the opposite direction, and feel that the logistics area—the overhauling of ships and maintenance—should be increased. There has been some pressure through the OMB accounts and through the appropriations committees, and from that point of view, some of the statements could be partially correct.

Most of the pressure has come from the Office of Management and Budget and the DOD's own defense analysis, not from Congress. To the extent that there has been pressure from Congress, it has not come from the Armed Services Committee in the area of logistics, which I feel is very important.

Mr. STONE. I commend the reading of this colloquy not only to our own colleagues on the Appropriations Committee but also the OMB and the Defense Department in general, because it is a fact that saving a few dollars in stretching out maintenance does not save the taxpayer dollars. On the contrary, most likely and most probably, it costs the taxpayers hundreds of thousands of dollars by comparison.

The Senator from Florida is most gratified with the remarks of the Senator from Georgia and thanks the Senator from Ohio.

Mr. GLENN. I agree with the Senator. I do not want any stretched out maintenance if I am flying an airplane.

Mr. President, I yield back the remainder of my time.

Mr. STENNIS. I yield back the remainder of my time.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Ohio.

The amendment was agreed to.

Mr. STENNIS. I move to reconsider the vote by which the amendment was agreed to.

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

The motion to lay on the table was agreed to.

Mr. STENNIS. Mr. President, I yield myself 1 minute.

The assistant majority leader knows about these amendments. The committee is ready now to proceed with additional amendments.

Mr. ROBERT C. BYRD. Mr. President, an order was entered for the recognition of Mr. HATHAWAY at this time, to call up his amendment. I am now informed that he will not be ready to call up that amendment just yet. He will call it up later. He is working on some modification that may be agreeable on all sides. So I ask unanimous consent that that order be vitiated.

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

Mr. STENNIS. Mr. President, if the Senator will yield, the Senator from Maine had talked about the possibility of using some time. However, the Senator from New Hampshire (Mr. MCINTYRE) has not had an opportunity to make his report about his subcommittee's work. If it is in order, we can do that now. I would like to ask Senator MCINTYRE to come to the Chamber. For that purpose, 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. Without objection, it is so ordered.

Mr. MUSKIE. Mr. President, this seems an appropriate moment in the discussion of the pending legislation for me to present the significance of the action of the Committee on Armed Services on the military procurement authorization bill and how it relates to the national defense targets that Congress established in the first budget resolution for fiscal year 1977.

First, I extend my appreciation to the distinguished Senator from Mississippi (Mr. STENNIS), for the work he has devoted to this important legislative measure. Senator STENNIS and the entire committee membership have labored hard and long to carry out the Senate's mandate for national defense embodied in the budget resolution adopted by Congress on May 12, 1976. In a year when defense spending requests have increased substantially, I salute the Senator's diligence in bringing before the Senate

a defense authorization bill that is within the congressionally approved budget targets.

Mr. President, the bill before us authorizes military procurement and R. & D. funding of approximately $31.9 billion in budget authority. In addition, this bill sets Defense manpower levels which imply funding of approximately $35 billion in budget authority. Together, these two amounts represent about 60 percent of the national defense function.

The $31.9 billion for procurement and R. & D. is $2.3 billion less than the $34.2 billion Presidential budget request as revised by the Minuteman III missile and shipbuilding budget amendments. Preliminary fiscal year 1977 outlay estimates associated with the authorization are roughly $9.5 to $9.7 billion. These outlays, combined with outlays from prior year budget authority, total to an amount over $24.8 billion for fiscal year 1977, approximately $550 million less than the estimated revised Presidential outlays of $25.4 billion.

In addition to the procurement and R. & D. authorizations, the bill reduces active duty military personnel and civilian personnel levels and increases military reserve strength. The costs for these recommended manpower levels will be provided during the appropriations process. However, preliminary estimates for these personnel actions indicate that they will result in savings of at least $200 million below the President's budget request; these savings would be in both budget authority and outlays.

Mr. President, before proceeding to my specific concerns on the details of the military procurement authorization bill and the upcoming conference of the Armed Services Committees, I would like to provide my colleagues with the initial Senate Budget Committee estimates on the relationship of the Armed Services' actions to the national defense functional target established by the first budget resolution. The Committee on Armed Services reviewed a large segment of a Presidential budget request of $114.8 billion in budget authority and $101.4 billion in outlays. The result of the committee's actions on the military procurement authorization bill and the military construction authorization bill provides the following approximate totals.

I ask unanimous consent that a chart displaying the figures be inserted at this point in the RECORD:

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

Comparison of Committee on Armed Services authorizations with national defense functional targets in 1st concurrent resolution

[In billions of dollars]

	Budget authority	*Outlays*
A. Presidential budget request for national defense	113.3	101.1
Budget amendments	1.5	0.3
Total request for national defense	114.8	101.4
B. First concurrent resolution targets for national defense	112.5	100.8
C. National defense total resulting from armed services action:		
Procurement authorization below procurement request	2.3	0.6
Estimated personnel reductions below request	0.2	0.2
Military construction authorization below military construction request	0.1	(1)
Total reductions	[2] 2.5	[2] 0.7
Total for national defense function	112.3	100.7

[1] Less than $50 million.

[2] Figures may not add due to rounding.

The Armed Services' action addresses only the Procurement Authorization and Military Construction Authorization bills. The figures shown for the total for National Defense Function Resulting from Armed Services Action reflect a functional total assuming acceptance of Presidential levels for the function minus Armed Services' reductions in the Procurement and Military Construction Authorizations. These estimates are preliminary and subject to modification.

Mr. MUSKIE. The Armed Services Committee's action, Mr. President, addresses only the procurement authorization and military construction authorization bill. The figures shown in the chart for the total national defense function resulting from armed services action reflect a functional total assuming acceptance of Presidential levels for the functions minus armed services reductions in the procurement and military construction authorization. These estimates are, of course, preliminary and subject to modification.

I have provided an overview of the military procurement authorization bill as it compares with the first budget resolution targets. I now want to address the problems that lie ahead when this bill leaves the Senate for conference, and how these problems impact on the targets this body has set for the National Defense function.

First, there are the builtin pressures incorporated in the national defense targets. I am referring to the President's proposed economies amounting to $5.4 billion in budget authority and $4.5 billion in outlays. Will Congress enact the necessary legislation required to save a portion of the economies?

The following is a quote from the Senate report accompanying Senate Concurrent Resolution 109, the first budget resolution for fiscal year 1977. The resolution "assumes implementation either of the administrative and legislative economies of $5.4 billion in budget authority and $4.5 billion in outlays which were proposed by the administration or of other actions that would achieve comparable savings. Failure to achieve the economies would require reductions elsewhere in the defense budget to stay within the target." The intent of this language was repeated in the conference report on the budget resolution as follows: The resolution "assumes implementation of the legislative and administrative economies proposed by the administration or other savings necessary to remain within these—national defense—targets." This means—and I want to make this clear—that failure by the Congress to enact the proposed economies will require offsets elsewhere within the national defense function to stay within the targets. Similarly, if the President requests and Congress approves any future budget amendments or supplementals, tradeoffs between high-priority and low-priority areas will be required to remain within the resolution targets for budget authority and outlays.

Simply stated, the resolution adopted by the Senate for national defense depends on implementation of these economies. Many of the economies require legislation and are not politically popular issues, particularly during an election year. They include the stockpile sales, elimination of the 1-percent kicker for retired pay, elimination of dual compensation for Federal workers on reserve duty, phaseout of commissary subsidies, a fair market rental policy, revised wage board pay policy, limited reductions in selected aspects of Reserve and Guard pay, and reduced cadet pay. In addition to these legislative proposals, the administration has proposed savings in the Federal pay and compensation category and other management efficiencies. The most significant of these items are the pay cap and the change in methodology for determining pay comparability.

To the credit of Senator STENNIS, the Committee on Armed Services is recommending favorable action on all but one major legislative proposal within its jurisdiction.

The remaining major proposal is for stockpile sales, saving the Government over $700 million. It is my understanding that my distinguished friend from Nevada (Mr. CANNON), intends to conduct hearings on the proposed sales soon. I urge my colleague to press on. The legislation to allow the sales is essential, and he has the support of the Budget Committee in this endeavor.

Whether we can realize all of these economies is up to the Senate as a whole. I urge that we follow through on the impetus provided by the Budget and Armed Services Committees and enact all of these economies. It is particularly essential that all committees having jurisdiction on the relevant legislation act favorable on these matters because the House-passed version of the procurement authorization does not provide for implementation of the economies. We should send the Senate Armed Services conferees to conference with a clear mandate from the Senate that the economies be implemented. I shall work with Senator STENNIS to insure that the Congress enact the proposed economies or prescribe other savings in defense in order to remain within the budget resolution targets.

Another point I should like to stress is the significant difference between the House-passed amounts for its military procurement authorization bill and the proposed Senate authorization. The House level is $1.3 billion in budget au-

thority over the Senate committee report. If we include proposed House and Senate actions on manpower levels and the proposed economics, this difference could rise to $1.8 billion or more in budget authority. The difference in outlays amounts to $400 to $500 million. Inasmuch as the Senate authorization bill has the effect of creating an amount for national defense only slightly below the budget target, it is obvious that our conferees will be in an extremely difficult position as they attempt to reconcile the significant differences in the Senate and House versions of the military procurement authorization measure for fiscal year 1977. A compromise that is close to the midpoint between the two bodies will exceed the budget resolution target. We must be ready to deal with that situation.

I should like to put into perspective the major area of difference between the House and Senate bills—the Navy shipbuilding program. The administration requested $6.3 billion for procurement of ships in fiscal year 1977. This is a 62-percent increase in 1 year over the fiscal year 1976 appropriation of $3.9 billion. How did our Senate colleagues on the Armed Services Committee react to this request? They acted with commendable restraint.

In the middle of the committee's review of the procurement authorization request, the administration rushed forward with a shipbuilding budget amendment totaling $1.2 billion including $1 billion for procurement of ships. Consequently, the committee reviewed a $7.3 billion shipbuilding procurement request, or a budget request calling for a 90-percent increase in shipbuilding authorizations in a single year. To the committee's credit, it did not panic at an election year gimmick. The committee reviewed the request and developed a proposal for shipbuilding procurement at just under $6 billion. Some critics will say this amount is still too much for shipbuilding. Nonetheless, it is less than the budget request by $1.3 billion and is aimed in the right direction—toward a more desirable and less costly mix of the Navy fleet.

Furthermore, the Senate procurement authorization bill recommends repeal of title VIII of Public Law 93-365, requiring major combatant vessels to be nuclear powered. I support the repeal of this statute, and I strongly urge my colleagues to do the same. I am committed to a strong defense for our country—a defense comprised of a proper balance between land, air, and seapower. I am particularly committed to a proper balance in the utilization of resources within the Navy. The excessive costs associated with the shipbuilding program required by strict adherence to title VIII can interfere with this balance by minimizing the capability to project American power when justified for national security or humanitarian purposes.

The House reviewed the original $6.3 billion shipbuilding request and added $3.7 billion for additional ships. This increase was partially offset by a $1.4 billion reduction in frigates and a conventional Aegis destroyer. Neither of these class of ships is nuclear powered. The House made a further reduction of $1.2 billion in the request to cover past cost growth and escalation associated with shipbuilding. Therefore, the net increase in shipbuilding in the House is $1.1 billion. The House provided this substantial increase in ship programs because they are apparently committed to high technology and costly ships with the balance favoring nuclear power in accord with title VIII provisions.

Mr. President, as we attempt to establish priorities between domestic and military requirements within the Federal budget, I question whether the requirements and costs associated with title VIII are consistent with a goal of increasing the size of the Navy.

I believe the Senate should support the distinguished Chairman of the Committee on Armed Services in the Senate version of shipbuilding procurement for fiscal year 1977. In a manner similar to our commitment to the enactment of the proposed defense economies, I recommend that the Senate send its Armed Services conferees to conference with a mandate endorsing the Senate shipbuilding proposal.

Mr. President, in concluding my remarks, I would like to reiterate my appreciation to the distinguished chairman, Mr. STENNIS. The military procurement authorization bill has my support, although I reserve the right to support floor amendments which I deem necessary and desirable. As chiarman of the Committee on the Budget, I know the pressures on the national defense target in the first budget resolution:

The need to implement all the proposed economies;

The substantial differences in the House and Senate versions of a Defense shipbuilding program; and

And potential supplementals including an amendment to overhaul the U.S.S. *Belknap*.

With this in mind, I will watch with great interest the compromises resulting from the forthcoming conference on the House and Senate military procurement authorization bills. This authorization legislation has a direct impact on the subsequent appropriation measure. Consequently, if the conference report leaves the legislation above the first budget resolution targets, I want the Senate as a whole, and Senator STENNIS in particular, to understand that the Senate Budget Committee must seriously consider opposing the conference report on the floor.

I have discussed the bill and other defense policies and programs in considerable detail.

I want to make it clear to the Senate, as I have over and over again, that the Budget Committee is not a line item committee, and it is not for us to decide what shall be the detailed makeup of the Defense Department program under the overall ceilings which the Senate and Congress as a whole have imposed.

But I would agree with something which I think the distinguished Senator from Mississippi said a year ago, that we cannot, as we look at the totals, overlook the implications of the major components of those totals.

So I think the Senator from Mississippi was absolutely right last year in suggesting that we at least take into account the impact and the implications of the major policy decisions with which his committee must struggle not only in committee and on the Senate floor but in conference with the House of Representatives as well.

It is in that spirit, may I say to my good friend from Mississippi, that I have made these comments this morning.

Mr. HOLLINGS. Mr. President, I want to congratulate the distinguished chairman of the Senate Armed Services Committee, Senator STENNIS, and the other members of his committee, for their excellent work on the defense appropriations authorization bill for fiscal 1977 (H.R. 12438). There are several aspects of this bill which deserve our strong support.

First, the bill substantially reverses the downward trend in the funding of defense purchases which has occurred in the recent past. As I noted during Senate consideration of the first concurrent resolution on the budget, over the past 5 years we provided about 28 percent less for defense procurement and research and development than we provided in the 5 years from 1962 through 1965, when inflation is taken into account. Yet our military forces are not 28 percent smaller today than they were prior to Vietnam. Without the funding increase provided in this bill, and sustained levels of funding in the next 5 years, there is simply no way that we can maintain the capabilities of our planned forces and provide for our defense in the 1980's.

Part of the increase is due to the authorization of initial procurement for strategic weapons systems—the B-1 bomber and Trident missile—which have long been debated, and for which the Congress has already voted substantial research and development funds.

But the major part of the increase is for procurement of weapons systems for the general purpose, conventional warfare forces.

Compared to the defense budgets of the early 1960's, this budget will provide a lower overall priority for strategic warfare systems and a higher priority for general purpose warfare systems.

The logic of this shift is clear: In a time of nuclear parity between the Soviet Union and the United States, conventional warfare strength takes on a much greater political and military significance than it had when the United States enjoyed substantial nuclear superiority.

The general purpose warfare forces supported by this budget are largely allocated to the defense of NATO. This fact, however, is not easily divined from the budget information provided to the Congress by the Department of Defense. Earlier this year the Defense Task Force of the Senate Budget Committee, which I had the honor to chair, requested the Secretary of Defense to provide the Congress with information showing how much of the defense budget is spent in support of the various basic missions of our defense forces—such as land warfare, naval force projection, close air support, strategic offense, and other categories—and how much is spent in preparing to support U.S. commitments in NATO, Northeast Asia, and elsewhere. Inasmuch as information of this kind was presented to Congress last year, in

connection with the fiscal 1976 defense request, we had every reason to believe that the request would not be unduly burdensome for the Department. To date, however, we have not had a favorable reply to our request.

I think this failure to comply is highly unfortunate. Last year many Senators, in debate on the military procurement bill, called for an examination of the connections between our defense budget and our foreign policy. The mission budget approach sought by the Budget Committee's Defense Task Force would provide a useful framework for a look at these connections.

For example, the task force staff, using the mission budget approach and figures supplied to Congress last year, estimated that general purpose warfare activities, and their support, were allocated 62 percent of the fiscal 1976 budget request; strategic forces were allocated 15.5 percent, and other activities—intelligence and communications, basic R. & D. management overhead, retirement pay, military assistance—were allocated 22.5 percent.

Similarly, the staff estimated that of some $65 billion requested for general purpose warfare activities and their support—including recruiting, training, medical care, and base support—a total of $51 billion could be identified with forces having a clear geographic orientation. More than three-fourths of this amount—about $39 billion—could be identified with forces whose primary justification is defense of NATO in a European war. These included not only forces deployed in the European theater, but also forces located in the United States and the Pacific region which would provide essential reinforcements to NATO in the event of a war.

Thus it appears that forces costing nearly 40 percent of our defense budgets are presently justified on the grounds that they are required to meet the U.S. commitment to contribute to a conventional defense of Western Europe.

I stress the word "conventional" because it is clear that the inability to defend Europe with conventional military forces would force NATO to consider the alternatives of surrender to military pressure or of nuclear war. And the circumstances of tactical nuclear war in Europe are sufficiently unclear to make this a very undesirable option.

In this connection, I was encouraged to note that President Giscard d'Estaing of France promised, in his address to the Congress last week, that his nation believes in the need for a strong defense in Europe, and will contribute to the effectiveness of the Atlantic Alliance. I can only hope that these words will be followed by concrete actions by France to cooperate with the military organization of the Atlantic Alliance. The hard truth is that the decision by France in 1966 to withdraw from the NATO military organization, and to eject both NATO and U.S. military forces from France, substantially weakened the security of Western Europe. First, it required a relocation of supply depots and lines of communication to areas where they are considerably closer to the potential front and more vulnerable to attack. Second, it introduced a dangerous ambiguity concerning the timing and manner of French participation—if any—in the defense of Western Europe against aggression.

As recently as 1974, Senator NUNN reported to the Armed Services Committee, following an exhaustive survey of U.S. and allies plans and capabilities for the defense of Europe, that—

> As a practical matter, France by its policies reduces the possibility of a conventional defense, and significantly lowers the nuclear threshold by refusing to collaborate in advance for a strong conventional defense.

Finally, France's policy imposes on the United States and our allies in the NATO military organization a larger burden and higher costs in order to partially repair the imbalance in NATO's defenses resulting from France's nonparticipation.

President Giscard concluded his address to Congress by asking that we "show the same confidence" in France that France has in the United States and its commitment to the defense of Europe. The way for France to earn confidence will be to show her increased confidence in NATO. Let us hope that President Giscard's visit signals a move in that direction.

In the meantime, Mr. President, we must continue to deal realistically with the defense burdens imposed on this country by our role in NATO and by the steady growth in Soviet military capabilities. This bill meets our responsibilities in this area.

At the same time, the Armed Services Committee has exercised restraint. This bill is consistent with the national defense budget guidelines provided in the first concurrent resolution on the budget—provided that certain economies contemplated in that resolution are in fact enacted. The bill is $200 million in budget authority and $200 million in outlays below the budget target under these conditions.

The Armed Services Committee also has taken the initiative, with this bill, to move forward on important segments of the program of economies recommended in the first concurrent resolution. The committee has attached to this legislation provisions affecting military pay and allowances. It has repealed the 1-percent kicker which increases retirement benefits for military personnel more rapidly than the rise in the cost of living, and it is recommending a 3-year phasing out of the commissary subsidy program. In addition, it has recommended reductions in military and civilian personnel amounting to 28,300 spaces. If sustained, these actions will save more than $500 million in fiscal 1977 and as much as $7.4 billion over the next 5 years.

Finally, the committee has provided us with a sensible, attainable shipbuilding program for fiscal 1977. Senator STENNIS and his colleagues who developed this program, including Senator CULVER and Senator LEAHY, deserve our admiration and our firm support for their clearheaded work on this very difficult issue.

Mr. President, the shipbuilding program is, without doubt, the most costly decision facing the Congress in the national defense area. For example, if we buy the entire planned B-1 program, additional procurement and research and development costs over the next decade will come to about $19 billion, including estimated inflation. But the cost of a shipbuilding program which would simply maintain the size and type of Navy which we have today, according to a recent Library of Congress study, will be $62 billion over the next 10 years, not counting the effects of inflation, which can run as high as an additional 50 percent. If we want to increase the size of the Navy to 600 ships, the shipbuilding costs alone will be in excess of $80 billion, again, not including inflation.

Before we commit ourselves to that kind of expenditure, it is wise to decide what kind of Navy we need in the future. Today's Navy is designed according to principles which emerged from World War II, with the aircraft carrier as the dominant warship. The Soviet Navy has been designed specifically to counter this approach, using the nuclear submarine and the cruise missile. The question is whether continuing the traditional balance in the U.S. Navy is the most effective counter to the new Soviet capabilities.

In order to answer that question, we need to think carefully about the kinds of missions the Navy must perform, and determine the priorities for naval investment so that they match the Navy's most urgent needs.

For example, should we give first priority to the strike forces, which include the attack carriers and the warships which escort them into battle? Or should we give first priority to assuring the Nation's ability to protect military convoys carrying troops and supplies across the Atlantic, in the event of a major war in Europe or in the Middle East? In the latter case, we would probably want to spend money for less costly escort ships and for nuclear submarines. Or should other missions receive our attention?

In trying to decide what kind of shipbuilding program we need, the Senate has been faced this year with something approaching utter confusion. We have found that the United States has not one Navy, but at least three navies—some would say four. There is the carrier Navy, and the destroyer Navy, and the submarine Navy, and perhaps, the Rickover Navy. Each of these organizations has its own program for the Navy, which is to be expected. And each has its own spokesmen. Then, in addition, there is the administration. The administration has already put forward two different shipbuilding programs for fiscal 1977—and it still has not completed its National Security Council review of the shipbuilding issues.

In this situation, with many competing voices and proposals, it is a great temptation to avoid hard choices and simply resolve to buy the best features of each approach. It is a great temptation to say, let us have nuclear escorts for carriers and more surface ships and

more submarines, and let us have more carriers also, with all their aircraft and support.

It is a temptation to say, let us not struggle too hard with the difficult questions regarding the correct set of priorities, or the most cost-effective ways to achieve Navy missions.

If we took this approach, we might end up with a fiscal 1977 shipbuilding program which looks something like the one contained in the House version of this bill. The House took a record shipbuilding budget submission by the administration, totaling some $6.3 billion, and added $3.7 billion for additional ships. The House did make some offsetting reductions, but the major cut taken by the House was in the one program—the patrol frigate or FFG program—where there is nearly unanimous agreement that we need more ships. With the exception of this restraint, the House added:

Advance procurement funds for two strike cruisers in addition to the one proposed by the administration. This is a new class of nuclear ship with a leadship cost of at least $1.2 billion. The Navy has not completed preliminary design studies on the ship.

Advance procurement funds for a new nuclear aircraft carrier.

Funds for one additional Trident submarine and one additional attack submarine.

Funds to convert the nuclear cruiser Long Beach and repair the cruiser Belknap.

Funds to procure four new Spruance-class destroyers, and three additional support ships.

Mr. President, the House action reminds me of a story about one of our early secretaries of Defense, who had a horror of making decisions. It was said of him that he made only one decision during several years in the Pentagon. This involved competing rocket programs of the Army and the Air Force. The services could not agree who should be in charge. This gentleman called for the facts on the issue, weighed the pros and cons—and decided to go ahead with both programs.

It seems to me that there is an air of unreality in a shipbuilding program that proposes a major expansion in the construction of nuclear ships when the only shipyard presently qualified to build nuclear surface warships has threatened to discontinue work on an aircraft carrier already under contract, and when the Deputy Secretary of Defense, on May 18, characterized the Navy's relations with the shipbuilding industry as a "crisis situation."

Even if this proves to be a temporary situation, the House recommendations force us to consider one of the most difficult Navy issues. What priority should we give to nuclear propulsion for surface warships, other than aircraft carriers?

Ship for ship, nuclear propulsion costs more. In comparing a nuclear and a conventional ship of roughly similar characteristics, we find that the nuclear ship has to be larger, because the nuclear powerplant takes up more room and requires a larger hull. The nuclear ship also requires a larger crew to tend the powerplant. On a life-cycle basis, including fuel costs, crew costs and maintenance and overhaul, as well as initial procurement costs, the General Accounting Office has calculated that a nuclear surface ship, with its weapons, costs 60 percent more than a comparable conventional ship.

For this extra cost, the nuclear ship does provide certain advantages. Because of its larger size, and extra space below decks, it can carry more weapons and stores. Lacking dependence on oilers, it can operate for indefinite periods at sustained speed—useful for rapid long-distance movement of fleets—and it is potentially less vulnerable in combat due to less frequent need for replenishment. The big issue is whether these advantages offset the extra cost, or the advantages of having three conventional ships for the price of two nuclear ships.

The answer depends on what missions the Navy will be asked to perform.

According to the preliminary results of a study by the General Accounting Office, the advantages of nuclear power are largely situational. For example, a task force commander on a mobile strike mission may gain certain advantages in mobility and speed if operating with an all nuclear group which he would not have if an all conventional or mixed task force were employed. He would have, for instance, somewhat greater independence from the oilers and ammunition ships which support the task force.

However, in other situations—such as the one faced by our fleet in the Mediterranean, operating under surveillance by the Soviet fleet, and within constant range of Soviet firepower—nuclear propulsion does not seem to offer any advantage. Indeed, comparing task forces of equal cost, the all nuclear task force may be at a decided disadvantage in situations where the fleet is required to operate constantly in a high-threat environment.

The General Accounting Office postulated that task forces of equal cost would consist of an attack carrier and four nuclear escorts, or an attack carrier and six conventionally-powered escorts. The conventional escorts would have more total firepower—that is, more capability to defend the carrier against attack. The larger task force would also be more survivable.

Consider, for example, a situation in which each task force is subjected to an attack capable of sinking or disabling three escort ships. In this situation, the task force consisting of a carrier and six escort ships would still have three escorts remaining—enough to permit continued operation. But the task force consisting of a carrier and four nuclear escorts would be reduced to a single escort, and would have to disengage much sooner, or risk the sinking of the carrier.

So here again we are brought up against the basic question: For what kinds of missions should we design our fleet?

Without prejudging the need for some nuclear surface warships, in addition to aircraft carriers, I think the record shows that we should not make an automatic presumption in favor of nuclear power for all ships operating with our strike forces—particularly in view of the fact that we require the Navy to maintain a large fleet on constant station in the high-threat regions of the Mediterranean.

Unfortunately, present law makes just that presumption. I refer to title VIII of the 1975 Defense Appropriations Authorization Act, which establishes as the policy of Congress that all major surface combatant ships will have nuclear propulsion unless the President decides, on a ship-by-ship basis, that such would not be in the national interest. This provision is unduly restrictive, and its meaning is subject to dispute. I am delighted to see that Senator STENNIS is now recommending, in this bill, the repeal of title VIII.

The other elements of the shipbuilding program recommended by the Armed Services Committee display similar commonsense. The committee has rejected, for 1977 at least, the proposed strike cruiser, pointing out that important design and cost studies and reviews have not been completed. It has deferred without prejudice the President's belated request for $350 million in long leadtime funds for a new aircraft carrier, pending completion of the administration's review of Navy requirements. Of the other new ships proposed variously by the administration or the House Armed Services Committee, the Senate approved only the need for an additional fleet oiler. It accepted the administration's original request for authorization of eight additional patrol frigates but rejected the added request for an additional four patrol frigates.

In short, this is an achievable shipbuilding program for 1977. It places the main priority on the need to increase the total number of escort vessels, rather than on establishing new classes of high-cost ships.

However, there is one area in which the Navy's approach to fleet operations and design gives me some concern. I refer to the roles and missions assigned to the nuclear attack submarine forces.

As I indicated earlier, our present Navy is built around the concept of the attack carrier as the principal striking arm of the fleet. The carrier, for example, has the primary role in attacking enemy fleet units.

The nuclear submarines have the primary role of combating enemy submarine forces, particularly those which would be assigned the job of interdicting sea lines of communication between the United States and Europe or Asia.

The Soviet Navy, in contrast, assigns a major role in antifleet operations to its nuclear attack and cruise-missile submarines, assisted by major combatant surface ships and land-based aircraft.

The Soviet shipbuilding program reflects the high priority given to the submarine. In the period between 1965 and 1975, the Soviets launched 100 nuclear submarines and 45 diesel submarines while the United States launched just 57 nuclear submarines. In the same period, the United States launched 137 large surface combatants and support ships—displacing 3,000 tons or more—

while the Soviets built only 60 ships in these categories.

The Soviet approach to antifleet operations places a high premium on surprise attack, and places the U.S. fleet in areas such as the eastern Mediterranean in a dangerously exposed situation.

Recently the Washington Post published a thoughful article by retired Vice Adm. George P. Steele suggesting that the U.S. Navy is effect turn the tables on the Soviet fleet in such areas, by deploying nuclear attack submarines in a position to combat and interdict Soviet fleet operations. This would require assigning new roles and missions to the attack submarine.

It could also require us to build nuclear attack submarines at a much more rapid pace than presently planned. An increase in submarine construction may also become necessary simply to counter growth in the Soviet submarine fleet. Attack submarines are very costly warships and we should not commit ourselves to a larger attack submarine fleet without careful study. But I believe Admiral Steele's ideas deserve careful consideration in view of his distinguished career and operational experience with both the submarine and surface fleets. Admiral Steele, incidentally, was the first submarine officer to command a major U.S. fleet.

I ask unanimous consent to place in the RECORD the article by Admiral Steele and a table, prepared by the Office of Secretary of Defense, summarizing United States and Soviet ship construction between 1965 and 1975. This table supports the contention, by my good friend the Senator from Vermont (Mr. LEAHY), that the U.S. Navy has built more large-displacement ships than the Soviet Union. It also shows that the Soviet Union has built more submarines of all kinds than the United States.

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

UNITED STATES/U.S.S.R. SHIP CONSTRUCTION, 1965-75

	United States			U.S.S.R.		
Range (tons)	Classes	Number	Tonnage	Classes	Number	Tonnage
Over 40,000	CV America; CV Kennedy; CVN Nimitz	3	261,200			
20,000 to 40,000				CVSG Kiev	1	39,000
10,000 to 20,000	CGN California; LCC Blueridge; LKA Charleston; LPD Austin; LPH Iwo Jima; LSD Anchorage.	30	489,500	CHG Moskva	2	35,400
5,000 to 10,000	CG Belknap; CGN Truxton; DD Spruance; LST Newport.	30	247,800	CG Kara; CG Kresta; CG Kynda	17	134,600
3,000 to 5,000	FF Garcia; FF Knox; FFG Brooke; WHEC Hamilton; AGFF Glover.	74	248,200	DDG Kashin; DD Krivak; LST Alligator	40	171,500
1,000 to 3,000				FFL Mirka	72	83,600
				FFL Petya	[1] (7)	(8,000)
				PCE Grisha (LSM Ropucha, LSM Polnocny)	[2] (11)	(18,900)
500 to 1,000	WMEC Reliance	13	12,600	PGG Nanuchka	77	58,500
				MSF Natya	[1] (20)	(15,000)
				LCU Vydra (LSM Polnocny)	[2] (54)	(41,850)
100 to 500	PG Asheville; PTF, AGEH Plainview	36	6,070	LCU MP-10; LCU SMB-1; PCL 50-1; PCE POTI; PCH Turya; PT Shershen; PT MOL; PTC Stenka; PTG OSA; PTG Komar; PGM Shlepen; MSF Yurka; MSC Zhenya; MSC Vanya; MSC Sonya.	410 [1] (104)	110,100 (23,618)
Submarines:						
Ballistic missile (nuclear)		12	87,600		51	390,000
Attack:						
Nuclear		45	164,200		49	213,050
Diesel					45	99,000

[1] Ships constructed in U.S.S.R. for delivery to other countries.

[2] Ships added to Soviet OOB but constructed in Poland.

[From the Washington Post, May 16, 1976]

A FLEET TO MATCH OUR REAL NEEDS

(By George P. Steele)

Even Americans who follow the news of defense spending rarely glimpse the contrary views of professional military officers on costly programs. Military alternatives to weapons systems proposed to the Congress have been discussed earlier and discarded behind the secure doors of the Pentagon. Decisions involving huge sums are made, supported by highly technical, classified information and professional experience that cannot be made public. In the disciplined ranks of senior active duty personnel there can be no room for the maverick who publicly opposes an official stand on major procurement.

But U.S. naval officers are by no means of one mind on the need stated by the Navy for a $2 billion aircraft carrier or a $1.3 billion strike cruiser. Many officers hold that these great ships could not prevail at sea but would dominate the budgetary process, soaking up so much money that little of real consequence could be afforded. The very nature of the U.S. Navy's future role is involved in the controversy.

The World War II American fleets, in which the aircraft carrier forced out the battleship as the capital ship, emerged victorious to face no significant threat at sea for over 15 years. In that period of American naval supremacy, the Korean War marked the beginning of a preoccupation with the projection of naval power ashore that has continued to this day. The present generation of senior naval officers was schooled in that war, in the Cuban and other crises and in the long Vietnam conflict. Not in 30 years has an aircraft carrier group come under significant enemy naval attack. It is perhaps natural that this experience would exert strong influence on development of U.S. Navy doctrine and hardware, producing a fleet ideally suited to intervention in a land battle while operating from a privileged sanctuary at sea.

Knowing this, the Soviet Union has constructed a fleet heavy with submarines and guided-missile ships, backed by a highly effective, missile-equipped maritime air force. It is a fleet which can prevent American seapower from getting at its shore objectives. Instead of swinging around to confront the Soviet Navy with an effective counterforce able to defeat and push it out of the way, the U.S. Navy continues to program large and very expensive surface ships which are in great danger from both submarines and surprise missile attack.

For three decades the major U.S. Navy surface combatants have been subordinated to the defense of the aircraft carrier. This has shriveled the Navy's fighting ability on the surface until it is now incapable of standing up to Soviet cruisers armed with potent, long-range cruise missiles.

A comparison of the latest U.S. nuclear-powered cruiser alongside that of a new Soviet Kara class cruiser shows the remarkable lag in U.S. weaponry. This weakness takes on great significance in remote areas such as the Indian Ocean or the South Atlantic, where the United States no longer can be certain of representation by aircraft carriers—there are simply not enough carriers. And without air support, a U.S. Navy surface force can be defeated easily by a Soviet surface force of lesser tonnage.

Evidence of the pervading influence of American naval experience with projecting power ashore while unopposed at sea is easy to find. The F-14 Navy fighter, a magnificent aircraft with its Phoenix weapon system, is designed primarily not for defeating enemy sea forces, but for besting the most capable land-based aircraft. Underway replenishment ships have grown to great size while shrinking in number because of the efficiences involved; the Camden-class combat support ship is capable of carrying prodigious quantities of fuel, ammunition and stores—but if one is sunk, it is a grievous loss indeed.

Newer surface fighting ships are not well constructed to trade blows with other ships. Armor for key systems and compartmentation have not been emphasized enough. Redundancy of vital equipment, such as power supplies, and shock-resistant qualities, so important for continuing in action after sustaining damage, too often have been economized out of design. Operational security has retreated steadily before the long-term trend to more and more powerful radars and sonars and continuous data and information exchange by radio, all of which disclose precise position and other intelligence to an alert enemy.

IF WAR COMES

Soviet naval authorities have capitalized wonderfully on U.S. Navy weaknesses in the construction of the modern Soviet Navy and maritime air force. Under the long-term leadership of the brilliant Soviet Navy commander-in-chief, Admiral of the Fleet S. G. Gorshkov, forces have been built to fit a concept of surprise attack during which many missiles would be launched from coordinated air, surface and subsurface platforms. The attack is designed to overwhelm U.S. aircraft carrier groups.

It would work like this: Coming from many directions with different flight profiles, supported by heavy electronic jamming of American radars, the variety of Soviet missiles appears with breathtaking suddenness.

Corridors of chaff mask the missile-launching Soviet aircraft and surface ships from U.S. radars. A variety of Soviet defensive missiles and rapid-firing light weapons works to prevent successful counterattack. (Soviet submarines need no such protection, unless they are old and must surface briefly to shoot; even then their exposure to counterattack is brief.) The American formations may well destroy a number of the incoming missiles, but Soviet designers have a good appreciation of U.S. Navy capabilities, and they expect mass attack to achieve an early saturation and many assured hits.

The surprise-attack strategy was tested in 1970 during a worldwide Soviet Navy exercise, the largest naval exercise ever held. Soviet forces played the roles of both attackers and defenders, with the fascinated Western allied navies taking ringside seats. A crisis was simulated, during which Soviet units maneuvered in close proximity to others playing the enemy role. Suddenly, a radio command from Moscow simulated the triggering of scores of missiles aimed at enemy aircraft carriers and other ships. It looked like another Pearl Harbor attack—but against forces underway at sea instead of moored in port.

Once missiles are launched in such numbers, U.S. Navy aircraft carrier groups as now constituted have no adequate defense against them. Retaliation by aircraft already airborne undoubtedly would hurt the Soviet forces badly, but the critical denial of American ability to project power ashore already would be accomplished. The only way U.S. forces could win such an engagement at close quarters would be to strike first, perhaps motivated by certain knowledge of impending attack—a highly improbable circumstance.

In times of heightened tension in the Mediterranean, such as the 1973 October War, the U.S.S.R. has moved strong surface and submarine forces into position next to American aircraft carrier groups, in effect holding a pistol to each of their heads. The eastern Mediterranean is within comfortable land-based air range from the Soviet Union, and the 6th Fleet is easily outnumbered in a Mediterranean submarine buildup because of greater Soviet resources. Building another nuclear-powered aircraft carrier and a strike cruiser is no way to redress that imbalance. And yet a balance in the Mediterranean is critical to resolution of disagreements in the Middle East in a way not inimical to the interests of the United States.

Even when Soviet naval forces are not concentrated for a devastating first blow, there is acute danger to the aircraft carrier group and its logistic support ships from Soviet nuclear submarines. These powerful underwater craft are guided by various independent sensors whose locating information is furnished to the underseas craft by radio. In spite of almost frantic efforts and brave talk by the Navy over many years, the submarine threat to U.S. surface forces is grave.

Attempts to increase the power of the echo-ranging active sonars of American surface ships sufficiently to detect an enemy submarine in time to kill it beyond the range of its torpedoes have served, unfortunately, to identify U.S. warships better to enemy submarines and to provide an aiming point at a greater range for listening submarines with guided missiles. The improved active sonars have not been adequate, even to guard against torpedo attack in many areas of the oceans where unfavorable conditions inhibit the pulsing surface ship sonar far more than they do the submarine listening sonar.

Antisubmarine fixed-wing aircraft and helicopters employing sonobuoys and other devices have enjoyed some success in favorable sea areas. But reliable, all-direction, continuous air protection for surface forces, including aircraft carriers, is still not possible. Two or more nuclear-powered attacking submarines can saturate the defenses of an aircraft carrier group, and it is not difficult for the Soviet Navy to use several submarines in concert.

The effect of weather is very important. Flight operations must be curtailed or cancelled in heavy weather. Surface ships can proceed only at moderate or slow speed and, even then, with great difficulty in areas such as the North Atlantic and North Pacific during protracted periods of the winter months. Icing conditions and extreme cold add to the adversity. But the nuclear-powered submarine is not much affected by weather. It can continue to make top speed, and its periscope and antennae, should it elect to use them, are nearly invisible to the eye or radar in spray or waves. The submarine's guided missiles do not need a relatively steady flight deck. Nor do its launching tubes ice up. Its torpedoes are effective except in the mountainous waves of a big storm.

The question of fatigue of men and machines also must be considered. Around-the-clock flight operations required to stay in top defensive posture, or to keep a constant offensive punch airborne, can stretch into weeks during crisis or war. The strain was eased in the Vietnam war by using two aircraft carriers, each with a 12-hour flying cycle, with perhaps another carrier or so in the area to assist if need be. With fewer carriers now, it is likely that we have seen the end of such a practice, particularly in the presence of threatening Soviet forces at sea. Each carrier, because of the concentration against it, will probably have to keep its guard up at all times. As a crisis continues, time will work for the Soviet submarine, surface and air forces. The numbers of operationally ready aircraft on American carriers on continuous alert can be expected to decrease; spare parts will dwindle, maintenance men will be hard-pressed. By contrast, Soviet missiles in their launch tubes are not strained by any problem of accumulating flight hours.

A U.S. decision to make first use of nuclear weapons at sea would not significantly improve America's naval position. Nuclear weapons could not successfully ward off surprise attack, and the gain in kill capability against the enemy would be much more than offset by the vulnerability of large U.S. ships to nuclear counterattack. And the use of nuclear weapons at sea will intensify the conflict, increasing the possibility of escalation to full nuclear weapon exchange.

MEETING RESPONSIBILITIES

The pressing problem for American naval commanders is how to go to the aid of our treaty partners in the North Atlantic Alliance and the Pacific or to support our friends, with the present and projected forces available, in the teeth of the formidable new Soviet forces. The obvious areas where naval aid would be needed at the outset of a NATO war with the Warsaw Pact powers would be the waters off Norway, Denmark and the Mediterranean nations. U.S. treaty commitments are heavy in the Korean-Japanese area, and naval power is indispensable to successful defense there.

Where treaties do not exist there are still very real responsibilities that could bring the United States into direct confrontation with the Soviet Union at sea. Latin America and Africa may well be the scenes of future contest between the superpowers regardless of the present prevailing public mood against involvement anywhere.

The most recent behavior of the United States Navy in confrontation with the Soviet Union—in the October, 1973, crisis—is best described as force posturing. Soviet commanders must have been grateful by the positioning of major American aircraft carrier forces in the Mediterranean where they are easy marks for carefully orchestrated surprise missile attacks. However reassuring the posturing American fleet may have been to the Israelis, or threatening to the Arabs, the truth is that the 6th Fleet was staked out for sacrifice, deprived of enough *sea room for* defensive maneuver.

Given that example, it is not hard to imagine U.S. aircraft carrier groups ordered to move into the Norwegian Sea, and the Sea of Japan in some future crisis, while others maintain the desperately dangerous posture in the Mediterranean. The situation would bring to mind the movement of the United States fleet to Pearl Harbor just before World War II, over the objections of its commander-in-chief. The principle of civilian control of the armed forces, obviously, s both sound and essential, but civilians are not trained to make tactical decisions. To abuse the principle of civilian control by requiring force posturing in crisis—in defiance of sound military advice—can lead only to disaster.

It is fair to ask whether there is any alternative, both in the crisis handling of our presently structured sea forces and in the balance of types of ships and aircraft that should be purchased for the future. Must we conclude that our teeth are drawn, except when we take on a lesser power with the assent of the Soviet Union? Must we continue to buy the kind of forces that continue currently exploitable weaknesses?

If the aircraft carrier groups of the U.S. Navy were not formidable, the U.S.S.R. would not have gone to so much trouble to develop a counter. There is no other way to keep potent airpower across the seas without dependence on foreign bases which are fixed in place, easier to attack than a carrier, and which can suddenly be denied to us for political reasons. The aircraft carrier has by no means outlived its usefulness, but it is no longer a "line-of-battle" ship that, protected by lesser vessels, can hold its own against all comers. It must be held back, hidden to the extent possible in the vastness of the ocean until the way is prepared for it to perform its unique service.

The "strike cruiser," as yet unbuilt, would not be a line-of-battle ship either because it is not capable of operating within range of hostile Soviet air concentrations or of defeating Soviet submarines. This vastly expensive weapon, too, would have to be held back to await employment against surface forces. But the irony is that those surface forces can be destroyed more easily by carrier-based aircraft or submarines.

BATTLE-WORTHY SUBS

Today, and for many years to come, the really battle-worthy capital ship is the nuclear-powered submarine. It has the unique ability to get close enough to destroy the enemy surface ship, using missiles or torpedoes, without great risk, regardless of how much air power is ranged against it. The only adversary that it really need fear is another and better submarine, down in the sea with it, using the same advantages of mobility and stealth.

Suppose that this thesis had been accepted and acted upon in the crisis of October, 1973, in the Mediterranean. We would have withdrawn our aircraft carrier groups as quickly as possible, while U.S. nuclear-powered attack submarines steamed into the area in strength. Each major Soviet warship, surface ship or submarine would have been tracked down by one of these American submarines. With sufficient strength in place, American submarines could show themselves in sequence to their adversaries and then break the contact to remain in the vicinity.

What a different outlook for the Soviet Mediterranean commander in these circumstances. The knife is at his throat, not the American commander's. The important So-

viet ships are being dogged by submarines that can sink them in short order. Yet the Russian commander's capability to inhibit this attack or even to keep track of U.S. submarines is slight, given the qualitative superiority of the American undersea craft over Soviet counterparts and countermeasures. He cannot place his surface ships in contact with the vulnerable U.S. aircraft carriers and other surface units because they are well out in the Atlantic Ocean.

If hostilities begin, he can envision the destruction of most of his fleet, followed up by the reentry of the American aircraft carrier groups into a Mediterranean cleared of most surface and submarine opposition and blockaded by American submarines against new Soviet Sea entrances. Soviet maritime air power would remain a threat to the U.S. aircraft carriers, but one they are best capable of defeating.

In recent years the United States and the Soviet Union each have maintained a squadron in the Indian Ocean where the oil lifelines of Japan and Western Europe originate. Dut to the great distances involved from U.S. bases and the lack of emergency landing fields for carrier aircraft, the Indian Ocean would seem, at first glance, to be an ideal operating area for the proposed strike cruiser. If, however, the strike cruiser is built for the purpose of being a surrogate aircraft carrier when and where our thinly spread carriers cannot be present, it faces a Mediterranean-like threat.

As with the aircraft carrier, Soviet surface and submarine forces have vulnerable targets for surprise attack in the strike cruiser, its escorting surface ships and the ubiquitous logistic support ships required by surface forces. The best American tactic to guard against surprise attack is to withdraw from the area, but the difficulty of locating Soviet submarines is such that a very considerable withdrawal would be required. Even then, there would be no certainty that the submarine missile threat had been shaken off unless U.S. submarines stay protectively close to American surface forces; but it would be better to put our subs near the opposition.

U.S. submarines stationed near a Soviet surface squadron in the Indian Ocean would not need to hightail it away to avoid surprise attack. Remaining hidden until commencement of hostilities, they could sink their surface adversaries without fear of the enemy's guided missiles. Only the Soviet submarines would be dangerous; so far, however, U.S. submarines are markedly superior. Should Soviet forces be on the point of some intervention in another nation, the presence of a number of nuclear-power U.S. submarines would let them know that the U.S. Navy had the power present to destroy the Soviet units without significant risk to itself.

This is not to say that the presence of surface warships in such remote areas is undesirable. There are times when the flag must be shown. And the submarine, powerful though it is at sea, is not the symbol which the apparently formidable surface warship provides to the peoples of unsophisticated nations; an unreasonable fear of nuclear propulsion also can inhibit port visits by nuclear-powered subs. Force posturing does have its uses, so long as we do not delude ourselves as to the fighting capability of the ships involved. We certainly will not delude the Kremlin.

The Chief of Naval Operations, Adm. James L. Holloway III, recently wrote, "We need ships *in proper balance* among types: carriers, surface combatants, submarines, amphibious and support ships. And, within a constrained budget, we need a *careful balance* between high-performance, general-purpose forces and less expensive, limited-mission ships we can procure and deploy in greater numbers. It is these two kinds of balance that go into the careful development of our shipbuilding programs. These programs will enable the Navy to maintain a modern fleet, sized to the needs of our future security requirements." (Italics added for emphasis.)

That statement is sound. The quarrel can only be over just what constitutes a "balance" and, perhaps, just what constitute our "future security requirements." There can be no doubt about the reality of constrained budgets and, if we err in striking the balance by building great, expensive, vulnerable surface ships, there surely will not be enough money left to build an adequate number of "line-of-battle" submarines, the only type of ship that alone can stand up to the Soviet air-sea threat.

Our future naval security requirements can be boiled down to a first-priority need to be able to control the seas. If that requirement is not fulfilled, then all of our allies and friends, all of our overseas interests and all of our vital imports are subject to Soviet control. If the Soviet government successfully denies us the use of the sea, expensive but vulnerable forces for power projection ashore would be useless, if not already sunk. Our only recourse would be a self-defeating nuclear exchange—there would be no other way to get at the U.S.S.R.

Even without building the $2 billion aircraft carrier, we have a substantial number of aircraft carriers on hand. These ships and their embarked aircraft are individually much more potent and sophisticated in projecting power ashore than the older ships and planes that were recently retired. Considering the size of the threat to NATO, it may be advisable to concentrate the greater number of the carriers in the Atlantic Fleet, placing only those with nuclear power in the Pacific Fleet to be able to go to the aid of the Republic of Korea and Japan.

But we would first have to use our submarines to sweep away Soviet surface and submarine forces in NATO waters and the Pacific. The rub is that for years the rate of U.S. submarine building has been so low that we do not now have enough in being or programmed for effective action. These are the warships that count the most today and, without enough of them, the U.S. Navy does not and will not control the seas.

A NAVAL FORMULA

To regain control at sea, first emphasis in U.S. Navy shipbuilding should be placed on building a powerful force of nuclear-powered attack submarines. It is not necessary that they all be high-performance submarines; less expensive, limited-mission submarines are suitable for many tasks, but nuclear power is essential for all. Submarines alone cannot provide the flexibility required to exercise the control of the seas, and they cannot be allowed so much of the construction budget that other types of modest-sized ships are crowded out. But surface ships that cost enormous sums, such as the large aircraft carrier and the proposed strike cruiser, should be eliminated.

We must redouble our efforts to regain supremacy for our surface forces in electronic warfare and in variety and sophistication of missiles. New surface ships should be designed to absorb punishment and still be able to fight. Since the present and projected Soviet sea forces are the clear danger, every decision about the fleet and aircraft we build should be tested for effectiveness in sea combat before capability in a land battle is considered.

Adm. Gorshkov has demonstrated the power of a tactical concept when implemented in the construction of sea forces. We must revise our tactics and modes of operation to meet the realities we now face at sea, taking particular care to free ourselves from the burden of our successful past naval actions against shore targets which has the U.S. Navy in a dangerous rut.

There is no reason why American innovation and technology cannot master the Soviet challenge at sea—*if* we have the brains, the vision and the will to use our money wisely.

Mr. HOLLINGS. Mr. President, I foresee that the Armed Services Committee may be faced with a very difficult conference with the House of Representatives. The House version of this bill differs in a number of important respects. My colleagues are already aware of the great differences of approach and detail in the shipbuilding program. The House also has not included in this bill legislation to achieve the various economies recommended by the Senate Armed Services Committee, the administration, and the Budget Committees. Also, the House version of the bill is considerably over the budget targets for national defense which we and the House recently adopted.

The Senate Armed Services Committee has taken the leadership in presenting us with highly important reforms of military pay and benefits, and with a rational, prudent shipbuilding program.

If we are going to meet our budgetary responsibilities, it is important that we give these initiatives our strongest backing, and encourage the Senate conferees to hold firm on those matters.

It is equally important that the Armed Services Committee move ahead with an assessment of proposed legislation pertaining to stockpile sales, inasmuch as savings of $750 million from enactment of such legislation are contemplated in the first concurrent resolution.

At the same time, we in the Senate will have to assume the leadership in bringing about other elements of pay reform contemplated in the national defense targets which do not fall under the jurisdiction of the Armed Services Committee. These include legislation to eliminate the 1-percent kicker on retired pay for civil service and foreign service employees and legislation on pay for wage board employees. This legislation will save another $300 million in national defense budget authority and outlays.

Mr. STENNIS. First, I want to thank the Senator from Maine, the chairman of our Budget Committee, for his very fine words and for his fine work, and that of the other members of the committee.

In the first place, I have learned by experience that you have to go, and should go, to a conference meeting with fellow Members of Congress from the House with very high purposes, staying as near as you can with our own Chamber's bill, but recognizing that they, too, have the same high purpose.

I do not want to say or do anything that would reflect any attitude that I had any other purpose except to meet in conference for a real conference.

However, looking at these problems that we do have, I said when we reported the present bill, Mr. President, there would have to be negotiations in the conference, and that parts of the bill would necessarily be rewritten to some degree, and those are just the practical facts of life.

I appreciate the Senator's reference to the economies that our committee has

tried to start in motion, that did not pertain to hardware, and I do not think any of those are included in the House bill.

There are other matters, such as new ships, where there is great variance in the two bills, and also what I call the old money there which pertains to existing contracts for ships.

But I have always found the House conferees willing to get down, knuckle down, to the problem, and we have been able to come back with bills that are generally satisfactory.

The fine work that our Budget Committee does underscores and emphasizes the difference that the House conferees are under as compared to the Senate conferees.

We have a valuable member of our committee, the Senator from Georgia (Mr. NUNN), who is also a member of the Budget Committee, where he also carries responsibilities, and I hope he will comment upon that difference and just bring it out in the open here as to what we are up against.

I pass on then to this point: I want to read the Senator from Maine's remarks very carefully. I admire lots of things he is doing and his overall purposes. I admire all of them, and before this debate closes—before we go into the recess—I hope I will be able to make some more remarks on this subject matter. But the time is short now. We have the Senator from New Hampshire here, and the Senator from Georgia who seeks a word, and I hope he will say a word now, and then we will get the Senator from New Hampshire to come in.

Mr. NUNN. I want to say to both my committee chairmen, the Senator from Maine, the chairman of the Budget Committee, and the Senator from Mississippi, the chairman of the Armed Services Committee, that you two leaders have done an outstanding job in trying to reconcile the need for national security and a strong national defense with the overall need for a disciplined budget process.

I know the Senator from Mississippi and the Senator from Maine have discussed it but, unfortunately, what is evolving in this budget process, as I see it, particularly as it relates to the Armed Services Committee, is the fact that the Senate Budget Committee and the Senate Armed Services Committee and the full Senate are doing a very responsible, conscientious, dedicated job of trying to truly abide by the budget ceilings, and succeeding on the Senate side.

On the House side, as the Senator from Maine well knows, the Budget Committee has taken the position that they are not concerned about the authorization bill passed by the House Armed Services Committee.

When we combine those things and see, as the Senator from Maine already pointed out, that the House, if we compare it to the budget resolution, is $1.7 billion in budget authority above the budget target, or somewhere in that approximate neighborhood, while the Senate is, at this point, $565 million below the budget target in budget authority. When we combine the fact that we are going to have to go to conference with the fact that the House Budget Committee did not in any way challenge the military authorization bill, it puts not only the Senate Armed Services Committee but also the Senate Budget Committee into an irreconcilable position.

I think the budget process is in great danger of becoming a one-legged monster unless the House intends to really go by the process and intends to take it seriously.

It is obvious to the Senator from Georgia that at this point the House Budget Committee, based on their lack of actions on the House Armed Services Committee bill, has not taken the budget process seriously and has thereby placed the Senate Budget Committee and the Armed Services Committee in the Senate into an inevitable confrontation when we come back from conference. Not only is there a tremendous gap in the amounts authorized in the two bills between the House and the Senate, but also there is a large difference in the crucial area of pay restraints.

The Armed Services Committee has gone beyond what the President asked for in pay restraints by about $100 million. Yet not a single one of those pay restraints is in the House bill.

So unless the Senate conferees are able to go into the conference and get all the pay restraints agreed to by the House conferees and compromise on the total amounts authorized somewhere about three-quarters in the direction of the Senate and one-quarter in the direction of the House, then the confrontation is inevitable and is not the fault of either committee but, in my opinion, the fault of the failure of the budget process to be taken seriously by the House Budget Committee and by the House Armed Services Committee.

Mr. MUSKIE. I may say, if the Senator will yield, with respect to the House Budget Committee and the House budget process, that the Budget Committee on the House side does face in many respects a different, if not more difficult, problem than we do on the Senate side.

For example, within our Budget Committee, as the Senator well knows, we are able to reach an agreement across party lines often in respect to major issues, to be able to come to the floor with that kind of bipartisan support on critical issues, not all, is a very important plus for us.

Second, the House Budget Committee has had a different kind of problem on the House floor in order to get the votes for the budget resolution.

Finally, the House Budget Committee must have support, not only of those who are for a strong defense, who are very articulate, very vigorous and very effective on the House side, but also the support of those more liberal members within our party on the House side who feel that defense spending is too high and social spending too low.

So that in producing its budget resolution, the House Budget Committee must accommodate both those points of view to a greater extent, perhaps, than we must sensitize the Senate in order to get it for the budget resolution.

At the same time, on the authorizing committee side, that is with respect to the Committee on Armed Services on the House side, a lot of this legislation, of course, originates there and it is a little more difficult for the House Budget Committee to work closely with the Armed Services Committee staff on the House side, to sort of work to get in the evolution of the authorization bill, than it is on our side.

We have found, I think, our staff relationships very good, if I may ask the Senator from Mississippi. So we are able to work very closely in the development of the authorization bill and, to a greater extent, than Congressman BROCK ADAMS, chairman of the House Budget Committee, finds it possible to do on the House side.

So, there are some differences. The net result of it is, just as my two good friends from Mississippi and Georgia pointed out, that they are put in the squeeze.

I guess that is the nature of the budget process, that if it is to work, a lot of us are going to be put into the squeeze from time to time.

I am simply indicating my desire to cooperate in that respect.

Mr. STENNIS. I thank the Senator from Maine.

Mr. President, I yield to the Senator from New Hampshire.

Mr. NUNN. Will the Senator from New Hampshire yield for just 1 more minute?

The Senator from Georgia agrees with everything the Senator from Maine has said except the point that we are put in a squeeze. The way I see the situation, we are not put in a squeeze, we are put in an impossible situation, unless we presume the Senate conferees can go to conference and come back with everything virtually like it is in the Senate bill, and if that happens there would be no conference.

So I do not believe it is going to be possible to reconcile these differences on the Senate side.

I would submit, in spite of the difficulties I know Chairman Adams is having with the House budget situation, and in spite of the great effort he has made over there, there is not really much sense getting a budget resolution through and putting together a coalition of votes that would get that resolution through if, after it is put through, the House Budget Committee is then going to ignore the budget resolution, and that is exactly what they have done in terms of the military authorization bill.

So a budget resolution, per se, means nothing unless the House is willing to have some discipline in abiding by it.

As the Senator from Maine knows, the Senator from Georgia is a very strong proponent of the budget process and wants to do everything he can to see that it works. But I believe we are about to reach a situation where the budget process itself is in danger unless the House is able to build a coalition that really supports the procedures, and it is obvious that so far they have not.

Mr. STENNIS. Will the Senator yield to me?

Mr. MUSKIE. May I make two points in response to that?

Mr. STENNIS. I feel we are obligated.

The Senator from New Hampshire has waited again. I yield.

Mr. MUSKIE. Just two very brief points.

One, last year, we faced a similar situation and we were able to resolve it. This one may be more or less difficult. I am not sure. But we faced a similar one.

Second, there are two ways in which the process can fail. One is the one posed by the distinguished Senator from Georgia. The other is for both Houses to fold on the budget process.

To say in the Senate that because the House is lax we are going to be lax is another way to undermine the budget process.

So that if we have the capacity on this side to be more effective or strong or stern about the process, then I think we have some obligation to press that.

At some point, we are going to come to those crunches, and I understand that. I do not want to try to anticipate every crunch or what the answer will be and I do not want to back off. I am sure the Senator from Georgia agrees with me on that point.

Mr. NUNN. I do agree with that point. I think the Senator has done a tremendous job, not only guiding that budget effort, but also making it very apparent as far as the Senate is concerned that it is going to work.

I think we ought to continue that policy. I hope the Senate Budget Committee will be just as tough in the negotiations with the House Budget Committee as the Senate Budget Committee presumes that the Senate Armed Services Committee is going to be with the House Armed Services Committee.

Mr. McINTYRE addressed the Chair.

The PRESIDING OFFICER (Mr. BUMPERS). The Senator from New Hampshire.

Mr. McINTYRE. Mr. President, as Chairman of the Subcommittee on Research and Development of the Committee on Armed Services, a position which I have been privileged to hold since February 1969, I would like to speak in support of the Committee recommendations on H.R. 12438, the Military Procurement Authorization Bill for fiscal year 1977.

But before doing that, Mr. President, I compliment my neighbor and good friend from the State of Maine (Mr. MUSKIE) on the very hard work that he is putting in on the Budget Committee.

I was very pleased and interested to hear the remarks of the Senator from Maine and his compliments to the chairman of the Armed Services Committee (Mr. STENNIS). The chairman of the Armed Services Committee has been very aware of the Budget Committee's work and we have been reminded of it several times during our hearings.

As far as I am concerned, and the members of the Armed Services Committee, we are trying very hard to work on this important area of the budget which must be successful.

I might say to the Senator from Maine, it squeezes everybody as we try to go forward with the budget process. The Subcommittee on Research and Development normally is not in a position, Mr. President, to take a hard look at the budget recommendations of the administration or the Defense Department until well into February. At that time, we get what we call the backup statements, the rationale, the reasons why the Department of Defense feels that certain areas need to be explored. Mr. President, the date of April 15 is when we receive a tentative figure, followed by a firm figure on May 15. This puts a stress on the committee to take a hard look at the $11 billion to be spent on research and development. It also behooves the Senator from New Hampshire, as we move into the next fiscal year, to find some other mode or method of hearings by which we can cover at least 10 or 15 percent of that request. We cannot do it, I believe, Mr. President, by the formal hearings. That will be the problem of the subcommittee.

Before addressing the research and development part of the bill, there are some general observations which I would like to make.

During the 7-year period of my chairmanship, and beginning with the request for fiscal year 1970, the subcommittee recommended reductions totaling $3.9 billion through fiscal year 1976 and the 3-month transition period. It is significant, Mr. President, that most of this reduction was approved by the Armed Services Committee, the Senate, and the Congress.

The reductions which we have recommended always have been based upon the most thorough review and analysis of program details, and confirmed by a wide range of formal hearings and informal discussions with Defense officials. These reductions have been specific rather than arbitrary, and the passage of time has proven that they were not detrimental in any way to the ability of the Department of Defense to develop advanced weapon systems for our combat forces.

It is with firm conviction that I can report that these reductions of some $4 billion have constituted real savings to the American taxpayer.

Mr. President, this is a year of messages. In this year of Presidential election and Bicentennial celebration, the flow of political messages boggles the mind. However, this profuse torrent of words, echoed, reechoed, embellished, and interpreted by the news media, is an essential ingredient in our great democracy. Other nations of different calling, especially those with monolithic types of government, simply cannot fathom our free-wheeling and often vitriolic public debates and provocative contradictory statements of politicians. Little do they realize that these are healthy manifestations of a political system which has made us the greatest and most powerful country in the entire history of the world.

And this brings me to the subject of my speech—to insure that we guarantee to our children and the generations which follow the same freedom of expression, security and greatness that we have been privileged to share in our own lifetime. And the only certain guarantee of our freedom is the certainty of our ability to defend ourselves against all enemies.

The research and development program which we are recommending for fiscal year 1977 is designed to provide for the support of a wide array of major new weapons systems, major subsystem developments which are the building blocks that are put together to create the most advanced new weaponry, and a broad spectrum of technology to insure that we will lead our potential enemies with modern weapons during the remainder of this century.

The committee has made these objectives credible and attainable by recommending the largest amount ever authorized for the R.D.T. & E. appropriations. Based upon my own observations and experience, the $10.5 billion which this bill provides is entirely adequate to the requirements of the Department of Defense and the Nation. It will not permit the Soviets to gain any future technological advantage which could threaten the security of the United States, if these funds are wisely and scrupulously administered consistent with the guidance and intent of the Congress.

Let us now examine the budget request as submitted by the Department of Defense. The initial request for R. & D. totaled $10.9 billion, an increase of $1.4 billion or 12.8 percent above the amount authorized and appropriated for fiscal year 1976. This, too, was the largest amount ever requested for R. & D., but it is requested to keep pace with inflation. Therefore, only $736 million represented real program growth.

During the committee markup of the bill, the Department submitted a budget amendment which included $200 million for Navy Research and Development involving V/STOL aircraft and advanced missiles to accelerate or initiate a series of programs designed to advance our capability to control the sea lines of communication. Although the committee is sympathetic with these requirements, the request was received too late to enable the committee to obtain and review the program details and submit recommendations to the Senate. The budget amendment therefore was deferred without prejudice. This means that the Department may submit a proposed supplemental for these items immediately after final congressional action is taken on the pending bill, if the items are still required.

Without considering the $200 million add-on, which the House did not act on because it was submitted after they had acted on the bill, the committee recommendation of $10.5 billion is $380.7 million or 3.6 percent lower than the original amount requested. It provides $117.5 million more than was approved by the House and is the smallest percentage reduction ever recommended for Research and Development by this committee.

Setting aside the $200 million budget amendment, the committee recommendation consists of decreases totaling $424.3 million which are partially offset by increases totaling $43.6 million. In terms of real program growth, the committee recommendation provides for an

increase of $356 million or 3.2 percent over fiscal year 1976.

Mr. President, I am pleased to report that for the first time in a number of years, the recommendations of the subcommittee had the unanimous support of all five members. This is even more remarkable when you consider the wide diversity of views represented by the membership. On the Democratic side, we have the junior Senator from Iowa (Mr. CULVER) and the junior Senator from Vermont (Mr. LEAHY). On the Republican side, we have the senior Senator from Ohio (Mr. TAFT), and the senior Senator from Arizona (Mr. GOLDWATER).

It also is a credit to the excellent staff of the subcommittee and to the personal staff of the subcommittee members, that they were able to do so thorough a job within a limited period of time in reviewing the mountain of testimony and detailed justification material, and providing meaningful recommendations and summations as the basis for subcommittee deliberations and decisions.

I must pay a special compliment to my good friend, Senator CULVER, who, together with the junior Senator from Oklahoma (Mr. BARTLETT) reviewed the Department of Defense Army tank program and submitted separate recommendations to the committee. I must also recognize the hard work of my good neighbor from Vermont, Senator LEAHY, who did an outstanding job of reviewing the total airlift program of the Defense Department. My esteemed colleague, Senator TAFT, concentrated on the Navy ship program and made a significant contribution to the subcommittee deliberations on ship research and development. And I must recognize the special task performed by my good friend, Senator GOLDWATER, who conducted a comprehensive hearing on the Department of Defense training simulator program.

The subcommittee conducted 26 hearings between February 5 and April 6, 1976, which included appearances of all of the officials of the Department of Defense with primary responsibility for the research and development program. These included the Director of Defense Research and Engineering, the three service Assistant Secretaries for Research and Development, and their military counterparts.

Let me now report on the major actions recommended by the subcommittee.

First. Reduction of $62.7 million from the $182.5 million requested for the Navy sea-launched cruise missile program. This decrease applies to the alternative variant but approves the full request for the tactical missile to support initiation of full-scale engineering development. The additional $15.3 million included in the Navy budget amendment is deferred without prejudice.

Second. Reduction of $32.4 million from the $84 million requested for the Air Force advanced ICBM program called the M-X. This will delay the start of full-scale development beyond fiscal year 1978 pending completion of a study by the Defense Department to demonstrate the need.

Third. Reduction of $25.4 million from the $311.4 million requested for the Army ballistic missile defense programs. This will maintain an ongoing level of effort consistent with prior congressional guidance.

Fourth. Deletion of $3 million requested to start development of the Navy Trident II missile as being premature because of technical problems still to be solved on the Trident I missile.

Fifth. Reduction of $7.3 million from the $29.8 million requested for the Navy Seafarer extremely low frequency communication system to delay full scale engineering development until fiscal year 1978.

Sixth. Reduction of $9.5 million from the $83.2 million requested for the Navy LAMPS ASW helicopter program because of a delay in schedule.

Seventh. Approval of the full $85 million requested for the Army Roland short-range air defense system which is being adapted from a joint French-German development.

Eighth. Approval of the $180 million requested to support full scale engineering development of the Army surface-to-air missile system, SAM-D.

The subcommittee recommended increases for four programs, above the amount requested, and this was adopted by the full committee:

First, $10 million was added for a new program under the control of the Director of Defense Research and Engineering to be used to evaluate new foreign weapons for possible adoption by U.S. forces. This could save hundreds of millions of dollars and valuable time if we found a weapon that could be used, because we would not have to invest in a brand new development.

Second, $4 million was added to the $1 million requested in order to accelerate development of the Army area fire support rocket system. This capability is needed as early as possible to neutralize and suppress enemy artillery and air defenses.

Third, $8 million was added to enable the Navy to accelerate development and introduction into the fleet of the tactical towed array sonar system. This makes a total of $22.3 million available for this important antisubmarine warfare program.

Fourth, $200,000 was added to be used by the Department of Defense to conduct contractual studies relating to operational employment of weapon systems. These studies will cover concepts of tactical operations as they relate to weapon systems, an area which the committee feels has not been adequately examined.

The subcommittee examined the research and development proposal for the B-1 strategic bomber program and recommended approval of the $482.7 million requested. The committee adopted this recommendation, and after considering the separate proposal for procurement, including the first three production aircraft, also recommeds the full amount of $1,049,500,000 requested.

During the past year, joint hearings were held on independent research and development—I.R. & D.—by the Research and Development Subcommittee and the Subcommittee on Priorities and Economy in Government of the Joint Economics Committee led by its chairman, my good friend, Senator PROXMIRE. The proceedings were published and cover the period from September 17 through 29, 1975. The hearings were very informative and resulted in a series of additional questions which were addressed to the Department of Defense. The General Accounting Office was requested to participate and comment on the reply. The requested information has been received only recently and is being considered by the respective staffs of the two subcommittees. Therefore, the subject of I.R. & D. has not been addressed as part of the action on the pending bill. It will, however, be addressed at a later time depending upon the findings and recommendatons of the staff.

I would like to take a moment, Mr. President, to compliment Dr. Malcolm R. Currie, Director of Defense Research and Engineering who has done an outstanding job of managing the defense research and development program. He has demonstrated great courage in trimming the Defense R. & D. organization by some 6,000 jobs over a 3-year period while at the same time diverting a larger share of R. & D. funds to the private sector where most of our innovative ideas originate. This action promises to increase the efficiency of Defense in-house organizations while encouraging industry, institutions and universities to make greater contributions to national defense needs.

Dr. Currie has bolstered defense advanced technology by proposing a 5-year plan to increase the level of basic research and exploratory development in annual increments, above inflation, of 10 percent and 5 percent respectively. I am pleased to report that the Committee is solidly behind this plan and has recommended essentially all of the funds requested for these programs.

The Department of Defense is making noticeable progress in demonstrating that cooperative research and development and standardization of weapon systems with our allies can be successful. There have been some hard lessons learned in adapting the European developed Roland system for manufacture by U.S. industry. Neither the magnitude, nor the complexity of this task was adequately anticipated, with the result that the total development cost has increased. But these lessons have proven the practicability of such a conversion, and will provide important guidelines for future cooperative efforts. Despite the increase in cost, the Army estimates that the United States will save more than $250 million by avoiding the full cost of developing a completely new system of equal capability.

Extending this cooperative attitude to standardization of weapons, munitions, and other logistic support of NATO forces in Europe will dramatically improve their combat efficiency and promises annual savings estimated to exceed $10 billion.

The committee again has demonstrated its full suport of standardization by adopting a revision to section 814 of

last year's bill which would make it the policy of the United States rather than the sense of the Congress. I urge your strong support of this provision in the bill.

In summary, Mr. President, the amount recommended for Research and Development is consistent with the general concern already apparent in the Senate and the House, and in the minds of our people insofar as I have been able to determine, that we must continue to be vigilant and well prepared while we continue to seek to reduce world tensions. While we all hope for a successful SALT II agreement, and progress in Mutual Balanced Force Reductions, we must provide insurance against failure. And such insurance requires a strong R. & D. program which will provide the modern advanced weapons essential to the defense of our freedom.

I am convinced that the research and development authorization recommended by the committee will provide this insurance and urge my colleagues to give it their full support.

As always, Mr. President, I must add my compliments for the work and dedication of our chairman, the distinguished Senator from Mississippi, for his fairness as he operates and runs the committee, and particularly for his leadership and his acumen as he cuts through the difficult problems.

Mr. STENNIS. Mr. President, I first want to underscore a very strong word of thanks to the Senator from New Hampshire and the members of his subcommittee. They have done an amazing job. Here are more than $10 billion worth of items which they combed through, with outstanding hearings, and came out with recommendations that are unanimous in the subcommittee, unanimously agreed to before the full committee, and so far there has not been any attack made on any of their deductions on the floor of the Senate, by way of amendments or even of comments. It has been an amazing thing to see them able and willing to render such a great service. These programs are the very vitals of our military program 10, 15, and 20 years from now, which underscores the importance of their work.

I especially want to thank the Senator from New Hampshire, and I am sure others may wish to add their words of commendation.

Mr. McINTYRE. I thank my chairman.

Mr. MUSKIE. Mr. President, first of all, long before the establishment of the Budget Committee or the new budget process, my friend from New Hampshire was proceeding with typical New England prudence with respect to the expenditure of tax funds for this vital function. I appreciated that long before I was chairman of the Budget Committee. His tendency to do so is of vital importance for the budgeting process as well, so I compliment him on that.

But I would also like to make a second point, a very difficult one, which faces all of us, not only with respect to the defense function, but with respect to all the other functions of the budget. It may be more acute, even with respect to the defense function. That is, how do we gear the process of creativity with the process of anticipating future needs in such a way that funds can be taken into consideration in the development of the congressional budget?

Two years running now, the administration has submitted to Congress additional requests for major additions to the shipbuilding program after the budget process has been completed in the Congress, and asked us somehow to find a way to squeeze these additions into the congressional budget resolution. This is a problem that has confronted the distinguished Senator from Mississippi two years running. It is almost as though the people downtown are unaware that we have a budget process here that must be accommodated.

For the distinguished Senator from New Hampshire to properly give consideration to new R & D additions, those ought to be brought to his attention early enough in the legislative schedule of the Senate and of Congress as a whole so that he and his committee can give the benefit of their judgment to the full Committee on Armed Services and to the Budget Committee, so that we can take it into account when we set the overall functional ceilings.

I must say we have had something substantially less than full cooperation from the administration in that connection. We have similar problems in the social services area as a result of new developments in education and new developments in health. New ideas are not limited by a budget schedule or a legislative schedule. They can emerge at almost any time. We have a similar problem arising in the security assistance bill which will probably be before us some time this week, in which my good friend from Alabama is keenly interested. We are asked to absorb them in the budget process before we have had an opportunity to give either of those propositions the same kind of consideration they have in the Executive Branch before they are brought here.

We have tried to put some pressure on by setting May 15 as the deadline for the reporting of new authorization bills to the Senate and House Chambers. But even so, and I daresay that when it is reported out in skeletal form on May 14, in effect, it violates that deadline because we still must occupy time after May 15 for the deliberative process to take effect, and then we still have the challenge as to how we absorb it in the budget ceilings which we have adopted on May 15.

I make this point at this time because I think the distinguished Senator from New Hampshire, with the excellent work which he and his subcommittee have done in the military priority field, is faced particularly with this kind of problem in the work that they do, and I compliment him for what he has done over these several years of hard labor to which his committee has been assigned.

Mr. McINTYRE. I thank my good friend from Maine. I only add that I hope he realizes, as the Senator from Maine tries to make this budget process work, we are trying to cooperate down at the subcommittee level. It becomes very difficult. His suggestion to endeavor to have the administration inform us earlier, with a full backup, is a good one, and we will try it.

Mr. MUSKIE. I thank the Senator.

Mr. ALLEN. Mr. President, I also wish to commend the distinguished Senator from New Hampshire, the chairman of the subcommittee, and his very excellent subcommittee for their work through the years and their dedicated and sincere patriotic efforts.

The distinguished Senator from Mississippi (Mr. STENNIS) said that there had been no criticism and no suggestions contrary to the recommendations of the subcommittee in the Chamber, and that I assume was a correct statement at that time. However, had I been recognized prior to the distinguished Senator from Mississippi, which, of course, would not be the case because I would then defer to the distinguished Senator from Mississippi on recognition.

But I do wish to comment on one phase of the work of the subcommittee, the results that they achieved, and the conclusions that they reached, and to express a difference of opinion. I will not say that it is a criticism, but it is a difference of opinion on the conclusions that the subcommittee reached, as I understand it, and that the full committee followed.

In this connection, Mr. President, I shall comment on the ballistic missile defense portion of this bill. I am alarmed at the portent of this bill for the systems technology program portion of the U.S. ballistic missile defense effort. Ballistic missile defense is a very serious matter with significant U.S. strategic posture and arms limitation negotiation consequences. It deserves our careful and deliberate consideration before we eliminate or even seriously degrade vital strategic defense options for the United States.

The House bill has reduced the ballistic missile defense systems technology program authorization from the requested $118 million to $100 million. There were no other adverse actions to the requested ballistic missile defense programs in the House bill. Our version of the bill has also reduced our systems technology program by $18 million.

When I say that I do not mean that the House figure was reduced by $18 million, but that the Senate kept the $100 million figure that the House had set instead of the $118 million requested for the program.

However, in addition, the Senate version has denied authorization to initiate a modest effort to define concepts and systems requirements for a limited area defense system and, while permitting a modest effort to investigate exo-atmospheric homing interceptors, the bill we are considering specifies that that work must be conducted by one of the other associated ballistic missile defense programs.

Mr. President, I believe that we in the Senate are sufficiently aware of the slow and uncertain result of the strategic arms limitations negotiations and the potential for proliferation of nuclear war making capabilities which are beyond our con-

trol. I am sure we are all deeply concerned over the direction these matters are taking. It therefore disturbs me greatly to see the Senate seriously degrading a program which continues to be a significant factor in strategic nuclear arms considerations and which could provide the U.S. with its only option for defense against small unsophisticated urban-industrial threats such as we might expect from the less technologically advanced but nuclear armed countries or terrorist groups.

I might say, parenthetically, that I am alarmed at the proliferation of nuclear capabilities by many countries throughout the world. I feel that our efforts and actions in that regard have contributed to this proliferation of nuclear weapons capability by the transfer of technological information to countries throughout the world.

The Senate position of determining what areas of research and development should be conducted, and by whom, must be based on a thorough understanding of the complexities and interrelationships of ballistic missile defense technologies and must be consistent with our positions on other related matters. I would like in this connection to call the attention of the Senate to some pertinent facts.

First, we are denying to those on whom we place responsibility for our national defense needed authority to pursue studies on a system which is our best potential answer to accidental or unauthorized launch of offensive weapons and blackmail threats. Deployment of this type of system is prohibited at this time by the ABM Treaty, so there is no reason to fear an unnecessary deployment just because we are conducting a moderate investigation on concepts and requirements.

Second, the ABM Treaty must be reviewed next year. There is a growing possibility that the Soviets may wish to amend its terms or even withdraw from the treaty for several reasons, including what are term "*n*th" country threats to the Soviet Union; their own success in developing a rapidly deployable ballistic missile defense system; and their success in improving their offensive force capabilities. Soviet ballistic missile defense effort appears to be at least 3 to 4 times the size of the U.S. level of effort.

I might say that it seems to me the Soviets are in no hurry to reach agreement on SALT II. I feel that they received such an agreement favorable to their positions, pretty well freezing in a 3-to-2 advantage for the Soviets over the United States in offensive nuclear weapons, that they are in no hurry to reach accord on a SALT II agreement.

Third, as late as last year the Senate directed the systems technology program be conformed to a sustaining level of effort. Now that the program has essentially achieved that, we declare that our intent is now to be one of a declining level of funding and accuse the Army's program of being inconsistent with our intent. We demanded a broadened and more technologically oriented program, and we deny and limit the broadening activities. Our inconsistency and our tendency to attempt to micro-manage research and development programs is demonstrably inefficient and detrimental to the cost effectiveness of the programs and the products.

Fourth, the decision which Congress makes now will have its serious effect in 5 or 6 years. That effect is the absence of a U.S. capability or option to defend itself with a ballistic missile defense from whatever threat may exist at that time. Mr. President, who among us is so certain that the Soviet threat will have been constrained that proliferation will have been contained, that nuclear weapons will have disappeared, or that a new technology will have obviated ballistic missile defenses as a viable and cost effective response? Who can stand and certify our future non-requirement for ballistic missile defense systems? Is it prudent to begin the dissolution of the one program which could produce an active ballistic missile defense system with which the United States could counter a future nuclear threat?

Mr. President, I see in this bill the beginning of the dissolution of a national strategic program. How does Congress expect the U.S. ballistic missile defense effort to match the Soviet ballistic missile defense technologies, much less retain our present technology lead, if we intentionally go into a declining level of effort? The budget reductions alone constitute serious damage to a very vital program and do not need compounding by the addition of restrictive language. I commend the ballistic missile defense portion of the House bill to our conferees as the less damaging and more competent bill at this point.

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

Mr. ALLEN. I yield.

Mr. McINTYRE. Mr. President, I say to the Senator from Alabama that we understand his concern. I will take a good look at the remarks the Senator has made. I will certainly take them into consideration when we go into conference with the House.

I assure the distinguished Senator from Alabama that we have developed in our hearing record a considerable amount of testimony that, if the Senator has the time, will give him an understanding of and appreciation of what the subcommittee and the full committee have recommended here. What we are recommending is continued support of three ballistic missile defense programs knc n as advanced ballistic missile technology, ballistic missile systems technology (formerly site defense), and Kwajalein Missile Range.

We recommend that this program be continued at a reduced level of $286 million. This is $25.4 million less than the $311.4 million which was requested.

However, I remind the Senator from Alabama that this is still about $11 million more than was available last year.

With those remarks, I assure the Senator of my consideration for his concern.

Mr. ALLEN. I thank the distinguished Senator for his kind and friendly cooperation. That has been his attitude throughout this discussion. In the many discussions I have had with the distinguished Senator, he has indicated his desire to work this matter out to the best interest of the system and of our defense effort. I appreciate the distinguished Senator's remarks.

Mr. GRIFFIN. Mr. President, particularly while the Senator from New Hampshire is in the Chamber, I should like to make a brief statement.

I have at the desk an amendment which would restore $77.95 million that the Senate Armed Services Committee cut from the sea-launched cruise missile—SLCM—program. I have decided that I will not call up the amendment.

I am not a member of the Committee on Armed Services, and I am reluctant to take issue with the committee on the level of funding that is necessary to support research and development of this program. I recognize my lack of expertise. I am not in a position to refute or confirm, for example, the conclusion of the House Armed Services Committee that the program requires better management. In its report on this bill, the committee stated:

The Committee strongly emphasizes that the basis for the reduction in this program emanates from the need to better manage the program and in no way reflects a lack of support for the cruise missile engineering development program. (Emphasis in original.)

I say, frankly, that my concern is not so much with the disputes about the specific level of funding as with the apparent differences within and without this body concerning the merit of cruise missile development, per se.

There have been suggestions in the Senate of late that the United States should curtail further research and development altogether of long-range cruise missiles, either unilaterally or as a part of some unsupervised moratorium with the Soviet Union. The testing of sea-launched cruise missiles by the United States is portrayed by some as a destabilizing act which threatens to start a new and more dangerous arms race.

I strongly disagree with such reasoning. My concern with the present bill is that it might be interpreted as supporting the position of those who would restrict or eliminate our cruise missile program. It is to the merits of the basic program rather than the level of funding that I should like to direct a few remarks.

Mr. President, I have a rather lengthy prepared statement which I would like to summarize briefly at this point, and then insert in full in the RECORD. I wish to reserve some of my time for a colloquy which I have requested with the distinguished chairman of the Research and Development Subcommittee, Mr. McINTYRE.

These are some of my primary concerns:

The Soviet Union already has deployed hundreds of gigantic sea launched cruise missiles on nuclear submarines and other naval vessels. These SS-N-3 Shaddock missiles are so large that their warheads alone outweigh our entire missiles. While their present range is thought to be only a few hundred nautical miles, with presently available engine technology it is estimated that they could be modified to travel 1,200 miles

or more. And these modifications could be made without any change in the external appearance of the missile itself.

The Soviets are now developing a much more advanced SLCM—the SS-X-12—which is reported to have a range of 2,000 miles and a speed of mach 2.5, with a large nuclear warhead. And since this new missile is being built to fit inside the canisters which now house Shaddock missiles on Soviet naval vessels, by 1980 it will be almost impossible to tell whether the missiles on an Echo-class nuclear submarine are conventional weapons with a range of 400 miles, or are nuclear-armed with a range of thousands of miles.

The cruise missile has become a central issue in the strategic arms limitation—SALT II—talks. The Soviet Union clearly wants to restrict U.S. development of these new weapons, and might be prepared to make significant concessions to obtain some sort of agreement.

Any indication that the Congress is likely to unilaterally curtail the cruise missile program could undercut the President's negotiating position at SALT II.

Without a firm and specific international agreement, meaningful controls on cruise missiles are virtually impossible. Unlike ballistic missiles, cruise missiles can be tested in ways that are extremely difficult to detect. Much of the work can be done in wind tunnels, and guidance systems can be mounted on small civilian aircraft which would then appear to be making a normal flight. Given the gigantic size of Soviet cruise missiles, unverifiable alterations in their fuel/payload ratio, flight speed, altitude, or fuel quality can result in a several-*fold increase* in missile range.

If agreement to control cruise missiles is not reached at SALT II, continued development of this technology could produce substantial benefits to U.S. security. The cruise missiles we are developing, in spite of their tremendous accuracy, are too slow to constitute a first strike threat to the Soviets.

Rather than being the destabilizing threat that some have suggested, the cruise missile has some very positive arms control implications. Its high accuracy means reduced collateral damage—fewer civilians being accidentally killed. Its mobility makes it a difficult weapon to target should the Soviets try for a first strike kill, and thus it adds to our deterrent and increases stability.

One of the most interesting implications of this new technology is that cruise missiles of the future might be able to take over many of the tasks now assigned to tactical nuclear weapons. For example, it has been estimated that within an hour of a Soviet invasion of Europe, U.S. or NATO cruise missiles could destroy 75 percent or more of the rail lines, supply dumps, and electrical power the Soviets would need to support such an offensive. Thus, nonnuclear cruise missiles might significantly raise the "nuclear threshold"—giving us a viable alternative to using nuclear weapons in resisting Soviet aggression.

Mr. President, at this point I have arranged to ask a few questions which the distinguished Senator from New Hampshire (Mr. McINTYRE) might wish to comment on.

In the long run, I know that many of us would like to see international controls placed on cruise missiles. I am deeply concerned, however, about recent proposals to unilaterally terminate our own cruise missile programs—apparently in hopes that the Soviets will emulate our restraint. I would welcome the comments of the distinguished chairman of the Research and Development Subcommittee on these proposals.

Mr. McINTYRE. I am delighted that the able Senator from Michigan and I continue to agree that our Nation must support an aggressive development program of cruise missiles. This is an excellent opportunity to make a good record on this difficult point.

The Committee on Armed Services recommends precisely such an effort in the bill we are currently considering. We ask the Senate's support in this bill for the development of a formidable array of cruise missiles: The Harpoon ship—or air—to ship cruise missile; the advanced Harpoon, the Condor, an air-to-surface cruise missile; the strategic air-launched cruise missile, and the tactical sea-launched cruise missile. We also ask your support of the development of the remarkable Tercom guidance which will give cruise missiles extraordinary accuracies. Since the Department of Defense has the foresight to require strategic cruise missiles to use common major subsystems—engines, warheads and guidance—and since this bill authorizes these developments, we will be able to place a long range SLCM into the fleet readily, if required.

We also ask your support in this bill for the development of the advanced strategic air launched missile and for a variety of remotely piloted vehicles which may not be strictly cruise missiles, depending on one's definition, but are related in component technologies or military functions.

I have opposed, in the past, and will continue to oppose indiscriminate restrictions of our cruise missile R. & D. I remember that my good friend from Michigan supported my successful efforts to defeat two amendments in recent years which would have done this.

At the same time, of course, the very variety and novelty of the cruise missile technologies place a special burden on our military planners to develop clear doctrine to define missions—in short, to discriminate among the military possibilities for cruise missiles, so that we can avoid waste or duplication, and support the more promising applications.

I trust that answers the question about a vigorous program of cruise missiles, which this bill certainly has.

Mr. GRIFFIN. It seems to me that we should strive to insure that all of our arms agreements are verifiable—that we rely on something more than simply the good faith of the Soviets in insuring that restrictions are not bypassed in one way or another. The cruise missile, it seems to me, is a very difficult system to control in the absence of onsite inspection. I wonder if my colleague from New Hampshire would comment on the problems of verification with respect to this system?

Mr. McINTYRE. The distinguished Senator from Michigan raises one of the most baffling and unsettling questions about this subject when he asks about verification. I have looked into this matter quite carefully and I must report that none of the approaches to cruise missile limitations at SALT can, so far as I have been able to judge, be verified independently and with high confidence.

Much of the effort to limit cruise missiles has focused on range which, given a constant payload, is primarily a function of engine efficiency and volume for fuel. Since the Soviet's cruise missiles are very large, and since the Soviets have access to more efficient engine technology, they could convert cruise missiles currently designed for tactical missions into long-range strategic weapons. They could do this in violation of a SALT limitation, and we could not be confident that we could detect it or verify it.

A second approach to cruise missile limitation, stopping flight testing, was suggested to the Senate as an amendment last December. Although we might be able, under certain conditions, to detect long-range test flights of cruise missiles, the Soviets could develop and test each of the major components of a strategic cruise missile, including especially the critical guidance technology, and test these components as a fully integrated weapon without our being able to confidently distinguish it.

The only limitation which I believe would be substantially verifiable is a comprehensive cruise missile ban, but I have not heard of this being seriously considered at SALT for understandable reasons. It would be very difficult to define since the cruise missile family touches on a wide variety of weapons that we normally do not associate with the term. Moreover, I doubt if the Soviets would agree to a comprehensive ban since most of their naval offense is heavily dependent on antiship cruise missiles.

In sum, the idea that the cruise missile is a dangerous cat about to leap out of a bag, as was the case with MIRV's, is a fallacy. This cat has been out of that bag for at least 20 years.

The case for a SALT II agreement which has a cruise missile limitation in it must, in my view, forthrightly recognize that we cannot verify such a provision with high confidence. The case must be based instead on a cold-eyed judgment that the worst risks are sufficiently modest, that the concessions we have extracted are adequately compensatory, and that the need for restraints on the arms race are so compelling that, on balance, the treaty, even with this one verification weakness, would be in our national interest.

Mr. GRIFFIN. As I noted earlier, some have suggested that the long-range cruise missile is a very destabilizing and dangerous development, because its extreme accuracy makes it a potential first strike weapon. Does my knowledgeable colleague have any views on this argument?

Mr. McINTYRE. The distinguished Senator from Michigan raises a question that is especially important to me. As he knows, I have opposed and continue to oppose what I believe to be dramatically dangerous directions in both Soviet and United States missile developments designed to fight limited nuclear wars. As the Senator is aware, I have been particularly concerned about our effort to put the new accuracies on our ICBM's because I feel that they will produce hair trigger instabilities in a period of international crisis.

However, the long-range cruise missile, despite its very great accuracies, is not qualitatively a destabilizing weapon. Because of its long flight time, a rational adversary cannot consider it to be a preemptive threat to his retaliatory forces. It is no more a first strike weapon than a strategic bomber.

Mr. GRIFFIN. One of the most intriguing implications of cruise missile technology is the role such weapons might eventually play in a nonnuclear theater role. For example, it has been suggested that cruise missiles of the future might be accurate enough to allow their use as replacements for some tactical nuclear weapons—a development which might raise the nuclear threshold. Would the Senator comment on this possibility?

Mr. McINTYRE. The Senator is quite right that cruise missiles equipped with TERCOM guidance might well be accurate enough to use high explosives to perform missions that are currently performed by tactical nuclear weapons. This may well be a quite promising new capability that would raise the nuclear threshold. So, I hope that the Defense Department's presentation to Congress next year will focus on this potential application of the cruise missile.

I would hope Defense's analysis would also explore some of the problems that a cruise missile might face in this role. For example, any change in our nuclear umbrella for Europe raises quite sensitive political questions with our allies. We need to know whether cruise missiles can compete successfully with other comparable theater weapons, such as the Pershing II and F-111, and whether the military penalties we would have to pay in allocating a portion of a platform's firepower to these new missions would be justified.

This aspect of cruise missiles has simply not received enough attention, and we neet to know just how great the promise and how severe the problems are. Of course, these are not so much technological issues as they are of policy, doctrine and what might be called force planning."

Mr. GRIFFIN. The Soviet Union today has the most advanced and most extensive air defense system in the history of the world. It is my impression that the large part of this system would be ineffective against modern cruise missiles, and that for the Soviet Union to construct an effective defense against such weapons would cost many billions of dollars. If so, it would seem to me, this would be beneficial from an American point of view. For certainly it is better for them to spend their resources on defense measures rather than on offensive measures. I would welcome the views of the gentleman from New Hampshire on this matter.

Mr. McINTYRE. The distinguished Senator from Michigan is correct. Our strategic cruise missile developments give us significant leverage on the Soviet defense dollar. It certainly is better for us to motivate them to spend their resources on defensibe rather than offensive weaponry. We explored this carefully in hearings with the Department of Defense and I can assure my friend from Michigan that the committee's support of strategic cruise missile technology in this bill is based, in large part, precisely on this reasoning.

Mr. GRIFFIN. I thank my colleague from New Hampshire very much. He has done and is doing an outstanding job as the chairman of the Research and Development Subcommittee of the Armed Services Committee.

I think his incisive comments helped to build a needed record on this subject which otherwise would not be here, and I hope it will be useful in some of the future debates we may have on this very important subject. I thank the Senator very much.

While it would be a mistake to pretend that we are in total agreement about all aspects of the cruise missile program, I am reassured by my colleague's strong support for the concept in general.

More importantly, I am convinced that in recommending these reductions, the Armed Services Committee was not trying to kill the program.

I note also that the House of Representatives made similar cuts in the sea launched cruise missile program, and I am impressed by the reasoning contained in their report. The House Committee stated:

> The strategic variant of the Sea Launched Cruise Missile and the Air Force Air Launched Cruise Missile can effectively use the same engine, navigation-guidance system, and warhead. The tactical variant of the Sea Launched Cruise Missile is intended to use the Harpoon engine, Harpoon guidance, and Bullpup warhead. Further, the strategic and tactical variants use a common airframe.
>
> In view of the prospects for commonality and the fact that many of the sub-systems are "on the shelf," the committee believes that the Department of Defense has not provided adequate justification for a $260 million request for the development of the Air Launched and Sea Launched Cruise Missile.

The House committee concluded that in its view, the level of funding authorized would be adequate to permit the development of the Navy's cruise missile program. The Defense Department was invited to request a reprograming action—which if adequately justified would be given prompt consideration—should the approved level of authorization prove unduly restrictive of timely and efficient progress.

This was the House language, not that of the Senate Armed Services Committee.

Mr. President, I have decided not to call up my amendment at this time. I believe that the differences between my own position on cruise missiles, and that expressed by the articulate chairman of the R. & D. subcommittee, are considerably less significant than they appeared to be. Differences still remain, but these can safely be left for the House-Senate conference to resolve.

Recognizing the differences which do exist, I would nevertheless urge my colleagues who will represent the Senate in the conference to give consideration to the views which I have expressed.

Mr. President, I ask unanimous consent that the text of my prepared remarks, with footnotes, appear at this point in the RECORD.

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

THE CRUISE MISSILE

It would be a tragic folly for the Congress to limit America's cruise missile program. To do so would be a disservice to the national security of the country, and to the cause of international peace and stability.

SOVIET CRUISE MISSILES

It has been argued that continued U.S. research and development of cruise missiles will add a new element to the strategic arms race. This reasoning conveniently ignores the fact that the Soviet Union has for several years been developing and deploying cruise missiles—and has rejected U.S. initiatives to ban such weapons.

In recent years Soviet submarines armed with SS-N-3 "Shaddock" cruise missiles have been reported operating periodically in the Caribbean Sea.[1] In terms of size, this Soviet missile is a monster when compared to the cruise missiles being developed by the United States. It is thirteen times heavier [2]—its warhead alone weighing more than either of our entire missiles.[3] It is over twice as long, and has three times the diameter of our sea-launched missile.[4]

While it is true that in its normal configuration the SS-N-3 "Shaddock" has a range considerably below that planned for the new American missiles [5]—experts assert that with current Soviet technology its range could be extended greatly. For example, an official of the prestigious London-based International Institute for Strategic Studies recently wrote:

"[W]ith available engine technology . . . the SS-N-3 could be modified to achieve a maximum range of 1,200 miles. Even longer ranges might be obtained by programing the SS-N-3 to fly at higher altitudes, an option not open to the United States because of heavy Soviet air defenses." [6]

And if this is not enough, the Soviets are already developing a more modern sea-launched cruise missile—the SS-X-12—which is reported to have a maximum speed of Mach 2.5, and an ability to deliver a large nuclear warhead 2,000 nautical miles.[7] Expected to be deployed in 1980, this new Soviet weapon will be interchangeable with the older SS-N-3, which is currently deployed on about 40 Echo-class Soviet nuclear submarines, as well as on older Whiskey- and Juliette-class diesel-powered submarines, and on Kynda- and Kresta-class Soviet cruisers.[8]

Footnotes at end of article.

Under the circumstances, this Senator is not impressed with the argument that research and development on American cruise missiles will start a new arms race. I only wish some of my colleagues showed the same concern about the SS-N-3 and SS-X-12 that they do about the missiles our own country is developing.

UNDERCUTTING SALT NEGOTIATIONS

It seems to me that one of the most powerful arguments against unilateral restraint is that the cruise missile has become a central issue in the Strategic Arms Limitation Talks. The Soviets are clearly concerned about our new programs—cruise missiles are one area where we have a substantial technological lead on the Russians.[9]

Perhaps the President will decide to restrict our cruise missile program, in return for major Soviet concessions at SALT. I am not a party to the negotiations, and I don't know what the results will be. But there is no doubt in my mind that it would be a tragedy if Congress were to undercut the President's negotiating ability by arbitrarily and unilaterally restricting only our cruise missile program. The Soviet negotiators are unlikely to make concessions in order to limit U.S. cruise missiles, if they believe the United States Congress will do that for them. This consideration alone, it would seem to me, is enough to outweigh any arguments in favor of unilateral restraint.

A number of newspapers have reported that discussions at the SALT negotiations have linked the American cruise missiles with the new Soviet "Backfire" bomber—that the U.S. might accept some limits on cruise missile deployment in return for limits on the Backfire. But if Congress should limit our cruise missile development—without a quid pro quo—there is no reason to believe the Soviet Union will make any concessions on Backfire.

Why is Backfire important? Let me read from a monograph published earlier this year by the Center for Advanced International Studies at the University of Miami, in association with the International Security Studies Program of the Fletcher School of Law and Diplomacy at Tufts University:

"Since cruise missiles have the potential to pose a significant threat to Soviet territory, the Soviet Union has held that they are strategic systems and must be subject to SALT limitations. Backfire, on the other hand, is not a strategic system, Moscow contends, since it was designed for use as a peripheral theater weapon and has a range of only 3,570 miles, when flying at supersonic speeds, and thus should not be considered for discussion at SALT.

"Nevertheless, Backfire flying a supersonic profile is a central strategic system if refueled or forward-deployed, the criteria according to which the U.S. B-52 has been defined as strategic in SALT. A subsonic profile, which would greatly enhance its range capability, is also possible for Backfire since U.S. air defenses are virtually nonexistent. Flying subsonically and carrying a 10,000-pound payload, Backfire if deployed from any major operational air base in the Soviet Union, could strike all targets in the continental United States and return to the Soviet Union without refueling. Carrying a 20,000-pound payload, Backfire, unrefueled, could strike 98 per cent of targets in the United States and return to its home base." [10]

And this is only talking about the original version of Backfire. It does not take into account the more advanced version—Backfire B—which reportedly has a 40 per cent greater range, and is equipped with a flight refueling nose probe.[11]

UNILATERAL RESTRAINT WON'T WORK

One of several fatal flaws in the reasoning of those who oppose U.S. cruise missile development is that it is premised on unilateral restraint and/or unsupervised moratoria. At best this is a naive approach to providing for America's national security.

The United States began experimenting with cruise missiles around 1953 with the Regulus program. By the early 1960's we had terminated all but two programs (Hound Dog and Mace), and for the past six years we have devoted relatively little money and attention to development of this type of weapon.

In contrast, during a period when U.S. attention was declining, the Soviets undertook a massive program which leaves them today with no less than six different cruise missiles in operation, and others on the drawing board.[12]

If unilateral restraint on our part were effective in curbing Soviet arms development, why do we now face the threat of thousands of Soviet cruise missiles?

Another example comes readily to mind. It was only *after* the United States committed itself to development of an Anti-Ballistic Missile (ABM) that the Soviet Union expressed an interest in negotiating limits on such systems.

Past experience has shown that the Soviet Union is unlikely to give up something for nothing. Only when they have been convinced that the United States was prepared to match or exceed Soviet efforts have Soviet leaders shown a willingness to negotiate seriously.

Experience has also shown that the declaration by the U.S. of an unsupervised moratorium on weapons-testing seldom produces results that serve the long-term security interest of the United States. True, the Soviets might agree to ban testing of a certain kind of weapon—especially if the United States enjoys a significant technological lead—but the moratorium only lasts until the USSR has closed some of the gap and needs to perform more tests of its own. Our experience with nuclear test moratoria during the Eisenhower and Kennedy years should have taught us this.

On August 30, 1961, the Soviet Union began a series of high-altitude, high-yield, nuclear explosions—terminating an unsupervised testing moratorium that had lasted nearly three years. Shortly thereafter U.S. Ambassador to the U.N. Adlai Stevenson told the General Assembly:

"And no doubt, when the present sequence of tests reaches its cataclysmic conclusion, the Soviet Union will piously join in the movement for an uninspected moratorium. Let us be absolutely clear what an uninspected moratorium means. A moratorium serves the cause neither of peace nor of international collaboration, nor of confidence among nations. We were all in this trap before. We cannot afford to enter it again. The United States will not do so." [13]

As predicted, as soon as the Soviet tests were concluded Moscow proposed a new moratorium. In response, President John F. Kennedy said:

"We know enough now about broken negotiations, secret preparations, and the advantages gained from a long test series never to offer again an uninspected moratorium. Some may urge us to try it again, keeping our preparations to test in a constant state of readiness. But in actual practice, particularly in a society of free choice, we cannot keep topflight scientists concentrating on the *preparation* of an experiment which may or may not take place on an uncertain date in the future." [14]

PROBLEMS OF VERIFICATION

In August, 1962, President Kennedy emphasized the importance of insuring that international arms control agreements be both binding and verifiable:

"Gentlemen's agreements and moratoria do not provide the types of guarantees that are necessary. They do not give assurance against an abrupt renewal of testing by unilateral action. This is the lesson of the Soviet Government's tragic decision to renew testing just a year ago. Nor can such informal arrangements give any assurance against secret underground testing." [15]

It should not be necessary for me to emphasize the importance of *verifiable* agreements to my Senate colleagues—the recent controversy over compliance with SALT I has made all of us painfully aware of this problem. Indeed, within the last month—when we approved Senate Resolution 406—the Senate went on record calling for agreements which are verifiable.

But perhaps it is useful to discuss some of the verification problems particular to the cruise missile—some of the difficulties which led Dr. Fred Ikle, Director of the U.S. Arms Control and Disarmament Agency, to assert in a State Department news conference that "By comparison with these problems, the dispute we now have on occasion about the questions of violations or compliance of SALT I agreements would be a Sunday school picnic." [16]

To begin with, it is far more difficult to conceal testing or development of a ballistic missile than a cruise missile. A study by the Congressional Research Service of the Library of Congress notes:

"Cruise missile testing, unlike ICBM and SLBM testing, can be easily concealed. Cruise missiles, being aerodynamic vehicles designed to cruise subsonically at very low altitudes, have characteristics such as speed, range endurance, installed powerplant reliability, subsystems operation, and numerous other performance qualities that could be measured in wind tunnels; verified while mounted on the wing-pylon of an aircraft; and demonstrated as an autonomous system through free flight over a circuitous route which may or may not terminate at its point of origin." [17]

Similarly, Dr. Ikle has noted:

". . . [C]ruise missiles do not have to be tested to the full range, much as a Boeing 747 can be tested by flying it from New York to Chicago, and you know it can fly to Los Angeles—so cruise missiles can be tested at shorter ranges. In addition, it is possible to conceal the tests." [18]

At present, perhaps the most important advantage the United States has over the Soviet Union in cruise missile development is guidance technology. But Dr. Ikle tells us that "guidance can be improved by testing it on aircraft instead of cruise missiles, by testing it to shorter ranges, or by testing it in a concealed fashion." [19] This statement is verified by the fact that testing of the American "TERCOM" guidance system—to be used in our own cruise missiles—was first carried out by mounting the equipment on a McDonnell Douglas Queen Air aircraft.[20] A similar practice by the Soviets would allow them to close this key technological gap during what would appear to us as routine small aircraft flights.

Another aspect of cruise missiles that cannot be verified short of on-site inspection is range. It is not enough, for example, to simply agree that no cruise missile can be deployed having a range greater than 600 kilometers—as some of our colleagues have recently suggested.[21] There are simply too many variables that can be changed or improved without any external change in the appearance of the missile. By reducing the size of the warhead and adding more fuel, the range can be significantly increased. By testing a missile with one fuel, and later secretly replacing that with a more efficient fuel, range can be increased. By reducing speed, or flying at a higher altitude, additional increases in range are possible. And since these sorts of modifications can be carried out secretly with little difficulty in

Footnotes at end of article.

the absence of on-site inspection, there is no way to determine from its external appearance whether a given missile has a range of hundreds of kilometers or of thousands of miles—or whether it is armed with a conventional or a nuclear warhead, for that matter.[22]

The problem of verification is even more complex in the case of the Soviet SS-N-3 "Shaddock," since the Russians are building a considerably more advanced and longer-ranged cruise missile—the SS-X-12—which can be deployed in the existing "Shaddock" canisters on Soviet naval vessels. It would be virtually impossible to tell by external appearance whether a particular Soviet nuclear submarine was armed with (1) a conventionally-armed SS-N-3 with a range of 400 miles; (2) a nuclear-armed SS-N-3 with a range of 1,200 miles; or (3) a nuclear-armed SS-X-12 with a range of 2,000 miles.

Clearly something greater than unilateral restraint or an uninspected moratorium is going to be necessary if meaningful controls are to be placed on cruise missiles.

Perhaps it is appropriate to point out at this time the tremendous disadvantage the U.S. would incur—even if range verification became possible—by accepting the Soviet-proposed limit of 600 kilometers on land- and sea-launched cruise missiles. I bring this up because the 600 kilometer figure has apparently become popular with some of my colleagues.[23]

Even a cursory glance at U.S. and Soviet geography and demography show why the 600 kilometer figure was selected by the Russians. The significance was recently noted in a scholarly monograph:

"Soviet cruise missiles, limited to a range of 372 miles [i.e., 600 kilometers], and standing off at 100 fathoms, could place at risk 69 percent (144,011,000 persons) of the population of the United States. . . . All of the population of Japan and the major cities of Western Europe lie within 372 miles of the coast and could be struck from Soviet submarines equipped with cruise missiles fired from the 100-to-200-fathom line off the coast. In contrast, only about 15 percent of the population of the Soviet Union, or about 34.5 million persons, and less than 3 percent of Soviet defense/industrial sites, would be vulnerable to cruise missiles with a range of 372 miles."[24]

Now it may be that for reasons not now apparent, the President will chose to accept the 600 kilometer range limitation on cruise missiles. Arms negotiations are a complex matter. But I sincerely hope that the Senate will not attempt to pressure him into that position.

ARMS CONTROL IMPLICATIONS

While we might suppose that people who are experts in the arms control business would oppose development of any new weapons, this is not always the case. The cruise missile, for example, has a strong following among advocates of arms control.

To begin with, from an arms control perspective the cruise missile is generally a stabilizing weapon. Its incredibly high accuracy would normally cause concern that it might serve as a "first strike" weapon—aimed at catching the other side by surprise and destroying his missiles in their silos. The development of such weapons, it is argued, make it more likely that the other side will decide to "launch on warning"—firing all of its missiles at the first sign of trouble to avoid having them destroyed.

Because of its slow (subsonic) speed, however, the strategic cruise missile being developed by the United States is unlikely to be perceived as a "first strike" threat. As the Director of the U.S. Arms Control and Disarmament Agency told a subcommittee of the Senate Foreign Relations Committee recently:

"[C]ruise missiles travel not at the speed of ballistic missiles but they take hours if they travel more than a few hundred miles. Therefore, we would provide advanced warning. Therefore, they are less suitable for a surprise attack."[25]

Also, because cruise missiles are relatively small and manéuverable, they are less vulnerable to surprise attack. Their very existence makes it less likely that an enemy will calculate that it can catch us off guard and destroy our offensive capability in a surprise attack. This adds to our nuclear deterrent.

U.S. development of a strategic cruise missile would also have a desirable impact on Soviet defense spending. Presently the Soviet Union has the most elaborate air defense system in the history of the world, with 2,600 interceptor aircraft, 4,000 air defense radars, and about 12,000 surface-to-air missile (SAM) launchers.[26] But with the exception of only the most heavily protected targets—which would be vulnerable to a manned bomber like the B-1—the existing Soviet air defense forces are not effective against low-flying cruise missiles. To deal effectively with a cruise missile threat, the Soviets would have to invest large quantities of time and money into defensive systems rather than offensive ones—and that means they would be building fewer missiles to aim at the United States or its allies.

Dr. Malcolm Currie, Director of the Defense Department's Defense Research and Engineering section, testified before the Armed Services Committee last year that "it would cost many, many billions of dollars" for the Soviets to deploy an effective defense against cruise missiles, and concluded "we would like to force them by our own strategy into expenditures under defense rather than offense."[27]

This added financial burden, coupled with the additional non-ballistic missile threat, might also cause the Soviet Union to reconsider its research on ABM systems.

Perhaps the most valuable contribution cruise missiles might make to arms control results not from its nuclear role, but from the potential it has for delivering powerful non-nuclear warheads with tremendous accuracy over a reasonably long distance. In this role, the cruise missile could quite possibly replace many of the so-called "tactical" nuclear weapons we now rely on in Europe and elsewhere to meet our security commitments—and in so doing it could reduce the chances of a conflict becoming nuclear. Richard Burt, of the International Institute for Strategic Studies, writes:

"Perhaps even more intriguing than the cost advantages that might stem from the tactical use of cruise missiles is the suggestion that highly accurate, conventionally-armed cruise missiles could carry out tasks now assigned to tactical nuclear weapons. Thus, some observers have argued that the deployment of these precision-guided systems by the United States and possibly by their NATO allies could have the effect of delaying the necessity to resort to nuclear weapons in the European theater in time of conflict, thus raising the 'nuclear threshold.' "[28]

In support of this argument, it has been asserted that using non-nuclear warheads, cruise missiles could "destroy in an hour 75 per cent or more of the rail lines, supply dumps, and electrical power the Soviets need to sustain a conventional assault against Western Europe."[29]

In other words, the program which is under attack by some of our colleagues has the potential of providing the United States with an alternative, in the defense of Europe, to surrender or having to use nuclear weapons.

CONCLUSION

Mr. President, for the Senate to attempt to curtail our cruise missile program would be the height of folly.

It would undercut the President of the United States in his strategic arms limitation negotiations with the Soviet Union, and in the process would deprive the country of a stabilizing, cost-effective system that reduces the likelihood of nuclear war.

The money in this military procurement bill does not commit the United States to buy large numbers of strategic cruise missiles. That decision is left for the future. Here, we are talking only about money for research and development (R&D).

According to recent estimates by the Central Intelligence Agency, during the past two years the Soviet Union has been outspending the United States in the critical area of R&D by about 50 per cent.

This estimate is supported by Air Chief Marshal Andrew Humphrey—commander of both the United Kingdom Defense Region of NATO, and the Royal Air Force Strike Command—who earlier this month stated: "Russia is spending more on military research and development than the whole of the Western world put together."[30]

The House of Representatives has already passed this bill, having recognized in its report "the urgent requirement for both tactical and strategic cruise missile capability for our naval forces."

It is my strong hope that the Senate will do nothing to weaken this posture.

FOOTNOTES

[1] Norman Polmar, *Strategic Weapons: An Introduction* (New York: Crane, Russak & Co, Inc., 1975), p. 52.

[2] The SS-N-3 has a launch weight of 26,000 pounds (John E. Moore, The Soviet Navy Today [New York: Stein and Day, 1975], p. 243). The American Air-Launched Cruise Missile (ALCM) has a weight of 1900 pounds, and the Sea-Launched version (SLCM) weighs 2,000 pounds (*U.S. News & World Report*, 7 July 1975, p. 53; Congressional Research Service, Library of Congress, Issue Brief No. IB 76018, p. 2).

[3] *Aviation Week and Space Technology*, 2 February 1976, p. 14.

[4] *Ibid.*, p. 12; Testimony of Capt. Walter M. Locke, USN, before Research and Development Subcommittee of Senate Armed Services Committee, 10 April 1975, in *Hearings* on S. 920, Part 10, p. 5130.

[5] The SS-N-3 is estimated to have a range of between 400 and 550 nautical miles (740–1017 kilometers). See Polmar, *op. cit.* p. 151; Richard Burt, "The Cruise Missile and Arms Control," *Survival*, January–February 1976; and Robert L. Pfaltzgraff, Jr., and Jacquelyn K. Davis, *Salt II: Promise or Precipice?* (Miami: Center for Advanced International Studies, University of Miami, 1976) p. 24, note. 42. The U.S. strategic SLCM is expected to have a range of 1,300 to 2,000 miles (Locke, *Hearings*, op. cit. p. 5133; *Washington Post*, 3 August 1975); The U.S. ALCM will have a range slightly over half of that (*U.S. News & World Report*, 7 July 1975; *Baltimore Sun*, 6 March 1976).

[6] Burt, *Survival*, *op. cit.*

[7] Los Angeles Times, 6 February 1976; *Aviation Week and Space Technology*, 2 February 1976; Pfaltzgraff and Davis, *op. cit.* pp. 24–25.

[8] Burt, *Survival*, *op. cit.*; *Aviation Week and Space Technology*, 2 February 1976; Raymond V. B. Blackman, Ed., *Jane's Fighting Ships* (London: Paulton House, 1972–73); pp. 584–5, 591–3, 613–16.

[9] Although the Soviets have been working longer and harder on cruise missiles, they are several years behind the United States in guidance and small engine technology.

[10] Pfaltzgraff and Davis, *op. cit.* pp. 20–21; See also *Aviation Week and Space Technology*, 15 December 1975, p. 19, which asserts: "The Backfire, armed with ALCM, cruising at optimum altitude against an extremely weak U.S. air defense system, has about the same range capability as the U.S. B-52 in

the low-level mode required by the extremely heavy USSR air defense system."

[11] Pfaltzgraff and Davis, *op. cit.*, p. 21, note 40.

[12] Norman Polmar, *Strategic Weapons*, p. 151; Testifying before the R&D subcommittee of the Senate Armed Services Committee last year, Capt. Walter M. Locke noted: "While this country unilaterally disarmed itself of cruise missiles, the Soviets maintained a steady development effort, particularly for use at sea." (*Hearings, op. cit.* p. 5129).

[13] Ambassador Adlai Stevenson, Address to General Assembly, 19 October 1961.

[14] President John F. Kennedy, speech, 2 March 1962.

[15] President John F. Kennedy, news conference, 29 August 1962.

[16] Press Conference, Department of State, 27 February 1976.

[17] Congressional Research Service, *Issue Brief* IB 76018, p. 9.

[18] Press Conference, Department of State, 27 February 1976.

[19] *Ibid*

[20] Capt. Walter M. Locke, *Hearings, op. cit.* pp. 5131, 5141.

[21] See for example Senate Resolution 399.

[22] See for example Pfaltzgraff and Davis, *op. cit.* pp. 15, 24 note 44.

[23] See for example Senate Resolution 399.

[24] Pfaltzgraff and Davis, *op. cit.*, p. 24; See also Congressional Research Service, *Issue Brief* IB 76018, p. 8.

[25] Dr. Fred Ikle, before Subcommittee on Arms Control, International Organizations and Security Agreements, Senate Foreign Relations Committee, 23 February 1976.

[26] Polmar, *Strategic Weapons*, p. 139; *Aviation Week and Space Technology*, 16 February 1976, p. 13.

[27] Quoted in Pfaltzgraff and Davis, *op. cit.* p. 10 note 20.

[28] Burt, *Survival, op. cit.*; The *Wall Street Journal* editorialized on 12 May 1976: "[The cruise missile promises] to revolutionize warfare in a number of respects. Not the least of these is minimizing collateral damage to civilian targets in general and in particular allowing the substitution of conventional explosives for tactical nuclear weapons. In turn, this opens the way to a credible conventional defense of Europe against Soviet tank armies and facilitates the doctrine of no first use of nuclear weapons."

[29] *Business Week*, 24 November 1974, p. 28; Pfaltzgraff and Davis, *op. cit.* p. 13.

[30] *Chicago Tribune*, 18 May 1976.

Mr. McINTYRE. Mr. President, I will just say to the Senator from Michigan that the opportunity to answer the various questions concerning the cruise missile and to lay out for the RECORD some of the difficulties and intricacies is very helpful. I appreciate very much the withdrawal of the amendment on this delicate matter and I trust and hope the cruise missile technology that the Senator is so concerned with will go ahead.

Mr. MOSS. Mr. President, I would like to say a few remarks about our strategic cruise missile programs. In the past I have voiced some concerns about their potential adverse effect on the strategic arms limitations efforts. I still feel that we must be sensitive to the verification problems associated with this new weapon system.

But all in all, I have come to believe the cruise missile is an extraordinary weapon that will play a leading role in our future defense posture.

First, the cruise missile is relatively nonprovocative in that it cannot be the basis of a first-strike force. The flight time of the cruise missile is such that it could not be used in a coordinated first strike on an enemy.

Second, the cruise missile is relatively inexpensive. Some sources say it will cost as little as a half million dollars per copy.

Third, the cruise missile is probably more accurate than any other strategic weapon we have. It will be able to strike its target with an error measured in tens of feet.

Fourth, the cruise missile would seem to be capable of penetrating intensive antiaircraft defenses. Navy sources claim that the radar cross section of a cruise missile is about that of a sea gull.

Fifth, the American versions of the cruise missile will have the capability of skimming along at several tens of feet above the earth. This capability would allow them to fly under enemy radar networks. I might add here that some have said the Soviet Union possesses a cruise missile capability, but as a matter of fact, none of their cruise missiles can hug the ground as do ours and strike with the accuracy that ours will have.

For these reasons, I believe this country should pursue development of a cruise missile to capitalize on the long lead we have over the Soviets in this crucial new area of weapons technology.

Mr. STENNIS. Mr. President, I want to add a word to the colloquy here. I thank the Senator from Michigan very much for his interest and his fine knowledge of this highly important matter. Of course, the Senator from New Hampshire's answers speak for themselves. They are an illustration of the depth of this subcommittee's work past findings and recommendations and recommendations for years ahead, which show up. I appreciate very much the way the Senator from Michigan has worked on this matter and I think he has some sound conclusions.

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

The VICE PRESIDENT. Without objection, it is so ordered.

Mr. ROBERT C. BYRD. Mr. President, during the consideration of the military procurement bill (H.R. 12438) and votes thereon today, I ask unanimous consent, on behalf of Mr. KENNEDY, that Marc Ginsburg may have the privilege of the floor, and on behalf of Mr. JACKSON, that Richard Perle may have the privilege of the floor.

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

ORDER OF BUSINESS

Mr. GRIFFIN. For the information of the Senate, Mr. President, would it be correct to state that at 12:30 the first vote will come on a motion to reconsider the vote by which the Senate rejected the nomination of S. John Byington to be a member of the Consumer Product Safety Commission?

The VICE PRESIDENT. That is correct.

Mr. GRIFFIN. And that a Senator who believes that the motion to reconsider should be adopted would then vote against it or a no vote on the motion to table, which would be the first vote?

The VICE PRESIDENT. The Senator is correct.

Mr. GRIFFIN. I thank the Chair.

EXECUTIVE SESSION

NOMINATION OF S. JOHN BYINGTON

The VICE PRESIDENT. Under the the previous order, the hour of 12:30 p.m. having arrived, the Senate will go into executive session and proceed to vote on the motion offered by the Senator from West Virginia (Mr. ROBERT C. BYRD) to table the motion offered by the Senator from Maryland (Mr. MATHIAS) to reconsider the vote by which the nomination of Mr. Byington to the Consumer Product Safety Commission was rejected. 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 South Dakota (Mr. ABOUREZK), the Senator from Idaho (Mr. CHURCH), the Senator from Wyoming (Mr. MCGEE), the Senator from New Mexico (Mr. MONTOYA), the Senator from California (Mr. TUNNEY), the Senator from Rhode Island (Mr. PASTORE) are necessarily absent.

I further announce that the Senator from Montana (Mr. MANSFIELD), the Senator from North Carolina (Mr. MORGAN), the Senator from Alaska (Mr. GRAVEL), and the Senator from South Dakota (Mr. MCGOVERN) are absent on official business.

I also announce that the Senator from Wisconsin (Mr. NELSON) is absent attending the funeral of Horace W. Wilkie, Chief Justice, Wisconsin State supreme court.

I further announce that, if present and voting, the Senator from Rhode Island (Mr. PASTORE) would vote "nay."

Mr. GRIFFIN. I announce that the Senator from Hawaii (Mr. FONG), and the Senator from North Carolina (Mr. HELMS) 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. HUGH SCOTT) are absent on official business.

I further announce that, if present and voting, the Senator from Pennsylvania (Mr. HUGH SCOTT) would vote "nay."

The result was announced—yeas 38, nays 45, as follows:

[Rollcall Vote No. 192 Ex.]

YEAS—38

Bayh	Ford	Metcalf
Bentsen	Hart, Gary	Mondale
Biden	Hartke	Moss
Bumpers	Haskell	Muskie
Burdick	Hathaway	Percy
Byrd, Robert C.	Huddleston	Proxmire
Cannon	Humphrey	Ribicoff
Case	Inouye	Roth
Chiles	Jackson	Schweiker
Clark	Kennedy	Stone
Cranston	Leahy	Symington
Durkin	Magnuson	Williams
Eagleton	McIntyre	

NAYS—45

Allen	Glenn	Pell
Baker	Goldwater	Randolph
Bartlett	Griffin	Scott, William L.
Beall	Hansen	Sparkman
Bellmon	Hart, Philip A.	Stafford
Brock	Hatfield	Stennis
Buckley	Hollings	Stevens
Byrd, Harry F., Jr.	Hruska	Stevenson
Culver	Javits	Taft
Curtis	Johnston	Talmadge
Dole	Laxalt	Thurmond
Domenici	Long	Tower
Eastland	Mathias	Weicker
Fannin	McClellan	Young
Garn	McClure	
	Nunn	

NOT VOTING—17

Abourezk	Mansfield	Packwood
Brooke	McGee	Pastore
Church	McGovern	Pearson
Fong	Montoya	Scott, Hugh
Gravel	Morgan	Tunney
Helms	Nelson	

So the motion to lay on the table the motion to reconsider was rejected.

The VICE PRESIDENT. Under the previous order, the Senate will proceed to vote on the motion to reconsider the vote by which the nomination was rejected.

The yeas and nays have been ordered.

The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. RANDOLPH. Mr. President, a point of order.

The VICE PRESIDENT. The Senator will state it.

Mr. RANDOLPH. I reluctantly state that the Senate is not in order, and we cannot hear names being called and responses being made.

The VICE PRESIDENT. The Senate will please come to order. Senators will take their seats.

The rollcall will proceed.

The second assistant legislative clerk resumed and concluded the call of the roll.

Mr. ROBERT C. BYRD. I announce that the Senator from South Dakota (Mr. ABOUREZK), the Senator from Idaho (Mr. CHURCH), the Senator from Wyoming (Mr. MCGEE), the Senator from New Mexico (Mr. MONTOYA), the Senator from Rhode Island (Mr. PASTORE), and the Senator from California (Mr. TUNNEY) are necessarily absent.

I further announce that the Senator from Alaska (Mr. GRAVEL), the Senator from Montana (Mr. MANSFIELD), the Senator from North Carolina (Mr. MORGAN), and the Senator from South Dakota (Mr. MCGOVERN) are absent on official business.

I also announce that the Senator from Wisconsin (Mr. NELSON) is absent attending the funeral of Horace W. Wilkie, Chief Justice, Wisconsin State supreme court.

I further announce that, if present and voting, the Senator from Rhode Island (Mr. PASTORE) would vote "yea."

Mr. GRIFFIN. I announce that the Senator from Hawaii (Mr. FONG) and the Senator from North Carolina (Mr. HELMS) 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. HUGH SCOTT) are absent on official business.

I further announce that, if present and voting, the Senator from Pennsylvania (Mr. HUGH SCOTT) would vote "yea."

The result was announced—yeas 46, nays 37, as follows:

[Rollcall Vote No. 193 Ex.]

YEAS—46

Allen	Glenn	Nunn
Baker	Goldwater	Pell
Bartlett	Griffin	Randolph
Beall	Hansen	Scott, William L.
Bellmon	Hart, Philip A.	Sparkman
Brock	Hatfield	Stafford
Buckley	Hollings	Stennis
Byrd, Harry F., Jr.	Hruska	Stevens
Culver	Inouye	Stevenson
Curtis	Javits	Taft
Dole	Johnston	Talmadge
Domenici	Laxalt	Thurmond
Eastland	Long	Tower
Fannin	Mathias	Weicker
Garn	McClellan	Young
	McClure	

NAYS—37

Bayh	Ford	Mondale
Bentsen	Hart, Gary	Moss
Biden	Hartke	Muskie
Bumpers	Haskell	Percy
Burdick	Hathaway	Proxmire
Byrd, Robert C.	Huddleston	Ribicoff
Cannon	Humphrey	Roth
Case	Jackson	Schweiker
Chiles	Kennedy	Stone
Clark	Leahy	Symington
Cranston	Magnuson	Williams
Durkin	McIntyre	
Eagleton	Metcalf	

NOT VOTING—17

Abourezk	Mansfield	Packwood
Brooke	McGee	Pastore
Church	McGovern	Pearson
Fong	Montoya	Scott, Hugh
Gravel	Morgan	Tunney
Helms	Nelson	

So the motion to reconsider was agreed to.

Mr. MAGNUSON. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER (Mr. FORD). The Senator will state it.

Mr. MAGNUSON. I understand that the situation now on the nomination is that we shall have a vote on it, up or down, after these last two votes. I also understand that it is the desire of the leadership to proceed with other amendments on the military procurement bill and that we shall vote later in the afternoon. I do not know at just what time.

The PRESIDING OFFICER. The Senator is correct.

Mr. MAGNUSON. This will be a vote on the nominee, Mr. Byington, up or down later in the day. Is that correct?

The PRESIDING OFFICER. The Senator is correct.

LEGISLATIVE SESSION

The PRESIDING OFFICER. Under the previous order, the Senate will resume legislative session.

The Senate resumed 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 loads and for other purposes.

The PRESIDING OFFICER. The pending question is on agreeing to the amendment offered by the Senator from Massachusetts (Mr. KENNEDY) on H.R. 12438, which the clerk will state.

The assistant legislative clerk read as follows:

The Senator from Massachusetts (Mr. KENNEDY) on behalf of himself and Senators CRANSTON, HATFIELD, BAYH, and CLARK proposes the following amendment.

On page 15, line 8, strike out "$1,883,100,000" and insert in lieu thereof "$1,566,100,000".

Mr. KENNEDY. Mr. President, I ask for the yeas and nays on this amendment.

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

The yeas and nays were ordered.

The PRESIDING OFFICER. The time on this amendment is limited to 2 hours, to be equally divided and controlled by the Senator from Massachusetts (Mr. KENNEDY) and the Senator from Mississippi (Mr. STENNIS).

The Senator from Massachusetts is recognized.

Mr. KENNEDY. Mr. President, I yield myself such time as I may need.

Mr. President, I offer this amendment for myself and the distinguished Senator from California (Mr. CRANSTON). The amendment is to delete the $317 million request for 60 additional Minuteman III missiles and their warheads which was requested by the administration in a budget amendment on April 27.

This amendment simply seeks to prevent a bargaining chip, which already has cost the American taxpayer some $800 million, from passing the $1 billion mark. Last year, we were seeking to prevent it from going from $600 million to $800 million.

We were unsuccessful. However, during the intervening months, the Defense Department and the President accepted our argument and recommended against any further waste of taxpayer money for this program.

Thus, Secretary Rumsfeld stated in his original posture statement this year that "any additional deployments beyond the current level of 550 would not add significantly to the U.S. military capability, but would increase the strategic budget by more than $300 million for each further year of production."

It is no wonder the Secretary viewed any additional deployments as marginal. We already have 550 Minuteman III weapons deployed along with 450 Minuteman II ICBM's.

We have 497 manned bombers at the ready. And we have 41 nuclear submarines, with conversion nearly complete of 31 to the potent Poseidon, with its MIRVed missiles. The Trident pro-

gram is well underway. We have a total of 8,500 warheads ready to be delivered. And we have another 22,000 tactical warheads positioned around the world.

Adding 60 more Minuteman III missiles will not add to our security in any significant way.

The Secretary of Defense had a second reason last January for not requesting any additional Minuteman III's to be produced. He said:

> Under the provisions of the Vladivostok understanding additional deployments of Minuteman III would require offsetting reductions in Poseidon launchers in the 1980's.

The numbers are as follows:

> Minuteman, 550 launchers.
> Poseidon, 496 launchers.
> Trident, 264 launchers.

For a total of 1,310, while we are allowed only 1,320 under Vladivostok. Deploying the new Minuteman III's in the budget would therefore bust the Vladivostok agreement. Yet I believe it is too soon to be planning on a total failure of SALT, when instead we should be pressing forward to a new agreement.

Thus, we would be spending more than $322 million, once the additional $5.4 million in construction moneys, not in this bill, are included to provide 50 additional fixed-site, land-based missiles, with 10 in a backup status. And those missiles could limit our ability to increase the least vulnerable element of the Triad, our strategic submarine force.

The Secretary of Defense obviously did not think that that trade-off made any sense, just as we had argued in the past that it did not make any sense.

And in his year's supplemental hearings on May 4, the distinguished Senator from South Carolina (Mr. THURMOND) expressed similar concern regarding the potential need to buy fewer submarine launched missiles, because of this decision to add 60 ICBM's.

But the Secretary had an even more compelling third reason to explain why it was not in the national interest to keep open the production line for Minuteman III.

In his posture statement, he said:

> Since Minuteman will become more vulnerable in the future, any additional resources should be invested in the deliberate development of a new, larger, and more survivable ICBM.

And more funds, some $84 million, are indeed being requested this year for that purpose, to permit deployment as early as 1982, according to defense witnesses this year.—House hearings, part 2, page 283.

The Armed Services Committee itself recognized that vulnerability in its report of a year ago, when it cited "the need to examine the future usefulness of the fixed base Minuteman force, and whether now is the time to consider seriously the phasing out of this force beginning in the mid-1980's."—Senate committee report 94–146, page 18.

And it is evident that the Defense Department felt that it would be appropriate to stop producing more of these fixed site missiles when it recommended, in its own budget this year, a halt to the production line. Thus, in response to a question by the distinguished Senator from New Hampshire (Mr. MCINTYRE) in the hearings this year—part 1, page 582:

> Is there any major development or production program which you have terminated or which you plan to terminate during FY 1976 or FY 1977?

The following was the Defense Department answer:

> There are major programs which have completed their production with FY 1976 funding and are not included in the 1977 budget. Specifically those programs are as follows . . . Minuteman missile.

Thus, the Department of Defense felt that our national security would be served by halting the production of Minuteman missiles and saving the taxpayer some $322 million.

As a result, that money was not requested in the budget submitted to the Congress earlier this year.

Suddenly, on April 27, 4 days before the Texas primary, the President submitted a budget amendment request for 60 more missiles and $322 million. This I might add was on top of an overall procurement request which was more than 35 percent higher than a year ago.

The basic reason cited for this request was a further statement in Secretary Rumsfeld's posture statement. He said that "depending on the outcome of SALT II negotiations and our continuing assessment of Soviet ICBM programs, it may be necessary to make further short-term improvements in the U.S. ICBM posture by requesting supplemental funding to continue Minuteman III production."

That was January 27. Precisely 3 months later the budget amendment was sent up. Had there been a new "assessment of Soviet ICBM programs?" If so, none was offered to the Congress. Had we seen the "outcome of SALT negotiations?" Not at all.

In fact, we are still deep in negotiations—negotiations which, I regret to say, have been given a back seat as the Presidential election campaign unfolds.

Now, of course, the Pentagon claims that Secretary Rumsfeld tied his qualification to the "pace" of the SALT talks, not their "outcome." This changing of the public record leads me to assume that the SALT talks are not the real reason behind this new request. But what that real reason is, DOD does not tell us.

Mr. President, for those unfamiliar with the Minuteman III missile situation, it must be emphasized that—unless the administration chooses to bust the Vladivostok agreement—these 60 missiles are likely to wind up in storage facilities where they will not be needed for testing for some 12 years. We already have purchased 187 missiles beyond the 550 needed to be deployed; 17 are used for spares, according to testimony a year ago. Another 61 have been tested and 126 remain available for testing. At the testing rate, which last year was defined as seven a year, we actually could have 18 years of testing without buying a single new missile.

Even DOD acknowldeges that there are missiles available to test through 1988—armed services fiscal year Senate hearings, page 3934.

Now in addition to these spare missiles, the Defense Department is asking us to let them buy another 60. Presumably that would permit them to test well into the 1990's.

The reality is that all of these purchases, some $800 million worth, are beyond what Congress was originally told would be part of the program. In fact, each year since 1972 we have been assured that the production line is going to close when the 550 are finally purchased.

Thus, on February 18, 1972, the following testimony was given before the Senate Appropriations Committee:

> Chairman ELLENDER. The request includes $11.3 million for advance procurement to support the planned buy of this missile in fiscal year 1974.
>
> As I read the data sheet, the fiscal year 1974 buy will complete this missile production program. Am I correct about this?"
>
> General GLASSER. Yes, sir: That is correct.

But then came fiscal year 1974 and Secretary Richardson submitted the following statement:

> There has been much uncertainty generated over Soviet intentions by their several new missile programs. We hope this uncertainty will be reduced during the coming year. Even if it is not, we must decide this year whether or not to continue the mirving of minuteman, since the cost of maintaining the option through FY 1975 would be very high.

And it was high. By last year, $593 million had been spent in sums beyond those needed to deploy 550 missiles. Then last year, another $203 million was sought even though it went against the previous year's understanding.

In testimony, Lt. Gen. William J. Evans, Deputy Chief of Staff—research and development—for the Air Force was asked:

> You stated that the current number that you have approved would provide test assets through 1984?
>
> General EVANS. That is correct.
>
> Mr. LYNCH. Last year, in our congressional data sheet, there was no intention to buy more Minuteman III missiles for any reason, test or otherwise. . . .
>
> Is fiscal year 1976 the last year that you intended to buy the Minuteman III missiles?
>
> General EVANS. As you know, we have no long lead money in the 1976 request, and, therefore, there are no plans at the present time to continue the production of the minuteman beyond 1976. . . .

So once again, we are told that there would be no more money wasted on a production line that is producing missiles to be tested a dozen years from now, to be tested when it is possible that the missiles will be vulnerable, to be tested at the same time we are going full speed ahead on a follow-on land-based missile system.

We believe that the supplemental Minuteman III missile request should be rejected because it is a waste of $322 million. We believe it should be rejected because, if deployed, it would be trading missiles that may be vulnerable for those that will not be. We believe that it should be rejected because it is clear that

in the absence of congressional action, each year there will be a new hedge, a new bargaining session, a new reason why the Defense Department will want to keep spending more and buying more.

The waste of money is not the only factor this year. In addition to the 60 new missiles being procured, the Defense Department has included a request for Mark 12–A warheads, which raise an even more serious issue.

Should the United States deploy a warhead whose very nature—three H-bombs of some 350 kilotons each—is perceived by every strategic observer as designed to destroy Soviet missiles in their silos? This is a warhead that is 58 percent more likely to destroy a hard-target than the existing reentry vehicle. And with an expected doubling of accuracy, it will be 632 percent more likely to destroy a hard-target. From the Russions' viewpoint, that means a warhead which will raise grave doubts in their minds about our intentions. We have only to note what our reaction would be in similar circumstances.

What the Mark 12–A does immediately is give pause to Soviet planners regarding the vulnerability of their own land-based missiles. In that event, one possible reaction would be for them to move in the direction of a hair trigger "launch on warning" strategy—as Secretary Schlesinger last year cited as one of our options in similar circumstances. And this is a strategy which brings the world far closer to nuclear destruction.

No development justifies our taking this enormous risk. Our deterrent capability is unquestioned; its destructive capacity is many times over that needed to destroy the Soviet Union.

In the development of new warheads and reentry vehicles, we are also faced with a "threshold" problem. Once we begin production—indeed, once Congress approves this program—the Soviet Union will almost certainly assume that we have gone into a massive program. This is the same problem we found with Soviet MIRV's, a problem we have struggled 4 years to solve.

And they could have reason for concern that this new warhead is not just for 60 missiles that may or may not be deployed. Secretary Rumsfeld himself told the Armed Services Committee on May 4 that we may want to "retrofit some of the existing" Minuteman missiles.

Thus this is not just a warhead program for some extra Minuteman; this is the basic decision to move into a major new reentry vehicle system.

Thus I believe we must pause and consider carefully whether we want to cross this threshold now. I believe that we should not tie the hands of the next administration, but rather wait until we see what happens with the Russians, as Secretary Rumsfeld himself called for in his posture statement this year.

For all these reasons, Mr. President, I believe the additional procurement of $322 million for the Minuteman III program is unjustified.

Several Senators addressed the Chair.

The PRESIDING OFFICER. The Senator from Massachusetts has the floor.

Mr. KENNEDY. I am glad to yield to the Senator from North Dakota. If we could first let the manager of the bill speak, then maybe we can get into——

Mr. STENNIS. If the Senator wants to ask a question, that is all right.

Mr. KENNEDY. Thank you.

Mr. BURDICK. I was listening with interest to the Senator's statement. Is it not a fact that the Minuteman III deployment has been completed?

Mr. KENNEDY. The Senator is correct.

Mr. BURDICK. Is it also true that we have a supply of Minuteman III for testing purposes? The Senator has stated that Minuteman III has been fully deployed throughout the United States.

Mr. KENNEDY. The Senator is correct.

Mr. BURDICK. Do I understand the Senator to say there are enough missiles on hand for testing for a good number of years?

Mr. KENNEDY. Until 1988.

Mr. BURDICK. 1988. What use will the 60 missiles be put to?

Mr. KENNEDY. There appears to be no good reason or justification. They are not needed for testing—it seems they will just be placed in storage, unless the Defense Department decides, as we are now hearing, that it wants to deploy them to replace some of our Minuteman II's. In January, that option was rejected. Now suddenly it is revived again.

Mr. BURDICK. Suppose in the next 12 years there is some technology that produces a better missile, a Minuteman IV, what happens to the 60?

Mr. KENNEDY. The Senator is quite right in pointing out the fact that there is a real follow-up system, the MX missile, which is far more sophisticated, which is in the research stage at the present time, and which would make the Minuteman III virtually obsolete.

Mr. BURDICK. Then to restate the situation, all the Minuteman III have been installed right now, and there are sufficient for Minuteman testing purposes until 1988?

Mr. KENNEDY. The Senator is correct.

Mr. BURDICK. I thank the Senator.

Mr. STENNIS. Mr. President, I yield myself at this time only 2 minutes and then I propose to yield to the the Senator from Utah (Mr. Moss).

The PRESIDING OFFICER. The Senator from Mississippi is recognized.

Mr. STENNIS. Mr. President, on this item, as with all items concerning the need for additional ICBM missiles and warheads, it is always true; no one knows exactly how many we need. No one knows where the line is with exactness.

We have the same question in the Appropriations Committee that we have in the Armed Services Committee. But there is one rule we have definitely established all the way through that has been solid, that we must not take a chance on not having enough, for testing, for anything that might arise. We must have enough should there be a failure with the other legs of the triad. We must have enough to be up front, and let everybody know it.

It is true the testimony in January was:

> We have not reached a decision yet but we reserve the right to come back.

And they came back in a very timely way, I think in April, with this recommendation.

I am glad now to yield 12 minutes, if we may start with that amount, to the Senator from Utah.

Mr. MOSS. Mr. President, I thank the chairman of the Armed Services Committee for yielding to me.

I want to speak in opposition to the amendment introduced by Senator KENNEDY that would halt production of the Minuteman missile. I do not do that because I think we ought to spend $317 million more. I am just as anxious as the Senator to conserve wherever we can, and I selectively vote against expenditures when I think it is possible to do so without damaging what is in the best interest of this country.

My reasons for opposing the amendment are, simply stated. First, if the Minuteman line were halted in fiscal 1977 we would no longer have a source of new ICBM's for several years to come and, I might add, Mr. President, that is the only ICBM line in existence now.

The Senator from Massachusetts may continue to point out he has heard this argument before, but the fact is it is still a true statement. We will no longer have a source of new ICBM's for several years.

The MX or advanced ICBM will not be available until 1985, and we will not be able to deploy any submarine-launched ballistic missiles during the years 1977, 1978, and 1979. In other words, we will not be able to respond to a Soviet buildup of missiles in the near future.

The second point is without a SALT II agreement in sight we face a period in which there will be no incentive for the Soviets to limit their ICBM production. We thought we were close to an agreement earlier in the year, but the situation has deteriorated.

The Soviets have four new ICBM programs and two new submarine-launched ballistic missile programs.

When the period of the SALT I agreement terminates in fiscal year 1977, the international legal restraints on enlargement of their ICBM force will be removed.

And with our Minuteman line disassembled, they need not fear matching escalation from us.

Therefore, the only prudent course of action, it seems to me, is to keep our powder dry, if you will, to continue our Minuteman production line. I would prefer to see the line kept open until a SALT II agreement is actually reached. But I would accept the language in the Senate report—that these missiles will be purchased unless there is significant progress at the strategic arms limitation talks by September 1976.

So if there is significant progress, then the money may be withheld.

If this body rejects the amendment offered by Senator KENNEDY and Senator CRANSTON, then it will thus send a strong signal to the Soviets that achievement of a SALT II agreement is in their interest as well as in our own.

The Senator from Massachusetts, in making his presentation, made several

points that I think should be touched. He said:

1. The Administration did not request the funding for Minuteman in the original budget request. Four days before the Texas primary the decision was made to keep the Minuteman production line open.

Here, Senator KENNEDY quoted Secretary Rumsfeld's remarks in the annual Defense Department report. However, he omitted one very important condition that Secretary Rumsfeld included in the report in the paragraph following the statements Senator KENNEDY has quoted, and I quote from Secretary Rumsfeld:

However, depending on the outcome of SALT II negotiations and our continuing assessment of Soviet ICBM programs, it may be necessary to make further short-term improvements in the U.S. ICBM posture by requesting supplemental funding to continue Minuteman III production.

I do not want to be cast in the light of defending the current administration's policies, but it seems clear to me that neither the outcome of the SALT negotiations nor the pace of Soviet ICBM development has been to our liking. The administration's subsequent request for funding for Minuteman III production seems consistent with Secretary Rumsfeld's earlier remarks:

2. Any additional deployments beyond the current level of 550 would not add significantly to the U.S. military capability, but would increase the strategic budget by more than $300 million for each further year of production.

That is a quote from Senator KENNEDY.

We should not lose sight of the objective here. Given the current United States-Soviet strategic balance we probably do not need 50 more Minuteman III missiles today. As Secretary Rumsfeld told the Senate Armed Services Committee on May 4:

And it seems to me that we would not want to be buying those missiles simply for having those missiles.

The objective is to keep the Minuteman production line intact and to do that you have to produce missiles at a minimum rate.

If the Soviets continue in the future to deploy their large warheads which may have a missile silo-killing capability, then our ability to produce more Minuteman III's becomes very important to our maintaining our military capability. We must have enough ICBM's to insure that after a first strike against us, we would have an adequate number of ICBM's left to retaliate.

The Senator said:

3. Under the provisions of the Vladivostok understanding, additional deployments of Minuteman III would require offsetting reductions in Poseidon launchers in the 1980's.

My reply is that again the objective here is to keep the production line warmed up so we can respond to undue buildups by our potential aggressors. We can store the 50 Minuteman III's we produce, if in September, we do decide to go ahead and produce them.

Or we can consider replacing some Minuteman II's with Minuteman III's to upgrade the force.

So our options are completely open. If we deploy the Minuteman III's as substitutes or as additional forces then because of the limits on MIRV'ed missiles, this may affect the rate of replacement of Poseidon with Trident in the early 1980's. That at least is what Secretary Rumsfeld told Senator CULVER in recent Armed Services Committee hearings. But MX probably will be replacing Minuteman in the 1980's anyway. Then the mix of land-based and sea-based ICBM's could be readjusted.

Senator KENNEDY also makes the point:

4. Since Minuteman will become more vulnerable in the future, any additional resources should be invested in the deliberate development of a new, larger, and more survivable ICBM.

However, MX will not be available until something like 1985. We need to be working on that system because it will be an improvement over Minuteman. But we do not want to be left without a source of land-based ICBM's for the 9 years in the interim.

It was pointed out by the Senator and I quote:

5. It should be noted that neither the Senate nor House Defense Budget Committees included this sum in their recommendations.

Clearly the Senate Armed Services Committee included it. The House Armed Services Committee report said:

The Committee is deeply concerned over the lack of any plans in the administration's fiscal year 1977 budget request to retain production capability for the Minuteman III. The production line is scheduled to close down at the end of fiscal year 1976. When this line closes down, there will no longer be a production line in the free world producing strategic missiles.

In fiscal year 1976 the committee agreed to a request for a reprogramming for purchasing long-leadtime items to retain the option to keep the Minuteman III line open in fiscal year 1977. However, the Administration did not request funds to continue production in the fiscal year 1977 submission.

It seems to the committee to be shortsighted in the extreme to close this production line as we approach the end of the five-year lifetime of the Interim Agreement on Offensive Weapons entered into with the Soviets in 1972. With no new SALT agreement assured and with the Soviets vigorously continuing production of a number of strategic missile systems, including some newer missiles, termination of our only production facility will appear to the world as a sign of weakness and uncertainty.

* * * * *

While the committee has not added money to the bill, it wishes to express its concerns in the strongest terms and directs the Department of Defense to reconsider this omission from the budget proposal. The committee will be prepared to entertain a reprogramming request at the appropriate time to free sufficient funds to assure retention of this critical strategic production capability.

As for the Budget Committee, let me say that there is an erroneous, perhaps unintentional, implication in the dear colleague letter on this amendment that the Budget Committee has not considered the Minuteman's presence in the amended defense request.

The Budget Committee's role is to set budget targets in the first concurrent resolution for major functions, including defense. The committee does not delineate line items—that is the function of the authorization and appropriation committees. Therefore, the first budget resolution made no judgments of or assumptions about the funding of any specific weapons systems.

In the necessary absence of Senator MUSKIE, I chaired the House-Senate budget conference. In the adjustment of the House budget figures closer to those of the Senate, specific mention was made of the Minuteman budget request.

The bill from the Senate Armed Services Committee contains funds for the Minuteman. The Budget Committee has analyzed the total budget authority and outlays in the Armed Services Committee request and finds that they are clearly within the targets of the first resolution.

Thus, it is clear that the Minuteman III is included in the bill and the funds for it are within the Budget Committee targets for the defense budget function.

Senator KENNEDY also says in the "Dear Colleague" letter that the so-called bargaining chip argument has cost us $800 million over the past 3 years to procure Minuteman III.

Let me point out to the Senator that the Minuteman ICBM has the lowest cost, highest reliabiliy, fastest reaction time, and highest percent of readiness of any strategic system in the United States or in fact in the world. What we have spent on Minuteman has bought us maximum bang for the buck.

The Senator also says that the Mark 12-A warhead will be perceived by the Soviets as a move toward a first strike force. Let me respond to that.

While the Mark 12-A has a more powerful warhead than the Mark 12 and better capability to destroy hardened targets, such as missile silos, we would not have nearly enough missiles with these warheads to post a credible first strike threat against the Soviet Union.

I thank the Senator.

Mr. President, I ask unanimous consent to include in the RECORD a letter dated May 21, 1976, which I received from J. W. Plummer, Under Secretary of the Air Force, which sets out the reasons why the President amended the budget request to include funds for Minuteman III production.

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

DEPARTMENT OF THE AIR FORCE,
Washington, D.C., May 21, 1976.

Hon. FRANK MOSS,
U.S. Senate.

DEAR SENATOR MOSS: This is in reference to your request for information concerning the amendment submitted by the President to the FY 1977 Budget Request for the Missile Procurement, Air Force Appropriation. The amendment requests $317.0 million for starting MK-12A reentry vehicle production in FY 77 and for the procurement of 60 Minuteman III missiles in that same year. Upon approval, this amendment would ensure availability of additional Minuteman III missiles for deployment if such action is deemed necessary. It supports procurement of the MK-12A reentry vehicles for additional Minuteman III deployment and

accelerates by six months the entry of these vehicles into the inventory.

When the FY 1977 Budget Request was submitted to the Congress last January, the United States was exercising deliberate restraint in its strategic programs. We hoped for commensurate restraint on the part of the Soviet Union, and we also hoped for consummation of a SALT II agreement in 1976. Accordingly, the FY 1977 Budget Request included termination of Minuteman III production after FY 1976 and deferral of MK-12A production until FY 1978. Regrettably, our earlier hopes have not become reality, and we are unable to foresee their fulfillment in the near term. We must, therefore, take positive action for two reasons—first, the Soviet Union is clearly proceeding to develop and deploy four advanced ICBMs and two new SLBMs; and second, because we have had more time to note the pace of SALT negotiations.

Consequently, an amendment to the FY 1977 budget, requesting an additional $317 million for Air Force missile procurement has been submitted to the Congress by the President. Of the $317 million, $260.7 million would continue production of Minuteman III, and $56.3 million would be allocated to initial procurement of the MK-12A reentry vehicle. Should it be in the national interest to deploy additional Minuteman IIIs, fifty missiles now in storage could become operational by April 1977. Additional deployments could be accomplished in increments of fifty over the next two and a half years. Thus, we could achieve a Minuteman III force of 700 by mid calendar year 1979.

The SALT II agreement which we now seek could possibly be reached in the near term, and might include provisions which render additional Minuteman III deployments unnecessary to meet national goals. If this agreement should transpire, we would then examine restructuring the Minuteman III production assets to provide hardware for modernization of the Minuteman II force. The Congress would be kept advised of program changes.

We believe that Congressional and public desires are reflected in the requested budget amendment and we solicit your support of this effort to maintain a reasonable balance in the strategic forces of the United States and the Soviet Union.

Sincerely,

J. W. PLUMMER,
Under Secretary of the Air Force.

Mr. STENNIS. The Senator from South Carolina will be recognized, if he desires, otherwise I will yield to the Senator from Utah.

I yield 10 minutes to the Senator from Utah.

The PRESIDING OFFICER. The Senator from Utah has 10 minutes.

Mr. GARN. Mr. President, the distinguished Senator from Massachusetts in his remarks continues to talk about these missiles being stored and put away, just to sit around for some 12 years into the future. I would like to quote from a letter from Deputy Secretary of Defense Robert Ellsworth to the distinguished chairman of the committee where he said:

The Defense Department is not requesting funds to produce missiles to be tested a dozen years from now. The DoD is asking for authority to protect the option of producing 60 additional MM IIIs which could be used, depending upon the outcome of SALT negotiations, for deployment, testing, or upgrading of MM II.

So it is not the intent that these missiles be stored.

The Senator also suggested that maybe we should wait for a new administration to make this kind of a decision. I reemphasize, we are asking for production authority at this time to protect the option of producing 60 additional Minuteman III's, depending on the outcome of SALT II.

The distinguished Senator from Massachusetts also has relied, in his arguments in favor of his amendment, on the remarks of Secretary of Defense Donald Rumsfeld.

At this time, I would like to refute the arguments which Secretary Rumsfeld earlier this year used as his justification for not recommending additional funds.

First of all, he said any additional deployment of Minuteman III's beyond the current level of 550 would not add significantly to U.S. military capability. Of course, Mr. President, a great deal turns on the word significantly. I am not certain just what Secretary Rumsfeld means, but let me point out a few of the advantages of Minuteman III over Minuteman II and let every Senator judge for himself.

The Minuteman II's are not hardened against dust and debris on flyout while the Minuteman III's are. The Minuteman II's are much more survivable in the event of attack. The reentry vehicle of Minuteman III is hardened against the electrical discharges that would accompany a missile attack against our missile silos. Minuteman III is much more accurate than Minuteman II. In fact, it is the most accurate of all our missiles, including the Poseidon and the Trident. This is increasingly important as the Soviets increase their numerical lead in reentry vehicles. The Minuteman III can be retargeted in 36 minutes or less. This is particularly important in reaching time sensitive targets such as unfired missiles. Since most of the Minuteman II's are probably aimed at such targets, time is of the essence and it takes more than 24 hours to retarget a Minuteman II.

No reference was really made to that reason for producing these additional missiles or upgrading the Minuteman II fleet.

Tests have indicated that the Minuteman III booster may have a longer life than the boosters on the Minuteman II, some of which are 10 years old. Use of the III booster on the II missiles wil extend the life of the whole system into the late 1980's; and

Use of Minuteman III boosters on the II missile would significantly increase the range of the missile.

Some of these factors were mentioned on the same page of the Posture document on which the Secretary claimed that additional III's would not add significantly to our capability. Well, in my view, these advantages are significant enough that further deployment would be worth the relatively minor costs.

A second argument was:

"Under the provisions of the Vladivostok understanding, additional deployments of Minuteman III would require offsetting reductions in Poseidon launchers in the 1980's." Now there are two things to be said about this argument. The first is that the Vladivostok accords have never been submitted to the Congress, and are not binding on the United States. Any limitation we observe because of them is a self-imposed limitation. My understanding of those accords is that they were targets toward which SALT II would work. The work is going on, but it is unclear how much progress is being made. In the meantime, it appears to me that we are foolish to limit ourselves to an understanding of future action which might never take place.

The alternative possibility is that there is a SALT II agreement already reached by Secretary Kissinger. If so, it should be submitted at once to the Senate for our deliberation and ratification. If there is not, let us stop acting as if there were. On January 14, the Associated Press reported that the administration will not submit any new treaty to the Senate for ratification until after the November elections. Well then, let us wait until after the elections before we make a decision to cut off our only missile production line.

But, Mr. President, even if Vladivostok were binding, the MIRV limits would still not affect deployment of 700 Minuteman III's until 1982, at the very earliest. The limit agreed on at Vladivostok was 1,320 MIRV's. At the present time, we have 550 Minuteman III's and 432 Poseidon missiles, for a total of 982 MIRV's. If we were to continue replacing Minuteman II's with III's at the present rate, we would reach the 700 level by the end of 1978. At that time, we would also have 496 Poseidons, for a total of 1,196 MIRV's. At that time, the Trident is scheduled to come on stream, but not until almost the end of 1982 do its missiles push us past the 1,320 MIRV number.

Now I hasten to point out that the whole Trident system is uncertain at this point. Originally, the production schedule for Trident called for one submarine in 1979, two in 1980, one in 1981, two in 1982, and so on. But according to a briefing by Assistant Secretary of Defense Terence McClary on January 20, that production schedule has already begun to slip. Only one ship a year will be produced for at least the first 4 years, he says. That would push the breach point back to 1984 or 1985.

Let me emphasize another point here, Mr. President. That is that though Vladivostok contains a limit of 1,320 MIRV's for each side, the Soviets will reach that limit long before we will, because of their greater number of vehicles, and because their missiles are much larger than ours, and can be MIRVed more easily. Their greater throw weight will also give them more reentry vehicles per missile than we have. The Minuteman III has three RV's, the Soviet missiles have four to eight, and each RV has a higher yield than any of ours.

"Since Minuteman will become more vulnerable in the future, any additional resources should be invested in the development of a new, larger, and more survivable ICBM." That logic, Mr. President, if carried to its logical conclusion, would mean that we should stop funding

the Poseidon/Trident system, the B-1, or any other strategic system, since eventually all of them will become vulnerable and obsolete. We have a capital investment in Minuteman of almost $20 billion. It is incumbent on Congress to protect that investment, and the best way I know to do it is to make the small expenditure that maintains its viability. The worst thing to do is to throw it away.

Now, I would be the last to argue against a new generation of missiles. I do indeed think that we will need one. But even the most optimistic forecasters admit that there can be no followon missile before 1984 at the earliest, and as Federal budgets get tighter and tighter, the chances are very great that it will not be available that soon. What are we to do in the meantime? The flexibility I have mentioned, coupled with the silo upgrade programs provided for in the budget, gives us a much better chance of having a surviving missile force. The Minuteman missile could likely be adapted to an MX-type mobile system as well, providing additional survivability.

In sum, Mr. President, the arguments given for not funding the Minuteman III in the fiscal year 1977 budget do not stand up. If anything, they can be turned into strong arguments for continuation of this important program.

The PRESIDING OFFICER. Who yields time?

Mr. KENNEDY. Mr. President, I yield such time as the Senator from California may require.

NO MORE MINUTEMEN

Mr. CRANSTON. Mr. President, it was just a little under 4 months ago, on January 27, that Secretary of Defense Rumsfeld reported on the Minuteman III program in the annual defense posture statement. The Secretary explained why there was no funding request in the 1977 Department of Defense budget for further production of the Minuteman III missile. I found the Secretary's arguments so compelling that I would like to review them:

The Secretary stated that any additional deployment of Minutemen beyond the current level of 550 would not add significantly to the U.S. military capability. It would, however, cost the taxpayers more than $300 million for each further year of production. Secretary Rumsfeld went on to describe the vulnerability of Minuteman, our land-based ICBM, and stressed that any additional resources should go into a new, larger and more survivable ICBM. And, finally, he pointed out that by the 1980's, additional deployment of Minutemen III's would have to be offset by reductions in Poseidon launchers—under the Vladivostok accords. The Secretary seemed to feel at that time that we should not invest more of our limited resources in the most vulnerable part of our deterrent force, one which already has adequate numbers and sufficient spares, to last until 1990, and one whose further deployment would penalize the most invulnerable leg of our defense triad, the sea launched ballistic missile.

And yet, Mr. President, it was just a little less than 1 month ago, 3 months after the Defense posture statement but only 4 days before the Texas primary election, that this decision was reversed and the administration asked Congress for an additional $322 million to produce 60 more Minutemen III's.

Mr. President, I believe that this decision to produce more landbased ICBM's, when we already have 550 deployed, when we already have purchased an additional 204 missiles for spares and testing, and when we have enough Minutemen missiles to last until the late 1980's at which time Minuteman III will in all probability be obsolete, is a blatantly political decision with no relation to our national security needs.

We have not intention of deploying these weapons, and if we do, we tilt our missile force from its most invulnerable third, the SLBM's, to the more vulnerable force of land based missiles. In fact, we do not even have a place to put these Minutemen that we did not plan to produce in the first place. The administration has added an additional $5.4 million to the military construction bill to build a new warehouse at Hill Air Force Base in Utah in which to store them. And, if by some chance we decided to make that tilt and to deploy them, I would like to know the cost figures to harden additional silos to house them. Requests for more millions of dollars could be just down the road. So we are talking about more than the obvious figures before us in this amendment.

There is a second more disturbing part tucked away in this belated administration request. The $322 million includes almost $60 million for the production of Mark 12-A warheads. The Mark 12-A is a warhead with three H-bombs of 350 kilotons each. It has twice the destructive potential of the current warhead, improved accuracy, and is specifically designed to destroy hardened targets. The Mark 12-A has been in the research and development stage and no procurement decision was to be made until October of 1977. I question what appears to be a rather offhanded and hasty decision to ask for procurement now. To produce the Mark 12-A is a major change in our deployment position. This is the first production buy of a major counter-force weapon—one that could be used for a limited first strike against hardened targets in the Soviet Union. A major production decision on our first counterforce weapon should not be made under political pressure and should not be piggybacked onto another weapons system buy.

Before we go ahead with production of a weapon with such dangerous potential, the Congress should assess every angle, ask every question, including the important one of how the Russians may be perceiving this decision at a time when our perceptions of each other are already more skewed than at any time in recent years.

Secretary of Defense Melvin Laird during his tenure at the Pentagon from 1969 to 1973 continually stressed that we did not want to build hard target warheads for Minutemen for fear the Soviets would misinterpret this as a first strike threat. And, in fact, Secretary Rumsfeld in his fiscal year 1977 posture statement also stressed the continuing Department of Defense policy of restraint in regard to improving the United States hard target capability. Mr. Rumsfeld said in January that R. & D. would continue on the Mark 12-A to provide us with the option to produce it should the circumstances so dictate. Have circumstances changed? Has Congress been informed of these threatening changes? Or is this the response of a beleaguered administration responding to a hard driving and concerted attack within its own party on its foreign and defense policy? The production of Minuteman III's would be a waste—but the production of Mark 12-A's could be a threat—not only to the Soviet Union but, because of how their production is perceived, to our own national security as well.

Administration officials have stated when forwarding this budget request to Congress that more Minutemen were needed to keep our options open for SALT. This is the same old bargaining chip argument that has justified needless expenditures for Minuteman III missiles for years. I cannot say that the bargaining chips that Congress has already provided—and I say this sadly—have impelled very rapid progress in the completion of a SALT II agreement. We have already expended nearly $800 million on Minutemen bargaining chips over what it cost to produce and deploy the original 550. The odds are against the Soviet Union being very impressed with 60 additional missiles in a warehouse in Utah when we already have one thousand or so Minutemen of all types in firing position.

Mr. President, it makes little sense to keep buying more missiles without regard to the assured deterrent we already possess. It makes little sense to spend $322 million on an unneeded weapon that we plan to store in a warehouse. It makes little sense to take an additional $322 million from our sorely tried taxpayers and to risk breaking the already too-high defense budget ceiling. And it makes even less sense to toss aside our previous restraint in the production of counterforce weapons without full consideration and debate on what could produce a new and dangerous era in the arms race.

Mr. President, if I might, I would like to ask the distinguished chairman of the committee, the Senator from Mississippi, a couple of questions.

On page 18 of the Armed Services Committee report for fiscal year 1976, the Secretary of Defense was directed to conduct a study concerning site defense.

However, the committee went on to say:

> Basic to this study is the need to examine the future usefulness of the fixed base Minuteman force, and whether now is the time to consider seriously the phasing out of this force beginning in the mid-1980's.

I would like to ask the Senator, has the study been made, what were its results, and what were the future recommendations concerning Minuteman III missiles?

Mr. STENNIS. Mr. President, I assure the Senator we will certainly give him

what we have on it. I cannot readily summarize it, but we will supply it.

The committee voted almost unanimously, under these circumstances, to put these missiles in this bill. I know, too, that the membership took the initiative in bringing up this question. So whatever is here, and we will submit it, did not satisfy us and I will furnish the Senator some material. We are consuming time now.

Mr. CRANSTON. Has the actual study been made that was requested.

Mr. STENNIS. Yes, there is a report here on it and it is reflected therein. We have it here.

Mr. CRANSTON. I shall ask one other question: If there is a move to actually deploy these missiles at some point rather than placing them in warehouses, what additional costs could be involved in developing more hardened missile sites for these additional 60 Minutemen?

Mr. STENNIS. Will the Senator repeat that?

Mr. CRANSTON. What cost would be involved if these were actually deployed in additional hardened sites?

Mr. STENNIS. Yes. Does the Senator mean if we do not proceed now, if we let this production line go out?

Mr. CRANSTON. No, that was not the question.

Mr. STENNIS. All right.

Mr. CRANSTON. If this amendment failed and we proceed to produce these additional Minutemen, what will be the cost to place them in hardened sites beyond the real cost of producing them?

Mr. STENNIS. I do not have any figure in mind. Yes. We will supply the Senator with what information we have on that. It would be a separate independent, additional cost.

Mr. CRANSTON. Yes. Presumably not a small cost.

Mr. STENNIS. Nothing about these costs is a really small amount.

Mr. President, the Senator from Washington was ready to speak next.

Mr. BUMPERS. Mr. President, will the Senator from Massachusetts yield to me to ask a question of the distinguished chairman of the committee?

Mr. KENNEDY. I will yield if it is agreeable. Yes, I will yield such time as the Senator needs.

Mr. STENNIS. If the Senator will yield to me, could we yield 3 minutes now and then to Senator Jackson 10 minutes if he comes in?

Mr. KENNEDY. I have no objection.

Mr. STENNIS. I thank the Senator for his cooperation. We will come back.

The PRESIDING OFFICER. The Senator from New York has 3 minutes.

Mr. BUCKLEY. I thank my friend from Arkansas.

I am supposed to be relieving the Chair in 3 minutes, so I shall be brief.

PRIVILEGE OF THE FLOOR—(S. 1284 AND H.R. 12438)

Mr. President, first of all, I ask unanimous consent that the privilege of the floor be extended for the entire proceedings of S. 1284, the antitrust bill, and the current defense authorization bill, H.R. 12438, to William Schneider of my staff.

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

Mr. BUCKLEY. Mr. President, I comment as to the remarks made by the Senator from California (Mr. CRANSTON). He talked about the need for debate if we were going to move to increase the accuracy of our strategic missiles. I recall we had such a debate 2 years ago and it was extended debate. We examined every aspect of it and the changes that had occurred since Secretary Vail had originally suggested that we did not want to have to develop the capacity to search out and destroy a Soviet missile site in contrast to a Soviet city. We made that decision, and now we are in the process of implementing it through the development and increasing the accuracy of the Mach 12, a reentry vehicle.

I believe that with that decision being behind us we ought to go forward and assure ourselves of the options in an increasingly dangerous world, and I say increasingly dangerous because more and more we find evidences that the Soviets are moving ahead on various fronts that they are, if not only cutting the edges on the SALT accords, but recent developments and information involving their SS-20 would indicate that they might be moving toward the development of a mobile intercontinental ballistic missile in straight contravention of the SALT accords.

The SS-20 is derived from the mobile SS-16, and although it has thus far been tested from silos, the fact is that once it is tested it can be placed right onto the chassis, if it were, of the SS-16.

The reason why we have considered the development of mobile ICBM's to be a violation of the SALT agreements and we have insisted on this point is that these are weapons that can be easily hidden and there would be no way of monitoring their location.

Recent evaluations suggest that the SS-20 can be given, if it does not already have, an intercontinental range. I suggest for these reasons we have to have the options, the accuracy, and the weapons with which to quickly protect ourselves against the increase in Soviet strength.

I thank my colleagues for granting me these few minutes.

Mr. STENNIS. Mr. President, I am glad I did yield to the Senator.

Mr. President, the Senator from South Carolina had wanted some time. I yield such time as he may need.

Mr. THURMOND. Mr. President, in 1975 the United States considered halting the Minuteman production and deployment. We did that in the hope it would influence the Soviets to reciprocate through SALT. Now since then the Soviets have continued MIRV development in their strategic forces, and they have increased international adventurism such as in Angola and bases in Africa, and other places; therefore, SALT remains unresolved.

The continued Minuteman production and deployment now, in my opinion, is necessary. Minuteman is the only strategic missile system that is currently in production, and I think we ought to realize this and this realization will assist us in making a determination.

The Minuteman III deployment is a very modest and measured response to the Soviet initiatives. It maintains the option for additional incremental improvements through accuracy and yield increases.

Mr. President, this will provide a hedge against delays in the Trident program. The Trident program is progressing, but no one can tell just how soon it will be ready.

And a no vote on this amendment will maintain a uniquely skilled industrial work force, too. We must maintain this skilled work force if it is needed because it takes a long time to try to get people together again.

I might say that the action here would keep the land-based ICBM in production, and if we do not do this then we can be handicapped in years to come because no other ICBM would be available until the next generation system of the MX, that is, the experimental missile in the mid-1980's.

There are about 10 years of deterioration we would have if we do not go forward.

Then I state that it will continue to provide an ICBM with sufficient deployment and reentry accuracy to damage hard industrial and military targets, and we think this is a key part of the triad concept. The other triad parts, of course, consist of the bombers, and we are going forward, we hope, with the B-1; and then the submarines, and the Trident and Poseidon are the most modern submarines for that purpose.

It is important if we go forward with this for other reasons: First, it will help to prevent war because if we are strong we are not apt to be attacked; and, second, it will instill courage in our allies and our friends. It will let them know that we are not weakening, that we do have a strong national resolve to keep this country strong militarily; and this is important.

Mr. President, the President of the United States, our Commander in Chief, has recommended this item. He did not recommend it earlier. He held off hoping that SALT would help to resolve these matters, but that has not occurred. I think we have to consider very strongly the Commander in Chief's recommendation here. The Senate Committee on Armed Services considered this when the President sent it down, and the Senate Committee on Armed Services by a large vote has approved this request.

The House Committee on Armed Services did not have time to act, but they had words, as I understand, urging the administration to request this funding, and I am sure that they would approve it.

The House Appropriations Committee already has included this money in their appropriations—$322.4 million. The Senate Appropriations Committee has not acted as yet.

Mr. President, in a letter to the chairman of the Armed Services Committee, Senator JOHN C. STENNIS, dated May 24, 1976, by Robert F. Ellsworth, a Deputy

Secretary of Defense, a strong argument is made to take the action that the President requests. I ask unanimous consent that this letter be printed in the RECORD.

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

THE DEPUTY SECRETARY OF DEFENSE,
Washington, D.C., May 24, 1976.

Hon. JOHN C. STENNIS,
Chairman, Committee on Armed Services, U.S. Senate, Washington, D.C.

DEAR MR. CHAIRMAN: It is my understanding that Senators Kennedy and Cranston have distributed a "Dear Colleague" letter outlining their views on the President's Budget Amendment for Fiscal Year 1977 concerning the Minuteman III/Mark 12-A production programs. I am concerned that the letter does not develop the full context within which the President's decision to propose continued production was made, and as such it may mislead your colleagues.

First, I would like to set out the basic facts:

The Budget Amendment Request is for $322.4M ($266.1M of MMIII; $56.3M for MK-12A).

A review of Soviet strategic programs and the pace of the SALT negotiations led the President to conclude that we should *plan* to keep the MMIII production line open, and to make a final decision in the fall on whether or not to do so.

Therefore the Budget Amendment Request asks for *authority* for continued MMIII production, while holding open the final commitment to production.

If the decision to continue production is made late this year, the funds would buy 60 MMIII missiles, provide additional missile storage facilities, and accelerate MK-12A procurement into FY 77.

A decision as to whether this authority will be used will depend on:

The progress of SALT II negotiations, and on

Assessment of the Soviet SLBM/ICBM program.

In addition, I would like to respond to *certain* major points within the Senators' "Dear Colleague" letter:

1. The three points attributed to Secretary Rumsfeld's Posture Statement are verbatim from this year's "Annual Defense Department Report—FY 1977," published four months ago. However, to put those remarks in perspective, three additional points must be remembered:

First, in the same Defense Report the Secretary also said, "Depending on the outcome of SALT II negotiations and our continuing assessment of Soviet ICBM programs, it may be necessary to make further short-term improvements in the U.S. ICBM posture by *requesting supplemental funding* to continue Minuteman III production." This is precisely what has been recommended in this Budget Amendment Request.

Second, the Vladivostok understanding is, so far, only an understanding. It is not yet a final agreement. It seems prudent, in today's circumstances, not to foreclose options concerning our 1980s force structure until we are closer to a final SALT agreement and have greater certainty about Soviet strategic deployment plans. We should also keep in mind that the Soviets have several active ICBM production lines, and MMIII is our only production line.

Third, whether or not the additional missiles, if produced, would add significantly to the U.S. military capability depends on whether or not they would be deployed; and this in turn depends primarily on the results of the SALT negotiations.

2. The USSR is continuing its large-scale modernization program for their strategic forces, with four advanced ICBMs and two new SLBM programs underway. Keeping open the option for additional MMIII production will help in signalling to the USSR the determination of the United States to maintain strategic equivalence.

3. Continued production of certain MMIII component systems, especially the guidance system, would help to protect against failure, and perhaps also to lower the costs of comparable systems in the Advanced ICBM (M-X) program. The MMIII guidance system is the most accurate, reliable, proven guidance system available today.

4. As for the 1972 and subsequent year comments of General Glasser, Secretary Richardson and General Evans, the facts are plain. The MMIII has been a program we had hoped not to have to continue. That is still our hope. That is why the President did not include it in his original budget request. But it is also a program which is important to our strategic defense posture, one that is under constant scrutiny; and given the present Soviet attitudes and the momentum of their programs, the President believes that the country should keep open the option for further production.

5. The Defense Department is not requesting funds to produce missiles "to be tested a dozen years from now." The DOD is asking for authority to protect the option of producing 60 additional MMIII's which could be used, depending upon the outcome of SALT negotiations, for deployment, testing or upgrading of MMII.

6. The MK-12A is not an unrelated "piggyback" on the MMIII Budget Amendment Request. The MK-12A would be needed for the additional MMIII missiles, since the earlier MK-12 warhead now installed on existing MMIII missiles is out of production. The MK-12A is also a potential warhead for the M-X and Trident II missiles.

7. The MK-12A is an improved warhead but in no sense does it give the United States a disarming "first strike" capability.

The MK-12A is a superior warhead against all types of nuclear targets (sub pens, weapons storage areas, missile silos, for example).

Coupled with guidance improvements, the increase in capability helps to counter a Soviet force of larger size, and one which is being hardened to more effectively withstand attack.

The Soviets are not made vulnerable to a disarming first strike by the MK-12A. Both the U.S. and the USSR will continue to have an assured second strike capability. Thus MK-12A production would not be an incentive for a "hair trigger, launch-on-warning" strategy on the part of the USSR.

Sincerely,

ROBERT F. ELLSWORTH.

Mr. THURMOND. Mr. President, I feel that we should not take the chance of denying our military forces what is necessary. We may not need these missiles. It is better to have them and not need them than not to have them when we do need them.

I hope that the amendment of the distinguished Senators from Massachusetts and California will be defeated.

Mr. STENNIS. I thank the Senator.

Mr. President, how much time remains for each side, the proponents and the opponents?

The PRESIDING OFFICER. The Senator from Massachusetts has 35 minutes and the Senator from Mississippi has 25 minutes.

Mr. STENNIS. Mr. President, I yield 15 minutes to the Senator from Washington, and I ask the attention of each Senator.

Mr. JACKSON. Mr. President, the issue posed by the pending amendment can be simply stated: should the United States dismantle its only ICBM production line at a time when we are actively negotiating a SALT II agreement with the Soviets? Should we create a situation in which only the Soviet Union, with its demonstrated capability to add to its land-based missile force, will be capable of increasing its strategic posture if an agreement adequate to safeguard America's nuclear security cannot be obtained? And should we close down our only ICBM production line within 48 hours of the publication of evidence that the Soviets are again violating the SALT I accords?

To these three questions there is a single answer: that answer is "No."

The sponsors of this amendment have rested their case largely on remarks by the Secretary of Defense in his annual posture statement. In all fairness, I should point out that Secretary Rumsfeld's remarks have been quoted out of the context in which they were made. This is often the case when one is dealing with the evolution of a political, diplomatic and technical situation such as the SALT negotiations in which quite volatile changes take place in a very compressed time frame. The Secretary of Defense, even in the posture statement, left the door open for the recommendation that the Administration has now made and that the Committee on Armed Services supports.

As the Secretary's posture statement noted:

> . . . however, depending on the outcome of SALT II negotiations and our continuing assessment of Soviet ICBM programs, it may be necessary to make further short term improvements in the U.S. ICBM posture by requesting supplemental funding to continue MM III production.

Mr. President, any fair assessment of the evolving SALT negotiations leads one inevitably to the conclusion that the Soviets are insisting on a SALT II agreement that would enable them to go forward without serious restraint on their newest strategic capable aircraft, the Backfire, while constraining to the vanishing point our potential for deploying cruise missiles. In the give-and-take of the negotiations, it is we who have been doing the giving and the Soviets who have been doing the taking. Their most recent communication to us was brusque and intransigent to the point of insult. The Soviets have learned—not least of all because we have taught them—that if they take a maximum position and stick with it, backing it up with the prospect of enlarging their force if no agreement is reached, we will whittle away our own position over time until an agreement on their terms is offered to them. This has been the drift of American SALT policy over recent years. This has been the form of the "momentum" to which administration spokesmen glowingly refer with ritualistic regularity. If it has slowed down, it is only because the American people have begun to get the drift—and they do not like it.

In addition to the impasse for which the Soviets must assume responsibility, the atmosphere in which the talks are being conducted has been poisoned by yet another Soviet violation of the SALT I agreement. According to that agree-

ment and to subsequent arrangements for its implementation, the Soviets are obliged to dismantle older ICBM launchers as they deploy new Delta class submarines. They have been expeditious in deploying the submarines but they have failed to comply with the dismantling provisions. On this there is no dispute. This violation has been admitted and, despite the effort of State Department spokesmen to minimize it by labeling it a "technical" violation, it is a serious matter.

After all the SALT agreement is a technical agreement; all violations are therefore technical violations. There can be no other kind.

The excuse the Soviets have offered, that bad weather has prevented them from complying with the dismantling schedule, is the sheerest nonsense. The fact is that the Soviets are constructing new installations adjacent to those scheduled to be dismantled. Apparently while it has been raining on the old missile sites, the sun has been shining on the new construction nearby. In my judgment, this most recent violation is the inevitable consequence of the pattern of acquiescence the administration has shown as it has weaved and waffled on earlier violations.

The most serious of the past Soviet violations of the agreement as it was presented to Congress—the substitution of heavy SS-19 missiles for light SS-11 missiles—continues to this day. Ironically, it is now proposed that we eliminate our own ability to substitute Minuteman III for Minuteman II missiles as the Soviets continue their program, a far more formidable one, to replace their SS-11 missiles with SS-19's and SS-17's.

It is evident from what I have said that I am not here to defend the administration's handling of SALT. But, in fairness, those of us who have criticized the weak and acquiescent posture that Secretary Kissinger and President Ford have assumed have a responsibility to make available to the administration the leverage it would need to do better if it were inclined to do so. Certainly, a successor administration ought to have the option of taking a firm position in support of our national security interests. Today we are in a position to refuse the Soviets' latest SALT offer. We must not allow it to become an offer that the next administration feels it cannot refuse. This necessarily entails keeping our options open. And it requires that we be in a position to move forward with additional deployments if a Soviet refusal to come to terms requires us to do so.

That is the context in which the decision to close down the Minuteman III production line must be viewed. All we are trying to do is to authorize the program necessary to keep our options open. Whether an actual appropriation follows will depend on what happens at SALT. The Senate will have ample opportunity to reassess the decision taken today when the appropriation is before us, if it acts wisely and prudently today and defeats the pending amendment.

Mr. STENNIS. Mr. President, I highly commend the chairman of the SALT Subcommittee for his unanswerable points in this brief but very relevant speech. It is of great value to the Senate and the country, and I commend him.

Let me ask the Senator one question: Is it not true, on this production line that we are talking about keeping open, is that not the only production line of missiles now open and on the move in the whole free world? Is that not true?

Mr. JACKSON. The Senator is correct.

Mr. STENNIS. It is the last one of the land-based missile types coming in ahead of the Trident. If we stop this one, then the free world will not have one in motion.

Mr. JACKSON. The Senator is correct.

Mr. STENNIS. I yield 2 additional minutes to the Senator.

Mr. JACKSON. Mr. President, in further reference to the Senator's very good question, 4 years ago we debated the SALT I agreement. I pointed out in the hearings, that were extensive, and on the floor that, as I interpreted the agreement that the administration had entered into, there was an inadequate definition of the term "heavy missile" with the result that the Soviets might replace the SS-11, which is a light missile, with a heavy missile. The administration denied that and said that was not the case. As a matter of fact, the administration testified that if it turned out to have such a result it would be in violation of the agreement.

The facts are indisputable, as the chairman of the committee knows, that the Soviets are deploying an SS-19 missile as replacements for the SS-11, and the throw-weight of the SS-19 is three times—I emphasize three times—that of the SS-11 that we are discussing.

Mr. President, that is a heavy missile.

I emphasize that point because what I am interested in achieving, and I think everyone is, is to bring about a mutual reduction of arms on the basis of parity to build down instead of building up. SALT I resulted in a buildup instead of a builddown.

Mr. STENNIS. May I ask one question? I think the time is about up.

Mr. JACKSON. Yes.

Mr. STENNIS. The Senator talked about the only free world production line of missiles. Is it not true that, if we stop that, to crank up again and get back into production would take something like 42 months, or something similar to that?

Mr. JACKSON. I believe that is a technical question.

Mr. STENNIS. It is approximately that.

Mr. JACKSON. It will take quite a while.

Mr. STENNIS. Over 3 years' time is involved, anyway.

Mr. JACKSON. That is correct.

Mr. STENNIS. I thank the Senator again.

Mr. JACKSON. Mr. President, I yield back to the distinguished chairman of the committee whatever time I may have remaining.

The PRESIDING OFFICER. The Senator from Mississippi has 12 minutes remaining.

Mr. KENNEDY. Mr. President, I yield myself such time as I may use.

Mr. President, at the risk of not being able to respond to the unanswerable comments of my good friend and colleague, the Senator from Washington, I wish to seek the indulgence of the Senate for just a few moments to make some basic points.

The first point is, Mr. President, that we are really talking about a rather marginal difference in terms of the total potential of the United States in the area of strategic power. We should put this whole debate in a context which is an accurate and a fair analysis.

I do not think it does very much good to rehash questions of past SALT agreements. The amendment we are defining here today is extremely precise. It is not unrelated, obviously, to our whole strategic situation. But if we use the argument that we have to keep a line of production going because it is going to cost something to open it up some years down the line, we could have, I suppose, used that same line of argument when the time came to move beyond the Model T Ford.

We have the possibility of creating a Cadillac today in terms of our strategic posture—that is, the Trident submarine or the MX—if we are in this kind of potential danger, which I do not believe we really are, in terms of our strategic posture with the Soviet Union. After all, we have the capacity to destroy every city in the Soviet Union over 100,000 population 39 times over; and we have the equivalent of over 720,000 Hiroshima bombs. We do have all the nuclear power we need, Mr. President. If it is felt, after due deliberation and justification, that we need to have something more to bargain with the Soviet Union, let us do something that will really give us a weapon for the future, and either speed up the MX or do something additional with the Trident submarine.

That approval has not been suggested here. Quite the contrary, Mr. President. The record before us here today is in the statements and comments of the Secretary of Defense, who pointed out, in his posture statement:

> Any additional deployments beyond the current level of 550—

Which have already been deployed—

> would not add significantly to the United States military capability but would increase the strategic budget by more than $300 million.

That is the statement of the Secretary of Defense on January 27.

We hear the comments of the distinguished chairman of the Committee on Armed Services and others, who say that, with these additional 60 missiles, we may deploy them, but maybe not. Why do they not tell us what they are going to do with the existing 126 Minuteman III missiles not now deployed? Does this request for 60 more mean we are going to deploy the 127 which we already have in the storage bins, and then put 60 more on top—which is a major addition in terms of Minuetman III? Are we going to do that?

If we are going to do it, I think we need to justify that particular decision, other than by talking about SALT I and SALT II. We ought to be able to justify

it in terms of changes in the strategic posture of the Soviet Union since the time when the Secretary of Defense issued his posture statement on Armed Services on January 27, or in terms of changes in the SALT negotiations at the present time.

But have we heard any arguments here, in the time that has been used up by those who would defeat this amendment, on any reports that are available to either our intelligence agencies or our Defense Establishment, saying that the Soviet Union has altered its strategic capacity since January 27 when the Secretary of Defense indicated his intention to close down those production lines?

No, we have not heard that.

Have we had any report by those with responsibility in this area to indicate that the SALT negotiations are so seriously disrupted that this kind of step should be taken?

I do not think that that case has been made either, Mr. President.

The fact remains, Mr. President, when we consider Minuteman III in terms of the U.S. strategic capability, what does deploying 60 more missiles in place of Minuteman II's really do with regard to our strategic position? The number of launchers does not change.

The throw-weight increases four-tenths of 1 percent. The megatonnage is reduced 3.7 percent. The reentry vehicle number increases 1.3 percent. The soft target kill capability increases seven-tenths of 1 percent. And the hard target kill capability increases 1.1 percent. These statistics are from the Armed Forces Journal of February 1975.

The extra 60 missiles are really rather marginal, Mr. President. But it is *important*, I think, that we examine this particular weapons system to find out whether we are just adding something is our defense posture that is basically unnecessary and unjustified.

Mr. President, I think it is fair for us to ask, with the administration's position on this particular issue, what they feel is going to be the strategic trade-off if we accept their missiles and to deploy them. I would be interested to know what is going to be the strategic trade-off in staying under the Vladivostok limits for MIRV's. I think that is important.

The argument can be made here that we have not agreed on a treaty and that the Vladivostok agreement with the Soviet Union is not meaningful. But if that is the position of the administration, then I think we ought to know it, Mr. President; and I do not think any spokesperson for the administration has been prepared to indicate that they are throwing out the Vladivostok agreement.

So if we are still trying to achieve what I consider to be an important, useful, and desirable goal of a limit of 1,320 MIRV's, and if we will have 264 Trident launchers, 496 Poseidon launchers, and 550 Minuteman IIIs, a total of 1,310—while the limit is 1,320—I would like to know from the chairman of the Armed Services Committee whether this means we are going to reduce the number of Trident boats or reduce Poseidon?

I think, Mr. President, in view of the arguments the Secretary of Defense made before the committee in May of this year, about the sea-based launched missile's being the best weapon we have in terms of the strategic posture of the United States, that we ought to know whether, if we defeat this particular amendment, where there is going to be reduction in these other areas.

I hope the chairman of the committee would be able to enlighten us on that particular issue.

I would also like to know from the committee whether, with the additional 60 missiles that will be included, is it the intention of the Defense Department to actually deploy the 127 Minuteman III missiles which, at the present time, are in storage? Is this going to be a deployment of 60 plus the 127 which are in storage? And if it is only the additional 60 that you want to have deployed, why is it necessary to have the 60 on top of the 127?

Mr. STENNIS. Mr. President, if I could sum up an answer just in this way, I think it is about like this: No one knows what is going to happen with reference to another SALT agreement. The Soviets do not know, and we do not know. We know they are cheating some on what they have already agreed to, according to their own admission. We do not know what exactly we may do in the future. I know nothing of any planned missile sites or anything.

As far as I know, if we used these missiles at all, we would use them in the present missile stands. It is not a very expensive figure either in making the change.

There is no change proposed for Trident, no request for additional ones so far as I know, but Trident is just not ready yet for faster production. In other words, this one single thread of Minuteman production is the only thing we have now that we can keep in motion and retain some momentum during this uncertain period. I think we would make a great mistake, with all deference to everyone, if this, which has been passed to us now in the Congress——

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

Mr. STENNIS. Yes.

Mr. KENNEDY. Does the Defense Department intend to deploy these particular missiles?

Mr. STENNIS. I yield to the Senator from Washington.

Mr. JACKSON. I think certainly the Senator from Massachusetts has asked a very proper question. The missiles for storage are for two purposes, as I understand it, not for deployment but for test and replacement.

Mr. KENNEDY. Would the Senator from Washington tell me the rate of testing that is taking place in recent years?

Mr. MOSS. I can do that.

Mr. KENNEDY. I understand it is seven a year, which means we have enough for testing now for 18 years.

Mr. JACKSON. Of course, it is a matter of prudence in a situation——

Mr. KENNEDY. Is the Senator stating, as part of the justification for buying missiles, that they are going to be used 18 years from now?

Mr. JACKSON. No.

As I understand, there are two problems here. The testing does not take a lot of missiles, I agree on that. But there is also the need for replacements.

Mr. KENNEDY. Does the Senator know how many missiles, at the current time, are being used in terms of replacements?

Mr. JACKSON. This is not in addition to the Minuteman III deployment; that is the main point, I think.

Mr. KENNEDY. The answer to that is, with all due respect, there are 17 missiles being used at the present time in terms of replacements. They have used, in the last year and a half, an average of seven missiles a year for testing.

They have 127 that are being stored, and they are asking for an additional 60. I think it is fair to know, when they are asking for 60 more, whether their missiles are going to be deployed or just stored.

Mr. JACKSON. I think the answer to that, the basic answer, is what is going to happen on SALT. Now, very clearly, the first of the year, the assumption was that we were going to have an agreement on SALT. At this point in time it is quite obvious we are not near an agreement on SALT because of the Soviet position on Backfire and the cruise missiles.

The PRESIDING OFFICER. Who yields time?

Mr. STENNIS. How much time do I have remaining?

Mr. KENNEDY. May I just ask a further question: Can the chairman of the committee enlighten us concerning any justification the Defense Department gave in terms of a change in the strategic position of the Soviet Union? Was there any testimony before the committee, since the time the Secretary of Defense's posture statement in which he indicated that the production line was going to be terminated, to the effect that there has been any change in the Soviet strategic position?

Mr. STENNIS. The high points are they told us in January they were reserving judgment on this matter and hoping they would not have to ask for more, but they referred then to the SALT talks and the progress that might be made.

Later, the Secretary used that reservation he made. He came in in May and pointed out that no progress had been made on a new SALT agreement. He said he recommended these missiles being made available rather than stopping the production line.

Now, that is another key thought here. I, too, am tired of having to pay for these missile warheads. We have this question over in Appropriations.

I made the motion that we put this in this bill. I wanted to hold it down, but I thought we could not afford to pass this matter up just for those practical points I have given.

Mr. KENNEDY. I am wondering

whether the committee itself considered an alternative of either speeding up the MX or the Trident program, really to increase our strategic punch?

Mr. STENNIS. That was thoroughly considered.

Mr. KENNEDY. And the decision?

Mr. STENNIS. That those are both moving forward, those that the Senator has mentioned, but you just cannot do it all at once. This is the one move we could make that had meaning now, and I think that is the controlling factor, with the hope that they will not have to spend this money after all.

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

Mr. STENNIS. What time does each side have, please?

The PRESIDING OFFICER. The Senator from Mississippi has 12 minutes, the Senator from Massachusetts has 20 minutes.

Who yields time?

Mr. STENNIS. I yield to the Senator. I was not ignoring the Senator but just calculating. How much time does the Senator want; 1 minute?

Mr. MOSS. Maybe 2 minutes.

Mr. STENNIS. Two minutes, no more, please.

Mr. MOSS. First of all, the question is why cannot we speed up MX. Well, you are talking about 9 years time before MX can be brought on line, so here we have a big gap.

On this business of using test missiles for development—that was what I was trying to speak to—currently we have 45 operational Minuteman II missiles and 115 Minuteman III test missiles. These are the test missiles. They will be test-fired on a carefully defined statistical basis to confirm that the missiles are not deteriorating with age. They are not to be used for other purposes, only for tests.

In addition, we have 10 Minuteman II spares and 30 Minuteman III spares, and the spares have just one purpose, to replace operational missiles that need servicing. Sometimes these missiles fail to respond normally to diagnostic tests, including potential defects that exist in the missiles.

A suspect missile is replaced with a spare and sent out for servicing. If these 40 spares are not available, then we cannot keep the silos full at all times and we could not rely on having a given number of missiles at any time.

Therefore, the operational test missiles and the spares are not available for any other purpose. We do not have in storage the number of missiles the Senator from Massachusetts indicated.

The PRESIDING OFFICER (Mr. GARN). The Senator's 2 minutes have expired.

Who yields time?

Mr. STENNIS. Mr. President, I yield 3 minutes to the Senator from Idaho. I am sorry I cannot make it more.

I reserve the remainder of my time.

Mr. McCLURE. Mr. President, so many reasons exist for the continuation of the production of the Minuteman missile, that I find it difficult to see why some of my colleagues are hesitant to support this program. In the face of the massive buildup of the strategic missile force of the Soviet Union, continued production of the Minuteman III missile booster, and even additional MIRVed warheads, is an inexpensive means to increase the survivability of our ICBM force. Continuation of production would increase our flexibility and options thus insuring the effectiveness of our nuclear deterence in the future.

Apparently, there is some unjustified concern that continued ICBM production will interfere with the strategic arms limitations negotiations which are now underway. But there should be no cause for that concern. The continued production of the Minuteman III missile booster is not inconsistent with any strategic arms limitations agreements we have now or can anticipate in the future. In addition, the continued production of our last ICBM provides an incentive to the Soviet Union to reach a new strategic arms limitation treaty, and provides a hedge against the possibility that the Soviet Union might violate present or future agreements. In light of recent disclosures of Soviet violations of SALT I, these are important considerations.

At present, the United States is permitted 1,000 light ICBM's under the 1972 SALT I agreement on strategic offensive weapons. The United States has deployed a full complement of 1,000 such ICBM's consisting of 550 Minuteman III missiles, with MIRVed warheads, and 450 older Minuteman II missiles, each with a single warhead. The United States could, if it wished, replace all of the old Minuteman II missiles with Minuteman III missiles, which are hardened against greater nuclear effects and are more accurate, more flexible, and have greater range, and still be within the limits of SALT I. However, in late 1974, the Soviet Union and the United States agreed at Vladivostok to attempt to reach a formal agreement that would limit the number of MIRVed strategic offensive vehicles to 1,320. Presently, American plans call for a force of MIRVed strategic offensive vehicles under that limit of 1,320. Since the United States intends to deploy a force of 496 Poseidon SLBM's by 1979, all MIRVed, along with its 550 Minuteman III MIRVed missiles, the United States could deploy an additional 274 MIRVed Minuteman III missiles and stay under the informal Vladivostok ceiling on MIRV's. The United States could decide to deploy these additional MIRVed ICBM's, but need not do so. All would depend on the strategic balance and the progress of strategic arms limitations talks.

In 1979, if there are no major development problems, the United States will begin to deploy its first Trident I SLBM's. Since these will also be MIRVed, they will count against the Vladivostok MIRV limit if it is in effect at that time. Even if by 1979 the United States had replaced all of its Minuteman II missiles with the MIRVed Minuteman III ICBM, which is not planned and may not be possible given present rates of production, a MIRVed Trident I could replace a MIRVed Minuteman III, not by having the ICBM missile deactivated, but simply by removing its MIRVed warhead and replacing it with a warhead containing a single reentry vehicle, assuming this is not prevented by some future agreement. This non-MIRVed Minuteman III, one might call it a Minuteman II½, would be longer ranged, more accurate, more flexible, more survivable, and of newer construction than the old Minuteman II missiles. Thus, the United States can inexpensively underscore the credibility of its nuclear deterrence simply by continuing the construction of Minuteman III boosters, and even MIRVed warheads if it wishes, without fear of violating either the letter or the spirit of present or future strategic arms agreements.

The United States must remind the Soviet Union that it will continue to negotiate from strength and does not take the arms control process lightly. Last year, along with many of my colleagues, I was alarmed at reports that the Soviet Union was involved in extensive violations of the SALT I agreements. In December, in the face of great controversy, the Secretary of State reassured Congress and the American people that the Soviet Union had not committed actual violations of any SALT agreements although it had taken advantage of ambiguities in the understandings and had not given much credence to American interpretations.

In short, the American Secretary of State defended the behavior of the Soviet Union on the grounds that they had violated only the spirit, but not the letter, of the SALT agreements. This week, however, the Soviet Union has acknowledged that, in the very month when Secretary Kissinger was explaining away their actions, the Soviet Union was conducting sea trials for four Delta II SLBM submarines whose launchers, when added to the number of launchers already deployed by the Russians, were in excess of the SALT I limits on combined SLBM and ICBM totals. Again, the administration says that this was not a technical violation because a secret agreement gives the two parties to SALT I 4 months to dismantle old heavy ICBM's which are to be replaced by the new SLBM launchers.

A violation did occur, however, when the Soviet Union had not completed the dismantling process by April. The State Department reports that the problem has been solved because the Soviet Union has agreed to complete the dismantling process. Unfortunately, according to the May 24, 1976, issue of Aviation Week, the United States will be somewhat restricted in its ability to verify these Soviet actions because the last American Big Bird surveillance satellite covering that part of the Soviet Union has decayed in its orbit and a new one would not normally be launched for another 2 or 3 months.

There are two aspects of this Soviet violation of the SALT agreements which disturb me. First, why does the Soviet Union take its arms control responsibilities so lightly? I would suggest that it is because we do not take their violations of our agreements seriously. Indeed, perhaps they are testing to see how far they can go in turning arms control measures to their advantage. Second, how is it that

for a period of 4 months legally, and an additional 2 months illegally, the Soviet Union has been able to maintain in being a force of 51 heavy ICBM's, almost equal to the entire U.S. force of 54 heavy Titans, above the limits agreed to in SALT I? These are disturbing questions.

The time has come for the United States to stop attempting to persuade the Soviet Union that we are trustworthy. The time has come to stop such acts of unilateral disarmament as have been aimed at the Cruise missile, the B-1 bomber, and now the Minuteman missile, our last ICBM in production. The time has come for the United States to stand firm, watch its defenses, and observe Soviet behavior. The time has come for the Soviet Union to convince us that they take arms control seriously.

Mr. President, it seems to me there are two or three things that ought to be underscored as we come to the vote on this amendment—and I do oppose the amendment.

One is, what are the violations by the Soviet Union of SALT I and how secure are we under those agreements that have already been forged?

I note some very recent articles, one in the New York Times, one in the Washington Post, the Washington Post article being this morning. The headline in it is "Soviets Admit Violation of SALT Accord," and the New York Times article also remarks that there were several Members of the Congress that a year ago suggested the administration was not taking a firm enough line on the Soviet Union in the violations which were then occurring on SALT I, let alone the Vladivostok agreements which are not yet forged into any kind of an agreement or agreed to by the Congress of the United States.

I suggest this Congress is going to look at that treaty when it comes before this Congress in a much more critical manner than SALT I was looked at, because we have already been told the SALT I agreements consisted of the treaty and an accord which were approved by the Senate of the United States and some separate agreements which were secret agreements, not told to the public of the United States, and some understandings which were not binding on the Soviet Union.

I think we are going to ask some questions about those secret understandings and some nonbinding unilateral statements not part of the treaty and not binding on either party.

I want to underscore, a year ago I was one of those who said they were violating the SALT agreements, and the facts since then have proven that was true.

We now see a violation of the agreements again and I think we cannot take any very great comfort in agreements with a country that seems to feel it can violate the agreements.

I point out that even if Vladivostok Accords are entered into, we could and perhaps should deploy additional Minuteman III in substitution for Minuteman II.

The Vladivostok Accords, which limit the number of MIRVed vehicles, would permit us to do that and we would, if we built 60 more and desired to, deploy those along with the 127 we already have, along with a reasonable testing program, during the next 7 or 8 years. We would not even come up to the limits of the Vladivostok Accord until 1983.

The PRESIDING OFFICER (Mr. GOLDWATER). The Senator's time has expired.

Mr. McCLURE. I thank the Senator for yielding this time.

Mr. KENNEDY. Mr. President, I yield myself such time as I may need.

Mr. President, over the last 4 years, a series of Secretaries of Defense have come before the Armed Services Committee and recommended a closing down of the production of the Minuteman III, recognizing that we have the numbers which they felt were essential to maintain that particular aspect of our land-based missile system and that we have sufficient numbers in terms of the backup for any foreseeable future.

In his posture statement of January 27, the Secretary of Defense indicated that there were only two conditions under which he would recommend a continuation of the production line.

One would depend on the outcome of SALT and the other would be a change in the Soviet position with regard to ICBM's.

We have not heard a word during this debate all afternoon about whether the Soviet Union has changed its position on ICBM's, and we have not heard, I do not believe, any convincing comment, testimony or statement on SALT, other than that the SALT negotiations are still going on, and that the administration is attempting to reach some kind of satisfactory SALT solution.

So we have not met the two criteria which had been established by the Secretary of Defense.

Finally, Mr. President, if we say that we need to have a strong posture in bargaining with the Soviet Union during these SALT negotiations, I think we ought to be able to make the case, and, if so, then have a credible additional bargaining chip.

We cannot say we are getting an additional, strong bargaining chip with the addition of $317 million in Minuteman III. We might be able to make that case in terms of spending for the Trident or going ahead with the MX. If so, then we ought to have statements by the members of the Armed Services Committee to justify that particular posture and position. If we want to convince the Soviet Union that we mean business, and if we do need to do more, which I doubt, it seems to me that Trident or MX would be a much stronger, better, and more effective way of doing it.

But I do feel, Mr. President, that we are going to be taking $317 million of the American taxpayers' funds and spending them without increasing the security or the safety of the American people.

For those reasons and other reasons we have outlined earlier, I hope the amendment is agreed to.

Mr. CRANSTON. Will the Senator yield?

Mr. KENNEDY. I yield.

Mr. CRANSTON. Referring to an earlier portion of the Senator's statement, I note that Secretary Rumsfeld said in his posture statement this year:

> The MK-12A higher yield reentry vehicle will continue in R&D in order to provide the option to improve U.S. strategic capabilities should circumstances so dictate. A production decision for the MK-12A is being deferred pending our continuing assessment of Soviet ICBM capabilities.

Then with the Texas primary 4 days ahead, looming up, looking not very satisfactory from the point of view of the President of the United States, apparently there was an order to get some campaign financing out of the Defense budget, and on that April 27, 4 days before the primary, DOD said:

> The Administration has continued to review the MK-12A program and has concluded that because of the decision to maintain the option to continue Minuteman III production, it is desirable to submit a FY 77 Budget Amendment to provide procurement funds for the MK-12A higher yield re-entry vehicle in FY 77 instead of waiting until FY 78.

1978, of course, being, I note, after the Presidential election of this year would be well behind us.

The point here is that DOD did not meet its own criterion of "Soviet ICBM capabilities."

I ask the Senator if he knows of any change in the Soviet program since January? Have we been told? I have not been told. Has the Senator learned of any change in the Soviet program that justifies this switch in what we are doing?

Mr. KENNEDY. Quite the contrary. We have asked for the testimony before the Armed Services Committee by any spokesperson, by the administration, on those two particular points, and there has been nothing in this discussion or debate or in any of the committee hearings which would indicate this.

As a matter of fact, there is the statement of the Secretary of Defense in May of this year that indicates the rate of progress at SALT, which is that we do not have an agreement at the present time. But, quite clearly, the Secretary of Defense did not indicate, in any statement or comment before the committee that there was either a failure of the SALT talks or an increase in the strategic posture of the Soviet Union which would justify a reconsideration of the Minuteman III decision of January 27.

Mr. CRANSTON. So rather plainly, then, it was not any unexpected action by the Soviet Union. What really occurred was some unexpected action on the part of those voting in primary elections in North Carolina and elsewhere that led to a concern—not about what the Russians would do—but what the voters would do in Texas in the Republican primary 4 days after this statement, which caused the change. So here we are with a new form of public financing for presidential campaigns.

Mr. KENNEDY. Mr. President, how much time remains?

The PRESIDING OFFICER. The Senator has 14 minutes. The Senator from Mississippi has 7 minutes.

Mr. KENNEDY. Mr. President, I am prepared to yield back the remainder of my time if the manager of the bill is prepared to yield back the remainder of his time.

Mr. STENNIS. I yield to the Senator from Utah, Mr. President.

Mr. GARN. Mr. President, as I have listened to the debate since my opening remarks, I believe one thing has been continually ignored. The distinguished Senator from Massachusetts continues to talk about figures and numbers, and whether the missiles are going to go into storage or whether they are not. The point I think is being overwhelmingly ignored is that we only have one ICBM production line. The Russians continue with four. They continue to modernize their strategic weapons systems. I think it would be irresponsible on that basis alone for us to unilaterally stop production, regardless of the numbers, with the Russians continuing with four lines. The numbers are not nearly as important as the fact that we disband the most efficient, most productive ICBM production team in the world. That is where the bargaining chip comes. If we have no team, if they disperse to other jobs and they are disbanded, and the SALT talks fail, and with all of the unknowns, the uncertainties, then how do we get them back together if we need them? I think there is justification, without regard to numbers, for maintaining the production team. If we disband it, we will be sorry. That has been ignored in the debate. I believe that the need to keep the production team together in case we need it has been ignored by the distinguished Senator from Massachusetts.

Mr. STENNIS. Mr. President, I want to yield to a member of our committee who has followed missiles, planes, submarines, and everything else for years. I yield 4 minutes to the Senator from Nevada, if he would care to use that time.

Mr. CANNON. Mr. President, I thank the Senator for yielding.

Mr. President, I rise to speak in favor of continued production and deployment of the Minuteman III missile. By way of preamble, it might be well to review some of the characteristics of Minuteman, and the contribution of the strategic missile to the defense of the United States.

Minuteman II and Minuteman III missiles form a unique element of the U.S. strategic deterrent force—the Triad of bombers, sea-launched ballistic missiles, and land-launched intercontinental ballistic missiles.

Minuteman missiles maintain the highest continuous day-to-day alert rate of the Triad elements. Normally, almost all of our Minuteman missiles are ready for immediate launch, regardless of the state of warning. This high availability rate combines with low day-to-day operating costs to make the ICBM the least expensive weapon in our strategic arsenal.

Disperal and hardening of the ICBM launch facilities means that each missile is a separate target for the enemy. Hence, in order to attack the 1,000 Minuteman missiles the Soviet Union must commit a large portion of its resources to their destruction—resources which otherwise could be used against other military targets, our cities, and our industry. However, in order to attack Minuteman, the Soviet Union must attack the sovereign territory of the United States, thus inviting immediate retaliation. This expectancy of retaliation contributes directly to deterrence.

Responsiveness to command and control, rapid retargeting, quick launch time, short time of flight, high ability to penetrate to the target, and lethal accuracy, make Minuteman a very capable and flexible weapon system. The receipt of Presidential launch orders can be acknowledged instantly by reliable means and, upon execution of the orders, the launch results and the status of the remaining forces can be reported promptly. It is these characteristics that make Minuteman—particularly Minuteman III—a uniquely effective military weapon, commanding the respect of any potential enemy.

Minuteman remains highly survivable and able to withstand a Soviet first strike and then retaliate quickly and effectively. Moreover, the survivability of the elements of the Triad, including Minuteman, is further reinforced by the synergistic benefits of mutual reinforcement. Any attack directed at our bomber force will provide warning sufficient to launch our ICBM's prior to being attacked and conversely any attack directed at our ICBM's provides sufficient warning to launch our bombers under positive control.

Thus, the Minuteman ICBM force, because of its unique characteristics, contributes today and will continue in the future, to contribute to the strategic deterrent posture of the United States.

A review of the strategic situation last year resulted in a tentative decision to close the Minuteman III production line. At the same time it was understood that, depending upon the outcome of ongoing arms limitation negotiations and our continuing assessment of Soviet ICBM programs, the option would be retained to make further improvements in the U.S. ICBM posture by continuing Minuteman III production.

Since that time, it has become clear that the Soviets have not matched our restraint. They have continued a program of strategic force improvement and modernization that apparently is aimed at achieving superiority over the United States. Soviet international adventurism has increased, and they have boldly pursued foreign military intervention with their own forces and through client states.

The SALT II negotiations have not been concluded and the Soviets continue to deploy new MIRV strategic missiles. Since it is the only U.S. strategic system currently in production, preparation for continued Minuteman III deployment can provide leverage in the negotiations. The Trident I missile is not expected until fiscal year 1979, and the B-1 bomber until 1981.

There is room within the 1,320 Vladivostok MIRV ceiling for continued deployment of Minuteman III now. Should Minuteman III's be increased from the present level of 550 to 700, readjustment between land-launched and sea-launched MIRV's would not occur before the early 1980's, depending upon the rate at which Trident joins the fleet, and perhaps not at all, depending upon the service life of the Poseidon missile and also the outcome of SALT talks. We should remember that under the Vladivostok understandings, the decision as to proper division of 1,320 MIRV's between land- and sea-launched sysems remains a national prerogative.

Additional Minuteman III production at this time provides a modest and measured increase in strategic capability aimed at persuading the Soviets to restrain their offensive initiatives. In addition, Minuteman III missiles offer the potential for cost-effective incremental increases in military capability through accuracy and yield improvements, thereby providing continued flexibility in the face of any further Soviet initiatives during this decade.

It would also be prudent to retain the Minuteman production line as a hedge against any delay in the Trident I missile program. Our early experience with ballistic missiles should serve as a warning of the delays inherent in new programs. Continued Minuteman III production and deployment would close this gap should it develop.

U.S. options for new ICBM programs depend upon a skilled industrial base. Cancellation of Minuteman production is estimated to result in the termination of 40,000 jobs, and will force many large and small contractors out of the ICBM business. Not only will this make any future reconstitution of Minuteman production inordinantly expensive, but the dissipation of production skills and techniques would slow the Nation's ability to begin production of follow-on ICBM systems.

Based on these factors, I believe that it is reasonable, that it is prudent, and that it is imperative, that we make this investment at this time in our future security.

Mr. STENNIS. Does the Senator from Massachusetts have a technical correction that he wishes to offer at this time?

Mr. KENNEDY. I would like to offer it at this time.

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

A parliamentary inquiry, Mr. President.

The PRESIDING OFFICER. The Senator will state it.

Mr. KENNEDY. As I understand it, we have to yield back the remainder of our time before we consider a modification to an amendment.

The PRESIDING OFFICER. Until all time has been yielded back, there can be no modification of an amendment.

Mr. STENNIS. How much time have I remaining, Mr. President?

The PRESIDING OFFICER. The Senator has 1 minute.

Mr. STENNIS. I will sum up briefly.

Let us be aware, I say to Senators, that this is a highly important vote. There is good reason for asking for this

continuing production line and I respectfully submit those who attack the money item in the bill have not made a case against it. The presumption is certainly in favor of it. We have not reached a new SALT agreement. We do not know exactly what to do, frankly. We have only this one production line in all the free world. This amendment is to keep it going. Hopefully, we will not have to spend this money, but we are living in a realistic world, and I do not think we have any choice.

They say, "Why not speed up the MX, speed up Trident?" Some of the opposition to this item comes from those who opposed Trident in the beginning. If that had not been fought out here in the Chamber, we would not have a Trident. But it is here as far as production is concerned.

What we are going to do now is what counts. This is all the production we have left. Let us keep this money in the bill. It is not in the House bill as it has not been considered there. This is the only way to get it this year, to put it in this bill.

I yield back the remainder of my time.

Mr. KENNEDY. Mr. President, I yield myself a final 2 minutes.

I start off with a different assumption than the chairman of the committee. I think that we should not be spending the taxpayers' money unless we can actually justify doing so. It is not that we should go ahead with spending unless we can justify not going ahead with it. We ought to use the criteria which has been established by the Secretary of Defense: First, has there been a change in the strategic posture or position of the Soviet Union?

There has not been. There has not been testimony or evidence advanced in the Senate this afternoon which would support the existence of such a change. That was part of the test which the Secretary of Defense stated on January 27.

Second, has there been such a disruption or breaking down of the SALT agreements which would justify building extra Minuteman III's?

There has not been evidence, comment, testimony, or statement by those involved in the negotiations or spokesperson for the administration which would indicate that.

Third, Mr. President, if we are looking for a way to increase our bargaining position—and I do not believe this is needed—let us do something that will really make a difference. I suggest that, this should be in the area of the MX or the Trident submarine. We can do that without breaking the limit on MIRV's which has been established at Vladivostok and which hopefully is still supported by this administration—an agreement which I personally believe can be an important step toward moving the world away from the possibilities and dangers of nuclear holocaust.

I hope that the amendment will be agreed to.

Mr. HELMS. Mr. President, the Senator from North Carolina urges his colleagues to vote against the Kennedy-Cranston amendment. In his opinion, it is of the utmost importance for the United States to continue Minuteman production so that we will have our strategic options open for the future. We all know the long-leadtime that it takes for the development of a major new strategic weapon. The so-called MX is barely out of the concept stage, and we will be lucky to see development of a unified concept begin before fiscal year 1978. This means that the earliest possible date to begin actual production would be fiscal year 1986, almost 10 years from now.

Meanwhile, the Soviets have four ICBM's in production and according to DOD testimony they have still another generation in the development stage.

That is why the President has requested an additional $268.9 million to continue Minuteman III missile procurement. As stated in the Air Force testimony supporting the budget amendment request approval of this funding coupled with the $40 million long-lead reprograming will provide the funding and plan necessary to continue the Minuteman III production to September 1976. By that time, the administration will be able to make a deployment decision appropriate to the situation which will then exist.

Mr. President, we all know that the strategic arms situation is in flux. At the present time, no one in this body can say whether a significant SALT II agreement will be reached or not, or whether the Senate will approve such an agreement if it is reached. Nor can one say what the Soviets will do in the way of deployment either. We all know, for example, that the Soviets have already admitted to one so-called technical violation of SALT I, and our experts have argued very strongly that the Soviets' unilateral interpretation of SALT I has brushed aside countless other violations.

It is very important, therefore, that we keep this Minuteman production line in operation, while SALT II is under negotiation—and even after—so that the jigs, tools, and specialized personnel are not dispersed. If they are dispersed, then the additional leadtime to reassemble the team might well spell the difference to our future security.

Now if in September, a decision should be made not to deploy any more Minuteman III's, the money will not be wasted. The chief controversy surrounding the deployment of more Minuteman III's is whether or not the deployment of more MIRV warheads would put us over the Vladivostok limit of 1,320. I do not personally agree that we are bound by the Vladivostok agreement, but I realize that there are many Senators in this body who support the limits informally agreed upon there. But I say to them that, even if they feel that we should not deploy more Minuteman III's, they can support the committee authorization. Should there be a SALT II agreement that confirms Vladivostok, then the Minuteman production line can be used to modernize the single-warhead Minuteman II's already deployed.

The Air Force has testified that such an option is indeed possible. If deployment of Minuteman III's is judged to be unnecessary in the future, the booster now being assembled on the production line can be used for the modernization of the 450 Minuteman II's. Although the III carries three warheads, the II has only one reentry vehicle. These missiles were last deployed in 1965. They are now 10 years old. Now some might assume that these missiles do not age signficantly since they are not actually fired. But as a matter of fact, the readiness of these missiles is constantly tested, 24 hours a day. The electronics are constantly in operation, so that if a failure is detected in any part it can be repaired. But any piece of electronic equipment ages, no matter how well it is maintained. These are stategic assets that should be modernized.

So if the option to modernize Minuteman II, is chosen using the old warheads on new boosters, we will have a far more dependable force, without changing any of the limits that we agreed upon in SALT I. Among the significant improvements would be the following:

First, improved missile hardness against nuclear effects; second, rapid retargeting; third, greater range; fourth, improved accuracy; fifth, extended useful life; and six, more ICBM flexibility for the future.

The funding level which has been authorized by the committee provides a cost effective option for upgrading the Minuteman II force. Indeed, the cost for upgrading the total 450 Minuteman II force, including the necessary development and test cost, would be less than the cost of 1½ Trident submarines.

Since Minuteman II uses single reentry vehicles, they do not disturb the Vladivostok MIRV limit of 1,320 warheads. Moreover, such modernization of the 450 II's will not necessitate any adjustments to the Poseidon/Trident fleet.

Finally, by maintaining production, the Minuteman II modernization would allow for rapid deployment of Minuteman III's in the future, if international considerations should require it.

In essence, then, the administration's budget request amendment provides us with three options: To deploy more Minuteman III's at the present time; to switch to modernization of Minuteman II's at the present time; or to begin modernization of Minuteman II's at present and then switch back to III's in the future should the international situation change.

In my judgment, it would be unwise, in the present world situation, to foreclose this Nation from having these options available. If we stop production of Minuteman, we are stopping the production of our only ICBM. We are depending upon blind faith that we will have the strategic resources in the future to defend ourselves, and that the Soviet Union will back down from its present aggressive posture.

Mr. DOMENICI. Mr. President, I would like to speak in favor of keeping the Minuteman III production line open and against the Kennedy/Cranston amendment—the intent of which is to delete the $322 million requested to keep the Minuteman line open.

First, the assumption was made by the

authors of the Dear Colleague letter that was circulated to all Members of the Senate announcing this amendment that none of these missiles would be deployed. I would like to point out the JCS has approved a 600/400 mix; however, implementation of that decision is dependent of "the Administration review in September of SALT II." Admittedly, the decision has constantly restrained our action by a shadow called Vladivostok Accords—an accord on which we have not even been asked to give our advice and consent to, let alone approve. Those who constantly advocate U.S. restraint should review recent Soviet action in their strategic forces areas.

Contrary to what has been said, Minuteman III does provide improved strategic capability by:

First. Improved missile hardness against nuclear effects (dust, debris, and EMP);

Second. Quicker reaction;

Third. Rapid retargeting—command data buffer—which would reduce retargeting from over 24 hours to less than 36 minutes per missile;

Fourth. Greater range;

Fifth. Improved accuracy;

Sixth. Extend useful life—present boosters are 10 years old and are now showing signs of aging; and

Seventh. Provide more ICBM flexibility in the future in case of further SALT II breakdowns.

What is more, should the decision be made not to deploy any more Minuteman III's, we could continue to produce Minuteman III boosters—first, second, and third stages—and guidance systems, and use the Minuteman II single reentry vehicle—stop production of the MIRV portion. This option would significantly improve our strategic force posture without getting involved in the sticky MIRV issue.

As on other strategic programs—B-1, ALCM, et cetera—those who consistently balk at any new systems are now telling us—do not keep the most cost-effective option open, but wait and let us invest our money in a deliberate development of a new, large, more survivable ICBM—which they know full well they have not, and will not, support.

Mr. President, the Deputy Secretary of Defense yesterday responded to several of the points raised by Senators KENNEDY and CRANSTON in their Dear Colleague letter of last week. I believe that the points raised have been well stated by other Senators in the last few days, but the views of the Defense Department do provide some additional information that should be useful to Senators in making up their minds about how to vote on relevant amendments. The Deputy Secretary's letter has been printed heretofore in the RECORD.

Mr. KENNEDY. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. KENNEDY. Is it necessary to yield back prior to amending my amendment?

The PRESIDING OFFICER. The amendment will not be in order until all time has been yielded back.

Mr. KENNEDY. Mr. President, I yield back the remainder of my time.

Mr. STENNIS. Mr. President, if I have any time left, I yield back the remainder of my time.

The PRESIDING OFFICER. The amendment will now be in order.

Mr. KENNEDY. Mr. President, I ask unanimous consent to modify my amendment.

Mr. STENNIS. Mr. President, I believe the Senator is correct when he asks for this modification.

The PRESIDING OFFICER. Without objection, it is so ordered. The modification will be stated.

The assistant legislative clerk read as follows:

On page 15, line 8, strike out "$1,883,100,000", and insert in lieu thereof "$1,566,100,000" and strike out everything after the figure 1,883,100,000 down through line 10.

The PRESIDING OFFICER. The question is on agreeing to the amendment, as modified. The yeas and nays have been ordered and the clerk will call the roll.

Mr. KENNEDY. Mr. President, I ask unanimous consent that Mr. Hunter of my staff be accorded the privilege of the floor during the rollcall on this amendment.

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. Is this vote on the amendment itself, the main Kennedy amendment?

The PRESIDING OFFICER. The vote is on the major amendment as amended.

Mr. McCLURE. Mr. President, I ask unanimous consent that Mr. Rod Levin of my staff be accorded the privilege of the floor during the vote on the pending amendment.

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

Mr. STENNIS. Mr. President, may we have order?

The PRESIDING OFFICER. The Senate will be in order.

The question is on agreeing to the amendment (No. 1663), as amended, of the Senator from Massachusetts (Mr. KENNEDY). On this question, the yeas and nays have been ordered, and the clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. STENNIS. Mr. President, may we have quiet?

The PRESIDING OFFICER (Mr. GOLDWATER). The Senate will be in order. The clerk will suspend until order is restored. Senators will clear the well. That means everyone.

Mr. TOWER. Me, too?

The PRESIDING OFFICER. Yes, you. Senators in the well will repair to their seats.

The clerk may continue.

The call of the roll was resumed.

The PRESIDING OFFICER. The Chair will announce that the 15 minutes for voting has expired. The clerk will tally the rollcall.

Mr. STENNIS. Regular order, Mr. President. I understand that the time for the rollcall has expired.

The PRESIDING OFFICER. The time has expired. The Senator is correct. The regular order is called for.

The call of the roll was resumed and concluded.

Mr. ROBERT C. BYRD. I announce that the Senator from South Dakota (Mr. ABOUREZK), the Senator from Idaho (Mr. CHURCH), the Senator from Wyoming (Mr. McGEE), the Senator from New Mexico (Mr. MONTOYA), the Senator from Rhode Island (Mr. PASTORE), and the Senator from California (Mr. TUNNEY) are necessarily absent.

I further announce that the Senator from Alaska (Mr. GRAVEL), 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.

I also announce that the Senator from Wisconsin (Mr. NELSON) is absent attending the funeral of Horace W. Wilkie, Chief Justice, Wisconsin State supreme court.

I further announce that, if present and voting, the Senator from Rhode Island (Mr. PASTORE) and the Senator from North Carolina (Mr. MORGAN) would vote "nay."

Mr. GRIFFIN. I announce that the Senator from Hawaii (Mr. FONG) is 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. HUGH SCOTT) are absent on official business.

I further announce that, if present and voting, the Senator from Pennsylvania (Mr. HUGH SCOTT) would vote "nay."

The result was announced—yeas 35, nays 49, as follows:

[Rollcall Vote No. 194 Leg.]

YEAS—35

Bayh	Hart, Philip A.	Mondale
Bellmon	Hartke	Muskie
Biden	Haskell	Pell
Bumpers	Hatfield	Percy
Burdick	Hathaway	Proxmire
Case	Huddleston	Ribicoff
Clark	Humphrey	Schweiker
Cranston	Javits	Stafford
Culver	Kennedy	Stevenson
Durkin	Leahy	Weicker
Eagleton	Mathias	Williams
Hart, Gary	Metcalf	

NAYS—49

Allen	Ford	McIntyre
Baker	Garn	Moss
Bartlett	Glenn	Nunn
Beall	Goldwater	Randolph
Bentsen	Griffin	Roth
Brock	Hansen	Scott, William L.
Buckley	Helms	Sparkman
Byrd, Harry F., Jr.	Hollings	Stennis
Byrd, Robert C.	Hruska	Stevens
Cannon	Inouye	Stone
Chiles	Jackson	Symington
Curtis	Johnston	Taft
Dole	Laxalt	Talmadge
Domenici	Long	Thurmond
Eastland	Magnuson	Tower
Fannin	McClellan	Young
	McClure	

NOT VOTING—16

Abourezk	McGee	Pastore
Brooke	McGovern	Pearson
Church	Montoya	Scott, Hugh
Fong	Morgan	Tunney
Gravel	Nelson	
Mansfield	Packwood	

So Mr. KENNEDY's amendment was rejected.

Mr. STENNIS. Mr. President, I move to reconsider the vote by which the amendment was rejected.

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

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. Under the previous order, the Senate will proceed to the consideration of the amendment offered by the Senator from Oklahoma (Mr. BARTLETT) on which there are 90 minutes of debate to be equally divided and controlled.

AMENDMENT NO. 1689

Mr. BARTLETT. Mr. President, I ask that my amendment No. 1689 be read.

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

The PRESIDING OFFICER. Will the Senator from Oklahoma yield to the Senator from Mississippi?

Mr. STENNIS. Will the Senator yield to me for one question?

Mr. BARTLETT. I yield.

Mr. STENNIS. How much is the allotted time on this amendment?

Mr. BARTLETT. The allotted time is 1 hour and a half. I have not talked with Senator NUNN, because he was busy in conversation, but I did check with his staff member.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk read as follows:

The Senator from Oklahoma (Mr. BARTLETT) proposes an amendment No. 1689.

On page 17, line 5, strike out "190,000" and insert in lieu thereof "196,000".

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

Mr. BARTLETT. I yield.

Mr. ROBERT C. BYRD. Mr. President, it is my understanding that the Senator who is offering the amendment is willing to reduce the time limit to 1 hour, to be equally divided, rather than an hour and a half.

Mr. STENNIS. That was going to be my suggestion. I agree.

Mr. BARTLETT. Mr. President, before the Senator makes the request—and I am perfectly in support of it—I wish it would be checked out with the Senator from Georgia (Mr. NUNN), because he has not been a party to this.

Mr. ROBERT C. BYRD. All right.

Mr. ROBERT C. BYRD subsequently said: Mr. President, I have conferred with the distinguished Senator from Georgia (Mr. NUNN). I find that he is agreeable to reducing the time. I ask unanimous consent that the total time on the amendment be limited to 1 hour, to be equally divided in accordance with the usual form.

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

Mr. STENNIS. Mr. President, may we have quiet now?

The PRESIDING OFFICER (Mr. DOMENICI). The Senate will be in order. The Senator from Oklahoma has the floor.

Mr. BARTLETT. Mr. President, I ask for the yeas and nays on my amendment.

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

The yeas and nays were ordered.

Mr. BARTLETT. Mr. President, the amendment I have offered is a modest one. I have asked that the authorized end strength of the U.S. Marine Corps be restored to the number requested by the administration—specifically, 196,000 marines. This amendment would have the effect of restoring the number to 196,000 from the level of 190,000 in the bill.

I say that my amendment is modest, because I have not addressed the manpower requests of the other services, although I did oppose cuts in all our military strength levels during the subcommittee deliberations and in the full committee.

The Marine Corps, throughout U.S. history, traditionally has been the first battle team to be sent into combat, and more often than not has been the last to leave the battleground. It is presumed that it is always ready and capable, and it is certainly in the interest of Congress that it be that way and remain that way.

This mission of "first to go and last to leave" has been part of the spirit of the Marine Corps throughout the years, and it still has an important place today.

Mr. President, the missions change and tactics change, but the need for manpower in times of crisis do not change. There is a bottom line on manpower strength below which the United States cannot drop, regardless of the cost. I think we have reached that point, and we reached it some time ago.

It is of great interest to look at and study the trends in this area both for the United States and the Soviet Union, and when I analyze the data, I use 1964 as a base, since it was the last year prior to the Vietnam conflict.

I note that the USSR had 3.4 million in their service in 1964, and today they have 4.4 million, an increase of 1 million in manpower. This does not include about 400,000 security force people—the KGB, and others. On our side of the ledger from 1964 to the present, we have gone from 2,687,400 to about 2,101,000. This reflects a loss in end strengths of 587,000 people.

Mr. President, to summarize very briefly: In the total manpower picture, the Soviets have increased, in the interval from 1964 to the present, approximately 1 million people in their armed services, and we have dropped 587,000. I point out that this was from a point prior to the Vietnam buildup and conflict.

I also point out that in recent years, the Marine Corps end strength has been in the neighborhood of 196,000—197,000 authorized for 1973 and 1974. I am talking about authorized personnel. In 1974, the actual end strength dropped to 188,000; yet, the end strength was kept up to the 196,000-plus level.

The reduction of 6,000 that is contemplated in this bill would reduce the actual number of Marines from 193,000 to 190,000. The 3,000 cut in actual strength would be either qualified regular Marines or would result in a reduced effort in recruitment. In committee, there was some concern about the recruitment success of the Marine Corps. Yet, the recruiting effort has proceeded very well. There have been problems of quality. There have been problems of recruitment. But those problems have been dealt with very well, and I think these figures reflect that: For the first 8 months of this fiscal year, a total of 13,602 individuals have been discharged prior to the expiration of their enlistment. This was approximately 6,600 over the plan.

This shows that the Marine Corps management—the Commandant and the others—are very much aware of the problems they have had and that they have been addressing those problems. I have additional information, which I will speak about a little later, which shows how they have had success in their recruiting program, both in numbers and in quality.

I do not know why we should be concerned with a modest increase in the Marine Corps on its manpower level from 190,000 to 196,000. Last year, the Marine Corps' actual end strength numbered 195,951, and that represents 49 fewer Marines than have been requested for authorization in the fiscal 1977 budget. The number has dropped admittedly. The reason being that the Commandant has undertaken a very aggressive campaign to improve the quality, and this campaign is paying off.

It is the responsibility of Congress to make certain that the leadership in our military services are apprised of problems that exist within the service for which they have the responsibility and that they deal with those problems quickly and effectively.

We see today that the Marine Corps has done a very effective job of reducing some of the indicators of lack of quality, of problems within the Marine Corps. It is important that Congress strengthen the resolve and confidence of the Marine leadership by replacing the end strength number at 196,000.

I think this is a reasonable level. I think the level should be determined on what the need is for numbers. There certainly is no indication that there is a need for fewer numbers in the Marine Corps or, for that matter, less end strength in our total numbers in the military service.

An authorization of 196,000 does not mean that a magical number has been picked out of a hat and must be attained at any and all costs. It is an authorization, pure and simple, to fulfill a requirement. It is a force level that the Marine Corps should strive to attain to fulfill its mission, but not at the cost of quality. The Commandant is showing that he is not interested in just numbers if the quality is not there. That is the message that Congress should send to the Commandant—that we are behind him, that we want him to build the Marines into the fighting unit as it should be. Certainly, there would be a great difficulty in increasing the authorization in the next fiscal year from 190,000 to 196,000 if the 190,000 end strength level were to prevail.

It is important that the Commandant have a certain amount of flexibility and it is important the morale be high. If there are qualified personnel in the Marines who would be riffed out or who lose their position, certainly, that would hurt

morale. If the recruiting program that has been questioned and which has been working effectively is not given the opportunity to work at maximum, then it is going to be impossible for the Marine Corps to prove, through statistics, over a longer period of time that their recruitment program is actually bringing in higher quality personnel and is closing the gap vis-a-vis the end strength of 196,000.

What this body does will have a lot to do with the morale of the Marine Corps through the confidence that it shows in its leader, the Commandant.

Congress has continually cut the authorized strength of the military in addition to the voluntary cuts the Department of Defense has made with improving management practices and reductions in support forces. It is time that we draw the line on these reductions and say, "no more." Additional reductions in manpower will have an adverse effect on our conventional forces posture and, personally, I do not want to see us reach the point where we will not have sufficient numbers for conventional warfare and where we might, because of numbers, have as an alternative only nuclear weapons as a means of defense. If we continue to draw down the active force structure, we could be backing ourselves into that undesirable corner.

Mr. President, there are two questions that I think are of importance in this regard. One is, what should our end strength be? This is what we are establishing here. I should think that, if the thinking of this body is that it should be reduced to 190,000, then it should be shown why we do not need as many people in the Marine Corps as in the past and, for that matter, in the armed services, notwithstanding the increase by the Soviets.

Then I think another question that is important is will this cut in any way actually increase the quality of recruiting and the quality of the personnel in the Marine Corps? I know the distinguished Senator from Georgia, my good friend, has high regard for the Commandant, and I think he knows that he is doing a good job.

If we had a situation where there are those who do not have a high regard for the leadership now, then I would think the cut would not lead to any good end, because if the leadership is not sound, then I would not think that those who might be cut out by an unsound leader would not be doing a benefit to the Marine Corps. On the other hand, the cut undoubtedly would cut into the qualified numbers that the Commandant needs presently in the Marine Corps and reduce those by 3,000 and reduce the opportunity in the future for an expansion up to the 196,000.

My feeling is that the evidence is very clear, as presented in the committee and subcommittee, particularly the committee, showing that the leadership in the Marine Corps is the best that we could possibly want to have and that the ills that have existed are recognized and being dealt with very promptly and effectively.

It is my opinion that the quality of the Marine Corps will improve further, that the recruitment program will improve further, but this will not be a result of the reduction from 196,000 to 190,000; it will be in spite of it, because the reduction is going to hurt the morale of the recruitment program. The reduction is going to reduce the actual strength of the Marine Corps.

I inquired to see what the manning requirement of the Marine Corps is. Two hundred and thirty-four thousand Marines are required to fully man the active duty structure of three divisions and three wings in war. The minimum peacetime manning requirement for a structure of this size is 212,000. However, fiscal constraints, use of civilians, and other adjustments have, in recent years, forced the Marine Corps to the 196,000 level. As a result, active forces are manned at 84 percent of the wartime requirement and 94 percent of minimum peacetime requirements. The austere manning level has been oriented to obtain maximum combat power, as evidenced by the 63 to 37 ratio of operating forces to support forces which is programed for fiscal 1977. The latter ratio is the best in the Department of Defense. The Army's ratio, which I know the chairman is aware of, is 54 to 46, and the Air Force's is 56 to 44.

If I could have the attention of the distinguished chairman for just one statistic, I did read about the Army's ratio being 55 to 46. It used to be 45 to 55, and I give the distinguished Senator from Georgia a major share of the credit for bringing about that great improvement.

For these reasons, in the event that a cut of 6,000 is imposed on the Corps, it would mean a loss of combat power, roughly the size of a brigade, consisting of one infantry regiment, with its supporting air and ground units. It would reduce the command headquarters, even though there had been a reduction in fiscal 1975 of 20 percent in that area.

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

Mr. STENNIS. Mr. President, I am glad to yield such time as he may wish to the Senator from Georgia.

Mr. NUNN. Mr. President, first let me say that the Senator from Oklahoma has done an excellent job as a member of the Committee on Armed Services and a member of the Manpower Subcommittee. I do not know of any Senator on our subcommittee who has worked any harder than he has, and I have a great deal of respect for his overall commitment to national security and for his overall knowledge in this area.

I do oppose the Bartlett amendment because I do not think it would serve either the interest of national security or the interest of the Marine Corps.

The Marines have basically not been able to recruit 196,000 people and keep that force level without seeing a serious deterioration in their quality standards.

Back in 1972 the Marines had approximately 188,000 people, and they then committed to go to 196,000. What happened when they went to 196,000 is very apparent. They go there in about from 1973 to 1975, and their discipline and their overall absentee incidence and AWOL's and desertions went sky high. I think these figures are more revealing than any argument that can be made against the Bartlett amendment.

Most of these problems came about because the Marine Corps felt driven to the 196,000 number.

The Army in 1975 had an absentee incidence per 1,000 people of 95.4. The Navy had an absentee incidence of 73. The Air Force had an incidence of 13, with a total of those three services of 181.4. That is per 1,000 people in service.

On the other hand, in the same year, 1975, the Marine Corps had a 93.9 incidence of absenteeism. That is almost double the other three services combined.

As far as the absentee incidence over 30 days on the same criteria, the monthly rates per thousand, the Army had 26.8, the Navy 22.4, the Air Force 1.9, for a total of all of these three branches of 51.1. The Marine Corps, on the other hand, had more than double the other three services combined, and all of the services are much larger than the Marine Corps. The Marine Corps had a 105 absentee incidence per 1,000 people.

On the desertion incidence, the Army in 1975 on an annual basis had 17,966, the Navy 10,659, the Air Force 976, for a total of those three branches of 29,601. The Marine Corps alone had 18,396, more than any other branch of the service.

The Marines have been able to maintain a numbers level of only 193,000 in the last fiscal year, and they testified before our Armed Services Committee that they had no hope of going to 196,000 during fiscal year 1977.

The Bartlett amendment, if it passed, would restore to the Marine Corps a level of authorized strength which the Marines themselves admitted they cannot fulfill for the foreseeable future. As a matter of fact, they said that even in fiscal year 1978 they could not reach over 194,500.

This amendment would act as a disincentive for the corps to pursue with requisite vigor its recently announced policy of enhancing manpower quality even at the expense of numbers.

I would certainly agree with much of what the Senator from Oklahoma has said about the alarming statistics between the Soviet Union and the United States, and yet I do not believe that the Senator from Oklahoma would recommend that we double the size of our forces from 2 million to 4 million, which is what it would require to match the Soviet Union man for man. That would require something like a doubling of our national defense budget overnight if we were going to pay for it with tax dollars rather than deficits. It would require something like a 35- to 40-percent increase in the taxes of every person in this country, on an average.

We are in a volunteer force environment. I was not a Member of this body when that decision was made and recommended by the administration. I have a lot of doubts about the volunteer force that I have expressed many, many times. But that is the environment we are in now. That is what we are trying to work with. When you are in that kind of a situation there have to be certain tradeoffs between quality and quantity, and

there also have to be certain tradeoffs between the cost of manpower and what we have left for research and development and for weapons.

One of the most alarming things that is happening to our defense dollars is the fact that almost 60 cents out of every dollar are not going to manpower, so these tradeoffs have to be made.

Most of the argument the Senator from Oklahoma made, as I see it, is an argument against the volunteer force itself rather than an argument against the subcommittee and the committee position on the Marine Corps.

The Senate Armed Services Committee authorized the Marine Corps strength of this year to be 190,000 personnel. This is a cut of 6,000 people from the administration's request, but it is a cut of only 3,000 people from the actual Marine Corps strength because at this point in time they are now suffering a shortfall of 3,000 people, and this shortfall, as I have already stated, is expected to continue well into fiscal year 1978.

The problem is not simply an inability to obtain enough qualified personnel. Within the corps, a grossly disproportionate number of highly qualified individuals is being siphoned off by the Marines' comparatively small tactical aviation component and by units assigned to guard naval installations, ships, and other nonfleet Marine Force units. I have to ask what is the rationale for diverting 9,200 of the corps best noncommissioned officers and enlisted personnel from Fleet Marine Forces to naval bases and ships? I believe that the Marine Corps job is to fight, not to check passes of sailors on leave.

Since 1972, the incidence of unauthorized absence, desertion, courts-martial, and nonjudicial punishment has been much higher for the corps than for any other service.

Indeed, as these figures I have already shown, point out, the corps' desertion rate is still higher today, even with the improvements that have been made in the last 12 months, still higher than the a.w.o.l rates of the Army, Navy, and Air Force combined. In the case of the 1st Marine Division last year, some 467 out of every 1,000 men in that division went a.w.o.l.

Modest progress in reducing indiscipline has been made in fiscal year 1976. At the initiative of Commandant Wilson, Marine recruiting has concentrated on the high school diploma as the best determinant of a potential recruit's receptivity to Marine Corps discipline and training. During the first 8 months of fiscal year 1976, 61 percent of new recruits were high school graduates compared to a low of 51 percent in 1973. Moreover, during the same period the corps has administratively discharged over 14,000 troublesome individuals and marginal performers. The impact of these measures is reflected in an encouraging change in the rates of unauthorized and a.w.o.l., which in the first half of fiscal year 1976 declined by 28 and 24 percent, respectively.

In the committee's judgment, however, these measures, although commendable, are not likely to restore to the Marine Corps a capacity to meet its present authorized strength. Marine witnesses testifing before the committee stated flatly that, despite anticipated improvements in the quality of recruits, the current shortfall of 3,000 will persist throughout fiscal year 1977. Even in fiscal year 1978, the corps does not expect to achieve an actual end-year strength of over 194,500. It is important to remember that the corps' current authorized strength of 196,000 is the highest of any peacetime year since the aftermath of the Korean war. For example, during the 5-year period preceding our Vietnam buildup Marine Corps strength fluctuated from 171,000 to 189,000.

In my judgment, the corps is confronted with the truth of the old adage that, "the biggest is not necessarily the best." The corps cannot escape the choice between quality and quantity. Fortunately for the Marines and for our country, General Wilson has chosen quality. In his report on manpower quality and force structure, the commandant stated that, and I quote:

> The Marine Corps is focused on quality and will accept a reduction in end strength if it cannot recruit the quality Marines required.

General Wilson's decision to go for quality even at the expense of numbers is strongly supported by the Defense Manpower Commission's report of April 19, to the President and the Congress.

In that report, the Commission concluded that—and again I quote:

> The recent actions by the Marine Corps to emphasize quality in its policies, standards, and procedures for recruiting, testing, and eliminating personnel are to be commended. If this results in a somewhat smaller force, so be it. As a main advantage, this should provide a high-quality, reliable Marine Corps still of adequate size and capability. It could also produce a more cost-effective Marine Corps over the next decade. Some of the manpower savings could be used to restore units to authorized manning levels.

Another factor which the committee felt it could not disregard in reaching its recommendation to reduce the corps' authorized end strength by 6,000 is the serious imbalance between the size of Marine amphibious forces and the Navy's capacity to support them in combat. Preparation for amphibious operations remains the principal mission of the Marine Corps, and constitutes the primary rationale for the corps' separate status. The corps' three Marine Amphibious Forces—MAFs, each composed of a division and its associated air wing, are trained and organized mainly to conduct amphibious assaults against hostile beachheads.

Yet the Navy's current inventory of amphibious ships is sufficient to lift only one Marine Amphibious Force. Even the scheduled acquisition of five new large assault ships—LHAs—by fiscal 1979 will not permit the Navy to lift more than one and one-third MAFs. This deficiency in amphibious shipping, which has long been a bone of contention between the Marine Corps and the Navy, effectively reduces by two-thirds the amount of U.S. amphibious warfare capabilities that could be employed at one time.

In conclusion, the Marine Corps faces serious problems in recruiting sufficiently qualified manpower and in allocating qualified manpower that is recruited. I believe that the committee's recommendation, which would cut the corps' actual strength by only 3,000 is consistent with the Commandant's announced policy of trading quantity for quality. Indeed, in my judgment, the recommendation will enhance prospects for the realization of General Wilson's new policy. It will relieve the corps from having to play the numbers game. It should also reduce the present disparity in the quality of the corps ground and tactical air components, and between Fleet Marine Forces and non-Fleet Marine Force units.

Mr. President, a strong reliable Marine Corps is an essential component of our general purpose forces. Moreover, the Marines, traditionally the "first to fight", continue to be the principal repository of U.S. quick-reaction capabilities and the exclusive repository of our capacity for forcible amphibious entry. It is for these reasons that we can tolerate nothing less than the highest attainable quality of Marine Corps manpower and why we must be prepared to accept lower authorized strength levels to achieve that goal.

I say to the Senator from Oklahoma that I certainly share his frustration with the overall declining numbers in our manpower structure. But if the Senator from Oklahoma wants to do something about that problem, the way to go about that is to talk to the President of the United States and the Secretary of Defense about whether the volunteer force is capable of sustaining the number of men we need and the quality of men we need at the price we can afford to pay without continuing to erode our research and development capabilities and our procurement capabilities.

The answer is not to force the Marines and their recruiters throughout the country to try to reach some arbitrary figure of 196,000, which they have demonstrated very clearly cannot be done in the last 4 years, unless they have a serious erosion in their quality and a commensurate increase in their discipline problems.

So I do oppose the Bartlett amendment and I urge my colleagues to reject it.

Mr. President, I reserve the remainder of my time for the committee.

The PRESIDING OFFICER (Mr. THURMOND). The Senator from Oklahoma.

Mr. BARTLETT. Mr. President, the Senator from Georgia asked the question, why the Marine Corps staffs a number of bases as guards.

One, the reason for this is the same as they are staffing the embassies as guards, because the bases and embassies want the best.

So they have had the opportunity of having the best men, American fighting men, by having Marines.

The Marine Corps, as the Senator

knows, picks out the best people they have and they utilize this program as a means of revolving personnel out of combat in the case of war, or out of difficult assignments, overseas assignments, for the purposes of rewarding them, for the purposes of retention and reenlistment.

There is an encouragement to a Marine to know he is going to have an opportunity of being with his family, of perhaps being in a desirable place for a change. So the program has been used for that purpose.

The Senator, I think, should emphasize that the figures he was talking about in recruitment and quality give a picture of what it was rather than a picture of what it is currently, right up to date, because there have been very drastic changes made in procedures and very dramatic and good results obtained.

The Marine Corps is having an excellent recruiting year. The Commandant's goal of achieving a level of at least 67 percent high school graduates this fiscal year will be met.

It is anticipated the end strength of the Marine Corps this year will be down to the 193,000 level. The reason for this disparity between an excellent recruiting year and an end strength shortfall is the direct result of the Commandant's quality program.

Specifically, this 3,000 shortfall reflects the net loss of Marines who were discharged this fiscal year as undesirable——

Mr. NUNN. Will the Senator yield for a brief question on that point?

Mr. BARTLETT. I yield.

Mr. NUNN. Why is it that the Senator from Oklahoma's amendment of 196,000 is 3,000 more than the Marine Corps themselves say that they can recruit?

What is the need of authorizing the strength beyond what they can realistically recruit according to their own testimony which has taken place in the last 6 weeks?

In other words, if the authorization is supposed to be some kind of goal for the services, then the Senator from Georgia is under the wrong impression. I felt the authorization of numbers was supposed to fit the capability of the services to recruit, based on the quality that is needed to insure we have the kind of discipline in the services we want.

Mr. BARTLETT. I think there are several reasons. One, there is a great difficulty to restore it to 196,000 if it is reduced down to 190,000.

Mr. NUNN. Does the Senator mean it is difficult to do?

Mr. BARTLETT. I think it is important to give support to the commandant, who is obviously not interested one bit in having numbers at the expense of quality, which the Senator just stated.

I think it is also important to recognize that what the Senator's bill does is reduce the number from 193,000 down to 190,000, and this is going to force the commandant to set aside his very successful recruiting program.

I think when the Senator criticizes it, he is not recognizing just how good it is.

The shortfall of 3,000 did not come about because of just 3,000 individuals being discharged. There were 13,602 individuals who were discharged prior to the expiration of their enlistments.

I think if the Senator works out the arithmetic, the success of the recruiting program has the opportunity of exceeding even what they told the Senator in the hearings. Now, the Senator would indicate to me that would be the case. The Senator is quoting them exactly as they were given him, I understand that.

I would also like to bring out another change that has been made in the recruiting program that has not had a chance to show whether or not it would be effective, but I think it will.

The new approach is that the commanders in charge of the training are going to be in charge of the recruiting program. I think this is going to even further accelerate the quality. I think it will enhance the numbers because there is going to be an opportunity there for insistence on high quality and an opportunity to know just what is needed in the recruiting program.

But for us to force the numbers back now from 193,000 to 190,000 either is going to reduce the number of qualified Marines by riffing them, by forcing them out, by 3,000 people, or it is going to set on the shelf a recruiting program which has really worked very well.

I would like to point out, too, that the projection which the Marine Corps has at this time is that they will recruit 75 percent high school graduates during fiscal year 1977, while holding to an end strength level of about 190,000. That is their projection. Then they expect to see their strength go up to about 194,500 in fiscal 1978.

Another reason for leaving the end strength at 196,000 is that we should establish what the need is. If we think they are padding the numbers with lack of quality, that is one thing. But there is nothing to show that exists in the Marine Corps now.

Mr. NUNN. If the Senator will yield on that point, the Marine Corps still has the highest rates of indiscipline—unauthorized absences, desertions, nonjudicial punishments, and courts-martial—rates higher than the rates of all the other services combined. Even with a 25-percent improvement which has taken place since the 13,000-some-odd people were discharged—and I commend the Commandant for taking that initiative—the Marine Corps still, the smallest of the four services, has an absentee rate higher than the rates of all of the other three combined, not individually, but combined.

The Senator is trying to add the number which it has been demonstrated vividly over the last 4 years the Marine Corps cannot meet without having a severe quality deterioration. I believe the Senator's amendment, as basically proven by the last 4 years' action, simply cannot work in the Marine Corps.

Mr. STENNIS. Will whoever has the floor yield to me for a couple of minutes?

Mr. BARTLETT. Let me ask how much time I have.

The PRESIDING OFFICER (Mr. TAFT). The Senator has 4 minutes remaining.

Mr. NUNN. I will be happy to yield to the chairman 1 minute to compensate for my remarks.

Mr. STENNIS. Mr. President, how much time do the opponents to the amendment have?

The PRESIDING OFFICER. The opponents have 14 minutes remaining.

Mr. STENNIS. Will the Senator yield me 3 minutes?

Mr. NUNN. I yield.

Mr. STENNIS. Am I recognized, Mr. President?

The PRESIDING OFFICER. The Senator from Mississippi.

Mr. STENNIS. Mr. President, since I have been on the Armed Services Committee my observation is that the Marine Corps manages to get more for every military dollar given to them than any other service. One reason is that they do not have a lot of overhead cost and things of that kind.

I have always stood for whatever it seemed they needed to make the Marines the hard corps they are. They do not have a lot of attractions to offer. Most of their units are fighting units—rifles, armor. They are very well managed now, in my opinion, and are climbing a little. Their management is determined to stick to quality recruits. We have already been told by the Senator from Georgia that a number were turned out because they had not come up to standards.

I think there is a very strong movement within the Marine Corps to stick to that quality and bring this thing around. It is working. I believe for the first time in a long time there has been an in-depth effort by a committee of the Congress to really go into these matters and measure them. That is what our subcommittee on manpower and personnel has done. They have come up with an answer which I think is as near correct under all the circumstances as we could find. This has to be taken up again in the conference. We just cannot close our eyes to that.

I am satisfied that the present Commandant of the Marine Corps is making headway; that he will continue to make headway. I believe this slight reduction which is proposed in the committee bill will not hinder him but will help him in the long run.

For that reason I stand firm on the figure we have thrashed out in the committee. I believe we took 4 or 5 votes on it and it was 2 or 3 to 1 for this figure every time. So I hope the amendment will not be agreed to, Mr. President.

The PRESIDING OFFICER. Who yields time?

Mr. BARTLETT. Mr. President, again I think the distinguished Senator from Georgia, although giving accurate figures and an accurate picture, is giving a picture of how it was up until recently, but I do not think he is showing the recent trends which have existed in various parts of the Marine Corps and throughout the etnire Marine Corps. As a result of the purging and significantly improving the accessions, the Marine Corps has witnessed encouraging developments in the area of discipline. They really believe that they have turned the corner.

The statistics in summary form for

the first 8 months of this fiscal year show a remarkable decrease compared to the like period for fiscal year 1975. In the first 8 months of fiscal 1976, the number of unauthorized absences is 18.8 per 1,000 per month compared to 26 per 1,000 per month, a change and improvement of 27.7 percent. In desertions, the figure for the first 8 months of this year is 6.25 per 1,000 per month compared to 8.15 per 1,000 per month. There is a like improvement there of 26.5 percent.

There is no question that the Marine Corps is tougher and requires more of its people than do the other services. The statistics for the Marine Corps have historically been higher than the other services. But there is another category that I think is very important. At the time of the problems that the Marine Corps has had, their special court martial numbers have been high. Actually, recently they have dropped by 15.8 percent. Nonetheless, they have been high. In fiscal 1975, there were 3,121, and 2,628 projected for fiscal 1976.

So I think we see that the Marine Corps has dealt with this problem.

I would say I think the proposal of the Senator from Georgia is like locking the door after the horse has been stolen. I think the problems that exist, which very clearly have existed, and which are existing in very small amounts now, are being eliminated, and that the recruitment program is working. But the action that would result from a reduction from 193,000 to 190,000 would prevent the recruitment program from having an opportunity of showing the distinguished Senator from Georgia that it is working and that it is bringing in qualified people in expanding numbers.

I was very pleased that the distinguished Senator from Georgia and the distinguished Senator from Mississippi both complimented the leadership of the Marine Corps, the commandant. I am pleased that the distinguished Senator from Georgia is proud of the commandant because he has accepted quality at the expense of numbers, and has voluntarily placed his numbers under the end strength that is permissible.

I would hope that the distinguished Senator from Georgia, on the modest amendment that I have offered, would be of the opinion that there have been some modest arguments made in favor of increasing the number over the 190,000. Since the number now is at 193,000, I wonder if the Senator, who has opposed my amendment, to raise it to 196,000, would be of the opinion that some increase over 190,000 would be warranted?

Mr. NUNN. Mr. President, the Senator from Georgia feels strongly that the 190,000 reservation of the committee is the figure that the Senate should approve, and that that is the figure the Marine Corps should recruit for next year.

The PRESIDING OFFICER. All time of the Senator from Oklahoma has expired. The Senator from Mississippi has 10 minutes remaining.

Mr. NUNN. Mr. President, I would be very glad to yield the Senator from Oklahoma some of our time if he wishes to make further comments. He has been very gracious in yielding to us for questions. I do have a few closing remarks.

The Senator from Oklahoma made the point that some members of the Marine Corps would not be able to be retained because of this reduction. Mr. President, the Marine Corps, to get the number they have to recruit by 1977, would have to recruit 48,000 new males, not including females, to meet the quota of 196,000. By reducing that total to 190,000, the Marine Corps will have to recruit only 42,000, rather than 48,000.

What we are trying to do is take the pressure off of the Marine Corps recruiters. We all have been reading the papers. We know the problems that have been going on in training in the Marine Corps. That did not happen in 1954 or 1975, it happened recently.

I feel strongly that we would be derelict in our duty unless we took the pressure off created by some artificial number that is driving the Marine Corps to the point of accepting lower quality people than they need to be able to have the kind of a military force we all want.

So I feel strongly that the committee position is the correct position. I think 190,000 people in the Marine Corps is all they can recruit with the kind of quality they need. I commend the Commandant for the direction he is taking. I do say in all fairness that the Commandant has turned the Marine Corps around on this matter from 1972 to 1975. When he arrived, the Marines were going after numbers. We have all seen the result of that, and if we do not change, it is our fault.

Nothing could be disputed in terms of what the Marine Corps' problems are now. Even with the improvement in their discipline rate, if you look at the absentee incidents and take the Senator from Oklahoma's most recent figures, the Marines would have a total, on an annual basis, of 225 incidents per 1,000 personnel. The total for all the other services is 181.4. So even with the most recent figures, the Marines still have a greater absentee rate than the rates of all the other services combined, and that applies to those incidents over 30 days as well as those of a minor nature, under 30 days.

I believe the position of the committee is the correct position, and the position the Senate ought to uphold, and I urge my colleagues to reject the Bartlett amendment.

Mr. BARTLETT. Mr. President, will the Senator yield me a minute?

Mr. NUNN. I am glad to yield to the Senator from Oklahoma. How much time do we have remaining?

The PRESIDING OFFICER. The Senator from Mississippi has 6 minutes remaining.

Mr. NUNN. I yield for a question.

Mr. BARTLETT. I thank the distinguished Senator.

First, there is every indication that the unqualified members in the Marine Corps have been, or are being, eliminated. There is no evidence before the committee or in the statement of the Senator from Georgia just now that the present 193,000 members are not qualified.

Mr. NUNN. The only evidence is the incidence of absenteeism. As long as the Marine Corps, the smallest branch of the service, has disciplinary rates higher than the rates of all the other services combined, I would say they have some people in the Marines who should not be there.

Mr. BARTLETT. When they reduced the number by 13,000 plus, this was some 6,000 over their projection, so I think they have ferreted out the unqualified numbers.

There is also no evidence whatsoever, and the Senator from Georgia has not cited any, that would show they could not come up with the numbers they wanted when they did so well with their current recruiting programs, notwithstanding the 13,000 discharged.

Mr. NUNN. If the Senator will yield, the best evidence I have on that is the Marine Corps' own testimony saying they could sustain a force of only 190,000 this year, and then they said a year from now, in 1978, they could only sustain a force of 193,500. That is probably the best evidence available. That is the Marine Corps' own testimony.

Mr. BARTLETT. Certainly there is no harm in establishing their strength at the level where it is required to be. If they do not reach that point, there is no harm done. What the Senator would do is just cut them down below 193,000, the current strength, which I think in actuality would not force the discharge of those extra 3,000, but it would be done by attrition, so that the recruitment program would not be established the way it should be.

Mr. NUNN. If the Senator from Oklahoma is correct, we should take the number recruited for the Army and Navy and add another 3,000 to those. If we are going to authorize additional strength for the Marine Corps, we should do the same for the other services.

Mr. BARTLETT. No, the Senator misunderstands what the Senator from Oklahoma said. The Marine Corps Commandant is doing a good job; let us not kick him in the shins.

Mr. NUNN. I certainly agree that the Commandant is doing a good job, but I think the best way to assist him is to set the level at 190,000. If we take some of the pressure off the arbitrary numbers game the Marine Corps has been playing for the last 4 years, I think we will do more to sustain a quality Marine Corps, and I think we will do more to turn the slogan "A Few Good Men" from rhetoric to actuality, than by anything else we could do. The Marine Corps needs 190,000 good men, not 190,000 good men plus 6,000 who are not qualified.

Mr. BARTLETT. Mr. President, I think the Marine Corps has and is going to have well-qualified people, and I think they are going to show how well they can recruit, despite the disadvantages occasioned by this amendment.

Mr. NUNN. I hope we will continue to see improvement in the Marine Corps. They need to make dramatic improvement. They have a lot of things they have to work on. We will continue to work on it, and I will continue to work with the Senator from Oklahoma to achieve those ends. I think we both have the same goal,

but differ only as to the means of attaining it.

Mr. President, how much time do we have remaining?

The PRESIDING OFFICER (Mr. MATHIAS). The time on the amendment has just expired. The question is on agreeing to the amendment of the Senator from Oklahoma (Mr. BARTLETT). On this question the yeas and nays have been ordered.

UNANIMOUS-CONSENT AGREEMENT

Mr. ROBERT C. BYRD. Mr. President, as in executive session, I ask unanimous consent that the time for debate on the nomination of S. John Byington be limited to 15 minutes instead of 30 minutes, with 5 minutes under the control of Mr. Moss and 10 minutes under the control of Mr. GRIFFIN, and that immediately following the vote, the Senate return to legislative session.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that upon the disposition of the Byington nomination and the return to legislative session, the Senate resume the consideration of the military procurement bill, and that the Senator from South Carolina (Mr. THURMOND) be recognized at that point for not to exceed 5 minutes.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

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 evalation 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 (Mr. MATHIAS). The question is on agreeing to the amendment of the Senator from Oklahoma. The yeas and nays have been ordered.

The clerk will call the roll.

The legislative clerk proceeded to call the roll.

The PRESIDING OFFICER (Mr. TAFT). The Senate will be in order.

The legislative clerk resumed the call of the roll.

Mr. GOLDWATER. Regular order, Mr. President.

The legislative clerk resumed and concluded the call of the roll.

Mr. GOLDWATER. Regular order, Mr. President.

Mr. ROBERT C. BYRD. I announce that the Senator from South Dakota (Mr. ABOUREZK), the Senator from Idaho (Mr. CHURCH), the Senator from Wyoming (Mr. MCGEE), the Senator from New Mexico (Mr. MONTOYA), the Senator from Rhode Island (Mr. PASTORE), the Senator from California (Mr. TUNNEY), and the Senator from Michigan (Mr. PHILIP A. HART) are necessarily absent.

I further announce that the Senator from Montana (Mr. MANSFIELD), the Senator from Alaska (Mr. GRAVEL), the Senator from South Dakota (Mr. MCGOVERN), and the Senator from North Carolina (Mr. MORGAN) are absent on official business.

I also announce that the Senator from Wisconson (Mr. NELSON) is absent attending the funeral of Horace W. Wilkie, Chief Justice, Wisconsin State supreme court.

I further announce that, if present and voting, the Senator from North Carolina (Mr. MORGAN) and the Senator from Rhode Island (Mr. PASTORE) would each vote "nay."

Mr. GRIFFIN. I announce that the Senator from Hawaii (Mr. FONG) and the Senator from Alaska (Mr. STEVENS) 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. HUGH SCOTT) are absent on official business.

I further announce that, if present and voting, the Senator from Pennsylvania (Mr. HUGH SCOTT) would vote "nay."

The result was announced—yeas 26, nays 56, as follows:

[Rollcall Vote No. 195 Leg.]

YEAS—26

Allen	Garn	McClure
Baker	Glenn	Pell
Bartlett	Goldwater	Percy
Beall	Hansen	Randolph
Brock	Helms	Stone
Buckley	Hruska	Taft
Curtis	Laxalt	Thurmond
Domenici	Mathias	Tower
Fannin	McClellan	

NAYS—56

Bayh	Griffin	Moss
Bellmon	Hart, Gary	Muskie
Bentsen	Hartke	Nunn
Biden	Haskell	Proxmire
Bumpers	Hatfield	Ribicoff
Burdick	Hathaway	Roth
Byrd, Harry F., Jr.	Hollings	Schweiker
Byrd, Robert C.	Huddleston	Scott, William L.
Cannon	Humphrey	Sparkman
Case	Inouye	Stafford
Chiles	Jackson	Stennis
Clark	Javits	Stevenson
Cranston	Johnston	Symington
Culver	Kennedy	Talmadge
Dole	Leahy	Weicker
Durkin	Long	Williams
Eagleton	Magnuson	Young
Eastland	McIntyre	
Ford	Metcalf	
	Mondale	

NOT VOTING—18

Abourezk	Mansfield	Packwood
Brooke	McGee	Pastore
Church	McGovern	Pearson
Fong	Montoya	Scott, Hugh
Gravel	Morgan	Stevens
Hart, Philip A.	Nelson	Tunney

So Mr. BARTLETT's amendment was rejected.

Mr. STENNIS. Mr. President, I move to reconsider the vote by which the amendment was rejected.

Mr. MOSS and Mr. MCCLELLAN moved to lay the motion on the table.

The motion to lay on the table was agreed to.

EXTENSION OF TIME FOR FILING ANNUAL REPORT OF THE SPECIAL COMMITTEE ON AGING

Mr. CLARK. Mr. President, on behalf of Senator CHURCH, chairman of the Senate Committee on Aging, I ask unanimous consent that the time for filing the committee's report to the Senate be extended from May 28 to June 30. This extension is needed to give committee members adequate time to review the galley proofs of the report.

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

CONSUMER PRODUCTS SAFETY COMMISSION—EXECUTIVE SESSION

The PRESIDING OFFICER. Under the previous order, the Senate will proceed to executive session, to consider the nomination of Mr. Byington to be a member of the Consumer Products Safety Commission, with a limitation of debate thereon of 15 minutes, to be divided and controlled. The yeas and nays have been ordered on the nomination.

The division of time is as follows: 10 minutes to the Senator from Utah (Mr. Moss) and 5 minutes to the Senator from Michigan (Mr. GRIFFIN).

The nomination will be stated.

The second assistant legislative clerk read the nomination of S. John Byington to be a commissioner of the Consumer Products Safety Commission.

Mr. MOSS. Mr. President, I am glad that a large number of Senators are in the Chamber at this time, because I will be very brief and I would like my colleague to hear this brief discussion on the Byington nomination.

We have had a lot of votes dealing with Mr. Byington. We have had very little time on the floor to talk about the reasons behind this opposition.

Mr. Byington is an honorable man, and I say nothing to criticize his character. For 2 years he served as assistant to Virginia Knauer and as a consumer adviser to her and the President. He is an able young man. But John Byington has not shown the traits and skills needed to be chairman of the Consumer Product Safety Commission.

His commitments, purpose and experience are too thin. Mr. Byington was nominated by the President for a 7-year term on the Commission and the President announced that he would appoint him as Chairman if he were confirmed. The Committee on Commerce's Subcommittee on Consumers and the full committee held 2 full days of hearings on Mr. Byington. He went through all of the usual procedures in answering prehearing written questions and filing a complete financial disclosure report. Then he was cross examined at considerable length by the committee.

At the conclusion of those hearings, the committee met in executive session three times and, after considerable discussion, decided that Mr. Byington was not qualified to be chairman of the Com-

mission and therefore, unanimously laid aside his nomination and notified the President.

On that very same day, the President of the United States sent up Mr. Byington's name for another nomination—this time for 2½ years of an unexpired term. That, then, came before the committee.

There was considerable discussion about that. After all, the President had made some concessions and some of the Senators felt a little uneasy that we, for the second time, had turned down the President's nomination. For whatever reason, on a split vote, the committee then voted to report Mr. Byington to the Senate.

Then the committee did what is quite unusual. It did something that I have never seen before. We filed a written report on a nomination for a regulatory commission. A copy of that report is on all of the desks and the Senators can see it.

The matter came before the Senate on last Monday and, by a rollcall vote, Mr. Byington was rejected. The vote was 37–33. Because of circumstances that were not controlled, we did not get the usual lockup, as we call it—reconsidering and tabling motions—*which* routinely we do. Therefore, today, we have been going through a tabling vote and a reconsideration vote. The matter is now before the Senate.

Mr. MAGNUSON. Will the Senator yield?

Mr. MOSS. I shall yield in just one minute. Let me say one more thing.

Mr. Byington was rejected by the committee because we did not feel he was qualified to be the Chairman. Now we are asked to say that he can be Chairman for 2½ years.

Let me say that the Product Safety Commission is in a difficult position today. It is badly in need of inspired and perceptive leadership. It is going to take a strong and vigorous chairman if we are going to have a successful regulatory commission. The President of the United States says we need and should have regulatory reform. Well, indeed, we do. And the place to start is by putting in charge competent, able leadership when we need regulatory reform.

If we take the action of confirming this nominee, it seems to me we have again caved in and said, "Well, let the President have his way. His friend from Grand Rapids is a good man, a fine fellow," and just let that go and let that commission deteriorate.

That is really the issue. That is the only issue—the only issue. There is nothing against the character of this man at all. It is just a question of whether he is fit to be Chairman of the Product Safety Commission. I am convinced, very strongly convinced, that he is not qualified to do that. That is the reason we are having another vote on this matter.

I shall be glad to yield a minute to the chairman and then a minute to the Senator from New Hampshire.

Mr. MAGNUSON. I join with my colleague from Utah and the Senator from New Hampshire, who held the hearings on Mr. Byington.

I wanted to get the record straight about last Monday. Normally, it is a routine matter that we ask for reconsideration and then move to table it. But it would not have been routine on Monday. Any motion to table or any motion to reconsider would have been challenged by the assistant majorty leader and others because there were a lot of absentees on Monday. That is why we did not pursue it on Monday. We have a full Senate here today, so the Senate will work its will.

The committee is quite concerned about this commission. The legislation creating the Commission originated in the Committee on Commerce. It is a very important consumer agency. It has not been doing the kind of job that everybody agrees it should do, and everybody was looking for new, vigorous leadership. I think our conclusion—from what we gathered at the hearings—is that Mr. Byington, did not seem to have basically that kind of leadership to run the Consumer Product Safety Commision.

The Consumer Product Safety Commission affects the lives of a lot of people. There are a lot of injuries through consumer products and we want someone there who represents the consumer. Mr. Byington's record with Mrs. Knauer is that he did not do much for the consumer. In fact, he leaned the other way. This is one of the reasons why I oppose his nomination.

There was a peculiar situation in the committee. We sent word down to the administration that we probably would all vote for him to be a member of the Consumer Product Safety Commission, one of the members. But not as Chairman. Then it turned out the way it turned out after we had voted practically unanimously, or by a huge majority, not to confirm him as Chairman for the 7 years. As the Senator from New Hampshire puts it, if he was not qualified for the 7 years, I do not know why he is qualified for 2½.

I yield back to the Senator from Utah.

Mr. MOSS. I yield to the Senator from New Hampshire.

Mr. DURKIN. Mr. President, I am going to be extremely brief. I know the time is short.

I helped Senator Moss conduct the hearings. We had a very difficult job in the hearings getting the nominee to tell us whether he would support the Consumer Protection Agency or not. He was extremely evasive. I came to the conclusion, at the end of the hearings, that the only qualification that the man had is that he happens to come from the President's hometown. He was extremely evasive throughout the hearings and I am afraid I have to say, to sum it up in such a short time, that he would not tell you if your coat was on fire. That is the impression I got from conducting the hearings.

I think if a man is unqualified for 7 years, there is nothing in the record to say that he is qualified for two and a half. Furthermore, that agency is in trouble and a chairman who came in under a cloud is not going to be able to straighten that agency out. Who is going to suffer in the end? Consumers. The consumers of America are paying too high a price now.

I yield back my time to the Senator from Utah.

Mr. WEICKER. Will the Senator yield for a question?

Mr. MOSS. Yes; I shall yield for a question.

Mr. WEICKER. I am a little mystified. I do not jibe the comments of the Senator from New Hampshire with those of the Senator from Utah. Is the integrity or the character of this man under question?

Mr. MOSS. No; his integrity or character are not under question. I do not believe that was an issue in the committee. It was his lack of commitment and his lack of leadership to be Chairman of that Commission which is having its problems right now.

I reserve the remainder of my time.

Mr. DURKIN. Mr. President, may I respond to the question? The question was on his judgment. There was no question with respect to character or integrity.

Mr. WEICKER. I do not think the word "evasive" is a word that exactly extols the man's character.

The PRESIDING OFFICER. All time of the Senator from Utah has expired.

Mr. GRIFFIN. Mr. President, the argument, as I understand it, seems to be that Mr. Byington is qualified to be a member of the Commission, but there is objection to his being Chairman. I point out that there are those who advocate that Senate confirmation should be required for the appointment of all Chairmen of regulatory agencies. However, we have not passed general legislation in that respect. With regard to some regulatory agencies, the Senate does not participate in the selection of a Chairman. This happens to be one of them.

Let me read from the statute:

> An independent regulatory commission is hereby established to be known as the Consumer Product Safety Commission, consisting of five commissioners who shall be appointed by the President by and with the advice and consent of the Senate, one of whom shall be designated by the President as chairman.

We are not here to vote on who is going to be Chairman of the Commission. Mr. Byington has been nominated to be a member of the Commission. That is what we are voting on. It is up to the President under the statute passed by Congress to determine who is going to be the Chairman.

He can appoint any of the Commissioners as Chairman. So I really think it is a tempest in a teapot when the argument against Mr. Byington is based on that kind of rationale.

I yield the remainder of the time to the Senator from Kansas.

Mr. DOLE. Mr. President, I appreciate the comments of each Senator, and I recognize the fact that Mr. Byington, in effect, has been rejected, and now it is being reconsidered and we are about to vote again.

I only want to point out that Mr. Byington has been very active in the consumer area. In fact, the Senator from Kansas has spent a great deal of time working with Mr. Byington on con-

sumer affairs and on consumer legislation, such as the substitute for the consumer protection bill in 1974.

I might add he was very knowledgeable. I do not think he needs to take a pledge that he will support certain legislation or advocate it in this position.

But with reference to the charge that he is not supported by consumers, I would point out that Mr. George Myers, the immediate past president of the Consumers Federation of America, has written a letter endorsing Mr. Byington, and I ask that that be printed in the RECORD.

Theodore Jacobs, who is now on the staff of the Government Information and Individual Rights Subcommittee, and who was the executive director of Ralph Nader's Center for Study of Responsive Law, endorses Mr. Byington, and I shall ask that that letter be printed in the RECORD.

Rev. Leon Sullivan of the OIC Government Relations Service, another consumer group, endorses Mr. Byington, and I shall ask that that be printed in the RECORD.

Mr. Herbert Simmons, Jr., administrative director of the National Consumer Information Center, concerned about consumers and, particularly, minority consumers, strongly endorses Mr. Byington for the Product Safety Commission, and even the chairmanship.

So I would only indicate that I assume Mr. Byington has learned a great deal from what we have done in the Senate. He probably will be a much stronger Commissioner, if confirmed today, possibly because of the discipline or whatever the Senate may call what has happened.

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

Mr. DOLE. Let me also ask unanimous consent to have printed in the RECORD other letters from other consumer groups across the country, Colorado, Utah, Florida, and other States. I think it indicates he does have an expertise in consumer issues and does have support from consumer groups. If that is the flaw, that he does not have support from consumer groups, then I think these letters would indicate to the contrary.

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

VIENNA, VA.,
March 10, 1976.

Senator FRANK E. MOSS,
Chairman, 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.

GOVERNMENT INFORMATION AND INDIVIDUAL RIGHTS SUBCOMMITTEE OF THE COMMITTEE ON GOVERNMENT OPERATIONS,
Washington, D.C., February 17, 1976.

Hon. WARREN G. MAGNUSON,
Senate Commerce Committee, Dirksen Senate 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.

O.I.C. GOVERNMENT RELATIONS SERVICE,
Washington, D.C., January 22, 1976.

Senator WARREN MAGNUSON,
OSOB,
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 sincerely appreciate your approval of his nomination and 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.

NATIONAL CONSUMER INFORMATION CENTER,
Washington, D.C., January 21, 1976.

Hon. WARREN G. MAGNUSON,
U.S. Senate, Chairman, Senate Commerce Committee, Old Senate Building, 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 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. Byinngton 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 John S. 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.

UCAP,
UTAH CONSUMER ACTION PANEL,
Provo, Utah, February 10, 1976.

DEAR FRIEND: I should like to register support for the nomination of John Byington for an appointment with CPSC. He has the credentials necessary and should be qualified to work for the best interests of consumers across the nation.

Best wishes,
VIRGINIA F. CUTLER.

P.S.: On Angola—We have no business there!! Let Angolans and the rest of Black Africa settle their own problems.

ENDORSEMENT

We the undersigned members of the Consumer Advisory Council, acting in our capacity as individuals, hereby request our Executive Secretary, Virginia Knauer, to express to the President and the Congress our endorsement of S. John Byington for the Chairmanship of the Consumer Product Safety Commission.

We have been able to observe Mr. Byington's attitudes and abilities at various official meetings of this Council. We are convinced that he has the best interests of the American consumer at heart. We have been impressed also by his organizational ability, and firmly believe that with his legal back-

ground, he will give an outstanding performance as Chairman of the Commission.

Stewart M. Lee, Edna DeComuy Johnson, Linda Graham, Camille Haney, ——, ——, Edward R. Willett, George E. Myers.

MAILGRAM

Senator FRANK E. MOSS,
Senate Office Building,
Washington, D.C.

I would like to suggest favorable action on the nomination of John Byington to serve as chairman of the U.S. Consumer Product Safety Commission. Having worked with consumer groups in several western and midwestern States, I am aware of the esteem in which John is held. He is a dedicated consumer advocate and particularly well qualified to assume this chairmanship. Thank you for your consideration.

Mrs. LUCILLE H. BABCOCK,
Consumer Concerns Chairman, Colorado Federation of Womens Clubs.

Hon. WARREN G. MAGNUSON,
U.S. Senate,
Washington, D.C.

Respectfully urge confirmation of John Byington as chairman, Consumer Products Safety Commission. As a former board member of the Wisconsin Consumer League, I have a proven concern in the country having a qualified and knowledgeable person in this position of authority on the Commission. John Byington's education and experience in consumer work and his ability in management as well as sensitivity to consumer problems will make him a popular appointee with informed consumers.

Mrs. W. W. FOX.

COLUMBUS, GA.,
January 17, 1976.

Senator WARREN G. MAGNUSON,
Russell Senate Office Building
Washington, D.C.

DEAR SENATOR MAGNUSON: For the past 2 years I have served as a member of the Consumer Advisory Council, Office of Consumer Affairs in the Department of Health, Education and Welfare. During my tenure I had the opportunity to meet and work very closely with S. John Byington, who is currently serving as Deputy Director of the Office of Consumer Affairs. I found Mr. Byington to be an extremely knowledgeable individual and a tremendous organizer with an unlimited capacity for hard work. His background in Consumer Affairs along with his experience in Government should make him an ideal choice for the Chairmanship of the Consumer Product Safety Commission.

I hope he is given your most serious consideration.

Sincerely,

ROBERT L. WRIGHT,
Councilman.

TELEGRAM

Senator WARREN MAGNUSON,
Capitol One, D.C.:

I urge your confirmation of John Byington as chairman of the Consumer Products Safety Commission. Mr. Byington is a good administrator with an understanding of both consumer and industry problems and I feel he is knowledgeable and qualified for the appointment.

EILEEN WOOD,
Consumer Activist.

SALT LAKE CITY, UTAH,
February 11, 1976.

Re: Chairmanship, Consumer Products Safety Committee

Hon. FRANK E. MOSS,
U.S. Senator,
Russell Building,
Washington, D.C.

DEAR TED: Arlen Beck, a close personal friend of mine and a person for whom I have the highest regard as to his judgment, called me and recommended John Byington for the position of Chairman of the Consumer Products Safety Committee.

While I don't know Mr. Byington personally, I have known Arlen for many years, having served as his legal counsel when he was the Utah State Jaycee President. I knew Arlen for several years prior to that time and I am sure that his judgment and his honesty are unexcelled.

He advises me that Mr. Byington is a close friend of his and that he feels that Mr. Byington is an extremely competent and capable individual. As I understand it, your Committee will be holding hearings on this Chairmanship in the near future and I thought it might be of some interest to you to have at least this much additional information on the candidate.

Best regards.

Very truly yours,

RICHARD H. MOFFAT.

HOUSE OF REPRESENTATIVES,
Washington, D.C., March 1, 1976.

Hon. WARREN G. MAGNUSON,
Chairman, Senate Committee on Commerce,
Senate Office Building, Washington, D.C.

DEAR MR. CHAIRMAN: I sincerely apologize for this belated response to your invitation to submit my comments for the record regarding the nomination of John Byington to the Consumer Product Safety Commission, the matter somehow having escaped my attention until this time.

Although the delayed receipt of this letter may make it of little value, I wish to endorse Mr. Byington's confimation since I have known him for many years, having been probably most closely acquainted with him while he served on Governor Romney's staff at a time when I was serving in the Michigan State Senate. Since my election to Congress our paths have crossed less frequently; however, I have enjoyed the opportunity to see him on many occasions.

In support of my endorsement of Mr. Byington, I wish to point out that I feel his legal and management experience in both the public and private sectors at the local, state, and national level as well as his efforts as Deputy Director of the Office of Consumer Affairs make him an excellent choice for this significant regulatory position.

I feel he has a good appreciation for the independent regulatory process, is committed to openness and fairness in government decision-making, and throughout his career has demonstrated strong leadership qualities and an ability to inspire and motivate people with whom he has been associated.

I am, therefore, pleased to strongly support Mr. Byington as Chairman of the Consumer Product Safety Commission.

With best regards,

Sincerely,

GARRY BROWN.

MAILGRAM

KLAMATH FALLS, OREG.

Senator WARREN MAGNUSON,
Capitol One, D.C.

Please urge confirmation of John Byington as chairman of Consumer Product Safety Commission, as a home economist and concerned citizen I feel it is most important a well qualified person be appointed. We are proud of our local consumer council which I was instrumental in forming. Council, which act as a laison between buyer and seller was formed when Indians received huge sums of monees and businesses were being investigated by the FTC. Today business community totally supports the council and consumer problems are leased of any area in Oregon. Well feel Mr. Byington would well represent the consumer.

BILLIE LESUEUR.

Mr. MAGNUSON. Mr. President, will the Senator yield for a half minute?

Mr. DOLE. I would but my time has expired.

Mr. MOSS. I just wanted to ask a question as to whether the big major consumer groups have not resolved against him. The other question is, has not the President officially announced that he will appoint Mr. Byington as the chairman?

Mr. DOLE. I do not know who the ——

Mr. MOSS. That is the question.

Mr. DOLE. I do not know who the major consumer groups are.

Mr. MAGNUSON. Mr. President, will the Senator yield just 30 seconds?

Mr. DOLE. I do not have any time to yield.

Mr. GRIFFIN. I will yield to the chairman of the committee.

Mr. MAGNUSON. As long as some of the endorsements of Mr. Byington have been stated by the Senator from Kansas, I ask unanimous consent that there be printed in the RECORD the minority views of the Commerce Committee which, of course, has many, many people who are in federations, consumer, labor groups and everybody else who are against him. I think it ought to be printed in the RECORD.

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

MINORITY VIEWS OF MESSRS. MAGNUSON, HARTKE, CANNON, MOSS, TUNNEY, FORD, AND DURKIN

The Committee on Commerce takes very seriously its responsibilities under the advise and consent clause of the Constitution. In an era when there is almost universal demand for regulatory reform, there is no larger contribution to regulatory reform that can be made than the appointment of regulators of the highest quality. In fact, perhaps the single most debilitating flaw in our regulatory system has been the chronic failure of Presidents to name—and the Senate to insist upon the naming of—outstanding public servants qualified by training and commitment to implement the letter and spirit of the laws which they are sworn to uphold.

The Commerce Committee has led the fight to restore the public's faith in the quality of our regulatory agencies by insisting upon the highest qualifications for the regulators which come before it for confirmation. In recent years the Committee has progressively tightened and made more substantive the confirmation process. As part of this process the Committee:

(1) Became the first to place the financial statements of nominees on the public record.

(2) Progressively tightened requirements for disclosing potential conflicts of interests, beginning with the requirement that members of private law firms appointed to regulatory agencies disclose the names of the firm's clients culminating with the adoption of a standard exhaustive financial disclosure form.

(3) Organized a small but expert investigation staff and assigned to the investigators the responsibility of reviewing financial statements and biographies of nominees routinely to identify potential conflicts of interest or other disqualifying material.

(4) Adopted the practice of providing at least 7 days and usually more, notice of hearing on regulatory nominees, to provide greater opportunity for participation in the hearing process by interested citizens.

(5) Instituted the practice of submitting detailed written interrogatories covering the broad range of major policy decisions facing

the agency to each regulatory nominee, requiring that these be answered in writing at least 48 hours prior to the scheduled hearing date. This enables the Chairman and Committee members to carry out the intent of Congress in enforcing the regulatory statutes within their jurisdiction and to pursue focused lines of questions at the nomination hearing.

This intensified scrutiny of nominess has had a marked impact on the confirmation process. In June, 1973 the Chairman and other Commerce Committee Members urged Senate rejection of the nomineee to the Federal Power Commission on the grounds that he had served as counsel to a major oil company subject to the jurisdiction of the FPC for a substantial number of years prior to his nomination. The Senate concurred in that recommendation by a record vote of 49 to 44, the first time in nearly 40 years that the Senate had formally acted to reject a regulatory nominee.

Subsequently, the Committee has refused to confirm more than 15 nominees who failed to convince the Committee of their qualifications or fitness to serve. In keeping with the Senate's constitutional duty to advise the President, the Commerce Committee has communicated, both formally and informally, with the Nixon and Ford Administrations on the desirable criteria for potential nominees to each of the regulatory agencies within the Committee's jurisdiction.

It was in this light that the Committee considered the nomination of S. John Byington to be a Commissioner and Chairman of the Consumer Product Safety Commission. This nomination was handled in the same manner and with the same objectivity that the Committee handles all other nominations. As is the Committee's practice, prior to convening the public hearing on the nomination, the nomineee 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 the 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 Ford withdrew the 7 year nomination for Mr. Byington and resubmitted his name for another vacancy with 2½ years remaining in that term of office. While the President did not indicate whether or not he planned to designate Mr. Byington as Chairman, the Committee considered the nomination under the assumption that he would be so named. With this reduction from a 7-year term to a 2½-year term, the Committee then voted, with 7 dissenting members, to favorably report the nomination to the floor.

Our reasons for opposing this nomination were varied. But in developing a position on the nomination, we considered three major factors:

(1) the type of position for which the nomination is made,

(2) the needs of the agency to which the nominee has been designated, and

(3) the qualifications of the nominee to serve in office.

Mr. Byington has been nominated to serve as Chairman of the Consumer Product Safety Commission. The Commission is an independent regulatory agency and derives its mandate and its powers 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 examination 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.

With respect to the needs of the Consumer Product Safety Commission, we were greatly concerned about the future of this agency. For a variety of reasons, its first three years of life have been disappointing. The Commission desperately needs a new Chairman who will bring to it a spark of enthusiasm, a well-defined sense of mission, an understanding of the problems which plague the Commission and a deep-seated philosophical commitment to consumer product safety and the public interest.

In truth, what is needed at this moment of the Commission's life is a Hyman Rickover, a Thurmond Arnold, or a Miles Kirkpatrick of product safety. While these men and women are rare, they are by no means extinct in American public life.

If Mr. Byington is confirmed and serves as the next Chairman of the Commission, under the terms of the statute, he will serve in that capacity for 2½ years—years that he cannot be removed by the President except for misfeasance in office. Those 2½ years will determine the course of the Consumer Product Safety Commission. If it fails to surmount the barriers that lie in its path, it will serve as another symbol of failed government, another promise to the American public unkept.

Mr. Byington is not the person we need as Chairman of this important agency. 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 nominee 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 6 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 Chairman of the Consumer Product Safety Commission must be an individual in whom the American Consumer can have the confidence that the individual is a vigorous advocate of consumer safety.

The Committee encountered strong opposition, particularly among labor and consumer groups, to the Byington nomination. 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 opposed the nomination. Representative of the nature and scope of much of the public opposition to the Byington nomination is expressed in the following excerpt contained in a letter which the Committee received from Carol Foreman, Executive Director of the Consumer Federation of America:

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 advancing consumer education and he has set up 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 apparatu., 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 are 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 has 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.

Congressional opposition was also strong and vigorous. Congressman John E. Moss, Chairman of the Oversight and Investigation Subcommittee of the House Interstate and Foreign Commerce Committee and one of the original sponsors of the Consumer Product Safety Act, wrote the Committee on March 2, 1976 expressing his belief that Mr. Byington was unfit to serve as Chairman of the Commission. Congressman Moss wrote:

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES, SUBCOMMITTEE ON OVERSIGHT AND INVESTIGATIONS OF THE INTERSTATE AND FOREIGN COMMERCE,
Washington, D.C., March 2, 1976.

Hon. WARREN G. MAGNUSON,
Subcommittee on Consumer, Committee on Commerce, U.S. Senate, Washington, D.C.

DEAR MR. CHAIRMAN: As an advocate of improved consumer protection and one of the principal authors of the Act which created the Consumer Product Safety Commission, I have serious reservations about the

nomination of S. John Byington to be Chairman of the CPSC. These reservations relate to Mr. Byington's commitment to consumer interests and his lack of qualifications and experience necessary to lead the CPSC effectively.

The House Oversight and Investigations Subcommittee is now engaged in a major study of nine Federal regulatory agencies. One of the Subcommittee's findings is that the quality of regulators, particularly Commissioners, has a profound effect on the effectiveness of the agency. The Commissioners, and especially the Chairman, determine to a great extent whether the agency will be a highly motivated, effective force in implementing its legislative mandates, or will merely coast along largely wasting the taxpayers' money.

I believe it is particularly important for a new agency such as the CPSC, which has just begun to establish its influence in the product safety area, to have an experienced Chairman who has demonstrated sensitivity and commitment to the problems and concerns of consumers. Moreover, I believe that the Chairman of the CPSC should have extensive experience in subject areas which have a direct relationship to the issues considered by the CPSC. For example, such experience might include engineering, where such knowledge would enable a Chairman to understand complex design and engineering problems in making products safer. Another relevant area of experience might be that of administrative law, which would provide a Chairman with a better understanding of the developing role of the consumer in demanding safer products and the role of government and the courts in dealing with these demands. I believe that we must be even more concerned with a nominee's qualifications than we have been in the past. We are faced with a loss of confidence in government. There is evidence that some segments of the public have lost their belief in government at all levels, particularly in the ability of its officials to protect them from health and safety hazards.

A review of Mr. Byington's background raises serious doubts that he has the ability, sensitivity, or experience necessary for the position of CPSC Chairman. When we examine his 17 years of employment since he was graduated from college, we find that less than two years has been directly associated with consumer issues. The remaining 15 years were spent in public relations, state government, practicing corporate law, communications, foreign trade, and political campaigns. There is no indication that in any of his business or government experience prior to 1974, he was directly involved with consumer or product safety issues and problems.

Moreover, I feel that the two years he spent as Virginia Knauer's Deputy at the Office of Consumer Affairs is not sufficient time to develop a true sensitivity to consumer safety concerns, particularly in view of the lack of significant impact of that Office for which Mr. Byington, along with Mrs. Knauer, must be responsible. The Office of Consumer Affairs has been used, in part, to lessen public and Congressional pressure to create an independent consumer advocacy agency. It has done little to enhance consumer rights, primarily because it was not designed to do so. I am not faulting only Mr. Byington for these failures. The Administration and others in it must share this fault for not giving consumers a more effective voice in government.

Notable in this regard is Mr. Byington's and OCA's opposition to the Agency for Consumer Advocacy bill which passed the Senate and the House. OCA opposed this bill during the last session of Congress because the President opposed the bill. Apparently, Mr. Byington felt obliged to follow the President's lead on this legislation which is so vital to consumers. Perhaps one can understand Mr. Byington's reluctance to publicly oppose the President. Nonetheless, I wonder what this might mean if he were confirmed as Chairman of the CPSC? Would he have the independence to make decisions which might be disfavored by the White House? The Congress deliberately created this agency to make it free of political influence. Its budget requests, for example, must be submitted directly to the Congress. The Commission has recently battled with the White House over the issue of political clearance for top CPSC employees. Would Mr. Byington have the courage and commitment to act so independently? I fear he would not.

In conclusion, I believe this nomination is crucial if the CPSC is to achieve its Congressionally-mandated goal of protecting consumers from unreasonable risks of injuries from the millions of products marketed annually in the United States. The Chairman must be independent of political influence and must have a clear commitment to consumer protection. I believe that Mr. Byington is sincere in his belief that he can lead the agency, but I do not believe that he possesses the qualities and experience that your Committee should expect in a CPSC Chairman. Since the decision on this appointment will chart the course of consumer safety over the next seven years, the protection afforded consumers will be significantly enhanced or seriously hampered as a result of this appointment. I believe it is imperative that we do not risk the latter.

The public will no longer accept government regulators who are supposed to protect them unless those regulators have demonstrated their competence and commitment. Although I can find no single act which disqualifies Mr. Byington, I find very little that qualifies him for this high government position. Therefore, I respectfully urge that S. John Byington not be confirmed as Chairman of the Consumer Product Safety Commission.

Sincerely,

JOHN E. MOSS, *Chairman.*

Congressman Moss' opposition continued even after Mr. Byington's nomination for the 7-year term was withdrawn and his name resubmitted for the 2½-year term. Congressman Moss wrote:

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES, SUBCOMMITTEE ON OVERSIGHT AND INVESTIGATIONS OF THE COMMITTEE ON INTERSTATE AND FOREIGN COMMERCE,
Washington, D.C., May 11, 1976.

Hon. WARREN G. MAGNUSON,
Chairman, Committee on Commerce,
U.S. Senate, Washington, D.C.

DEAR MR. CHAIRMAN: As stated in my letter of March 4, I oppose the nomination of S. John Byington to be Chairman of the Consumer Product Safety Commission. I was, therefore, pleased to hear several days ago that your Committee failed to approve his chairmanship for a seven-year term at the Consumer Product Safety Commission.

I am concerned, however, at the suggestion that the Committee approve Mr. Byington as Chairman of the CPSC for the shorter term. In my original objection to his appointment, I stated that although I could find no single act in his background that disqualifies him, I find very little to qualify him for this high government position. I believe this basic concern and objection to the individual is applicable regardless of length of the term of office.

Once again, therefore, I respectfully urge that S. John Byington not be confirmed as Chairman of the Consumer Product Safety Commission.

Sincerely,

JOHN E. MOSS,
Chairman.

Congressman Moss was not the only member of the House to oppose this nomination. In fact, on March 15, 1976 the Committee received a letter from 28 other members of the House recommending that the Committee vote to disapprove the nomination of Mr. Byington. Those 28 House members wrote:

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, D.C., March 15, 1976.

Hon. WARREN G. MAGNUSON,
Chairman, Committee on Commerce,
U.S. Senate, Washington, D.C.

DEAR CHAIRMAN MAGNUSON AND MEMBERS OF THE COMMITTEE: We, the undersigned Members of the House of Representatives, oppose the nomination of S. John Byington to become Chairman of the Consumer Product Safety Commission and respectfully recommend that your Committee vote to disapprove his nomination.

In so doing, we join with the Consumer Federation of America, Ralph Nader's Public Citizen, the National Consumers League, various other consumer organizations, the AFL-CIO, and the United Auto Workers.

The Consumer Product Safety Commission, upon its activation in 1973, offered great hope to those who have sought to reduce the vast number of deaths and injuries associated with unsafe products. Yet during its three years of eixstence the Commission has not yet fulfilled its promise. In testimony before your Committee last week, the Virginia Citizens Consumer Council stated, "The performance of the Consumer Product Safety Commission during its first three years of operation has been spotty. No standards under the Consumer Product Safety Act have yet become operational. * * *

The Commission has jurisdiction over a field that has literal life-and-death effect on Americans. According to testimony before your Committee, consumer products annually are associated with 20 million injuries in the United States, with 110,000 persons becoming permanently disabled and 30,000 being killed.

The Chairman of the Commission has particularly great opportunity for impact. He is empowered to exercise all of the executive and administrative functions of the Commission. Among his powers is that of deciding the agenda of determinations to be made. The next Chairman's influence will be especially profound because, in serving until 1982, he will, upon retirement, have chaired the Commission for more than six of its first nine years.

President Ford has given us, as a nominee for this powerful position in this powerful Commission, a Grand Rapids pharmacist/attorney/businessman whose only claim to consumer affairs experience is his two-year tenure as Deputy to Virginia Knauer in the HEW Office of Consumer Affairs.

Among true consumerists, association with Ms. Knauer and the OCA is accurately perceived more as a demerit than a credit. The Office, with 55 employees, has had no important favorable effect on Federal consumer legislation. It has failed even to publicly comment on many of the most important consumer bills that have been considered by the Congress in the past several years. Although the OCA originally favored the establishment of an Agency for Consumer Protection, the Office changed its mind after President Ford announced his opposition.

In addition to his association with the OCA, Byington can offer little more than business and politics on his resume. From 1961 to 1964 he was Director of Public Relations with the American Pharmaceutical Association. In 1964 through 1968 Byington worked on the reelection campaign and staff of former Michigan Governor George Romney. From 1968 to 1971 he was Corporate Secretary of the Synercom Communications Corporation. In 1971–72 he was Executive Vice President of Intermart, Inc. In 1972–74 he was Deputy Director and National Export Marketing Director in the Office of Field Operations of the U.S. Commerce Depart-

ment, the most business-oriented department in the Federal Government. Aaron Locker, General Counsel of the Toy Manufacturers of America, has described Byington as "remarkably sympathetic to industry in the past."

Some witnesses before your Committee questioned Byington's integrity as reflected by his evasion of many Committee questions, including ones asking his stand on the Agency for Consumer Protection, inquiring whether he would accept employment by a Commission-regulated industry within twelve months after leaving the Chairmanship, and asking whether he supports the Commission's policy of open meetings. That is not our purpose here.

Our purpose is to say that Byington is unfit for the Chairmanship of the Consumer Product Safety Commission. The Commission has the mandate to protect American consumers from unsafe products. The Chairmanship of such a commission does not call for a businessman/bureaucrat who has worked in an ineffective consumer office; it calls for a man or woman who has shown an active personal commitment to consumers and particularly to product safety. S. John Byington is not such a person. On behalf of consumers and specifically on behalf of the 20 million citizens who annually suffer injuries associated with consumer products, we ask you to disapprove his nomination.

Sincerely,

Robert F. Drinan, Benjamin S. Rosenthal, Anthony Toby Moffett, Ronald V. Dellums, Charles B. Rangel, Frank Thompson, Jr., John Brademas, Michael Harrington, John L. Burton, Herbert E. Harris, II, Bella S. Abzug, Frederick W. Richmond, Elizabeth Holtzman, Gladys Noon Spellman, Charles J. Carney, Parren J. Mitchell, Philiip Burton, Don Edwards, Jim Weaver, Paul S. Sarbanes, James H. Scheur, Edward I. Koch, Richard L. Ottinger, Fortney H. Stark, Robert N. Nix, Shirley Chisholm, Joe Moakley, Herman Badillo.

Like Congressman Moss, Congressman Drinan, an original signer of the March 15, 1976 letter, was moved to once again to correspond with the Committee when the Byington nomination for the 7-year term was withdrawn and resubmitted for the 2½ year term. In his letter, Congressman Drinan said:

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, D.C., May 7, 1976.

Hon. WARREN G. MAGNUSON,
Chairman, Committee on Commerce, U.S. Senate, Washington, D.C.

DEAR CHAIRMAN MAGNUSON AND MEMBERS OF THE COMMITTEE: I commend your Committee for its vote on May 4 to disapprove the nomination of S. John Byington to a seven year term as a Commissioner of the Consumer Product Safety Commission.

I commend you in particular because it was understood that if the Senate had confirmed Mr. Byington as a Commissioner President Ford would have appointed him as Chairman of the Commission.

Nevertheless, I am very distressed that President Ford resubmitted Mr. Byington's name to the Committee, this time as the nominee for a two and one half year term on the Commission. Again, it is understood that if the Senate confirms Mr. Byington as a Commissioner the President will appoint him as Chairman.

There is no question that if Mr. Byington is unfit to chair the Commission for seven years he is unfit to chair it for two and one half years. I therefore urge you to disapprove his nomination to become a Commissioner. I believe that I am joined in urging disapproval by every one of the twenty-seven Members of Congress who, with me, sent you the March 15 letter that opposed the original nomination.

Mr. Byington has been opposed by the Consumer Federation of America, Ralph Nader's Public Citizen, the National Consumers League, various other consumer organizations, the AFL–CIO, and the United Auto Workers.

The Consumer Product Safety Commission, since its 1973 activation, has thus far failed to fulfill its potential to substantially reduce product-related injuries. In testimony before your Committee, the Virginia Citizens Consumer Council stated, "The performance of the Consumer Product Safety Commission during its first three years of operation has been spotty. No standards under the Consumer Product Safety Act have yet become operational * * *."

The Commission has jurisdiction over a field that has literal life-and-death effect on Americans. According to testimony before your Committee, consumer products annually are associated with 20 million injuries in the United States, with 110,000 persons becoming permanently disabled and 30,000 being killed.

This is therefore no situation in which to approve a nominee for political reasons or for the purpose of avoiding embarrassment to the nominee. The lives and health of tens of thousands of American citizens will be affected by your vote on the Byington nomination.

The Chairman of the Commission has great impact on Commission policies and priorities. He is empowered to exercise all of the executive and administrative functions of the Commission. Among his powers is that of deciding the agenda of determinations to be made. If Mr. Byington is confirmed, he will be in a position to have especially profound influence on the Commission, because, in serving until late 1978, he will have chaired the Commission for nearly half of its first six years.

The reasons to oppose Mr. Byington now are the same as the reasons to oppose him last week. President Ford has given us, as a nominee for this powerful position in this powerful Commission, a Grand Rapids pharmacist/attorney/businessman whose only claim to consumer affairs experience in his two-year tenure as Deputy to Virginia Knauer in the HEW Office of Consumer Affairs.

Among true consumerists, association with Ms. Knauer and the OCA is accurately perceived more as a demerit than a credit. The Office, with 55 employees, has had no important favorable effect on Federal consumer legislation. It has failed even to publicly comment on many of the most important consumer bills that have been considered by the Congress in the past several years. Although the OCA originally favored the establishment of an Agency for Consumer Protection, the Office changed its mind after President Ford announced his opposition.

In addition to his association with the OCA, Byington can offer little more than business and politics on his resume. From 1961 to 1964 he was Director of Public Relations with the American Pharmaceutical Association. In 1964 through 1968 Byington worked on the reelection campaign and staff of former Michigan Governor George Romney. From 1968 to 1971 he was Corporate Secretary of the Synercom Communications Corporation. In 1971–72 he was Executive Vice President of Intermart, Inc. In 1972–74 he was Deputy Director and National Export Marketing Director in the Office of Field Operations of the U.S. Commerce Department, the most business-oriented department in the Federal Government. Aaron Locker, General Counsel of the Toy Manufacturers of America, has described Byington as "remarkably sympathetic to industry in the past."

The Consumer Product Safety Commission has the mandate to protect American consumers from unsafe products. The Chairmanship of such a commission does not call for a businessman/bureaucrat who has worked in an ineffective consumer office; it calls for a man or woman who has shown an active personal commitment to consumers and particularly to product safety. S. John Byington is not such a person. As your Committee has determined, he is not fit to chair the Commission for seven years. Neither is he fit to chair the Commission for two and a half years. On behalf of consumers and specifically on behalf of the 20 million citizens who annually suffer injuries associated with consumer products, I ask you to disapprove his nomination.

Sincerely,

ROBERT F. DRINAN.

Opposition among consumer organizations did not subside with the withdrawal of the nomination for the 7-year term and the resubmission of the nomination for the 2½-year term. The day after the switch occurred, the Chairman received the following telegram from the Consumer Federation of America:

[Telegram]

CONSUMER FEDERATION OF AMERICA,
Washington, D.C., May 5, 1976.

Senator WARREN G. MAGNUSON,
Washington, D.C.

On behalf of Consumers Federation of America I congratulate you on your strong and appropriate action in rejecting the nomination of S. J. Byington to a 7-year term on the Consumer Product Safety Commission. The Commerce Committee received this nominee's record, found him unqualified and rejected his nomination. This action is in keeping with the need to make the advise and consent process meaningful. President Ford has now submitted Mr. Byington for a shorter term of office. If he is unqualified for a 7-year term he is unqualified for a 2½-year term. The Consumer Product Safety Commission cannot afford 2½ years of inadequate leadership. Its effectiveness can easily be destroyed within that period of time. To approve for a short period of time, a candidate rejected on the grounds of lack of qualification would make a mockery of the system you honored with courage earlier.

CAROL TUCKER FORMAN,
Executive Director.

In our view, the case for refusing to confirm Mr. Byington to be Chairman of the Commission was compelling. As a matter of principle, the Committee should examine each nominee's qualifications and fitness for office rather than his disqualifications. The Committee must adhere to this principle whether the nomination is for a term of 1 day, 1 month, 1 year or 10 years. In our view, Mr. Byington does not possess the requisite qualifications to provide strong, vigorous and incisive leadership for the Consumer Product Safety Commission for the next 2½ years.

Warren G. Magnuson, Vance Hartke, Howard W. Cannon, Frank E. Moss, John V. Tunney, Wendell H. Ford, John A. Durkin.

ADDITIONAL MINORITY VIEWS OF MR. DURKIN

If the man was unqualified to be Chairman of the Consumer Product Safety Commission for 7 years, then there is nothing in the record that qualifies Mr. Byington to be Chairman for 2½ years.

JOHN A. DURKIN.

Mr. GRIFFIN. I want to respond to the Senator's question. I think it is expected that the President will designate Mr. Byington as chairman. The point I am trying to make is that under the statute it is not the function of the Senate to determine who is the Chairman of the Commission. Maybe it should be. Maybe

we should change the law, but that is not the function of the Senate. It is the President who selects the Chairman.

Mr. MOSS. But with the President's announcement it really means we are making him Chairman if we confirm him.

The VICE PRESIDENT. All time has expired. 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? The yeas and nays have been ordered, and the clerk will call the roll.

Mr. ROBERT BYRD. I announce that the Senator from South Dakota (Mr. ABOUREZK), the Senator from Idaho (Mr. CHURCH), the Senator from Wyoming (Mr. MCGEE), the Senator from New Mexico (Mr. MONTOYA), the Senator from Rhode Island (Mr. PASTORE), and the Senator from California (Mr. TUNNEY) are necessarily absent.

I further announce that the Senator from Montana (Mr. MANSFIELD), the Senator from Alaska (Mr. GRAVEL), the Senator from South Dakota (Mr. MCGOVERN), and the Senator from North Carolina (Mr. MORGAN) are absent on official business.

I also announce that the Senator from Wisconson (Mr. NELSON) is absent attending the funeral of Horace W. Wilkie, Chief Justice, Wisconsin State supreme court.

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 Hawaii (Mr. FONG), is 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. HUGH SCOTT) are absent on official business.

I further announce that, if present and voting, the Senator from Pennsylvania (Mr. HUGH SCOTT) would vote "yea."

The result was announced—yeas 45, nays 39, as follows:

[Rollcall Vote No. 196 Ex.]

YEAS—45

Allen	Glenn	Nunn
Baker	Goldwater	Randolph
Bartlett	Griffin	Scott, William L.
Beall	Hansen	Sparkman
Bellmon	Hart, Philip A.	Stafford
Brock	Hatfield	Stennis
Buckley	Helms	Stevens
Byrd, Harry F., Jr.	Hollings	Stevenson
Chiles	Hruska	Taft
Curtis	Inouye	Talmadge
Dole	Javits	Thurmond
Domenici	Johnston	Tower
Eastland	Laxalt	Weicker
Fannin	Long	Young
Garn	McClellan	
	McClure	

NAYS—39

Bayh	Cranston	Huddleston
Bentsen	Culver	Humphrey
Biden	Durkin	Jackson
Bumpers	Eagleton	Kennedy
Burdick	Ford	Leahy
Byrd, Robert C.	Hart, Gary	Magnuson
Cannon	Hartke	Mathias
Case	Haskell	McIntyre
Clark	Hathaway	Metcalf
Mondale	Percy	Schweiker
Moss	Proxmire	Stone
Muskie	Ribicoff	Symington
Pell	Roth	Williams

NOT VOTING—16

Abourezk	McGee	Pastore
Brooke	McGovern	Pearson
Church	Montoya	Scott, Hugh
Fong	Morgan	Tunney
Gravel	Nelson	
Mansfield	Packwood	

So the nomination was confirmed.

Mr. GRIFFIN. Mr. President, I move to reconsider the vote by which the nomination was confirmed.

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

The motion to lay on the table was agreed to.

LEGISLATIVE SESSION

The VICE PRESIDENT. Under the previous order, the Senate will now return to legislative session, and the Senator from South Carolina is recognized for not to exceed 5 minutes.

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, will the Senator yield to me to make an overall statement while the membership is here about finishing up the bill?

Mr. THURMOND. Mr. President, I yield to the distinguished Senator from Mississippi.

Mr. STENNIS. I thank the Senator.

Mr. TAFT. Mr. President, may we have order?

The VICE PRESIDENT. There will be order in the Chamber.

Mr. STENNIS. Mr. President, I propose to make an overall statement about the situation. I find a great deal of very solid, wholesome sentiment here to finish this bill tonight. I want to give my opinion. If we leave this week with this bill unpassed, I believe when we return we will have to go through a great part of it again. There will be pressure from various interests. Of course, the services will be interested. It is urgent that we finish this bill tonight, if at all possible. I am certainly willing to stay here and I hope all Senators who possibly can will do that.

There are a few more amendments. My feeling is to bring them out now, put them on the table and call them up, if they are to be called up at all. Then we can dispose of them in one way or another. I believe we can do that tonight.

Mr. JOHNSTON. Will the Senator yield?

Mr. STENNIS. I can only emphasize how difficult it will be if we do not pass this bill. Tomorrow will not be available for this bill, as I understand.

Mr. JOHNSTON. Will the Senator yield for a question?

Mr. STENNIS. My time is out. Senator THURMOND yielded to me.

Mr. JOHNSTON. Mr. President, I ask unanimous consent to have 60 seconds to ask a question of the Senator.

The VICE PRESIDENT. Is there objection? Without objection, it is so ordered.

Mr. JOHNSTON. My question to the distinguished Senator from Mississippi and also the distinguished majority whip is this: When, today, would we have time to have about 30 minutes to consider the resolution of disapproval of Federal Energy Act No. 2 relating to the small refineries exemption? I am just wondering whether we will be able to bring that up today. It must be considered by the close of business tomorrow under the rule.

Mr. STENNIS. The leader is the one to answer the question, I believe.

Mr. JOHNSTON. The first part of the question is how long will the present bill take to complete, if we can complete it today?

Mr. STENNIS. If we can get started and keep going, it might be possible to finish it in 2 or 2½ hours. There will be interruptions for votes, as I understand it. If we can get this movement started, I believe we can move rapidly.

Mr. ROBERT C. BYRD. If the Senator will yield, Mr. President, I ask unanimous consent on the amendment to be proposed by Mr. DOLE there be a 20-minute time limitation with 12 minutes under the control of Mr. NUNN and 8 minutes under the control of Mr. DOLE.

The VICE PRESIDENT. Without objection, it is so ordered.

Mr. JOHNSTON. Mr. President, I wonder, did the Senator from West Virginia hear my question?

Mr. ROBERT C. BYRD. I am sorry, I did not.

Mr. JOHNSTON. My question is when, today, might we have time to consider the resolution of disapproval of Federal Energy Act No. 2 relating to the small refineries exemption. It must be considered by the close of business tomorrow. I prefer to consider it today, but if we cannot, I wonder if we can get unanimous consent to set aside some time for it tomorrow. I believe 30 minutes would probably be sufficient.

Mr. ROBERT C. BYRD. The Senator is correct. Action would be required on that matter no later than tomorrow night. Under the pressures at the moment, I would doubt that I could assure the Senator that it would be brought up today. Every effort is going to be made to complete action on the military procurement bill before the close of business tonight, if that is at all possible.

Mr. JOHNSTON. I am wondering if the Senator would accede to a unanimous-consent request to bring it up as the first order of business tomorrow, if we can do so, with a 30-minute time limitation, 15 minutes on each side.

Mr. ROBERT C. BYRD. I would rather

not press that request at the moment. I would like to converse with various Senators and see what time it can be brought up tomorrow. It is a preferential motion, and it can be brought up tomorrow and it will be brought up tomorrow, but I do have to talk to some Senators.

Mr. JOHNSTON. Are there unanimous consents to take up the whole day tomorrow? As I understand the parliamentary situation——

Mr. ROBERT C. BYRD. The antitrust legislation will be up all day tomorrow. I feel that Senator HART would be agreeable at some point on tomorrow. It might be 5 o'clock or after. I believe he and other Senators would be agreeable to set that bill aside for a little while at some point tomorrow so that this preferential motion could be disposed of. I would hope that we could get a half-hour time limitation on it at that time. I doubt that we can do it tonight.

Mr. JOHNSTON. I would simply point out to the Senator that, as I understand the parliamentary situation, it is a preferential motion but first one must get recognition to make the motion to discharge the committee and thereafter one must get recognition to bring the matter to debate. It has a 10-hour debate limitation. If there is a time limitation——

The VICE PRESIDENT. The Senator's time has expired.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent to proceed for 1 minute.

The VICE PRESIDENT. Without objection, it is so ordered.

Mr. JOHNSTON. If there is a time limitation under a unanimous consent for tomorrow, that will take precedence over the privileged motion which would mean we could not reach it at all.

Mr. ROBERT C. BYRD. There is no time limitation insofar as the antitrust bill is concerned. I am simply saying to the Senator that the matter to which he is addressing his remarks can be brought up tomorrow without any doubt. I am hoping that I can bring it up at a time which would be agreeable to Senator HART and others.

Mr. JOHNSTON. I thank the Senator from West Virginia.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the time on the amendment by Mr. THURMOND be limited to 20 minutes rather than 40 minutes, and that the division and control of time be in the usual form.

Mr. MATHIAS. Reserving the right to object, what is the subject of Mr. THURMOND's amendment?

Mr. ROBERT C. BYRD. I will ask Mr. Thurmond to respond.

Mr. MATHIAS. Will the Senator advise me what the subject of the Senator's amendment is?

Mr. THURMOND. Mr. President, it is Amendment No. 1694 concerning the A-10 airplane. After I make my statement, I intend to say that I do not intend to press the amendment.

Mr. MATHIAS. If the Senator is not going to press his amendment, I would hope that the leader would not press for a unanimous-consent shortening the time.

Mr. ROBERT C. BYRD. I withdraw my request.

The PRESIDING OFFICER (Mr. DURKIN). The Senator from South Carolina is recognized for 5 minutes.

The amendment will be stated.

The assistant legislative clerk read as follows:

The Senator from South Carolina (Mr. THURMOND) proposes an amendment numbered 1694.

Mr. THURMOND's amendment (No. 1694) is as follows:

On page 15, after line 22, insert a new section as follows:

SEC. 102. Notwithstanding any other provision of law, the production rate for the United States Air Force A-10 aircraft may not be maintained at a greater rate than seven a month during the calendar year 1978 unless the Secretary of Defense (1) finds that such production aircraft has demonstrated operational tests and performance goals approved in the revised decision coordinating paper of the Department of Defense dated February 10, 1976, regarding the operational and technical characteristics of the A-10 aircraft and (2) has certified his findings in writing to the Committees on Armed Services of the Senate and the House of Representatives.

Mr. THURMOND. Mr. President, is the amendment now before the Senate?

The PRESIDING OFFICER. It is.

Mr. THURMOND. Amendment No. 1964 concerns the U.S. Air Force A-10 close support aircraft. The A-10 close support plane has experienced numerous development problems. The purpose of my amendment is to assure the Air Force gets production aircraft which meet lowered performance goals approved by the Department of Defense. The amendment does not cut A-10 money from the bill. It does not prevent continued production of A-10 aircraft. It does not prevent signing of contracts for production in 1978. It does not prevent the contractor from building a production rate from one a month at the present time to seven per month through July 1978.

The amendment would allow the Secretary of Defense an opportunity to determine if the production aircraft just beginning to come off the line meets DOD-approved performance goals before a high production rate is allowed in 1978. The amendment allows lifting of production rate ceilings upon certification by the Secretary of Defense that initial production planes can perform according to stated requirements.

Mr. President, I have a number of concerns about the A-10 close support plane. I have written down those concerns. I discussed these concerns with the Chief of Staff of the Air Force today.

Mr. President, I ask unanimous consent that the reasons for my concern relative to the A-10 aircraft be printed at this point in my remarks.

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

REASONS FOR CONCERN RELATIVE TO A-10 AIRCRAFT

1. Several fatigue failures in tests by contractor in past several years. (cracks in plane skin and spar, or fuselage)

2. In testimony pilots complained aircraft thrust reduced by weight growth.

3. Gas ingestion from 30 mm gun caused flame out of engines, now corrected.

4. Plane unable to meet shortfield landing and takeoff threshold goals of 10 percent below program goals.

5. Plane below original program goals in ability to turn with certain weapon loads at certain speeds.

6. Loiter time less than desired.

7. Secretary of Defense had to delay full production go ahead apparently before deciding shortcomings were not of sufficient importance to change program.

8. Of 9 technical and operational characteristics, the General Accounting Office reported the contractor only met or exceeded three of the guarantees in contract.

9. Defense Department cut planned FY 1977 buy from 159 to 100 A-10 planes, thus driving up unit cost. This indicates concern of DOD relative to contractor's ability to produce.

10. Amendment will not reduce buy in 1978 if aircraft meets requirements; if it does not meet requirements we should not buy it at high rate until problems corrected.

11. My concern is to assure the A-10 production plane can meet the lowered requirements.

Mr. THURMOND. Mr. President, after talking with the Chief of Staff of the Air Force, Gen. David Jones, and going over these concerns and having this conversation with him in which we discussed the different points involved in these concerns, and whether or not the planes would meet the performance requirements finally approved by the Defense Department, General Jones has given me certain assurances. He has assured me that he would give this matter his personal attention, and especially the points of concern that I have raised.

In view of this conversation and the assurances that General Jones has given, I do not intend to press my amendment.

Mr. STENNIS. Mr. President, I commend the Senator for the work he has done on this problem. I have looked over his notes and memoranda, and I think he has made a real contribution.

Mr. THURMOND. I thank the distinguished Senator from Mississippi.

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

Mr. THURMOND. I yield to the distinguished Senator from Texas (Mr. TOWER).

Mr. TOWER. Mr. President, when all time has expired or been yielded back on the amendment of the Senator from South Carolina, I intend to offer an amendment to that amendment, which would have the effect of adding back 20 of the 24 A-7D aircraft deleted this morning by a one-vote margin, during a time when proponents were not here and able to vote, and to provide for an adequate modernization of the Air National Guard.

My amendment does strike the limit on the A-10 production rate in the Thurmond amendment, and, in addition, provides 20 A-7D's for the Air National Guard. So it would restore the 15- or 20-unit per month production on the A-10 that was reduced by the Thurmond amendment to 7.

When the Senator's time has expired or been yielded back, I intend to offer that amendment.

Mr. CANNON. Mr. President, I am opposed to the amendment by the Senator from South Carolina (Mr. THURMOND), which could have the effect of slowing the production rate on the A-10 airplane.

The Tactical Air Power Subcommittee

reviewed progress on the A-10 during our hearings on the fiscal year 1977 budget. After our review we recommended that the A-10 production program be funded as requested by the Air Force, and I support that position. The A-10 program is making satisfactory progress, and I do not believe that it should be disrupted at this point in its program cycle.

There have been only two problem areas reported to us by the Air Force, and neither of these appears to be critical. These are the structural fatigue failures, and pilots' complaints about engine thrust. I will discuss both of these.

The test failures in the A-10 structural fatigue test program have been of a type and character which is completely normal in this type of testing and can only be categorized as minor in nature. The purpose of fatigue testing is to determine what parts of a newly designed airplane will wear out first, when they will wear out, and how much metal strengthening is needed in order to prolong their life. If these determinations are made early before production has started rolling, then the corrections can be put into the planes on the production line instead of after the problems crop up 6 or 8 years later. This is good, conservative, airplane development practice, and it is being applied to the A-10. As a result of doing this testing, the A-10 can be expected, with great confidence, to meet its full design life without encountering premature fatigue problems.

To show how minor the problems were that were uncovered in the testing, after all of the corrective fixes were made, such as adding thicker metal where cracks developed in individual parts, the total increase in weight of the A-10 was only 52 pounds. This obviously is a minor and inconsequential addition to the weight of the A-10, which is a 21,000-pound airplane in its empty condition before fuel and weapons are installed. So my own conclusion is that the A-10 has had a very successful structural test program and production should not be delayed because of the few minor failures which occurred but have been corrected.

As to the test pilots' complaints about engine thrust, that is not an unusual statement by pilots, who always like more performance. The important point is that the operational command, TAC, has evaluated the airplane's performance as it exists in the production configuration, and they are satisfied that it meets their needs for combat. So here again I do not see any valid rationale for slowing up their production program.

Mr. President, the proposed amendment would disrupt the A-10 production program. The results of performance and operational tests do not indicate a need to adjust the A-10 program.

Air Force Test and Evaluation Center—AFTEC—and Tactical Air Command—TAC—have evaluated the A-10's performance during operational tests. AFTEC has concluded the A-10 is operationally suitable and is capable of performing the close air support and associated missions. TAC has concluded the A-10 can accomplish its design missions. The A-10 failed to meet certain decision coordinating paper performance goals but breeched only one DCP threshold, that being, the takeoff and landing distance. Because TAC and AFTEC have judged the performance adequate, there are no plans to force performance improvement at additional cost. As always, the Air Force will attempt to optimize the A-10 for the CAS mission but as required by the design-to-cost philosophy the cost of changes must be justified by an appropriate increase in performance. Holding the A-10 production to seven aircraft per month in calendar year 1978 is an unnecessary disruption which will increase the program cost.

Mr. President, I would urge my fellow colleagues to reject this amendment and support the committee's position on the A-10.

Mr. STENNIS. Mr. President, may I make a parliamentary inquiry here?

The PRESIDING OFFICER. The Senator will state it.

Mr. STENNIS. What is the situation? If I may make a parliamentary inquiry, what about this amendment we are talking about here, as to whether or not it is eligible under our unanimous-consent agreement? I think it all goes to one question.

The PRESIDING OFFICER. The amendment of the Senator from Texas cannot be called up until all the time is yielded back. The Senator from Mississippi has 19 minutes remaining.

Mr. STENNIS. Does the Senator from Colorado want some time?

To move the matter forward, as I understand, Mr. President, and to get to the issue, I yield back the time.

Mr. TOWER. Mr. President, will the Senator yield me 1 minute before he yields back his time?

Mr. STENNIS. All right, I yield.

Mr. TOWER. I simply wanted to explain that the amendment offered by the Senator from Texas to the amendment of the Senator from South Carolina is not debatable, so we can get to an immediate vote on it.

Mr. STENNIS. Does it come within our unanimous-consent agreement with respect to amendments being filed by 2 p.m. Monday? That is the rule we have been operating under, as far as I know.

The PRESIDING OFFICER. It would be a second degree amendment, and would not have to meet that test.

Mr. STENNIS. I beg the Chair's pardon?

The PRESIDING OFFICER. As a second degree amendment, it would not have to meet that test.

Mr. STENNIS. The 2 o'clock Monday test?

The PRESIDING OFFICER. Yes.

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

Mr. STENNIS. That same order, now, had a germaneness matter in there. That agreement states "and that no amendmend in the second degree be in order at any time"——

The PRESIDING OFFICER. The Senator is correct.

Mr. STENNIS. "Unless such second degree amendment is germane to the amendment in the first degree." This is the rule we have been operating under, all Senators have.

The PRESIDING OFFICER. The Chair, in response to the parliamentary inquiry, would state that the second-degree amendment of the Senator from Texas introduces a new subject, the A-7 aircraft——

Mr. TOWER. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will be in order. The Chair is in the middle of a statement. Whereas the basic amendment deals only with the A-10 aircraft. Therefore, the Chair states that the amendment is not germane.

Mr. TOWER. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. TOWER. Is the ruling on an amendment valid before the amendment is called up? Does not the amendment have to be called up before a ruling can be made on it?

The PRESIDING OFFICER. The statement of the Chair was in response to the parliamentary inquiry of the Senator from Mississippi.

Mr. TOWER. Mr. President, I call up my amendment.

Mr. GARY HART. Mr. President, a point of order.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk read as follows:

The Senator from Texas (Mr. TOWER) proposes an amendment to amendment No. 1694, as follows:

On page 1, beginning with line 1, strike out all down through line 8 on page 2 and insert in lieu thereof the following:

SEC. 102. There is authorized to be appropriated the sum of $100 million—

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

The PRESIDING OFFICER. Is there objection?

Mr. GARY HART. Mr. President, reserving the right to object, I think the Senate has a right to know what the amendment will do, if the Senator from Texas does not have copies of the amendment——

Mr. TOWER. The Senator from Texas is delighted. Please read it.

The PRESIDING OFFICER. The clerk will continue the reading.

The assistant legislative clerk read as follows:

On page 1, beginning with line 1, strike out all down through line 8 on page 2 and insert in lieu thereof the following:

SEC. 102. There is authorized to be appropriated the sum of $100,000,000 for the Air Force during the fiscal year 1977 for the procurement of 20 A-7D aircraft for use by the Air National Guard of the United States as aircraft to complement the air to ground capabilities of the A-10 aircraft. The Secretary of Defense shall advise the Committees on Armed Services of the House of Representatives and the Senate regarding the production rate of the A-10 aircraft, including factors and circumstances affecting such production rate.

Mr. GARY HART. Mr. President, point of order.

The PRESIDING OFFICER. The Senator will state it.

Mr. GARY HART. Mr. President, I rise to a question of order. This amendment does not appear to be germane under the unanimous-consent agreement.

The PRESIDING OFFICER. As the Chair stated to the parliamentary inquiry of the Senator from Mississippi a few minutes ago, in the opinion of the Chair the amendment is not germane; therefore, the point of order is well taken.

Mr. TOWER. Mr. President, I appeal the ruling of the Chair and ask for the yeas and nays.

Mr. ROBERT C. BYRD. Mr. President, I move to lay that appeal on the table.

Mr. TOWER. I ask for the yeas and nays.

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

Mr. ROBERT C. BYRD. Mr. President, I ask for the yeas and nays on the motion to table.

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

The yeas and nays were ordered.

The PRESIDING OFFICER. The clerk will call the roll on the motion to table the appeal from the decision of the Chair.

The assistant legislative clerk called the roll.

Mr. ROBERT C. BYRD. I announce that the Senator from South Dakota (Mr. ABOUREZK), the Senator from Idaho (Mr. CHURCH), the Senator from Indiana (Mr. HARTKE), the Senator from Wyoming (Mr. MCGEE), the Senator from New Mexico (Mr. MONTOYA), the Senator from Rhode Island (Mr. PASTORE), the Senator from Missouri (Mr. SYMINGTON), and the Senator from California (Mr. TUNNEY) are necessarily absent.

I further announce that the Senator from Alaska (Mr. GRAVEL), 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.

I also announce that the Senator from Wisconsin (Mr. NELSON) is absent attending the funeral of Horace W. Wilkie, Chief Justice, Wisconsin State supreme court.

I further announce that, if present and voting, the Senator from Rhode Island (Mr. PASTORE) and the Senator from North Carolina (Mr. MORGAN) would each vote "yea."

Mr. GRIFFIN. I announce that the Senator from Maryland (Mr. BEALL), the Senator from Hawaii (Mr. FONG) and the Senator from North Dakota (Mr. YOUNG) 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. HUGH SCOTT) are absent on official business.

I further announce that, if present and voting, the Senator from Pennsylvania (Mr. HUGH SCOTT) would vote "nay."

The result was announced—yeas 50, nays 30, as follows:

[Rollcall Vote No. 197 Leg.]

YEAS—50

Allen	Hart, Gary	McIntyre
Biden	Hart, Philip A.	Metcalf
Buckley	Haskell	Mondale
Bumpers	Hatfield	Moss
Byrd,	Hathaway	Muskie
Harry F., Jr.	Hollings	Nunn
Byrd, Robert C.	Huddleston	Pell
Case	Humphrey	Proxmire
Chiles	Jackson	Randolph
Clark	Javits	Ribicoff
Cranston	Johnston	Schweiker
Culver	Kennedy	Sparkman
Durkin	Leahy	Stennis
Eagleton	Long	Stevenson
Eastland	Magnuson	Talmadge
Ford	Mathias	Weicker
Glenn	McClellan	Williams

NAYS—30

Baker	Fannin	Roth
Bartlett	Garn	Scott,
Bayh	Goldwater	William L.
Bellmon	Griffin	Stafford
Bentsen	Hansen	Stevens
Brock	Helms	Stone
Burdick	Hruska	Taft
Cannon	Inouye	Thurmond
Curtis	Laxalt	Tower
Dole	McClure	
Domenici	Percy	

NOT VOTING—20

Abourezk	Mansfield	Pastore
Beall	McGee	Pearson
Brooke	McGovern	Scott, Hugh
Church	Montoya	Symington
Fong	Morgan	Tunney
Gravel	Nelson	Young
Hartke	Packwood	

So the motion to table was agreed to.

The PRESIDING OFFICER. The question now is on agreeing to the amendment of the Senator from South Carolina. There is no time for debate.

Mr. THURMOND. Mr. President, I stated at the beginning that I did not intend to press my amendment. An amendment to the amendment was offered. I now withdraw my amendment.

The PRESIDING OFFICER. Without objection, the amendment is withdrawn.

Mr. KENNEDY. Without counting against the Senator's time, I ask unanimous consent that Mr. Arthur J. Viseltear be granted the privilege of the floor during the consideration of the pending legislation.

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

AMENDMENT NO. 1698

Mr. KENNEDY. Mr. President, I call up from the desk amendment No. 1698 to H.R. 12438.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk read as follows:

The Senator from Massachusetts proposes an amendment:

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 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 four 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 senior 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 five 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 Department 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 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 consisting of twenty-six 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 30, 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".

ORDER OF PROCEDURE

Mr. ROBERT C. BYRD. Mr. President, will the Senator yield for a unanimous-consent request?

Mr. KENNEDY. Yes.

Mr. ROBERT C. BYRD. I ask unanimous consent that there be no rollcall votes between the hours of 6 and 7:30 p.m. today.

Mr. STENNIS. Reserving the right to object, and I shall not object, we shall resume, then, having votes on this bill if there are amendments to be voted on?

The PRESIDING OFFICER. Without objection it is so ordered.

Mr. ROBERT C. BYRD. In response to the distinguished Senator's question, I ask unanimous consent that any rollcall votes ordered between the hour of 6 and 7:30 p.m. begin running at the hour of 7:30.

Mr. WILLIAM L. SCOTT. Reserving the right to object, I wonder; I have a commitment at 7 o'clock. I am ready to vote now for the next hour or so. What would the distinguished acting majority leader feel as to when we are going to vote? What does he see in the future?

Mr. ROBERT C. BYRD. I should think that we would have at least somewhere from three to five votes.

Mr. WILLIAM L. SCOTT. How long would the Senator anticipate we might stay in tonight?

Mr. ROBERT C. BYRD. I hope not beyond 9 or 10 o'clock.

Mr. STENNIS. If the Senator will yield, I believe the Senate has to finish with this bill tonight. I think Members can be coming back after this interruption and finish the bill, for the reasons I have already given.

Mr. WILLIAM L. SCOTT. Continuing under my reservation, I am certainly not going to object, but any time we do something like this, it works an inconvenience for one Senator or another. In this case, it works an inconvenience for me.

Mr. ROBERT C. BYRD. It does. The Senator is correct.

Mr. CANNON. Mr. President, reserving the right to object, I, too, have commitments later this evening, as do a number of other Senators that I am aware of. I do not understand why we cannot go ahead and go through the normal process and have our votes and finish up, rather than postpone the voting for another hour and a half from now.

Mr. WILLIAM L. SCOTT. Will the Senator yield?

Mr. CANNON. Yes.

Mr. WILLIAM L. SCOTT. Perhaps there would be more people who would be inconvenienced by postponing it than would be convenienced. Maybe the distinguished Senator could determine how many people might be inconvenienced.

Mr. CANNON. I think there might well be, still reserving the right to object. One of our distinguished colleagues, who is leaving us this year, is being honored tonight. I am one of those people who was invited to be there to help honor him. I know there are others. I think it would be very unfortunate if we postpone our voting until 7:30 and run us into the night to ruin that kind of affair.

Mr. ROBERT C. BYRD. Mr. President, may I say in response to the comment by my distinguished friend from Nevada, that was precisely the reason for the request not to have votes between 6 and 7:30, because that meeting has been arranged. I was just told of it today, and in order to accommodate the Senator from Missouri and other Senators who are committed to go to that meeting, for that reason, I asked that there be no votes during that 1½ hour period.

Mr. CANNON. I thank the Senator.

Mr. MATHIAS. Reserving the right to object, since the Senator from Mississippi has projected the possibility of completing this bill tonight, I feel impelled, out of a sense of fairness, to get up and say that there are a lot of things that we are going to have to discuss about this bill of a serious nature which my take quite a bit of time. I am not at all sure that we are going to want to spend that much time on it tonight. I simply want to throw that out at this point as a matter of advice.

Mr. STENNIS. Mr. President, as I understand, another commitment has been made for tomorrow on the so-called antitrust bill. That absorbs the time and the only chance to pass this bill before the recess is tonight. I hope we can stay here. I think we should.

Mr. ROBERT C. BYRD. I thank the Senator for yielding.

The PRESIDING OFFICER. Is there objection?

Mr. CULVER. Reserving the right to object. I do not intend to object, but I do want to advise the membership that there is some possibility, I understand, that there will be an amendment offered by Mr. TAFT of Ohio to one section of this legislation. Unless and until the Taft amendment is tabled, I cannot agree to completing action on this bill tonight.

The Senate has acted on the B-1. This amendment, in my judgment, raises far too many issues and questions to be voted on, up or down, at any time certain.

Several Senators with direct interest in this matter are now absent and will be this evening and tomorrow. In fairness to them and, more importantly, in fairness to the country, in my judgment, if this matter is to be discussed at all, it should be fully discussed and if a tabling motion that will be offered does not prevail, I shall have to take appropriate steps to protect the rights of those who are interested in this subject.

I did want to advise the membership of that fact.

Mr. STENNIS. If I may respond, Mr. President, the Senator has made his position quite clear. I cannot complain, really, with his position. I am just asking now to let us try to finish this tonight and see what develops. I do not want him to curtail his presentation of his views or anything like that beyond what he thinks he ought to.

Mr. TAFT. Mr. President, reserving the right to object——

Mr. ALLEN. Will the Senator yield for a moment?

Mr. CULVER. If I have the floor.

Mr. ALLEN. Is the Senator suggesting the possibility of a filibuster on this measure? [Laughter.]

Mr. CULVER. I think this Senator would not be so presumptuous as to suggest that. I did try to allude in a rather suggestive manner that I felt the enormity and importance of this subject matter—as I have heard the distinguished Senator from Alabama explain to us on previous occasions—is of such fundamental importance to the life of this Republic that we should not act in haste and repent at leisure.

Mr. ALLEN. I agree with the Senator.

Mr. TAFT. Mr. President, reserving the right to object. I have no intention of debating the amendment on this reservation, but I merely want to say that I share with the distinguished Senator from Iowa the feeling that this matter is of enormous importance.

I recognize that there are a number of Members who are abroad, still, on official business. I have been quite amenable to setting definite times and definite limitations, trying to work in some way that they can vote on the measure.

I want to point out that this measure of enormous importance was not of such enormous importance that it was not brought up last Thursday, when 18 Senators were already out of town, without any prior notice that it was going to come up and have a vote on it at that time. That did occur, and it seems to me that the decision is too great a one to act with that number of Members out of town. I regret that it did occur. I feel my amendment is necessary to be discussed in the national interest.

Mr. CULVER. Reserving the right to object.

Mr. ROBERT C. BYRD. Mr. President, could we get back to the Senator from Massachusetts? We can debate this later.

Mr. CULVER. Mr. President, do I still have the floor?

The PRESIDING OFFICER. No.

Mr. CULVER. Reserving the right to object.

Mr. KENNEDY. I yield to the Senator from Iowa.

Mr. CULVER. I thank the Senator for yielding.

I advise the Senator from Ohio that, on Thursday last, when this subject was presented and this question was presented, there was an indication of voting on Thursday or Friday last week on the B-1 bomber. It was agreed that if a vote could not occur on those days, it would be inappropriate, given the importance of this issue, to discuss it this week because of the large number of absentees. Now, Thursday is a pretty healthy workday, normally, around here. That was last week and there was plenty of notice to the Senate, plenty of notice, that this procurement bill was the pending business before Congress and before this body.

This week, there was equal notice to the Senate that there would be an unusually large number of absentees on official business. We met last Thursday. We had considerable discussion. The Senator from South Dakota (Mr. McGOVERN) and I had both given notice of B-1 bomber amendments in a timely fashion. It was the general understanding of the floor manager of this bill, the Democratic leadership, and the Republican leadership on that occasion that these constituted the two B-1 amendments before the Senate.

Now, after considerable discussion about that a suggestion was made by the Senator's side, certainly every bit as much as our side, and after full and appropriate consultation with the Senator's ranking membership, the Senator's ranking Members who were here, Senator GOLDWATER of Arizona who has taken a lead as a proponent of the B-1 bomber and who was intimately involved in those consultations.

We reviewed the absentee list on the Democratic side. Similar action was taken on the Republican side, and after a half hour of discussion they came forward and said: "We agree that we shall vote today on these two amendments and in the following order."

And that agreement was reached.

Now, it seems to me that, having disposed of that issue, if we set the institutional precedent in this body that following that kind of elaborate negotiation and discussion with the leadership and principal Members involved, and present and voting on a matter on a regular work day, and we set a time certain on debate on those amendments and for a vote, that we certainly, none of us, can risk ever agreeing at some future date to a time certain to vote on amendments in this way because we can never be assured that following the fully expressed will of the Senate, after considerable and protracted debate, that at some subsequent date one of the losing Senators, who does not happen to be present, can come forward——

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

Mr. CULVER. And then say "I want to open this whole issue up and consider this substantive section of the legislation."

How can we ever get a time agreement?

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

Mr. CULVER. Yes.

Mr. KENNEDY. Mr. President, I think I have the floor for an amendment. I would be glad to yield. I think, in fairness to the Senator from Ohio, he ought to have an opportunity to respond. I would like to get my amendment before the Senate, so I would be glad to yield to the Senator from Ohio and, hopefully, we can wind this up.

Mr. TAFT. Mr. President, what is the pending matter before the Senate?

The PRESIDING OFFICER (Mr. STONE). The pending amendment is that of the Senator from Massachusetts, and the Senator from Massachusetts has the floor.

There is also pending a unanimous-consent request.

Mr. TAFT. That was my impression. I understood there was a reservation on the unanimous-consent request that we were debating at this time.

The PRESIDING OFFICER. On the second part of the unanimous-consent request.

Mr. TAFT. I reserved the right to object.

Mr. President, as I said, I do not intend to debate this matter at this point. It seems to me the Senator from Iowa has taken a position procedurally which ought to be corrected, however.

The Senator from Iowa seems to feel that if the ranking Member of the committee on which he serves, the ranking Member of the committee who has handled the business coming before the Senate, decides he wants to make an agreement as to a particular amendment, that that binds some individual Member of the Senate. It certainly is not true as to this Senator, and I am sure the Senator from Iowa would find that a rather hard rule to live by, and I do not think he means to claim that.

I would like to make this point: There were two major measures of legislation that had been announced to come up on Thursday last. There was a bill that was up, and there was no indication that there were going to be rollcall votes on this particular item. I had a longstanding commitment to review a weapons system in my home State, and I agreed to be there, and I found it desirable to do it that way.

I was not notified in any way that the amendment was going to come up or that there would be any votes on that day, any more than the Members—a lot less than Members who are absent today—had known that this measure was going to come onto the floor today. They are on official business, I admit. I am not being critical of them for not being here in any sense of the word, but I think every Senator regards as pretty precious the right to use any legislative rights he has, and he does not give those away to any other Senator.

The implication seems to be that I am in the wrong in this matter because I was represented by somebody who was not authorized to represent me on either side of the aisle as to what was agreed or was not agreed.

It was said at an earlier time that even if there was not any earlier agreement not to bring up an amendment on the B-1—I know of no limitation of that kind and I know no other Member who feels there is a limitation of that kind. So I feel I am well within my rights to bring up the amendment at this time. It raises a different issue that was not involved in the question of the B-1 when it came up, and I believe it is a very important issue that ought to be taken up as it relates to the posture and the knowledge of the President and those advising him which they have or do not have when they go into the SALT negotiations.

I cannot think of anything more vital to a successful SALT negotiation than to have a man who is doing the negotiating know what weapons systems he has got.

The PRESIDING OFFICER. The Senator from Massachusetts is recognized.

AMENDMENT NO. 1698

Mr. KENNEDY. Mr. President, this is an amendment which I have talked over with the ranking member of the committee. It deals with one of the truly outstanding health centers in the world, and that is the Armed Forces Institute of Pathology. This amendment has been worked out with the chairman of the Armed Services Committee.

The PRESIDING OFFICER. If the Senator from Massachusetts will suspend momentarily, the Chair would like to conclude the question of the unanimous-consent request as to whether there will or will not be a vote between 6 and 7:30.

Mr. ROBERT C. BYRD. That order was agreed to, Mr. President.

The PRESIDING OFFICER. The second part as to whether all yea or nay votes ordered during that period of time will commence at 7:30.

Mr. ROBERT C. BYRD. And occur sequentially back to back.

The PRESIDING OFFICER. Correct.

Is there objection? The Chair hears none, and it is so ordered.

ORDER FOR 10-MINUTE VOTES

Mr. GRIFFIN. May I suggest, Mr. President, that the votes after the first one, if there are a series, be 10-minute votes?

Mr. ROBERT C. BYRD. Will the Senator make that request?

Mr. GRIFFIN. I so make that request.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

The Senator from Massachusetts is recognized.

AMENDMENT TO AMENDMENT NO. 1698

Mr. KENNEDY. I would like to send to the desk an amendment to amendment 1698, and request its immediate consideration.

The amendment is germane.

The PRESIDING OFFICER. The clerk will state the amendment.

The second assistant legislative clerk read as follows:

The Senator from Massachusetts (Mr. KENNEDY) proposes an amendment to his amendment No. 1698.

The amendment is as follows:

At the appropriate place in the bill insert a new section as follows:

SEC. . (a)(1) The Congress hereby finds and declares that—

(A) 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;

(B) 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;

(C) 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;

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

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

(F) 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 education, consultation, and research in the medical, dental, and veterinary sciences.

(2) The Congress further finds and declares that beneficial cooperative efforts between private individuals, professional societies, and other entities on the one hand and the Armed Forces Institute of Pathology on the other can be carried out most effectively through the establishment of a private corporation.

(b) Chapter 7 of title 10, United States Code, is amended by adding at the end thereof the following new sections:

"§ 176. Armed Forces Institute of Pathology

"(a)(1) There is established in the Department of Defense an institute to be known as the Armed Forces Institute of Pathology (referred to in this section as the Institute), with the responsibilities, functions, authority, and relationships set forth in this section. The Institute shall be a joint entity of the three military departments, subject to the authority, direction, and control of the Secretary of Defense.

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

"(3) The Board of Governors shall consist of the Assistant Secretary of Defense for Health Affairs who shall serve as chairman of the Board of Governors, the Assistant Secretary of Health, Education, and Welfare for Health, the Surgeons General of the Army, the Navy, and the Air Force, the Chief Medical Director of the Veterans' Administration, and a former Director of the Armed Forces Institute of Pathology, as designated by the Secretary of Defense, or the designee of any of the foregoing.

"(b)(1) In carrying out the provisions of this section, the Institute is authorized to—

"(A) contract with the American Registry of Pathology (established under section 177) for cooperation enterprises in medical research, consultation, 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;

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

"(C) 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.

"(2) No contract may be entered into under paragraph (1) of this subsection which obligates the Institute to make outlays in advance of the enactment of budget authority therefor.

"(c) The Director is authorized, with the approval of the Board of Governors, to enter into agreements 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 for the purpose of enhancing the activities of the Institute in education, consultation, and research. Such pathologists or scientists may be appointed by the Director to administrative positions within the components or subcomponents of the Institute and may be authorized by the Director to exercise any or all professional duties within the Institute, notwithstanding any other provision of law.

"(d) The Secretary of Defense shall promulgate such regulations as may be necessary to prescribe the organization, functions, and responsibilities of the Institute.

"§ 177. American Registry of Pathology

"(a)(1) There is authorized to be established a nonprofit corporation to be known as the American Registry of Pathology which shall not for any purpose be an agency or establishment of the United States Government. The American Registry of Pathology shall be subject to the provisions of this section and, to the extent consistent with this section, to the District of Columbia Nonprofit Corporation Act.

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

"(3) The American Registry of Pathology shall have a Director and such other officers as may be named and appointed by the Board of Members who shall be compensated at rates fixed by the Board and serve 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.

"(4) The members of the initial Board of Members shall serve as incorporators and shall take whatever actions are necessary to establish under the District of Columbia Nonprofit Corporation Act the corporation authorized by subsection (a).

"(5) The term of office of each member of the Board of Members shall be four years; except that (A) 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; (B) the terms of office of 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 (C) 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.

"(6) Any vacancy in the Board shall not affect its power, but such vacancy shall be filled in the manner in which the original appointment was made.

"(b) In order to carry out the purposes of this section, 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 the writing, editing, and publishing of fascicles of tumor pathology, atlases, and other material;

"(3) accept gifts and grants from and enter into contracts with individuals, private foundations, professional societies, institutions, and governmental agencies;

"(4) enter into agreements with professional societies for the establishment nad maintenance of Registries of Pathology; and

"(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.

"(c) In the performance of the functions set forth in subsection (b), 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.

"(d) The American Registry of Pathology may transmit to the Director and the Board of Governors of the Armed Forces Institute of Pathology and to the sponsors referred to in subsection (a)(2) annually, and at such other times as it deems desirable, a comprehensive and detailed report of its operations, activities, and accomplishments."

(c) The table of sections at the beginning of chapter 7 of title 10, United States Code, is amended by adding at the end thereof the following:

"176. Armed Forces Institute of Pathology; American Registry of Pathology.
"177. American Registry of Pathology.".

Mr. KENNEDY. The Armed Forces Institute of Pathology, in the Department of Defense, is one of the Nation's most prestigious medical facilities. It is a unique national and international resource, containing the most comprehensive collection of pathologic specimens and the most prestigious groups of pa-

thologists in the whole world. It serves as the ultimate reference center for the pathologic diagnosis of disease.

The Institute of Pathology is extremely important to both civilian as well as military medicine. In the military sector, it is the central pathology laboratory for the armed services, and occupies an important position in the health care and advanced medical education within the armed services. In the civilian sector, it provides the same important consultation services for civilian doctors. Twenty-six of the country's leading medical, dental, and veterinary professional societies sponsor special collections of unique cases in each of their specialty areas. Finally, both military and civilian medicine benefit from their close interaction at the Institute of Pathology.

Recently, 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 the civilian sector. 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 Institute of Pathology in support of civilian medicine. These activities are far too important to the health of the American people to be stopped, and it makes sense from every point of view to maintain them within the Department of Defense.

The purpose of this amendment is to recognize the important contributions of the Armed Forces Institute of Pathology to American medicine by granting it a legislative charter, and to assist the Department of Defense in solving the current problems of the AFIP's cooperative arrangements with civilian medicine by legislating appropriate remedies.

The amendment is essentially a simple one, and does two things. First, it establishes the Armed Forces Institute of Pathology by legislation. Second, it solves the legal and managerial problems which the Surgeon General pointed out, by establishing a separate entity, the American Registry of Pathology as an independent corporation to permit it to serve as the fiscal intermediary by which professional societies, universities, and private nonprofit groups such as the American Cancer Society may sponsor personnel and activities at the institute in furtherance of its efforts in the medical sciences.

I have sent to the desk an amendment to amendment 1698, and requested its immediate consideration. This new language reflects technical changes suggested by the administration.

We have worked closely, in adjusting the language of this amendment, with Senator STENNIS and his staff, and with appropriate authorities in the Pentagon. Both the Secretary of the Army and the Secretary of Defense approve of this amendment, and feel that it will solve their legal and technical problems. We hope and expect that this amendment will be acceptable to the House in conference.

This amendment is noncontroversial, and helps to preserve a unique and important national medical resource of which we can all be justifiably proud.

Mr. President, as I said, this has been worked out with the Armed Forces Institute of Pathology, the Department of Defense, the Surgeon General, and also with the members of the Armed Services Committee, and I believe the chairman is prepared to recommend it.

I want to thank him for his cooperation in this area and in the matter.

Mr. STENNIS. Mr. President, may we have order? We just cannot hear the Senator.

The PRESIDING OFFICER. The Senate is not in order.

Mr. KENNEDY. Mr. President, I believe it is acceptable to the chairman of the committee, and I want to express my appreciation for his cooperation and support for it.

This amendment will continue to preserve the Armed Forces Institute of Pathology to be the center of excellence in the area of pathology which is recognized not only in the United States but generally throughout the world. It is a unique asset for our country and for the world.

It has provided extraordinary benefits to the members of the Armed Forces and has been a real measuring stick in the area of pathology for private institutions and other public institutions all over this country and the world.

It is important that it be preserved, and this amendment has that as its purpose.

I again want to thank the chairman of the committee for working out this amendment with us, and I am prepared to move to a vote.

The PRESIDING OFFICER. The Senator from Mississippi is recognized.

Mr. STENNIS. Mr. President, I shall use just 1 minute. I think the Senator from Massachusetts has presented a very fine amendment here concerning one of the great institutions we have, the Armed Forces Institute of Pathology, which originated over 100 years ago in Walter Reed Hospital, and has been doing outstanding work. I commend him for it, and I commend his staff and our committee staff, too, who have worked on this matter. The Army was called in on it, and they have gone along with it, and I can highly recommend the passage of it.

The PRESIDING OFFICER. The question is on agreeing to the perfecting amendment to amendment No. 1698, of the Senator from Massachusetts.

The amendment was agreed to.

The PRESIDING OFFICER. The question is on agreeing to the amendment, as amended.

The amendment, as amended, was agreed to.

NATIONAL HEALTH PROMOTION AND DISEASE PREVENTION ACT OF 1976

Mr. KENNEDY. Mr. President, I ask the Chair to lay before the Senate a message from the House of Representatives on S. 1466.

The legislative clerk laid before the Senate the amendments of the House of Representatives to the bill (S. 1466) to amend the Public Health Service Act to extend and revise the program of assistance for the control and prevention of communicable diseases, and to provide for the establishment of the Office of Consumer Health Education and Promotion and the Center for Health Education and Promotion to advance the national health, to reduce preventable illness, disability, and death; to moderate self-imposed risks; to promote progress and scholarship in consumer health education and promotion and school health education; and for other purposes.

(The amendments of the House are printed in the RECORD of April 7, 1976, beginning at page 9821.)

Mr. KENNEDY. Mr. President, I send an amendment to the desk, which is in the nature of a substitute for the House amendments to S. 1466, and I move that the Senate concur in the amendments of the House with an amendment in the nature of a substitute.

The PRESIDING OFFICER. Does the Senator move to concur in the House amendments as amended by this amendment in the nature of a substitute?

Mr. KENNEDY. Mr. President, I so move.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Massachusetts to concur in the House amendments as amended by the amendment of the Senator from Massachusetts in the nature of a substitute, which the clerk will state.

The legislative clerk read as follows:

The Senator from Massachusetts (Mr. KENNEDY) proposes an amendment in the nature of a substitute.

The amendment in the nature of a substitute is as follows:

In the Senate of the United States,

Resolved, That the Senate agree to the amendments of the House of Representatives to the bill (S. 1466) entitled "An Act to amend the Public Health Service Act to extend and revise the program of assistance for the control and prevention of communicable diseases, and to provide for the establishment of the Office of Consumer Health Education and Promotion and the Center for Health Education and Promotion to advance the national health, to reduce preventable illness, disability, and death; to moderate self-imposed risks; to promote progress and scholarship in consumer health education and promotion and school health education; and for other purposes", with the following

SENATE AMENDMENT TO HOUSE AMENDMENTS

In lieu of the matter proposed to be inserted by the House engrossed amendment to the text of the bill, insert:

TITLE I—HEALTH INFORMATION AND HEALTH PROMOTION

SHORT TITLE

SEC. 101. This title may be cited as the "National Consumer Health Information and Health Promotion Act of 1976".

AMENDMENT TO PUBLIC HEALTH SERVICE ACT

SEC. 102. The Public Health Service Act is amended by adding at the end thereof the following new title:

"TITLE XVII—HEALTH INFORMATION AND HEALTH PROMOTION

"GENERAL AUTHORITY

"SEC. 1701. (a) The Secretary shall—

"(1) formulate national goals, and a strategy to achieve such goals, with respect to

health information and health promotion, preventive health services, and education in the appropriate use of health care;

"(2) analyze the necessary and available resources for implementing the goals and strategy formulated pursuant to paragraph (1), and recommend appropriate educational and quality assurance policies for the needed manpower resources identified by such analysis;

"(3) undertake and support necessary activities and programs to—

"(A) incorporate appropriate health education components into our society, especially into all aspects of education and health care,

"(B) increase the application and use of health knowledge, skills, and practices by the general population in its patterns of daily living, and

"(C) establish systematic processes for the exploration, development, demonstration, and evalaution of innovative health promotion concepts;

"(4) undertake and support research and demonstrations respecting health information and health promotion, preventive health services, and education in the appropriate use of health care;

"(5) undertake and support appropriate training in, and undertake and support appropriate training in the operation of programs concerned with, health information and health promotion, preventive health services, and education in the appropriate use of health care;

"(6) undertake and support, through improved planning and implementation of tested models and evaluation of results, effective and efficient programs respecting health information and health promotion, preventive health services, and education in the appropriate use of health care;

"(7) foster the exchange of information respecting, and foster cooperation in the conduct of, research, demonstration, and training programs respecting health information and health promotion, preventive health services, and education in the appropriate use of health care;

"(8) provide technical assistance in the programs referred to in paragraph (7); and

"(9) use such other authorities for programs respecting health information and health promotion, preventive health services, and education in the appropriate use of health care as are available and coordinate such use with programs conducted under this title.

The Secretary shall administer this title in a manner consistent with the national health priorities set forth in section 1502 and with health planning and resource development activities undertaken under titles XV and XVI.

"(b) For payments under grants and contracts under this title there are authorized to be appropriated $7,000,000 for the fiscal year ending September 30, 1977, $10,000,000 for the fiscal year ending September 30, 1978, and $14,000,000 for the fiscal year ending September 30, 1979.

"(c) No grant may be made or contract entered into under this title unless an application therefor has been submitted to and approved by the Secretary. Such an application shall be submitted in such form and manner and contain such information as the Secretary may prescribe. Contracts may be entered into under this title without regard to sections 3648 and 3709 of the Revised Statutes (31 U.S.C. 529; 41 U.S.C. 5).

"RESEARCH PROGRAMS

"SEC. 1702. (a) The Secretary is authorized to conduct and support by grant or contract (and encourage others to support) research in health information and health promotion, preventive health services, and education in the appropriate use of health care. Applications for grants and contracts under this section shall be subject to appropriate peer review. The Secretary shall also—

"(1) provide consultation and technical assistance to persons who need help in preparing research proposals or in actually conducting research;

"(2) determine the best methods of disseminating information concerning personal health behavior, preventive health services and the appropriate use of health care and of affecting behavior so that such information is applied to maintain and improve health, and prevent disease, reduce its risk, or modify its course or severity;

"(3) determine and study environmental, occupational, social, and behavioral factors which affect and determine health and ascertain those programs and areas for which educational and preventive measures could be implemented to improve health as it is affected by such factors;

"(4) develop (A) methods by which the cost and effectiveness of activities respecting health information and health promotion, preventive health services, and education in the appropriate use of health care, can be measured, including methods for evaluating the effectiveness of various settings for such activities and the various types of persons engaged in such activities, (B) methods for reimbursement or payment for such activities, and (C) models and standards for the conduct of such activities, including models and standards for the education, by providers of institutional health services, of individuals receiving such services respecting the nature of the institutional health services provided the individuals and the symptoms, signs, or diagnoses which led to provision of such services;

"(5) develop a method for assessing the cost and effectiveness of specific medical services and procedures under various conditions of use, including the assessment of the sensitivity and specificity of screening and diagnostic procedures; and

"(6) enumerate and assess, using methods developed under paragraph (5), preventive health measures and services with respect to their cost and effectiveness under various conditions of use.

"(b) The Secretary shall make a periodic survey of the needs, interest, attitudes, knowledge, and behavior of the American public regarding health and health care. The Secretary shall take into consideration the findings of such surveys and the findings of similar surveys conducted by national and community health education organizations, and other organizations and agencies for formulating policy respecting health information and health promotion, preventive health services, and education in the appropriate use of health care.

"COMMUNITY PROGRAMS

"SEC. 1703. (a) The Secretary is authorized to conduct and support by grant or contract (and encourage others to support) new and innovative programs in health information and health promotion, preventive health services, and education in the appropriate use of health care, and may specifically—

"(1) support demonstration and training programs in such matters which programs (A) are in hospitals, ambulatory care settings, home care settings, schools, day care programs for children, and other appropriate settings representative of broad cross sections of the population, and include public education activities of voluntary health agencies, professional medical societies, and other private nonprofit health organizations, (B) focus on objectives that are measurable, and (C) emphasize the prevention or moderation of illness or accidents that appear controllable through individual knowledge and behavior;

"(2) provide consultation and technical assistance to organizations that request help in planning, operating, or evaluating programs in such matters;

"(3) develop health information and health promotion materials and teaching programs including (A) model curriculums for the training of educational and health professionals and paraprofessionals in health education by medical, dental, and nursing schools, schools of public health, and other institutions engaged in training of educational or health professionals, (B) model curriculums to be used in elementary and secondary schools and institutions of higher learning, (C) materials and programs for the continuing education of health professionals and paraprofessionals in the health education of their patients, (D) materials for public service use by the printed and broadcast media, and (E) materials and programs to assist providers of health care in providing health education to their patients; and

"(4) support demonstration and evaluation programs for individual and group self-help programs designed to assist the participant in using his individual capacities to deal with health problems, including programs concerned with obesity, hypertension, and diabetes.

"(b) The Secretary is authorized to make grants to States and other public and nonprofit private entities to assist them in meeting the costs of demonstrating and evaluating programs which provide information respecting the costs and quality of health care or information respecting health insurance policies and prepaid health plans, or information respecting both. After the development of models pursuant to sections 1704(4) and 1704(5) for such information, no grant may be made under this subsection for a program unless the information to be provided under the program is provided in accordance with one of such models applicable to the information.

"(c) The Secretary is authorized to support by grant or contract (and to encourage others to support) private nonprofit entities working in health information and health promotion, preventive health services, and education in the appropriate use of health care. The amount of any grant or contract for a fiscal year beginning after September 30, 1978, for an entity may not exceed 25 per centum of the expenses of the entity for such fiscal year for health information and health promotion, preventive health services, and education in the appropriate use of health care.

"INFORMATION PROGRAMS

"SEC. 1704. The Secretary is authorized to conduct and support by grant or contract (and encourage others to support) such activities as may be required to make information respecting health information and health promotion, preventive health services, and education in the appropriate use of health care available to the consumers of medical care, providers of such care, schools, and others who are or should be informed respecting such matters. Such activities may include at least the following:

"(1) The publication of information, pamphlets, and other reports which are specially suited to interest and instruct the health consumer, which information, pamphlets, and other reports shall be updated annually, shall pertain to the individual's ability to improve and safeguard his own health; shall include material, accompanied by suitable illustrations, on child care, family life and human development, disease prevention (particularly prevention of pulmonary disease, cardiovascular disease, and cancer), physical fitness, dental health, environmental health, nutrition, safety and accident prevention, drug abuse and alcoholism, mental health, management of chronic diseases (including diabetes and arthritis),

and venereal diseases; and shall be designed to reach populations of different languages and of different social and economic backgrounds.

"(2) Securing the cooperation of the communications media, providers of health care, schools, and others in activities designed to promote and encourage the use of health maintaining information and behavior.

"(3) The study of health information and promotion in advertising and the making to concerned Federal agencies and others such recommendations respecting such advertising as are appropriate.

"(4) The development of models and standards for the publication by States, insurance carriers, prepaid health plans, and others (except individual health practitioners) of information for use by the public respecting the cost and quality of health care, including information to enable the public to make comparisons of the cost and quality of health care.

"(5) The development of models and standards for the publication by States, insurance carriers, prepaid health plans, and others of information for use by the public respecting health insurance policies and prepaid health plans, including information on the benefits provided by the various types of such policies and plans, the premium charges for such policies and plans, exclusions from coverage or eligibility for coverage, cost sharing requirements, and the ratio of the amounts paid as benefits to the amounts received as premiums and information to enable the public to make relevant comparisons of the costs and benefits of such policies and plans.

"(6) Assess, with respect to the effectiveness, safety, cost, and required training for and conditions of use, of new aspects of health care, and new activities, programs, and services designed to improve human health and publish in readily understandable language for public and professional use such assessments and, in the case of controversial aspects of health care, activities, programs, or services, publish differing views or opinions respecting the effectiveness, safety, cost, and required training for and conditions of use, of such aspects of health care, activities, programs, or services.

"REPORT AND STUDY

"SEC. 1705. (a) The Secretary shall, not later than two years after the date of the enactment of this title and annually thereafter, submit to the President for transmittal to Congress a report on the status of health information and health promotion, preventive health services, and education in the appropriate use of health care. Each such report shall include—

"(1) a statement of the activities carried out under this title since the last report and the extent to which each such activity achieves the purposes of this title;

"(2) an assessment of the manpower resources needed to carry out programs relating to health information and health promotion, preventive health services, and education in the appropriate use of health care, and a statement describing the activities currently being carried out under this title designed to prepare teachers and other manpower for such programs;

"(3) the goals and strategy formulated pursuant to section 1701(a)(1), the models and standards developed under this title, and the results of the study required by subsection (b) of this section; and

"(4) such recommendations as the Secretary considers appropriate for legislation respecting health information and health promotion, preventive health services, and education in the appropriate use of health care, including recommendations for revisions to and extension of this title.

"(b) The Secretary shall conduct a study of health education services and preventive health services to determine the coverage of such services under public and private health insurance programs, including the extent and nature of such coverage and the cost sharing requirements required by such programs for coverage of such services.

"OFFICE OF HEALTH INFORMATION AND HEALTH PROMOTION

"SEC. 1706. The Secretary shall establish within the Office of the Assistant Secretary for Health an Office of Health Information and Health Promotion which shall—

(1) coordinate all activities within the Department which relate to health information and health promotion, preventive health services, and education in the appropriate use of health care;

(2) coordinate its activities with similar activities of organizations in the private sector; and

(3) establish a national information clearinghouse to facilitate the exchange of information concerning matters relating to health information and health promotion, preventive health services, and education in the appropriate use of health care, to facilitate access to such information, and to assist in the analysis of issues and problems relating to such matters.".

TITLE II—DISEASE CONTROL

SHORT TITLE

SEC. 201. This title may be cited as the "Disease Control Amendments of 1976".

AMENDMENTS TO SECTIONS 311 AND 317

SEC. 202. (a) Effective with respect to grants under section 317 of the Public Health Service Act made from appropriations under such section for fiscal years beginning after June 30, 1975, section 317 of such Act is amended to read as follows:

"DISEASE CONTROL PROGRAMS

"SEC. 317. (a) The Secretary may make grants to States and, in consultation with State health authorities, to public entities to assist them in meeting the costs of disease control programs.

"(b)(1) No grant may be made under subsection (a) unless an application therefor has been submitted to, and aproved by, the Secretary. Such application shall be in such form, be submitted in such manner, and contain such information as the Secretary shall by regulation prescribe and shall meet the requirements of paragraph (2).

"(2) An application for a grant under subsection (a) shall—

"(A) set forth with particularity the objectives (and their priorities, as determined in accordance with such regulations as the Secretary may prescribe) of the applicant for each of the disease control programs it proposes to conduct with assistance from a grant under subsection (a);

"(B) contain assurances satisfactory to the Secretary that, in the year during which the grant applied for would be available, the applicant will conduct such programs as may be necessary (i) to develop an awareness in those persons in the area served by the applicant who are most susceptible to the diseases or conditions referred to in subsection (f) of appropriate preventive behavior and measures (including immunizations) and diagnostic procedures for such diseases, and (ii) to facilitate their access to such measures and procedures; and

"(C) provide for the reporting to the Secretary of such information as he may require concerning (i) the problems, in the area served by the applicant, which relate to any disease or condition referred to in subsection (f), and (ii) the disease control programs of the applicant for which a grant is applied for.

In considering such an application the Secretary shall take into account the relative extent, in the area served by the applicant, of the problems which relate to one or more of the diseases or conditions referred to in subsection (f) and the extent to which the applicant's programs are designed to eliminate or reduce such problems. The Secretary shall give special consideration to applications for programs which (A) will increase to at least 80 per centum the immunization rates of any population identified as not having received, or as having failed to secure, the generally recognized disease immunizations, and (B) to the fullest extent practicable, will cooperate and use public and nonprofit private entities and volunteers. The Secretary shall give priority to applications submitted for disease control programs for communicable diseases.

"(c)(1) Each grant under subsection (a) shall be made for disease control program costs in the one-year period beginning on the first day of the first month beginning after the month in which the grant is made.

"(2) Payments under grants under subsection (a) may be made in advance on the basis of estimates or by way of reimbursement, with necessary adjustments on account of underpayments or overpayments, and in such installments and on such terms and conditions as the Secretary finds necessary to carry out the purposes of this section.

"(3) The Secretary, at the request of a recipient of a grant under subsection (a), may reduce the amount of such grant by—

"(A) the fair market value of any supplies (including vaccines and other prevention agents) or equipment furnished the grant recipient, and

"(B) the amount of the pay, allowances, and travel expenses of any officer or employee of the Government when detailed to the recipient and the amount of any other costs incurred in connection with the detail of such officer or employee,

when the furnishing of such supplies or equipment or the detail of such an officer or employee is for the convenience of and at the request of such recipient and for the purpose of carrying out a program with respect to which the recipient's grant under subsection (a) is made. The amount by which any such grant is so reduced shall be available for payment by the Secretary of the costs incurred in furnishing the supplies or equipment, or in detailing the personnel, on which the reduction of such grant is based, and such amount shall be deemed as part of the grant and shall be deemed to have been paid to the recipient.

"(d)(1) The Secretary may conduct, and may make grants to and enter in contracts with public and nonprofit private entities for the conduct of—

"(A) training for the administration and operation of disease prevention and control programs, and

"(B) demonstrations and evaluations of such programs.

"(2) No grant may be made or contract entered into under paragraph (1) unless an application therefor is submitted to and approved by the Secretary. Such application shall be in such form, be submitted in such manner, and contain such information, as the Secretary shall by regulation prescribe.

"(e) The Secretary shall coordinate activities under this section respecting disease control programs with activities under other sections of this Act respecting such programs.

"(f) For purposes of this section, the term 'disease control program' means a program which is designed and conducted so as to contribute to national protection against diseases or conditions of national significance which are amenable to reduction, including tuberculosis, rubella, measles, poliomyelitis, diphtheria, tetanus, pertussis, mumps, and

other communicable diseases (other than venereal diseases), and arthritis, diabetes, diseases borne by rodents, hypertension, pulmonary diseases, cardiovascular diseases, and Rh disease. Such term also includes vaccination programs, laboratory services, studies to determine the disease control needs of the States and the means of best meeting such needs, the provision of information and education services respecting disease control, and programs to encourage behavior which will prevent disease and encourage the use of preventive measures and diagnostic procedures. Such term also includes any program or project for rodent control for which a grant was made under section 314(e) for the fiscal year ending June 30, 1975.

"(g)(1)(A) For the purpose of grants under subsection (a) for disease control programs to immunize children against immunizable diseases (including measles, rubella, poliomyelitis, diphtheria, pertussis, tetanus, and mumps), there are authorized to be appropriated $9,000,000 for fiscal year 1976, $17,500,000 for fiscal year 1977, and $23,000,000 for fiscal year 1978.

"(B) For the purpose of grants under subsection (a) for disease control programs for diseases borne by rodents there are authorized to be appropriated $13,500,000 for fiscal year 1976, $14,000,000 for fiscal year 1977, and $14,500,000 for fiscal year 1978.

"(C) For the purpose of grants under subsection (a) for disease control programs, other than programs for which appropriations are authorized under subparagraph (A) or (B), and for the purpose of grants and contracts under subsection (d), there are authorized to be appropriated $4,000,000 for fiscal year 1976, $4,500,000 for fiscal year 1977, and $5,000,000 for fiscal year 1978.

"(D) Not to exceed 15 per centum of the amount appropriated for any fiscal year under any of the preceding subparagraphs of this paragraph may be used by the Secretary for grants and contracts for such fiscal year for programs for which appropriations are authorized under any one or more of the other subparagraphs of this paragraph if the Secretary determines that such use will better carry out the purpose of this section, and reports to the appropriate committees of Congress at least thirty days before making such use of such amount his determination and the reasons therefor.

"(2) Except as provided in section 318, no funds appropriated under any provision of this Act other than paragraph (1) of this subsection may be used to make grants in any fiscal year for disease control programs if (A) grants for such programs are authorized by subsection (a), and (B) all the funds authorized to be appropriated under this subsection for that fiscal year have not been appropriated for that fiscal year and obligated in that fiscal year.

"(h) The Secretary shall submit to the President for submission to the Congress on January 1 of each year (1) a report (A) on the effectiveness of all Federal and other public and private activities in controlling the diseases and conditions referred to in subsection (f), (B) on the extent of the problems presented by such diseases, (C) on the effectiveness of the activities, assisted under grants and contracts under this section, in controlling such diseases, and (D) setting forth a plan for the coming year for the control of such diseases; and (2) a report (A) on the immune status of the population of the United States, and (B) identify, by area, population group, and other categories, deficiencies in the immune status of such population.

"(i)(1) Nothing in this section shall limit or otherwise restrict the use of funds which are granted to a State or to an agency or a political subdivision of a State under provisions of Federal law (other than this Act) and which are available for the conduct of disease control programs from being used in connection with programs assisted through grants under subsection (a).

"(2) Nothing in this section shall be construed to require any State or any agency or political subdivision of a State to have a disease control program which would require any person, who objects to any treatment provided under such a program, to be treated or to have any child or ward treated under such a program.".

(b) Section 311(c) of the Public Health Service Act is amended to read as follows:

"(c)(1) The Secretary is authorized to develop (and may take such action as may be necessary to implement) a plan under which personnel, equipment, medical supplies, and other resources of the Service and other agencies under the jurisdiction of the Secretary may be effectively used to control epidemics of any disease or condition referred to in section 317(f) and to meet other health emergencies or problems involving or resulting from disasters or any such disease. The Secretary may enter into agreements providing for the cooperative planning between the Service and public and private community health programs and agencies to cope with health problems (including epidemics and health emergencies) resulting from disasters or any disease or condition referred to in section 317(f).

"(2) The Secretary may, at the request of the appropriate State or local authority, extend temporary (not in excess of forty-five days) assistance to States or localities in meeting health emergencies of such a nature as to warrant Federal assistance. The Secretary may require such reimbursement of the United States for assistance provided under this paragraph as he may determine to be reasonable under the circumstances. Any reimbursement so paid shall be credited to the applicable appropriation for the Service for the year in which such reimbursement is received.".

(c) Section 311(b) of such Act is amended by inserting at the end thereof the following new sentence: "The Secretary may charge only private entities reasonable fees for the training of their personnel under the preceding sentence.".

AMENDMENTS RESPECTING VENEREAL DISEASES

SEC. 203. (a) The Congress finds and declares that—

(1) the number of reported cases of venereal disease continues in epidemic proportions in the United States;

(2) the number of patients with venereal disease reported to public health authorities is only a fraction of those actually infected;

(3) the incidence of venereal disease is particularly high in the 15–29-year age group, and in metropolitan areas;

(4) venereal disease accounts for needless deaths and leads to such severe disabilities as sterility, insanity, blindness, and crippling conditions;

(5) the number of cases of congenital syphilis, a preventable disease, tends to parallel the incidence of syphilis in adults;

(6) it is conservatively estimated that the public costs of care for persons suffering the complications of venereal disease exceed $80,000,000 annually;

(7) medical researchers have no successful vaccine for syphilis or gonorrhea, and have no blood test for the detection of gonorrhea among the large reservoir of asymptomatic females;

(8) school health education programs, public information and awareness campaigns, mass diagnostic screening and case followup activities have all been found to be effective disease intervention methodologies;

(9) knowledgeable health providers and concerned individuals and groups are fundamental to venereal disease prevention and control;

(10) biomedical research leading to the development of vaccines for syphilis and gonorrhea is of singular importance for the eventual eradication of these dreaded diseases; and

(11) a variety of other sexually transmitted diseases, in addition to syphilis and gonorrhea, have become of public health significance.

(b)(1) Section 318(b)(2) of the Public Health Service Act is amended to read as follows:

"(2) For the purpose of carrying out this subsection, there are authorized to be appropriated $5,000,000 for fiscal year 1976, $6,600,000 for fiscal year 1977, and $7,600,000 for fiscal year 1978.

(2) Subsection (d)(2) of such section is amended to read as follows:

"(2) For the purpose of carrying out this section, there is authorized to be appropriated $32,000,000 for fiscal year 1976, $41,500,000 for fiscal year 1977, and $43,500,000 for fiscal year 1978.".

(c) Subsection (a) of such section is amended by striking out "public authorities and" inserting in lieu thereof "public and nonprofit private entities and to".

(d) Subsection (d)(1)(B) of such section is amended by inserting before the semicolon at the end the following: "and routine testing, including laboratory tests and followup systems".

(e) Subsection (d)(1)(E) of such section is amended by striking out "control" and inserting in lieu thereof "prevention and control strategies and activities".

(f)(1) Subsection (c) is repealed.

(2) Subsection (c)(1) of such section is amended by striking out "or (d)" and inserting in lieu thereof "or (c)".

(3) Subsection (e)(2)(C) of such section is amended by striking out "(including darkfield microscope techniques for the diagnosis of both gonorrhea and syphilis)".

(4) The last sentence of subsection (e)(4) of such section is amended by striking out the semicolon and all that follows through "paid to such recipient".

(5) The first sentence of subsection (e)(5) of such section is amended by inserting before the period the following: "or as may be required by a law of a State or political subdivision of a State".

(6) Subsection (g) of such section is amended by striking out ", (c), and (d)" and inserting in lieu thereof "and (c)".

(7) Subsection (h) of such section is amended by striking out "treated or to have any child or ward of his".

(8) Subsections (d), (e), (f), (g), and (h) of such section are redesignated as subsections (c), (d), (e), (f), and (g), respectively.

(g) Subsection (e) of such section (as so redesiganted) is amended by striking out "317(d)(4)" and inserting in lieu thereof "317(g)(2)".

(h) Such section is amended by adding at the end thereof the following new subsection:

"(h) For purposes of this section and section 317, the term 'venereal disease' means gonorrhea, syphilis, or any other disease which can be sexually transmitted and which the Secretary determines is or may be amenable to control with assistance provided under this section and is of national significance.".

(i) Section 318(b)(1) is amended by inserting "education," before "and training".

EXTENSION AND REVISION OF LEAD-BASED PAINT POISONING PREVENTION ACT

SEC. 204. (a)(1) Section 101(c) of the Lead-Based Paint Poisoning Prevention Act (42 U.S.C. 4801(c)) is amended by inserting after and below paragraph (4) the following:

"Follow-up programs described in paragraph (3) shall include programs to eliminate lead-based paint hazards from surfaces in and around residential dwelling units or houses, including programs to provide for such purpose financial assistance to the owners of such units or houses who are financially unable to eliminate such hazards from their units or houses. In administering programs for the elimination of such hazards, priority shall be given to the elimination of such hazards in residential dwelling units or houses in which reside children with diagnosed lead-based paint poisoning.".

(2)(A) Section 101(c) of such Act is amended by striking out "should include" and inserting in lieu thereof "shall include".

(B) Section 101(f) of such Act is amended by (i) striking out "and (B)" and inserting in lieu thereof "(B)", and (ii) by inserting before the period at the end the following ", and (C) the services to be provided will be provided under local programs which meet the requirements of subsections (c) and (d) of this section".

(b) Section 401 of such Act (42 U.S.C. 4831) is amended to read as follows:

"PROHIBITION AGAINST USE OF LEAD-BASED PAINT IN CONSTRUCTION OF FACILITIES AND THE MANUFACTURE OF CERTAIN TOYS AND UTENSILS

"SEC. 401. (a) The Secretary of Health, Education, and Welfare shall take such steps and impose such conditions as may be necessary or appropriate to prohibit the application of lead-based paint to any cooking utensil, drinking utensil, or eating utensil manufactured and distributed after the date of enactment of this Act.

"(b) The Secretary of Housing and Urban Development shall take such steps and impose such conditions as may be necessary or appropriate to prohibit the use of lead-based paint in residential structures constructed or rehabilitated by the Federal Government, or with Federal assistance in any form after the date of enactment of this Act.

"(c) The Consumer Product Safety Commission shall take such steps and impose such conditions as may be necessary or appropriate to prohibit the application of lead-based paint to any toy or furniture article.".

(c)(1) Section 501(3) of such Act (42 U.S.C. 4841(3)) is amended to read as follows:

"(3)(A) Except as provided in subparagraph (B), the term 'lead-based paint' means any paint containing more than five-tenths of 1 per centum lead by weight (calculated as lead metal) in the total nonvolatile content of the paint, or the equivalent measure of lead in the dried film of paint already applied, or both.

"(B)(i) The Consumer Product Safety Commission shall, during the six-month period beginning on the date of the enactment of the National Health Promotion and Disease Prevention Act of 1976, determine, on the basis of available data and information and after providing opportunity for an oral hearing and considering recommendations of the Secretary of Health, Education, and Welfare (including those of the Center for Disease Control) and of the National Academy of Sciences, whether or not a level of lead in paint which is greater than six one-hundredths of 1 per centum but not in excess of five-tenths of 1 per centum is safe. If the Commission determines, in accordance with the preceding sentence, that another level of lead is safe, the term 'lead-based paint' means, with respect to paint which is manufactured after the expiration of the six-month period beginning on the date of the Commission's determination, paint containing by weight (calculated as lead metal) in the total nonvolatile content of the paint more than the level of lead determined by the Commission to be safe or the equivalent measure of lead in the dried film of paint already applied, or both.

"(ii) Unless the definition of the term 'lead-based paint' has been established by a determination of the Consumer Product Safety Commission pursuant to clause (i) of this subparagraph, the term 'lead-based paint' means, with respect to paint which is manufactured after the expiration of the twelve-month period beginning on such date of enactment, paint containing more than six one-hundredths of 1 per centum lead by weight (calculated as lead metal) in the total nonvolatile content of the paint, or the equivalent measure of lead in the dried film of paint already applied, or both.".

(2) Section 501 of such Act is amended (1) by striking out "the term" in paragraphs (1) and (2) and inserting in lieu thereof "The term", (2) by striking out the semicolon at the end of paragraph (1) and inserting in lieu thereof a period, and (3) by striking out "; and" at the end of paragraph (2) and inserting in lieu thereof a period.

(d) Section 502 of such Act (42 U.S.C. 4842) is amended by striking out "In carrying out the authority under this Act, the Secretary of Health, Education, and Welfare shall" and inserting in lieu thereof "In carrying out their respective authorities under this Act, the Secretary of Housing and Urban Development and the Secretary of Health, Education, and Welfare shall each".

(e)(1) Section 503 of such Act (42 U.S.C. 4843) is amended by striking out subsections (a), (b), and (c) and inserting in lieu thereof the following:

"(a) There are authorized to be appropriated to carry out this Act $10,000,000 for the fiscal year 1976, $12,000,000 for the fiscal year 1977, and $14,000,000 for the fiscal year 1978."

(2) Subsection (d) of such section is redesignated as subsection (b).

TITLE III—MISCELLANEOUS AMENDMENT

SEC. 301. (a) Section 2(f) of the Public Health Service Act is amended to read as follows:

"(f) Except as provided in sections 314(g)(4)(B), 355(5), 361(d), 1002(c), 1201(2), 1401(13), 1531(1), and 1633(1), the term 'State' includes, in addition to the several States, only the District of Columbia, Guam, the Commonwealth of Puerto Rico, and the Virgin Islands.".

(b)(1) Section 361(d) is amended by adding at the end thereof the following: "For purposes of this subsection, the term 'State' includes, in addition to the several States, only the District of Columbia.".

(2) Section 1401 is amended by adding after paragraph (12) the following new paragraph:

"(13) The term 'State' includes, in addition to the several States, only the District of Columbia, Guam, the Commonwealth of Puerto Rico, the Virgin Islands, American Samoa, and the Trust Territory of the Pacific Islands.".

Mr. KENNEDY. The purpose of my amendment is to provide authority for consumer health education programs, revise and extend the authority for disease prevention and control programs, revise and extend the authority for venereal disease programs and amend the Lead-Based Paint Poisoning Prevention Act to revise and extend the act.

The cost of this legislation is $308,200,000.

This legislation originally passed the Senate on July 30, 1975. A comparable bill passed the House on April 7, 1976. Until last week the administration was opposed to the bill. But after considerable good faith negotiations with representatives of the administration and my staff, a clean bill has been developed in the form of this amendment which we fully expect the President to sign.

The legislation before us contains two principal titles. The first provides legislative authority and authorizations of appropriations for research and for community programs in health information and promotion, preventive health services, and education in the appropriate use of health care during the next 3 fiscal years with a total authorization $31 million. The second provides a 3-year revision and extension of existing authorities for prevention and control of communicable and other controllable diseases, venereal disease, diseases borne by rodents, and lead poisoning prevention programs, with a total authorization for these 3 years of $277,200,000.

The first title of this legislation provides an initial congressional initiative in an area that is vitally important to the health of our citizens.

Today we find ourselves struggling to ravel the problems of our national health care crisis. We consider various costly efforts to reorganize, rationalize and regulate our health services, seek improvements in financing mechanisms, and ponder problems associated with health manpower. We have sold society on the wonders of modern medicine and have created an insatiable demand for health services. We seem to have forgotten, perhaps because we are unduly and overly impressed with the technology of modern medicine, that our improved health status is also owing to education in personal hygiene, improved living conditions and improved sanitary measures. Better housing, nutrition, working conditions and education, enhance the health of our people just as certainly as better health services. Moreover, the principal causes of death in our country—motor vehicle accidents, heart disease, other accidents, respiratory diseases and lung cancer, and suicide—are in part related to changing life styles. Self-imposed risks and environmental factors are the principal or important underlying factors in each of the five major causes of death between the ages of 1 and 70.

Outstanding though our health services are, it is apparent that if we are to improve our level of health we must turn to a new strategy, one which will assist us to understand the nature and causes of self-imposed risks, adds to our knowledge of illness, educates patients and consumers about health maintenance and prevention, and improves the physical and social environment.

Although, Mr. President, we spend more on health care, have more physicians per capita than any other country in Europe or North America, our mortality rates, from infancy through middle age and into the seventies, are almost the highest in the developed world.

Though we proudly list the achievements of nearly three decades of biomedical research, there has been very little improvement in life expectancy for adults since the 1920's. We simply have not found effective means for coping with the chronic and social diseases and

conditions that are predominant in our country.

Our statistics reveal intolerably high numbers of people being disabled, many permanently, by preventable and curable diseases, dying prematurely from causes that could have been controlled, being maimed or killed in accidents, or leading destructive life styles. We also know that many of our children are born with seriously disabling conditions which might have been averted; that workers are placed in work environments where they become susceptible to a host of insidious cripplers and killers; that over 45 percent of our adult population do not engage in physical activity for the purpose of exercise; that motor vehicle accidents are the leading cause of death for those under 35 years of age; that infectious syphilis is at its highest level ever recorded in this country; and, that close to 300,000 deaths per year from various diseases are linked to cigarette smoking.

There can be little doubt at this time that there exists a profoundly disturbing relationship between death rates, health status, and life cycles. Unless self-imposed risks are modified or the environment changed to enhance health, our illness and death rates will not be significantly improved.

There has been much recent interest in these problems. My own health manpower bill speaks to the issue of primary care and our need for people-oriented specialists. There has been a President's Committee on Health Education. There have been patient and community education programs. Blue Cross has approved a special white paper on patient health education and endorses third-party reimbursement for such activities. The American Hospital Association, the American Medical Association, the American College of Preventive Medicine, the National Health Council, and the American Public Health Association have all focused on education for health promotion and preventive medicine. Our new health planning legislation considers prevention and health education national health priorities. And the Canadians again appear ahead of us with regard to innovative social programs, offering a new health promotion perspective which will be embodied in all future Canadian health programs.

With this legislation we take our own first cautious and modest steps in this new area by providing legislative authority primarily for research and demonstration efforts in consumer health information and health promotion. These programs would be designed to develop several different types of initiatives in research and demonstration. The programs we would hope to develop would provide our people with better information about their own health and how to maintain it and how to use the medical care system effectively. They would develop and demonstrate improved programs of preventive and school health services and would determine which preventive health modalities were actually cost effective and reimbursable. The programs would also initiate new programs for health promotion and health maintenance.

The legislation would also establish an Office of Consumer Health Information and Health Promotion in the Office of the Assistant Secretary, thus assuring visibility and authority to establish health education on a firm footing. The office will be the focal point for policy coordination and development within DHEW. It will coordinate all interdepartmental activities, authorize grants and contracts, and establish relationships with the private sector.

This legislative proposal builds on a pioneering effort by our colleagues in the House—Congressman PAUL ROGERS, chairman of the House Subcommittee on Health and the Environment and the ranking minority member of that subcommittee, Dr. TIM LEE CARTER—and by proposals introduced by my colleagues on both sides of the aisle in this chamber, including those of Senators JAVITS and SCHWEIKER. It has received the overwhelming approval from many different constituencies. Supportive statements have been received from those in industry, academia, public health, hospitals, voluntary agencies, labor, and the community.

I am convinced that the time is propitious for such a national focus on health education. I am confident that this bill will result over the long term in substantial reductions in morbidity, in premature mortality, in social and economic costs—and in better health for the people of our Nation.

Mr. President, the bill also calls for authorizations of appropriations to continue our battle against the infectious and preventable diseases. Efforts to prevent and combat disease reflects the strength and weaknesses of our health care system. The predominance of infectious diseases, for example, is most prevalent among children under 10 years of age, residents of the inner city, native born Americans, migrants and those we have institutionalized. The highest incidence of rat bites and lead poisoning is among children living in our ghettoes. It is the weak, the disenfranchised and the powerless that are the most susceptible; but when we permit our immunization levels to drop as they now have, all of us are at risk. All of us are vulnerable.

We now have the means to control polio, tetanus, diphtheria, pertussis, measles, rubella, and mumps. Why then has the proportion of preschool children adequately protected against such diseases dropped to the lowest levels in a decade? Why are some epidemiologists predicting another outbreak of epidemic poliomyelitis? And why is the level of infectious syphilis the highest its been since 1950, while gonorrhea is at the highest level ever recorded in this country?

It is not just childhood diseases which concern us. Respiratory diseases, for example, are responsible for 65,000 to 100,000 deaths per year, while influenza affects 10 to 15 percent of the population. Hepatitis is responsible for 70,000 reported cases per year, but since this disease has been estimated to be underreported by a factor of 10, we probably have over 700,000 cases per year. The venereal diseases are the most alarming. Almost 1 million school days are lost each year by females owing to gonorrhea and its complications. Of the nearly 7,000 new cases of VD contracted every day 1,700 are teenagers.

The need for a Federal commitment to universal immunization for all children is abundantly apparent. So sensitive are our indicators that we are able to detect an immediate and pronounced increase in incidence rates whenever Federal support for such programs is reduced. Moreover, we need a long-term commitment to surveillance and control which is based more on the potential danger of outbreaks than upon the actual incidence and prevalance rates of disease.

Title II of the proposal I present to you would continue a national program of assisting States in carrying out programs which are needed to protect the American people from unnecessary suffering from communicable diseases, and to build upon our successes in communicable disease control by including an attack on other preventable conditions. These programs are an essential element in forging a truly effective health care policy for our country, and have the potential for undergirding work in reforming our system of health care financing and the delivery of personal health services.

The bill authorizes $26,500,000 for project grants and contracts in fiscal year 1976 to carry out these programs, with $36,000,000 and $42,500,000 being authorized for fiscal years 1977 and 1978 respectively. These grants are to support projects at the State and local level, and are to be awarded on the basis of the extent of the problem in the State or local area and on the soundness of the applicant's proposed control program. The bill reemphasizes the importance of carrying out public awareness programs in these projects so that, to the extent possible, citizens will be properly informed of disease risks and the services available to them to prevent illness. Grantees will continue to be able to draw on personnel and other resources of DHEW to carry out these projects in lieu of receiving direct financial assistance.

The definition of disease control program has been broadened to permit the administration and the Congress to address other problems of national significance which are amenable to control through organized State and community programs such as those authorized by this bill. Venereal disease control programs are addressed separately under title II of the bill in recognition of the importance of a special attack on this problem.

Similarly, lead based paint poisoning prevention grants are, in the committee's view, best undertaken in the context of a comprehensive attack. This approach, which was reflected in Senate bill 1664, ordered reported by the committee on July 16, 1975, is now incorporated in title II.

Mr. President, the Lead-Based Paint Poisoning Prevention Act would be continued for another 3-years. This act has set standards for allowable levels of lead

in paint and on toys, cooking utensils, and other objects to which children may be exposed. It has also funded programs in communities in which there are substantial numbers of dwellings with lead-based paint for the identification of children who have been poisoned with lead and correction of the hazard presented to the paint. As with the other programs included in the present legislation, we remain convinced of the need for the continued effort. Some 6 million children are at risk for lead poisoning by DHEW's own figures and as many as 6,000 of these can be expected each year to suffer entirely unnecessary mental retardation from lead poisoning. In fact, 600 children annually die unnecessarily from lead poisoning. With this proposal we are extending the legislative authority, and additionally proposing a reexamination of the safe level of lead in paint by the Consumer Product Safety Commission, and modest increases in the authorization of appropriations to offset the effects of inflation and allow some modest growth in the program.

Title II of the bill also continues and strengthens the national campaign against venereal disease under section 318 of the PHS Act, which was formulated in 1972. The bill extends authority for the Secretary to provide technical assistance to other organizations in their conduct of research, training, and public health programs for the control of venereal disease. Research, demonstration, and training grants are also authorized to enable the Secretary to meet national needs in developing and upgrading control programs. The committee has authorized $5,000,000, $6,600,000, and $7,600,000 for fiscal years 1976, 1977, and 1978, respectively.

Project grants for control programs under 318(d) of the act are also continued with revisions to clarify the purposes of these grants. The committee is encouraged by the early results which have been achieved through 318(d) project grants, and is recommending a funding authority for the next 3 years which will avoid retrenchment at this critical phase of our all-out attack on venereal disease. In fiscal year 1976, $32 million is authorized for 318(d) grants, with $41.5 million in 1977, and $51.1 million in 1978.

A similar pattern emerges respecting efforts to control diseases borne by rodents. Since the repeal of section 314(e) of the PHS Act last year by Public Law 94-63, DHEW has also conducted programs designed to control diseases borne by rodents under the authority of disease control and prevention legislation through the Center for Disease Control. These programs respond to DHEW's estimate that there are some 300 communities in this country which have severe rat problems. Of these, 64 with an estimated 6 million residents are receiving Federal grant support. In each of these communities, a target area consisting of blocks with known severe rat infestation is identified and in the 64 communities these target areas include over 40,000 such blocks of which to date control of infestation has been achieved and maintained on only 21,000 blocks.

These figures make it clear that the existing rodent control effort is barely adequate and far from complete. For this reason the proposed legislation includes a 3-year extension of the program with authorizations which will maintain this necessary program at its current level.

The proposed legislation also includes a variety of other amendments to the disease prevention and control authorities designed to consolidate and strengthen them. These include authorizing disease prevention and control programs for noncommunicable diseases, including hypertension, pulmonary disease, cardiovascular disease, arthritis, diabetes and Rh disease, in addition to the communicable diseases already covered. Some of these, diabetes and Rh disease for instance, had already been included in section 317. General inclusion of noncommunicable diseases, which are nevertheless of national significance and subject to prevention and control programs, is an appropriate modification of the prevention and control authority. Second, given the sad state of our Nation's immunization effort described above, the legislation establishes priority for immunization programs for childhood diseases including measles, diphtheria, whooping cough, tetanus, polio and mumps.

These modifications are intended to give extra flexibility to the legislative authority and particularly to support continuation of the CDC's existing, valuable training efforts. Finally, the legislation consolidates existing authorities for control of health emergencies and epidemics and has required a report to the Congress on an annual basis on the status of the immunization of the population of the United States with identification by area, population group, and other categories of deficiencies in that status.

It is also the intention of this legislation to continue to upgrade the training and proficiency of public health professionals in carrying out their duties. The technical assistance capabilities of CDC should be fully utilized in helping States and localties strengthen each of their control programs. My committee, Mr. President, was distressed to learn during hearings on the proposal that DHEW was planning to require tuition payments from persons receiving technical training at CDC. It is a major objective of this proposal to upgrade States and local control capabilities, and we view this as a Federal responsibility. Tuition charges will certainly weaken the ability of CDC to help those States, counties and municipalities which are in greatest need of assistance. The bill before us accordingly reaffirms our commitment to section 311(b) of the PHS Act.

The funding authorizations for these programs under title II of the bill have been developed after careful consideration of the needs of the Nation in disease control and the demands for restraint in Federal spending. Funding levels are lower than those authorized for the period 1972-75, and are lower than our original estimates of the need for the next 3 years. They represent in each instance reasonable and minimal investments which must be made if we are to achieve the level of success in preventing illness which we, as a Nation, have both the financial and technical capability to achieve.

Mr. President, in reaching this accommodation with the administration for a high level Office of Consumer Health Information and Health Promotion and to continue our efforts respecting disease prevention and control—to assure that research continues, our children are immunized at levels high enough to maintain maximum health, the risks from disease borne by rodents and lead in paint are lessened, the epidemic of venereal diseases presently abroad in the land brought under control—I have been greatly assisted by my colleagues, Senators JAVITS, SCHWEIKER, MCGOVERN, and CLARK, and respecting childhood immunizations assisted by Senators BUMPERS, HART, and BAYH. In the House, Congressmen ROGERS, CARTER, COHEN, and MEEDS were instrumental in assuring this bill's success. And from my own staff, Arthur Viseltear of the Yale University School of Medicine should receive special kudos. As usual, the assistance of LeRoy Goldman and Jay Cutler, the permanent staff of my committee, and Arthur M. Silverstein, Congressional Science Fellow, has been invaluable.

Mr. GARY HART. Mr. President, I rise in support of S. 1466, the Disease Control Amendments Act, as amended. In addition, I also wish to acknowledge the efforts of my colleagues, Senators BUMPERS, BAYH, KENNEDY, and others who have worked diligently in the effort to insure adequate funding levels for immunization of children against the "conquered" childhood diseases, such as polio, measles, rubella, mumps, diphtheria, tetanus, and pertussis. For too long our country has ignored the fact that each year dozens of children in the United States are dying from diseases which they never should have contracted. We have allowed scores more to be left brain-damaged, blinded, deafened, and disabled, though we had the means of effective prevention readily at hand.

It is estimated that approximately 30 percent of American children are either unimmunized or insufficiently immunized at the present time. A further breakdown provided by the U.S. Immunization Survey of 1975 estimates that 15.5 million children are not fully protected against polio; 9.3 million children are not protected against DTP; 13.8 million are not protected against measles; 13.9 million children remain susceptible to rubella, and 26.4 million to mumps. Epidemiologists warn that epidemics are happening, that immunization levels are dangerously low throughout the country.

This situation reflects a grave irresponsibility. Over the past several years Congress has neglected its duty in effectively ordering our national immunization priorities. Financial support for immunization programs from the Department of Health, Education, and Welfare has been reduced from $12 million in 1973 to approximately $5 million per year. That kind of "support" cannot begin to approach the problem now facing us.

Mr. President, the funding levels authorized by this legislation will help insure that children from birth through age 13 will be protected against preventable and needless illness. Recently, the Congress responded to an administration request to provide adults with protection against the prospect of one potentially serious disease—influenza—at an estimated cost of $135 million. We hope that this will be money well spent. Now, by authorizing an additional fraction of that amount, we can take advantage of the publicity surrounding the vaccination program to provide our children with much-needed protection against the certainty of a host of life-threatening diseases. This truly will be money well spent.

These diseases pose risks which no child should have to face. I have heard it said time after time here on the Senate floor that our future is in our children. This program will help insure that that future will be a healthy one.

IMMUNIZATION

Mr. BUMPERS. Mr. President, I was pleased that the President took the leadership to propose an all-out effort to combat the possibility of swine influenza in this country. We all agree, I am sure, that preventive action is much more desirable and sensible than dealing with the consequences of an epidemic, both in terms of human costs and dollar costs.

The number of children in this country susceptible to preventable childhood diseases is a reflection of one of the most abysmal failures in the medical history of our Nation. Vaccines are available to protect children against polio, diphtheria, pertussis, tetanus, measles, mumps, and rubella which are safe and effective. Yet, the U.S. Immunization Survey of 1975 estimates that 15.5 million children are not fully protected against polio; 9.3 million children are not protected against DPT, 13.8 million are not protected against measles; 13.9 million children remain susceptible to rubella; and 26.4 million to mumps. I ask unanimous consent that a copy of a table illustrating these figures be printed in the RECORD following these remarks.

The failure to conduct adequate awareness programs alerting the public to the risks and costs of epidemics, compounded by a lack of funding to design and support aggressive immunization programs, has, and continues, to cost society countless billions of dollars in unnecessary medical expense, institutional care, and loss of productivity, to say nothing of pain, suffering, and despair.

The efficacy of immunization against childhood communicable diseases in cost-benefit terms is easy to illustrate. Studies of debilities resulting from communicable diseases in past years demonstrate, for example, that a single case of mental retardation from a disease such as rubella could cost more than $900,000, for a lifetime of institutional care plus loss of productivity. The Center for Disease Control reports in its March 19, 1976, Morbidity and Mortality Weekly Report that 2,576 cases of rubella have been identified during the first 10 weeks of this year. A reasonable estimate is that 1 percent or 257 of those cases will be pregnant mothers. It further shows a total of 6,667 cases of measles compared to 3,846 for the first 10 weeks of 1975. And there are predictions based on documented 10-year cycles of epidemics that 1976–77 could be epidemic years for both mumps and measles. It should also be noted that these are only the reported cases.

The cost of purchasing vaccines for all susceptible children under 14 years of age would be $78,442,000—see attached table. Assuming that 50 percent of this category are in the public sector—children in families who are eligible for public assistance—the cost could be halved to $39,221,000. This assumes that the other 50 percent could, and would, with a public awareness campaign, be immunized by their private physicians at private expense. Add to this approximately 25 cents for each inoculation anticipated in the public sector, as an incentive for the States to undertake such a project—$12,963,000—and the total costs for a substantial beginning toward filling a serious medical vacuum in our society would be $52,184,000.

At the present time two thirds of the U.S. preschool children are not immunized against mumps, despite the urgings of the American Academy of Pediatrics, the Center for Disease Control—CDC—and other medical bodies which warn that the disease carries substantial risk. The low immunization levels are due in part to the fact that in previous years the vaccine could not legally be used in the free, federally funded immunization clinics. While private practitioners increasingly use the triple shot for measles, mumps, and rubella, only the measles-rubella combination shot is given in the public health clinics.

In 1974 the overall incidence of mumps was much higher than that of the other childhood diseases, as evidenced by the following statistics gathered by CDC:

	1974	*1973*
Mumps	59,128	59,612
Measles	22,094	26,690
Rubella	11,917	27,804
Polio	7	8
Paralytic	7	7
Diphtheria	272	228
Pertussis	2,402	1,759
Tetanus	101	101

Regional studies indicate that about a third of mumps cases are in children under 5 years old, and another 50 percent of cases occur in the 5-through-9 age group.

This is not a disease to be dealt with lightly. The complications associated with mumps are many and varied. Mumps is one of the leading causes of deafness in children; impaired hearing is estimated to occur in 1 out of every 300 to 400 cases reported. The most common complications of mumps, however, are those involving the nervous system—encephalitis, encephalomyelitis, and meningitis. Although the majority of patients recover completely, some have permanent muscle weakness, paralysis, epilepsy, or psychic disturbances. Orchitis is also a common complication of mumps. About 1 percent of young boys with mumps experience the condition, but a substantial 20 to 30 percent of adult males with mumps suffer from orchitis. Orchitis may permanently impair fertility.

Furthermore, experts have calculated that mumps is fatal in about 2 to 4 of every 100,000 cases. Ten to thirty deaths are reported to occur each year from complications of mumps, and in 1973 the death total reached 12.

Mr. President, all but three States in this country have laws which prohibit children being enrolled in school until they have been immunized against all of the above diseases. Unfortunately, the laws are not vigorously enforced. Even if they were, a preschool aged child who contracts rubella can certainly communicate it to his mother, and if that mother is in the first 3 months of pregnancy, it is a medical certainty that the child will be born handicapped. There are approximately 250,000 people in this Nation housed in institutions for the mentally ill. It is estimated that between 5 and 9 percent of those cases are the results of the mother's contracting rubella during the first 3 months of pregnancy. There are probably two to three times that many less profoundly handicapped children in sheltered workshops and remaining at home who constitute a serious financial drain on families and a loss of productivity to society. But if one calculated that only 7 percent of them, or 17,500 of the above number, are institutionalized as a result of rubella, using the $900,000 per handicapped person figure above, the cost translates to $15,750,000,000. This is an outrageous statistic and should be a cause of shame to all of us.

Mr. President, it does not have to be this way. In 1973–74, the State of Arkansas, through a massive coordination and cooperation effort by existing public agencies, such as the State health department, cooperative extension service, and the National Guard, together with the Arkansas League for Nursing, the Arkansas Medical Society, and over 10,000 volunteers, lowered the percentage of susceptible children from one of the highest in the Nation to the lowest.

There is now a program being developed called Every Child in '76 to make the same effort nationally. It is sponsored by the National League of Nursing, and has been endorsed by the PTA, the National Governors Conference, HEW, and others. The American Revolution Bicentennial Administration has given it its approval as the only health-related Bicentennial project in the Nation. The success of this program will not depend solely on an appropriation, but it would be tragic for it to be less than successful for lack of funds. It is essentially a volunteer effort to get children to clinics or private physicians.

Mr. President, the Senate now has a timely opportunity to act to meet this need. The bill S. 1466, the National Health Promotion and Disease Prevention Act of 1976, is now at the desk with a House amendment. Extensive discussions have taken place with the House

and with the administration on appropriate changes to this bill, and we have reason to believe that an addition to the sums authorized in the bill for childhood-disease immunization may be agreeable to all concerned. The success which I hope is in store for our efforts could not have taken place without the close cooperation and support of the distinguished Senator from New Jersey (Mr. WILLIAMS), chairman of the Committee on Labor and Public Welfare, the distinguished Senator from Massachusetts (Mr. KENNEDY), chairman of the Subcommittee on Health, the distinguished Senator from Indiana (Mr. BAYH), who previously successfully sponsored a floor amendment in the Senate to H.R. 13172, the second supplemental appropriations bill, and the distinguished Senator from Colorado (Mr. GARY HART), who has been a consistent and effective advocate of this program.

Our proposal, Mr. President, is that the $27 million authorization in the House amendment to S. 1466 for childhood-disease immunization be increased to $49.5 million, with this sum allocated as follows: $9 million for fiscal year 1976, $17.5 million for fiscal year 1977, and $23 million for fiscal year 1978. This level of funding, when taken together with the other authorizations contained in section 317 of the Public Health Service Act, as amended, will not exceed the total authorization level of $105 million contained in S. 1466 as it passed the Senate originally. In addition, the words "to not less than 80 per centum" would be added at the appropriate point in section 317 (b) (2) of the Public Health Service Act, as amended, in order to give the Secretary of Health, Education, and Welfare some objective standard by which to encourage and require the initiation of immunization programs that go substantially above and beyond what has been undertaken in the past. Simply to continue existing efforts is not enough, as is conclusively demonstrated by the high levels of susceptibility shown in the attached table. Under the new form of the bill, therefore, the Secretary would be directed to give priority to those applications which will have the results of increasing the immunization rate to not less than 80 percent of the affected population.

As soon as this authorization becomes law, a number of Senators will move to secure funding by means of an appropriation. The Committee on Appropriations has at least twice indicated its willingness to grant a proper level of funding to this program just as soon as authorizing legislation has been enacted. The report of the Committee on Appropriations, Senate Report No. 94-742, page 4, on House Joint Resolution 890, the swine-flu joint resolution, stated:

This proposal of a national immunization program also highlights the urgent need for immunization efforts in other areas. For over a year our rubella, smallpox, diphtheria, and polio immunization programs have been cut back because of lack of authorizing legislation and a strong Administration program. Hence, many of our children are not immunized, and the possibility of new outbreaks in these areas is great. The Committee urges both the President and the appropriate authorizing committees in the Congress to rapidly move ahead and enact the authorizing legislation so that a complete immunization program in this country may be implemented.

In addition, as Members will recall, when the second supplemental appropriations bill, H.R. 13172, was before the Senate, one of the committee amendments agreed to would have appropriated $16.9 million for this program for the remainder of fiscal year 1976 and for the transition period. This appropriation was removed from the bill in conference because of the lack of authorization, but the conference report, H. Rept. 94-1133, page 18, contained the following encouraging language:

Amendment No. 77: Deleted paragraph inserted by the Senate which would have appropriated $16,900,000 for immunization programs and $9,000,000 for carrying out lead-based paint poisoning prevention activities.

The conferees are agreed that the immunization programs are vital to the well-being of the children of this country. Immunization levels are dangerously low for many childhood diseases such as rubella, polio, measles, mumps, diphtheria, pertussis and tetanus which constitute a health hazard to millions of our children. If the proper immunization programs were to be conducted, millions of dollars could be saved by this preventive health measure—not to mention the suffering, permanent disability and even death which would be avoided.

Further, the conferees note the immunization programs have not been authorized for some time and it is vital that the proper legislation be enacted for immunization and other preventive health service programs so that rational efforts can be initiated.

Mr. President, for all these reasons, I urge that the Senate swiftly approve S. 1466 with the indicated amendment to authorize a substantial increase in the level of activity in the field of childhood disease prevention.

Susceptible children 1-13 years of age, based on 1975 U.S. immunization survey and estimated costs of immunization

[Dollar amounts in thousands]

	Susceptibles (millions)	*Vaccine cost* [1]	*50% public sector cost* [2]
Polio [3]	15.5	$5,766	$2,883
DTP [3]	9.3	1,210	605
Measles	13.8	9,798	4,899
Rubella	13.9	8,340	4,170
Mumps	26.4	53,328	26,664
Total vaccine		----	39,221
			[4] 12,963
Total program		----	52,184

[1] Costs are estimated using current vaccine bulk purchase per dose prices of: $0.186 for polio, $0.065 for DTP, $0.71 for measles, $0.60 for rubella, and $2.02 for mumps.

[2] The Center for Disease Control estimates that approximately half of all susceptible children are in families eligible for public assistance, hence the 50-percent public sector cost basis.

[3] Full immunization requires a series of three (3) doses per child. Since there is some partial immunization already an average of two doses requires is assumed for these calculations.

[4] Using the above data for the public sector groups only, approximately 104 million inoculations are required. Financial assistance grants to States to administer vaccine at $0.25 per dose would cost $12.963 million.

Mr. BAYH. Mr. President, as one who has had a longtime interest in the status of our Nation's immunization programs for the young, I am delighted that the Senate is reaffirming its commitment to revitalize these essential programs by accepting the amendment to S. 1466 offered by the Senator from Massachusetts (Mr. KENNEDY). I would like to take this opportunity to praise the Senator from Massachusetts and my colleague the Senator from Arkansas (Mr. BUMPERS) on this issue which has been a deep concern for us all.

The Senator from Massachusetts' leadership in the health field is well known, but I would like to point out that the Senator from Arkansas has also established an outstanding record in the field. The Senator from Arkansas' record both as Governor of his State and here in the Senate, demonstrates his deep commitment to ending communicable childhood disease. It is my understanding that during his tenure as Governor of Arkansas, the percentage of susceptible children in that State dropped from being the highest in the Nation to the lowest. That is a remarkable achievement. It should also be noted that the Senator's wife, Mrs. Bumpers, played an important role in this accomplishment.

The amendment before the Senate today is largely a product of this deep commitment. Under the provisions of this amendment, $49.5 million will be authorized over the next 3 years for immunization programs which would cover common childhood communicable diseases such as measles, rubella, mumps, poliomyelitis, diphtheria, tetanus, and whooping cough.

Mr. President, I am deeply concerned about the state of our national immunization programs. The Federal effort to control communicable diseases has declined from $17 million in 1970 to a mere $6.2 million in 1975. Yet a significant proportion of Americans remain susceptible to serious diseases for which effective immunizing vaccines exist. Thirty-seven percent are not completely immunized against polio. Corresponding percentages for other diseases are: DPT—diphtheria, pertussis or whooping cough and tetanus—26 percent; measles—36 percent; rubella—40 percent.

Of particular concern to me is the growing number of unimmunized children. The U.S. immunization survey of 1975 estimates that 15.5 million children are not fully protected against polio; 9.3 million children are not protected against DPT; 13.8 million are not protected against measles; 13.9 million remain susceptible to rubella; and 26.4 million to mumps. Many of these unimmunized children are under the age of 5.

Acceptance of the amendment before us today will help to regenerate the important immunization programs which have declined so drastically in recent years.

Mr. KENNEDY. Mr. President, this statement has the support of the ranking members of the Health Committee, Senator SCHWEIKER and the ranking member.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Massachusetts to concur in the amendments of the House of Representatives as amended by the amendment of the Senator from Massachusetts in the nature of a substitute for the House amendments to S. 1466.

The motion was agreed to.

DEPARTMENT OF DEFENSE APPROPRIATIONS AUTHORIZATION ACT, 1977

AMENDMENT NO. 1665

Mr. HATHAWAY. Mr. President, I call up my printed amendment No. 1665.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk read as follows:

The Senator from Maine (Mr. HATHAWAY) proposes an amendment numbered 1665.

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

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

The amendment is as follows:

On page 31, line 8, after "Treaty.", insert the following: "In carrying out such policy the Secretary of Defense shall not enter into any agreement with any other member or members of the North Atlantic Treaty Organization for the acquisition of equipment manufactured outside the United States, in exchange for, or in connection with, any agreement by such member or members of the North Atlantic Treaty Organization to acquire other equipment manufactured in the United States unless full details of the nature and substance of such proposed agreement has been reported to the Congress at least 30 days prior to entering into such proposed agreement.".

On page 31, line 16, strike out the period and insert in lieu thereof a comma and the following: "except that the Secretary may not determine that the acquisition of equipment manufactured in the United States is inconsistent with the public interest if such equipment manufactured in the United States meets the equipment procurement objectives at an equal or lower cost than does such equipment manufactured outside the United States, and in no event may the Secretary, for purposes of this subsection, waive the provisions of section 2304 of title 10, United States Code.".

Mr. HATHAWAY. Mr. President, I sent to the desk an unprinted amendment in the nature of a substitute for No. 1665.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk read as follows:

The Senator from Maine (Mr. HATHAWAY), on behalf of himself and Mr. MUSKIE, Mr. DURKIN, and Mr. MCINTYRE, proposes a substitute for Amendment No. 1665.

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

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

The amendment is as follows:

On page 31, after the period in line 8, insert the following:

"In any case in which equipment authorized to be procured under title I of this act is utilized for the purpose of carrying out the foregoing policy, the Secretary of Defense shall report to Congress the full details of the nature and substance of any and all agreements entered into by the United States with any other member or members of the North Atlantic Treaty Organization providing for the acquisition of equipment manufactured outside the United States in exchange for, or as a part of, any other agreement by such member or members to acquire equipment manufactured in the United States. Such report shall be made by the Secretary within 30 days of the date of enactment of this Act.".

Mr. HATHAWAY. Mr. President, I originally offered that amendment——

The PRESIDING OFFICER. The Chair would inquire, is this the amendment to which 2 hours was assigned to the Senator?

Mr. HATHAWAY. I do not believe there is any time agreement entered into.

The PRESIDING OFFICER. One Hathaway amendment had a 2-hour assignment. Is this the one?

Mr. ROBERT C. BYRD. Mr. President, may I interject?

Mr. HATHAWAY. Certainly.

Mr. ROBERT C. BYRD. There was an agreement on one amendment by Mr. HATHAWAY, the time being limited to 2 hours, equally divided.

This is that amendment, I assume?

I understand that the Senator will not require near that much time.

The PRESIDING OFFICER. The Chair thanks the Senator from West Virginia.

The Senator from Maine.

Mr. HATHAWAY. Mr. President, I now offer this substitute, because of a concern which has arisen regarding the Army's recently announced tentative decision to purchase an armor machinegun, the Mag-58 from a Belgian manufacturer in preference to the domestically produced machinegun, the M-60E2, manufactured in Saco, Maine. There have been some suggestions in the press that the Army decision to consider the Belgian weapon resulted from an agreement between Secretary Schlesinger and the Belgian Defense Minister Van Boynants as part of an exchange, or "package deal" for the Belgian purchase of the F-16 fighter aircraft.

In offering this amendment I do not ask my colleagues to make any determination one way or the other regarding this matter. Rather, my amendment would require that the Secretary disclose to the Congress the full details of the nature and substance of any sort of "quid pro quo" agreement with NATO nations in connection with any equipment authorized for procurement in this bill.

In this way, there will be a clearly expressed congressional policy that it wants to be informed in such matters and thereby be better able to carry out its duty to vote with full knowledge on any authorizations and appropriations legislation which comes before it.

Further, there have also been suggestions from time to time that the procurement of the Belgian machinegun would advance the cause of standardization. I am concerned about that charge since my understanding of standardization and of this procurement suggest to me that the procurement has no direct bearing on standardization. I would like to inquire of the authors of the standardization provision and of the chairman of this committee whether from their understanding of the armor machinegun procurement and the standardization principle they see any direct connection between this procurement and the policy standardization of NATO.

Mr. MUSKIE. Mr. President, will my colleague yield to me?

Mr. HATHAWAY. I will certainly yield to my colleague from Maine.

Mr. MUSKIE. Mr. President, I ask unanimous consent that Jim Case of the staff be granted privilege of the floor.

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

Mr. CULVER. Will the Senator yield?

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

Mr. CULVER. As the Senator from Maine is aware, a recent GAO report on the Army's selection of the Belgian gun concluded, and I quote:

The contribution either the Mag-58 or the M-60E2 would make to NATO standardization of equipment appears marginal.

I do believe however that selection of the Mag-58 would make a substantial indirect contribution to the longer term prospects for standardization by demonstrating U.S. willingness to move forward toward the development of a genuine "two-way street" on intra NATO procurement. In my view expanded U.S. procurement of European weapon systems is an essential foundation of meaningful standardization in the long run. Thus while not substantially contributing to standardization of armaments within NATO the Army's decision to go for the Mag-58 represents an important committment to a fundamental prerequisite of standardization.

Mr. MUSKIE. Will the Senator yield?

Mr. HATHAWAY. I am happy to yield to my colleague.

Mr. MUSKIE. I thank my good friend from Iowa for his statement. I appreciate his cooperation in clarifying the remaining uncertainties in this dispute.

If I understand the Senator correctly, purchase of the Belgian Mag-58 would, at most, contribute indirectly by showing a willingness to move in the direction of standardization of armaments among NATO nations.

Is it correct to say that these new provisions in section 802(a)(2) which make explicit the authority to waive the Buy America Act would not apply to this procurement?

Mr. CULVER. Let me say to the Senator from Maine that it is not my intention that this section apply retrospectively to the particular issue of the machinegun decision, since that decision predated this amendment, and since, of course, this amendment is not yet law. This provision does not, in my view, diminish the existing authority of the Secretary of Defense to waive the Buy America Act in the public interest.

But, neither the desirability of standardization, nor its legitimacy as grounds for waiving the Buy America Act is at

issue here. It is my understanding that the Army's principal consideration in choosing the Mag-58 over the M-60E2 was reliability and not standardization.

Mr. MUSKIE. *I thank the Senator.*

I ask the distinguished Senator from Georgia, who is also actively interested in this policy of the bill, if he would agree with the distinguished Senator from Iowa that it does not apply retroactively to the procurement of the machinegun which is in question?

Mr. NUNN. The Senator from Georgia does agree with the Senator from Iowa that this particular section is not intended to apply retroactively in terms of law.

Mr. MUSKIE. I thank my good friends from Georgia and Iowa and my colleague from Maine for introducing this amendment. I appreciate their support and assistance in this matter.

I do have remaining concerns, however, about the Army's procurement decision here which relates not to the standardization issue, but to the question of whether the Secretary of Defense may have entered an agreement with the Belgian Defense Minister in June of 1975 under which the United States would agree to purchase the Belgian manufactured Mag-58 as part of a tradeoff for the Belgian agreement to purchase the F-16. Newspaper accounts reporting such an agreement back in June of 1975 first drew my attention to this matter and my suspicions about such a tradeoff have never been completely put to rest. The reporting requirement in Senator HATHAWAY's amendment, together with the understanding and assurances we have gained from the discussion here today, help alleviate many remaining concerns and I hope that we can proceed with affirmative action to require the reporting of any such agreements so that American workers and American industry will know precisely what agreements the Secretary of Defense has negotiated *and be able* to publicly evaluate the fairness and propriety of the arrangements. I hope that my colleagues from the committee will recognize the importance of these reporting requirements to American industry and American workers and will support the provision.

Mr. HATHAWAY. Mr. President, I thank my colleague from Maine and the distinguished Senators from Iowa and Georgia. I simply wish to address the chairman of the committee and ask him if this colloquy is consistent with his understanding of the situation?

Mr. STENNIS. Mr. President, I have understood this matter now principally from the viewpoint of the committee. The Senator from Georgia and the Senator from Iowa have gone into this matter thoroughly and have spoken for the committee. From my understanding of their representations here, it does comply with the situation, yes.

Mr. HATHAWAY. I thank the chairman very much.

Mr. STENNIS. That is the way I understand it.

Mr. HATHAWAY. Mr. President, I yield back the remainder of my time.

Mr. NUNN. Mr. President, may I ask one question? I understood there is a pending amendment at the desk.

Mr. HATHAWAY. The Senator is correct.

Mr. NUNN. Is the Senator pursuing his amendment that would require notice by the Secretary of Defense?

Mr. HATHAWAY. The Senator is pursuing the substitute for the original amendment, which was a printed amendment No. 1665. The substitute is an unprinted amendment, a copy of which I believe the Senator has. That is what the Senator is pursuing.

Mr. NUNN. The Senator from Georgia does have a copy of that amendment. It might be helpful, though, as in this colloquy there has been no reference made to the amendment, if the Senator would give us a brief explanation of the amendment itself. The colloquy relating to the provisions in the bill did not relate to this amendment. I think it might be helpful to have a brief explanation of the amendment.

Mr. HATHAWAY. As far as any equipment authorized to be procured under the terms of this bill, if the Secretary enters into any agreements with members of the North Atlantic Treaty Organization he is required to report such agreements to the Senate within 30 days, or within 30 days of the enactment of this law if he has entered into any in the past.

Mr. NUNN. So this is really a reporting amendment. It does not in any way preclude the Secretary of Defense from making that kind of an agreement?

Mr. HATHAWAY. It in no way precludes the Secretary.

Mr. NUNN. It is to make sure that Congress is informed if there is any kind of an agreement by the Secretary of Defense to purchase a NATO-produced weapon in exchange for NATO purchasing U.S. equipment.

Mr. HATHAWAY. The Senator is correct.

Mr. NUNN. I thank the Senator.

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

The amendment was agreed to.

The PRESIDING OFFICER. The question is now on agreeing to the amendment, as amended.

The amendment, as amended, was agreed to.

The PRESIDING OFFICER. What is the will of the Senate?

Mr. ALLEN. 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. ALLEN. 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. We have disposed of those amendments now, Mr. President, and, of course, the bill is open to further amendment. If we reach a point where there are no further amendments to be offered, as manager of the bill I would call for a third reading.

Mr. ALLEN. If the Senator plans to do that, out of deference to the Senator from Ohio I would——

Mr. STENNIS. I am not going to do it. I just brought the matter up that it was possible. I do not know what plans anyone has.

The Senator from Kansas has one amendment on which we have an agreement.

In addition to the Senator from Kansas, I believe——

Mr. TAFT. Will the Senator yield?

Mr. STENNIS. I yield.

Mr. TAFT. The Senator knows I have an amendment. My feeling is if there are less controversial amendments, it might be desirable to dispose of them first before we get to my amendment. I have no idea how long the debate on my amendment might continue once it starts.

Mr. STENNIS. I believe that is a good suggestion.

Mr. TAFT. I believe in view of the nature of the amendment, it would be desirable to have more Senators in the Chamber, which I think would happen at a later time.

Mr. STENNIS. Mr. President, I am just trying to round up the situation to see where we are.

In addition to the Dole amendment, what other amendments does the leader have, in addition to the matter the Senator from Ohio brought up?

Mr. ROBERT C. BYRD. I only know of the amendment by Mr. DOLE and the amendment by Mr. TAFT. Word has been sent to Mr. DOLE to come to the Chamber and call up his amendment now.

Mr. STENNIS. Those are the only ones I know of. I await the pleasure of the Senate. We will be ready.

Mr. ROBERT C. BYRD. The Senator from Kansas is on his way now.

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. DOLE. 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. NUNN. Mr. President, will the Senator from Kansas yield for a brief unanimous consent request?

Mr. DOLE. I yield to the Senator from Georgia.

AUTHORITY TO SUBMIT CORRECTIONS IN COMMITTEE REPORT

Mr. NUNN. Mr. President, as Senators know, the Senate Armed Services Committee was under a considerable time pressure to meet the deadline for reporting the military authorization bill to the Senate. The committee received amendments to the budget request very late in its deliberations on the bill. Due to this time pressure, the committee report on the bill has several typographical errors which I would like to correct. I ask unanimous consent that there be a star print of the report showing the corrections and that the corrections be printed in the RECORD as follows:

1. On page 3, the chart at the top of the page should read as follows:

DEPARTMENT OF DEFENSE BUDGET AUTHORITY

	Billion
Current dollars:	
1964	$50.9
1976	96.2
Constant fiscal year 1976 dollars:	
1964	50.9
1976	106.0

2. On page 13, under Civilian Manpower the phrase "1500 in Air Force." should read "500 in Air Force."

3. On page 14, in the table the number "-4,009" should read "-4049."

4. On page 161, under Junior ROTC the phrase "800 to 1200:" should read "1200 to 2000."

5. On page 141, the last sentence of the first full paragraph should read as follows: "Commissaries also receive support in areas such as administration, routine maintenance, security and warehousing."

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

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 loads, and for other purposes.

AMENDMENT NO. 1699

Mr. DOLE. Mr. President, I call up my amendment No. 1699, and ask for its immediate consideration.

The PRESIDING OFFICER. The amendment will be stated.

The second assistant legislative clerk read as follows:

The Senator from Kansas (Mr. DOLE) proposes an amendment numbered 1699.

Mr. DOLE's amendment is as follows:

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".

Mr. DOLE. Mr. President, this amendment would authorize a Naval Reserve drill strength of 92,000. This is a compromise between the present strength of 102,000 and the Armed Services Committee recommendation of 79,500.

This amendment is cosponsored by Senators THURMOND, TOWER, WILLIAMS, BROCK, and STEVENS.

DEFENSE MANPOWER COMMISSION

There are numerous reasons why a higher Naval Reserve strength is justified. The most important factor is the recent publication of the Defense Manpower Commission report. This report was released after the Senate Armed Services Committee considered the strength authorization for the Naval Reserve.

The Defense Manpower Commission report states:

The fiscal year 1976 funded level of 102,000 appears to be reasonable . . . and that to cut the drilling reserve by 50,000 . . . would save drill pay but . . . would seem to be of questionable practicability.

The Commission further stated that:

There is a need for the Navy to make better use of its selected reserve. . . . To assign and clarify reserve missions . . . to stabilize its reserve programs and to improve top-level management and support of Naval Reserve units.

MINIMUM NEEDS

In addition the Navy has carefully analyzed what its reserve needs would be in the event of a crisis and a full mobilization. This analysis is the OP-605 study. This study was ordered and personally supervised by the Chief of Naval Operations, Adm. James Holloway.

The full utilization of a 102,000 Naval Reserve drill strength has been the personal commitment of the Secretary of the Navy, the Chief of Naval Operations and the top Navy leadership. I emphasize this because it is the first time in recent years that the top Navy leadership has taken such a strong interest in the Reserve force. I believe it is important that we support this commitment of the Navy rather than making it more difficult by continuously reducing the Naval Reserve strength.

TOTAL FORCE NOT FARCE

The Navy's analysis of their Reserve force needs is based on the total force policy. Under this policy the Active Reserve is the first source of trained manpower and equipment that the Navy would turn to in the event of a crisis and a mobilization.

The proposed strength of 79,500 would cut out many units that are very important to the Navy in the event of a mobilization. Based on the committee report, it is apparently the committee's intention that base and air station support personnel would be cut out. In addition the load-out personnel for ordinance and logistical support units would apparently be reduced.

Mr. President, it is clear that these units have a vital mission to perform in the event of mobilization. It has been stated that the units to be cut back are of low priority and that they would have little or no specific relationship to early deployment plans. While these units are obviously not combat units, it is clear that in the modern Navy, the combat forces cannot operate for very long without full logistical support.

Presently the Navy supply system only has an adequate number of active duty personnel to operate the system on an 8-hour-per-day basis. In the event of a crisis the supply system would have to be put on a 24-hour full-time basis and the additional equipment and manpower to accomplish this would have to come from the Select Reserve, which this amendment authorizes. That is why the reserve logistics and supply units that would be covered under this amendment are so important to the mission of the Navy.

In addition most of our Navy bases and air stations are only operated on a 12-hour day, 5-day-week basis. The additional personnel and equipment to put these facilities on a full-time basis would have to come from the Reserve. Without a reserve strength of at least 92,000, it seems clear that the ability of the Navy to accomplish its mission in a crisis would be gravely endangered.

So the units that would be cut under the committee proposal present a real threat of making our policy of total force into a total farce.

BALANCED FORCE

The bill before the Senate would also strike many units that are essential to maintaining a balanced force.

The balanced force concept is based on the need to respond to all types of crises. For example, in an emergency the Navy might have a need for additional intelligence officers. These additional officers and units would come from the Active Reserve. Or the Navy might have the need for additional antisubmarine warfare units or for units to support an amphibious operation by the Marines. Based on the committee reports and on the debate on the Naval Reserve amendment last week, many units would be cut out of the Select Reserve that are essential to keeping a balanced force.

Recently the President signed into law the new authority to call up 50,000 reservists for a period of 90 days. The viability of this new law, as I understand, depends very much on having a balanced force available in the Select Reserve. If we disband the units necessary for a balanced force, the President might find that the units he needs would not be available during a crisis. The 92,000-level proposed in this amendment would greatly improve the ability of the Navy to maintain a balanced Naval Reserve Force.

COST EFFECTIVENESS

Mr. President, the Naval Reserve is a cost effective way for the Navy to maintain its necessary manpower strength. The cost per reservist is about one-fifth to one-sixth of what it costs to maintain comparable active duty personnel.

This is an especially important factor when 52 percent of the defense budget is for direct manpower costs alone. This does not include the indirect manpower costs that go for on-post housing, fringe benefits, and other items associated with manpower costs.

COST

The cost of this amendment to authorize a Reserve strength of 92,000 would be $12.3 million more than the strength authorization of 79,500 as reported out of the committee.

This figure includes the cost of 904 active duty personnel and 181 civilian personnel that would be required to maintain the Naval Reserve facilities used in the training of reservists. These active duty and civilian technicians apparently were not included in the bill reported by the committee but would be required for the 79,500 strength authorization. The cost also includes the reduced amount of funds required for "pay

category D" personnel that results from a higher level of Active Reserve strength.

It has been stated that the reduction of reserve strength to 79,500 as recommended by the committee, would simply entail the transfer of reservists into pay category D. Pay category D involves only 2 weeks summer training rather than regular weekly or monthly drills.

However, as a matter of practice it is commonly known that most reservists that are so transferred will simply leave the Naval Reserve. In actuality the transfer to pay category D will have the effect of cutting these individuals out of the service.

PREVIOUS AMENDMENT

Mr. President, last week the Senate voted on an amendment I offered to maintain the Naval Reserve strength at its present level. That amendment was narrowly defeated by a margin of three votes. In recalling that vote it seems clear that it could have just as easily gone the other way.

In view of that vote, it appears that the Senate may support a Naval Reserve strength higher than the 79,500 approved by the Armed Services Committee. The Senator from Kansas strongly believes that the strength authorization of 102,000 has the strongest case and is fully justified. However, this is a compromise amendment and it is my belief that the Senate may approve a strength authorization greater than 79,500.

In summary, I would point out that the amendment I offered previously was to keep the reserve drill strength at 102,000. That was narrowly defeated in the Senate. The strength approved in the House bill was 102,000. The committee figure is 79,500.

Mr. President, the Senator from Kansas is convinced that the 92,000 strength level is necessary. Due to the fact that there are not a great number of Senators on the floor, and we have been through this drill strength matter one other time, except for the numbers, I reserve the remainder of my time.

Mr. TAFT. Mr. President, I ask unanimous consent that Gayle Kleweno of Senator BAKER's staff have the privilege of the Senate floor during the debate on H.R. 12438 and any votes thereon.

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

Mr. NUNN. Mr. President, the committee has carefully reviewed the President's budget request for the various kinds of Naval Reserve units. Based on that detailed study, the committee recommended adding 27,500 to the President's budget, for deployment-related units, ship and aircraft maintenance units, units with high technical and professional skills which might in case of emergency be called to active duty with the Naval Reserve.

The committee action is a part of an overall approach to strengthening the Naval Reserve, enhancing the reliance on and reliability of the Naval Reserve, and increase the overall effectiveness of the total forces of the Department of Defense.

The Dole amendment would seriously undermine the committee approach. The administration did not request this. The Navy themselves testified against it.

We added a great deal of strength to the Naval Reserve above the administration request, and I think the Dole amendment would undercut the committee purpose in doing that.

Therefore, we oppose the amendment. Rather than take up more time for this debate at this time, I ask unanimous consent that 2 minutes be reserved for both the Senator from Kansas and myself to sum up our positions immediately before the vote occurs, which I understand will occur around 7:30.

Mr. ROBERT C. BYRD. Mr. President, reserving the right to object, that is agreeable with me. Will the Senator from Georgia and the Senator from Kansas yield back their time at this time?

Mr. TAFT. Mr. President, I wonder if the Senator will yield me 3 minutes.

Mr. NUNN. At this time?

Mr. TAFT. Yes, at this time.

Mr. NUNN. I will yield the Senator from Ohio—is this on this subject?

Mr. TAFT. On the subject.

Mr. NUNN. I yield the Senator from Ohio 3 minutes.

Mr. TAFT. Mr. President, I do appreciate the position of the distinguished Senator from Kansas very much. I am very sympathetic to it. I definitely feel that we do need more reserves in our Navy. Our ships are undermanned today. I think further trained and assigned Naval Reserve personnel could well fill that billet and fill it pretty well.

I am alarmed, however, by some attitudes I find in the Navy with regard to this. Frankly the attitudes are or seem to be that they really do not feel there is much of a role for the Naval Reserve. That is particularly true because they do not have the ships to put them on as Reserve ships or Reserve units, and there seems to be some feeling, at least there are some classes of vessels that they do not want to assign Naval Reserve personnel to fighting ships of the Navy to fill in the unfilled complements on tours of duty.

This seems to me to be a great mistake. I have discussed it with the Navy from time to time, but frankly, while I get some sympathy on it from a number of pepole with whom I have discussed it with, the Navy also finds that there still is really little or nothing done about it.

So after studying the matter in the committee, I came to the opinion that we certainly should not increase it further but we ought to keep pressure on the Navy to take a new hard look at their Reserve policies and see to it that they do find a real role for the use of their Reserves and then go ahead and build up our Reserves.

I think the position of the committee was certainly, as the Senator from Georgia has mentioned, consistent with that. We increased the amount the administration asked for over by a considerable amount of money, but I hope next year we will see the Navy come in with a plan that will involve active use of the Reserves that we give them; meanwhile, I do not think there is any chance that they would be able to use additional ones if we set them up, and we would, in effect, be paying money for really little benefit to the Nation because merely training an army does not do the job.

Mr. NUNN. May I say in brief response to the Senator from Ohio, I completely agree. For 2 years now our subcommittee has made every effort to try to get the Navy to make better use of their Reserves and to give them better missions. The Senator from Georgia will lead the way in trying to get an increase in the Naval Reserve next year or the year after or whenever the U.S. Navy demonstrate they intend to make good use of the Reserve, but I cannot condone nor recommend to the Senate that we spend $30 million per year on low priority units that have no meaningful mission in our national security. And that is exactly where we are today.

Mr. President, I reserve at least 2 minutes of the remainder of my time.

Mr. DOLE. Mr. President, I ask for the yeas and nays on the amendment.

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

The yeas and nays were ordered.

Mr. ROBERT C. BYRD. Mr. President, will Mr. DOLE and Mr. NUNN reserve each 2 minutes of their time on the amendment?

Mr. NUNN. Mr. President, I ask unanimous consent that after yielding I yield back all of my time first.

Mr. ROBERT C. BYRD. Just yield back all but 2 minutes.

Mr. NUNN. I yield back all but 2 minutes of my time.

Mr. DOLE. I yield back all but 2 minutes of my time.

The PRESIDING OFFICER. All time, with exception of 2 minutes from the Senator from Kansas and 2 minutes from the Senator from Georgia, has been yielded back. The yeas and nays have been ordered.

ORDER TO LAY ASIDE DOLE AMENDMENT

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the amendment by Mr. DOLE be temporarily laid aside now until no earlier than 7:30 p.m. tonight.

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

AMENDMENT NO. 1693

Mr. TAFT. Mr. President, I call up my amendment No. 1693.

The PRESIDING OFFICER. The amendment will be stated.

The second assistant legislative clerk read as follows:

The Senator from Ohio (Mr. TAFT) for himself and Mr. Bartlett proposes an amendment No. 1693.

The amendment is as follows:

On page 37, between lines 17 and 18, insert a new section as follows:

"SEC. 809. Notwithstanding any other provision of this Act, the President is authorized to use funds authorized to be appropriated by this Act for the procurement of the three production models of the B-1 bomber aircraft prior to February 1, 1977, if he determines at any time prior to such date that the production of such aircraft will improve chances for successful negotiations with the

Soviet Union at the Strategic Arms Limitation Talks regarding mutual limitations on strategic armaments.".

On page 37, line 18, strike out "SEC. 809" and insert in lieu thereof "SEC. 810".

Mr. TAFT. Mr. President, in the discussion on reservation by the unanimous-consent request a little earlier time this evening, we did commence by discussing what had led to the situation in which we find ourselves insofar as this amendment is concerned. I am not going to go into that at any great detail further today.

But I do call up this amendment because I have a serious problem with the Culver amendment as it was agreed to without any limitation on it.

It seems to me that it raises questions with regard to the negotiating ability of the President in the SALT talks or indeed, in any other talks in which we might become involved. And in order to discuss that in any intelligent context we have to take a look at the various weapons systems that we have in our strategic arsenal.

I shall review for the Senate at this time that general picture.

I think that this element of our national defense, which is by any measure the most vital to our national existence, should be very carefully considered by the Senate at this time. I am speaking of our strategic nuclear deterrence forces.

There is to me no question that the maintenance of strategic deterrence must be among the highest of our national priorities. There are, indeed, many important national goals—some military related, many not—toward which we work, and to the achievement of which we, in Congress, dedicate our national resources. I would, however, suggest that despite the importance of these goals, there is only one among them upon which, and upon which alone, the very survival of this Nation depends: That of maintaining strategic deterrence.

Because our strategic deterrence forces have always been adequate to their task, we tend to forget about them. Indeed, it is not pleasant to think about them, because it is not pleasant to think about what would happen should they fail or if they should no longer be credible.

The price of a failure of strategic deterrence would be international nuclear war or subservience to nuclear blackmail at the sacrifice of freedom.

What, in general terms, must we do to insure that deterrence does not fail?

First, we must take our deterrence forces seriously. We must not assume blithely that, because they have succeeded in maintaining deterrence over the past 30 years, we can pick and chip away at them, that we can comfortably talk of "overkill" and let our deterrence forces fend for themselves. Such attitudes, such unconcern, contain some potential for utter and irretrievable catastrophe.

Second, we must realize that there is no cost effectiveness for deterrence. The cost of a failure of deterrence is incalculable; therefore, there is no cost too great to pay for maintaining deterrence. A decision that we cannot afford a weapon system necessary for the maintenance of strategic deterrence is, by definition, a decision either to surrender or to commit collective suicide.

Third, we must be extremely cautious about tampering with the heretofore successful structure of our deterrence force. It would be a rash man who would suggest experimenting in this area, who would abandon the structure which has proven successful, simply because it has worked. There are areas where we, as Senators, have a responsibility to see that no resources are committed beyond the bare minimum needed to do the job. But this is not such an area. Strategic deterrence is not such a place to cut to the bone, to make fine calculations of just how much is enough. Far better that we should have some surplus capability, even at a high dollar price, than that we should cut too finely and pay the infinite cost of a failure of deterrence. In this area, the wise man walks carefully and with reverence for that which has succeeded.

The basic structure of our deterrence force is the Triad—the combination of bombers, ICBM's and SLBM's. It is this Triad structure which creates the deterrence-producing uncertainties in the minds of our opponents. It is this Triad structure which is the very basis of our deterrence force. It is this Triad structure which has been successful; and, as I noted earlier, it is a bold man who would propose to experiment with success in this area.

What do we need to maintain our successful deterrence force structure, the Triad? There are, in this military procurement bill, several programs which are vital, if the Triad is to be maintained.

The first of these is the Trident—*Ohio*-class—submarine. There are several qualities which are important to a ballistic missile submarine, if it is to remain undetected by potential attackers and thus able to carry out its deterrence mission. The two most important of these qualities are the range of its missiles and the quietness of the submarine.

Missile range is of great importance because it is the range of the missile which determines how much of the ocean is usable by the submarine. If the missile range is too short, the submarine must remain close to the potential enemy's coasts and thus vulnerable to his antisubmarine ships and aircraft. The longer the submarine can cruise while remaining in range of its targets, the greater the potential opponent's ASW problems. The missile which the Trident submarine will carry will have a range of over 4,000 miles—compared with the 2,900-mile range of our current SLBM. Subsequent missiles for the Trident will have an even greater range/payload capability. I note that the SSN-8 ballistic missile in the Soviet *Delta*-class submarine, currently in service, has a range of 4,200 miles. These submarines can sit at their docks in Petropavlovsk and hit every city in my State of Ohio.

The Trident submarine will also be materially more quiet than our current Poseidon class. Quietness is a key factor in a submarine's ability to avoid detection; a principal means of finding a submarine is through underwater listening devices, which can pick up underwater noise hundreds of miles away.

If we are to maintain the Triad, we need the Trident submarine. We need the deterrence capability given by its increased ability to avoid hostile ASW forces.

Another system which we need if we are to maintain the Triad is the B-1 bomber. One of the three basic elements of the Triad is a manned bomber. Without an effective, modern, strategic bomber, you do not have a Triad—you have abandoned our successful deterrence force structure, and have decided to experiment with deterrence. The only alternative to abandoning the Triad is the B-1, because it is the only modern strategic bomber available to us. The B-52 is increasingly outdated in design, and the actual planes are wearing out. The FB-111 is only capable of one-way missions, and, more importantly, it is physically too small to carry the advanced electronics which will be necessary to penetrate the Soviet air defenses of the 1980's and 1990's. Forward based, they would be vulnerable to a first strike. Proposed cruise missile carriers are not strategic bombers at all; they would be converted transport or civilian airliners, and would be incapable of penetrating any hostile air defenses. They would be extremely vulnerable because of their tactical inflexibility. They have only one tactic: approach the borders of a hostile country and launch their missiles. Long-range interceptors or long-range air defense missiles would be an effective answer to such a system.

Another point that needs to be made in relation to the B-1 is that Soviet civil defense programs are increasing. More and more Soviet targets, not only military targets but also industrial targets, are receiving defensive hardening and extensive air defense forces are in being. This makes them less vulnerable to the comparatively small warheads on our Minuteman and our sea-launched missiles.

There is also considerable evidence—growing evidence, unfortunately—that the Soviets in their civil defense activities and in their defensive attitudes at the present time have their entire manned control and communications systems in relatively hardened sites, underground sites. They have very extensive plans for covering up their industry in a mobilization situation in very simple ways, but nevertheless ways that are quite effective.

They already have a dispersion of their industry over their entire nation that is certainly greatly in excess of our own, which is more or less concentrated in a number of areas.

They also have a very excellent civil defense system under which they are instructing people throughout Russia in what steps they should take in the event of a nuclear attack. This has led some experts, including one with whom I talked recently, who was present at the SALT talks in the original SALT agreement and was one of our negotiators at

that time, to believe that our deterrence capability, insofar as our ability to destroy their manufacturing establishments is concerned, or even to have a major threat against their population, has been decreased greatly in the last few years, going down from perhap 50 percent, which we have been talking about, to as low as 5 percent, in the estimation of this one expert with whom I talked on the subject.

The manned bomber, on the other hand, can carry bombs with the capability needed to destroy these hardened targets. This is very important, if deterrence is to be effective. If the Soviets believe our retaliatory forces cannot destroy their key installations, then deterrence is weakened. We must preserve the capability to attack hardened targets, and, with the exception of our small number of Titan missiles, only our bombers have this capability.

Thus, the B–1 is necessary if we are to maintain the Triad. There is no alternative to it, other than to abandon the Triad structure of our deterrence force. Is it expensive? Yes. But I return to the point; can you play cost effectiveness with deterrence, where the price of failure—of just one failure—is nuclear holocaust? The Triad structure is the only deterrence system which we know does work.

There is one further portion of the bill before us which relates to our Triad. This is the authorization for the continued procurement of Minuteman missiles. We had some debate on this measure earlier today. The outcome of the debate on the amendment offered by the Senator from Massachusetts certainly gives me pause for a number of reasons, because it attempts to cut down on our capabilities in the field of the land-based ICBM. The land-based ICBM remains a vital part of the Triad. By procuring these additional Minutemen, we will strengthen this component of our force. The Minuteman III is superior to the Minuteman II, which would be replaced by these additional III's, in all respects. Minuteman III is a MIRVed missile. Equally important, it is better hardened against blast effects, and thus more survivable. Both aspects contribute to better deterrence.

I listened with interest to the comments of the distinguished Senator from Utah on this issue earlier today, and I must say that I find myself very much in agreement with him. The information that has been coming through as to what the Russians are doing with their ICBM's is quite frightening. I will go into that in somewhat more detail at a later point tonight.

The committee was assured that this procurement of Minuteman will not impact negatively on our Trident program. If the Vladivostok agreement is institutionalized in a new SALT treaty then these missiles would not be procured, or at least they would not be fitted with a MIRVed warhead. They will only be procured with MIRV's if there is no SALT agreement based on Vladivostok; in which case, of course, they will not impact on the number of MIRV's we can deploy, and thus on Trident. I agree with those who favor the submarine-launched missiles over land-based ICBM's; the point is that no tradeoff is involved here.

Each of these programs strengthens one of the three arms of the Triad. Each of those arms is needed, not only because without any one of them we will have abandoned the Triad, but because, on its own, each has its vulnerabilities.

The bomber has always been somewhat vulnerable to hostile interceptors and to antiaircraft defenses, as well as to attacks on its bases. I would point out that some bombers have always gotten through, and I have confidence in the ability of a modern bomber with defense countermeasures such as the B–1, flying fast and low, to penetrate any air defense. Nonetheless, the bomber has its vulnerabilities; and a deterrence force based solely on bombers would be a risky way to insure our national existence.

Similarly, land-based ICBM's are potentially vulnerable to first strikes by opposing ballistic missile forces. Large numbers of enemy ICBM's, equipped with multimegaton warheads and high-precision guidance systems, could pose a threat to any land-based ICBM system. I do not intend to say that we now face such a threat; we do not, and I am confident in the high survivability of our land-based missiles against the current threat. We must note, however, that the Soviets are increasing both the size of their missiles and the accuracy of their guidance systems. It is not inconceivable that we could, in the not-too-distant future, face a threat to our land-based missiles that would have to concern us.

Our submarine-launched missiles are, at present, our least vulnerable strategic retaliation force. That does not mean, however, that they are invulnerable. As I noted last year during the debate on this subject, the Soviets are doing intensive research into antisubmarine warfare. They are developing new means of area search for submarines, including possibly some that can be used from satellites. They may also be preparing to use the SSN–13—a land-based missile previously—in an antisubmarine role, or even possibly ICBM's. It is possible that the Soviets could achieve a major breakthrough in ASW; in which case a force based solely on missile-firing submarines would put the Nation at great risk.

Have we found, in the ballistic missile submarine, a strategic weapon which is invulnerable now and for the foreseeable future? The answer, I think, is that we have not, that the submarine will remain a vital part of the Triad; but that all systems, individually, have potential vulnerabilities. That, I suggest, is why we continue to need a Triad. And that is the reason why I hope my colleagues will join me in supporting the programs we must have if we are to maintain the Triad: The Trident submarine, which is I noted, will be far less vulnerable to ASW than the present Poseidon; the B–1 bomber; and the additional Minuteman III ICBM's.

Mr. President, I am going to go further into some of these items at a later time when the time arrives for a vote. At the present time, unless someone else wishes the floor, 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. TAFT. 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. TAFT. Mr. President, I mentioned a few minutes ago some of the developments that we see in the Russian ICBM threat. I particularly want to call to the attention of the Senate at this time a publication which I think was delivered to all Senators. Certainly, it was delivered to me. It is called "SALT II, Promise or Precipice?" It is produced by the Center for Advanced International Studies of the University of Miami in conjunction with the international security studies program of the Fletcher School of Law and Diplomacy at Tufts University. There is a monograph prepared by Prof. Robert L. Pfaltzgraff, Jr., and Jacquelyn K. Davis, working with him.

It goes in great detail into the background of all of the weapons systems in connection with the SALT II negotiations. I particularly call that to the attention of the Members of the Senate.

The portion that I wanted to discuss particularly with the Senate today is with regard to the Backfire airplane that the Russians have developed and still claim is not a strategic system. The Backfire is a supersonic aircraft, somewhat smaller than our B–1, but with many similarities to it in its capabilities.

I wish to read in particular from a portion of this monograph starting on page 20:

> Since SALT I, and in particular the Vladivostok summit, the Soviet Union appears to have modified its definition of strategic by its acquiescence in dropping forward-based systems (FBS) from the SALT II agenda. The Soviet concession on this issue has been interpreted as evidence of the success of SALT and the convergence of positions through "frank" discussion of respective superpower perspectives on national security. Yet Moscow's reversal on FBS could also be viewed as a hedge against the inclusion of Backfire in SALT, as well as other Soviet forward nuclear-capable systems that could strike targets in the United States. Since cruise missiles have the potential to pose a significant threat to Soviet territory, the Soviet Union has held that they are strategic systems and must be subject to SALT limitations. Backfire, on the other hand, is not a strategic system, Moscow contends, since it was designed for use as a peripheral theater weapon and has a range of only 3,570 miles, when flying at supersonic speeds, and thus should not be considered for discussion at SALT.

That is a quote from this monograph as to what the Soviet position is.

Further quoting from the monograph, I call the following to the attention of the Senate:

> Backfire flying a supersonic profile is a central strategic system if refueled or forward-deployed, the criteria according to which the U.S. B–52 has been defined as strategic in SALT. A subsonic profile, which would greatly enhance its range capability, is also possible for Backfire since U.S. air defenses are virtually nonexistent. Flying subsonically and carrying a 10,000-pound pay-

load, Backfire if deployed from any major operational air base in the Soviet Union, could strike all targets in the continental United States and return to the Soviet Union without refueling. Carrying a 20,000-pound payload—and that would include quote a number of nuclear weapons—Backfire, unrefueled, could strike 98 per cent of targets in the United States and return to its home base. During the 1972 OKEAN worldwide military exercise, which reportedly included simulation of an all-out nuclear attack against the United States, two squadrons of Backfire were observed to participate, albeit in a minor mode. Since then, one Backfire squadron is known to have been assigned to Soviet long range aviation, while a second has been attached to the naval air arm and a third is being formed for deployment in Eastern Europe. The development of a second, more advanced version of the bomber, code-named by NATO Backfire B,[40] further weakens the Soviet case for excluding Backfire from SALT or for defining it as a nonstrategic system.

In its January 1976 proposal, the United States would have been permitted to deploy unlimited numbers of air-launched cruise missiles with ranges of 1,500 miles, but each heavy bomber carrying twelve to twenty ALCMs and/or SRAMs would be subject to inclusion under the Vladivostoq ceiling of 1,320 on MIRVed launchers. Submarine-launched cruise missiles would be restricted to a range of 360 miles—a proposal that, in effect, would deny the longer range sea-launched cruise missile under development by the United States one of the principal missions for which it has been designed, since few important targets lie within 360 miles of U.S. submarines operating from the 100-to-200-fathom mark off the coast of the Soviet Union.

The net effect of this proposal would probably be to curtail, if not eliminate, both the strategic and tactical cruise missile programs of the U.S. Navy, since it would probably be difficult for the U.S. Congress to justify continued appropriations for research on a weapons system whose deployment had been restricted in SALT. The termination of the Navy's strategic cruise missile program would have serious spill-over effects for the ALCM program, since much of the basic R&D for both programs has been undertaken by the Navy. Since 1974, the Navy's strategic cruise missile program has had the task of designing studies and concepts that would permit SLCMs to be deployed from B-52 aircraft. Both of the companies in competition for the Navy contract to build SLCMs submitted designs that have been fit-tested in the SRAM rack of the B-52. The only major distinction between the launch of an SLCM and an ALCM from a B-52 is that of range, since 25 to 50 per cent of Tomahawk's payload is lost if the SLCM is to fit on a SRAM rack. The ALCM achieves a slightly greater range than the SLCM.

The point that I would like to make with regard to the SLCM and the B-1 bomber is that the B-1 is capable of carrying the SLCM or the ALCM, for that matter, and is far more capable of doing so than our present M-47's. With the very excellent air defense and civil defense capabilities that the Russians have in existence, even at the present time, and certainly with what is going to be developed, I think we can easily foresee that even with the superior capabilities of the B-1 bomber over the B-52 bomber, within a period of perhaps 10 years, perhaps less, the B-1 may well need the SLCM or the ALCM as a weapon under a number of circumstances. It would certainly give a great deal of latitude to the way in which this weapon could be used. One of the great virtues of the weapon, of course, is its latitude of operational development.

It could still, of course, use the SRAM, which is a hard-target type of weapon, but the cruise missile by that time may have developed a further hard-target capability, and today it certainly could be used as soon as we have any B-1's available in the less heavily guarded target scenario.

In this regard, in this same monograph, on page 2, in discussing the matter of these aircraft carrying cruise missiles or other types of weapons, Mr. Pfaltzgraff observed:

Although cruise missiles deployed in a strategic mode lack sufficient speed and payload to pose a major first-strike threat against hard targets, they can strike targets such as bombers, airfields and related defense/industrial sites with great accuracy. Each U.S. B-52 can carry twenty ALCMs, while the B-1 could carry up to twenty-four cruise missiles. Together with SRAMs, the ALCM could be used to improve the penetration capacity of manned bombers by suppressing enemy surveillance and ground radars and diverting missile interceptors when employed with dummy warheads. Unlike SRAM, which is effective only up to ranges of 100 miles, the long range of ALCMs enables them to be launched without first having to penetrate enemy defenses in depth. The cruise missile, with its small radar cross-section and lower infrared output, is more difficult to detect with airborne radar, while its nap-of-the-earth trajector makes it a challenge to ground radars as well. Cruise missiles thus enhance the utility of the manned bomber as a strategic system. Because the bomber, unlike the ballistic missile, is recallable, cruise missiles deployed on a launch platform such as a manned bomber benefit from the flexibility of control. Their weakness is that, once detected, they become highly vulnerable to terminal-point defenses around valued targets because of their inability to detect and counter defense threats.

That, I think, makes the point very well that the cruise missile can be a great addition to the capabilities of the B-1 rather than being an argument, as some have argued in the committee discussions, that we did not need the B-1 because we have the cruise missile. Quite the contrary is true. The cruise missile alone does not have the hard target capability, as I just pointed out. But even more important, the availability of a manned bomber that can make a degree of penetration makes the likely detection and defense against a cruise missile a lot less credible, and adds greatly to the potentiality of this new weapon that I believe is an extremely important one. I call that to the attention of the Senate.

Just in the last day or two, the 20th of May, in regard to this entire area, I do note a dispatch from Tass political observer Vladimir Goncharvo, writing as follows:

It does not attend meetings, deliver speeches or give interviews, nevertheless it plays an important part in the election campaign battles, now unfolding in the United States. Contenders for the supreme government post in the USA find it useful to be standing next to it in a picture. It's sharp beak, glassy eyes, and widespread wings rub shoulders on newspaper pages with the emblems of the biggest American political parties.

It is the test sample of the new strategic bomber "B-1".

The first thing to be said about it is that it costs an astronomical amount of money. The American press says it might beat all cost records and become one of the most expensive arms systems ever developed at the Pentagon's request.

According to the critics of the "B-1's series production—and there are such in the USA, including among the knowledgeable persons accepted in Congress circles—this programme is not absolutely necessary for the country's security.

They hope we will believe that, I guess.

Even so some of the presidential contenders and even those of them who were opposed to the "B-1" for the above-mentioned reasons, now declare that they may revise their attitude to it after becoming President. It is probably not the "B-1" itself, but an unwillingness to fall out with the military industrial complex and the political figures who chose the so-called Soviet military menace to the USA as their election theme. It is not a new theme and is taken up every time the war budget has to be increased or an expensive project has to be pushed through. Now again there are some who hope to drag the production of the "B-1" through the American Congress under cover of the election campaign noise.

Then he goes on, and this is the part I particularly want to call to the attention of the Senate:

To produce or not to produce an arms system is naturally an internal affair of the United States. But internationally, the putting of the "B-1" into serious production will certainly not assist the limitation of strategic armaments, what is more, it will undoubtedly whip up the arms race and new military spending.

It is obvious that Moscow does not like the B-1, so I would suggest this means that it is indeed extremely important to our negotiations, and my amendment is tailored, as I think it shows from its own language, to indicate that.

Now, Mr. Preseident, I would like to go a little further into this matter. I have here an Air University Review of March and April 1976 relating to the role of the strategic bomber. It reads as follows:

Much has been written about the Triad of strategic weapons that provide the backbone for this country's deterrent posture. The synergistic effects of our land-based ballistic missiles sea-launched missiles, and manned strategic bombers greatly compound the problems faced by any would-be attacker who contemplates a nuclear Pearl Harbor to rob this country of its striking force. These weapons are mutually supporting.

The role of the manned bomber is unique. It alone can be launched on warning and maintained in a nearly invulnerable airborne alert, under positive control, while negotiations proceeds to resolve a crisis situation. It alone takes advantage of national decision-making capability in a changing conflict situation, and it alone can be recalled when the crisis is over.

It is generally well known that for almost two decades following World War II the manned strategic bomber was our most important deterrent weapon. Indeed, for over a decade, until the advent of the ballistic missile, it was our only strategic deterrent. What is not so widely recognized is the degree to which our deterrent posture still depends on the bomber.

SALT negotiations have resulted in a form of parity in total strategic offensive delivery vehicles, as shown in Figure 1. Most of the Soviet payload is carried in missiles, however, while approximately half of the U.S. capability depends on the strategic bomber force. This past and present dependence is indicated in Figure 2, which breaks out the intercontinental bombers separately.

If we allow our bomber force to become obsolete, so that it can no longer survive or penetrate the enemy's improved defenses, it could in time cease to be an effective deterrent. Failure to modernize the bomber force, then, would unilaterally decrease our strategic capability by some fifty percent.

WHY A NEW BOMBER?

The B-52 has been the mainstay of our strategic deterrent since it was first produced in the early 1950s. Since that time it has gone through a number of model changes, the last being the G and H models. Additionally, the B-52s in the operational inventory have had a number of modifications to add power and increase structural life.

These continuing modifications have increased the useful operational life of this outstanding aircraft to a full thirty years. When finally retired, it will have flown through half the history of aviation. With further modifications we might keep it flying longer, but the B-52 will still be the same size, the same aerodynamic shape, and thus will still have similar aerodynamic drag and radar cross section. Relatively little can be done to improve its reaction time. And it will lose its capability to penetrate Soviet territory as their defenses become increasingly more sophisticated. In time, the B-52 will cease to be a credible deterrent.

Compared to the B-52, the FB-111 is, of course, a more modern aircraft with higher speed and better low-level performance. However, it is simply too small to perform the operational mission of the B-1. Air Force studies of "stretched" versions of the FB-111 with new engines have shown that its capacity for carrying weapons and fuel is much too small to make it a viable alternative to the B-1. Aside from the fact that it would not cover all targets of interest, cost-effectiveness studies have indicated that as many as ten times the number of aircraft (plus additional tankers) would be required, rendering it a much more costly and less effective option.

NECESSARY ATTRIBUTES OF A FOLLOW-ON BOMBER

To deter war, a follow-on bomber must possess two specific attributes: it must be able to survive a surprise attack and it must be able to penetrate an enemy's defenses. There are other requirements—many others—but these two are primary. And the B-1 has been designed with these foremost in mind.

Ability to Survive a Surprise Attack.—One of the unique features of the manned bomber force is the ability to launch on warning, thereby achieving an additional measure of invulnerability. There need be no question of confidence in the strategic warning system, for the bomber force remains under positive command control. But the bomber must be able to take off following a minimum warning, such as might be expected from an attack by sea-launched ballistic missiles (SLBM). The bomber should have a short takeoff run to enable it to get into the air quickly and be able to accelerate rapidly to high speeds and escape a base that may be under attack. It should be hardened to the effects of nuclear blast and radiation, and its design should permit dispersal to a significant number of airfields. These requirements have greatly influenced the design of the B-1.

The B-1 is designed to launch in less than half the time of the B-52. With its swing-wing in the forward position, it has a relatively short takeoff roll; it can accelerate rapidly after takeoff to a higher speed than that attainable by the B-52. It is the first aircraft specifically designed to a high blast and radiation hardness requirement, and even its white paint plays a significant part in reflecting the radiant heat from a nuclear blast. The combination of these factors will enable up to sixteen B-1s to survive an attack severe enough to permit escape by only one B-52. Further, the smaller B-1 has been designed to utilize about 150 more airfields than the wider B-52, thus permitting wider dispersion in times of crisis. This feature further increases the B-1's survivability potential and enormously complicates a potential aggressor's offensive problem.

Ability to Penetrate.—The other primary requirement of the bomber force is penetration. This requirement, more than all others, has driven the design of the B-1. Both the B-52 and the B-1 can fly to the enemy defenses. The B-1 carries a significantly greater payload, and its swing-wing and specially tailored fan-jet engines use less fuel; but both will get to enemy territory. Today and for an indeterminate time dependent largely on our adversaries' actions, the B-52 can penetrate those defenses. In the period from 1985 and beyond, however, the B-52's penetration task would be extremely difficult, and the B-1 will be available. The B-1 could penetrate under the enemy's radar near treetop level at high subsonic speeds. This high-speed, low-altitude requirement largely dictates the swing-wing design, even if a supersonic flight capability were not desired. The low radar cross section is also significant, denying acquisition until the B-1 is within one-half to one-third the acquisition range of the B-52. To complete the enemy's defensive problems further, a sophisticated defensive countermeasures system will automatically (or manually, if desired) acquire and jam a wide range of enemy acquisition radars.

The inherent capability of the B-1 to fly at high supersonic speeds further complicates the enemy defenses by requiring a defensive capability to defend against high-altitude supersonic attack. The flexibility to fly any combination of these missions is the best guarantee of a reliable penetration capability.

TO LEARN FROM THE PAST . . .

Each successive aircraft design should result in a better product than its predecessor. But each successive design is a harder and usually costlier job. One has knowledge of additional problems that are to be avoided and capabilities that are highly desirable. The B-52 experienced fatigue problems requiring major wing rework. The F-111 had a major wing root problem with the use of high carbon steel, requiring costly inspection and retrofit. The C-5 experienced static load problems in the design of its wings. All aircraft designed to date face problems with windshield bird impact. Obviously we do not wish to encounter these problems with the B-1.

In addition to the normal technical problems in designing and developing a large swing-wing aircraft with significantly higher performance than that previously attained, we undertook to avoid the problems of the past. To accomplish this, we were the first to institute fracture mechanics as a requirement from the time of contract award. Special fracture-tough alloys were specified, and hundreds of aircraft specimens and sections of various size were tested to failure. If fatigue cracks did not develop by the end of the specified test cycles, they were artificially induced, and the specimens were then subjected to design limit loads. To assure a fatigue life at least equal to that of the B-52, a B-1 lifetime of 13,500 hours was specified, and aircraft components were designed to withstand four times this service.

Major sections of the aircraft were subjected to static tests. The aft fuselage, with its massive titanium spindle that holds the movable horizontal tail, was static-tested to limit load and on to ultimate load in a number of flight conditions. The aircraft's critical wing carry-through section, which connects to fuselage components and to the movable wings by pivot pins, was similarly tested. An additional series of large structural specimens will shortly commence four lifetimes of fatigue testing.

The logical progression of structural tests is from parts, to major structural specimens, to a complete airplane. The number 2 aircraft has been designed and instrumented for structural tests and has undergone static testing to design limit loads in a specially designed fixture at Lockheed-California at Palmdale. During these ground tests the 2000-odd strain gages were calibrated for use in subsequent flight loads testing in actual flight.

NEW DYNAMICS

The actual aerodynamic design of the aircraft is believed to be the most comprehensive yet undertaken. Over 22,000 hours of wind-tunnel testing have been conducted to confirm and improve the design, utilizing 44 models in 18 different wind tunnels.

Subsystems.—Concurrent with basic aero and structures design and tests, the designs of the various subsystems received their own qualification. A flight control mockup, dubbed the "Iron Bird," accumulated over 1800 hours in operating mass-simulated control surfaces with the actual hydraulic plumbing and components. Of particular interest was the operation of specially designed actuators and motors utilized in a 4000-psi hydraulic system.

The landing gear was tested through hundreds of cycles, and tires, brakes, and shimmy dampers were similarly tested in specially designed simulators.

Unique Features.—By and large, the B-1 design does not "push" the state of the art. It does, however, use the latest techniques and developments to attain a substantial improvement in overall performance. Among the unique features are an Electronic Multiplex System (EMUX), which avoids the use of some 30,000 wire segments; a Central Integrated Test System (CITS), which records 3148 system measurement items during flight to provide trending data for extended usage of engines and other components—as well as maintenance data for rapid turnaround. The 240-volt power system is virtually unique to aircraft design, as is the 4000-psi hydraulic system.

But perhaps the most distinctive feature of all is the overall redundancy requirement—the aircraft is designed to "fail operational, fail safe." In brief, this means that the aircraft must still be able to accomplish its operational mission after failure of any one major subsystem.

It must be able to sustain an additional failure of that subsystem and still be able to land safely. With few exceptions, the present design meets these requirements.

The PRESIDING OFFICER. The hour of 7:30 having arrived, the pending business becomes the amendment of the Senator from Kansas, Mr. DOLE, in which 2 minutes are reserved for the Senator from Kansas (Mr. DOLE), and 2 minutes reserved for the Senator from Georgia (Mr. NUNN). Who yields time? If time is not yielded, time will run equally against both sides.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that I may proceed for 4 minutes.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. ROBERT C. BYRD. I would ask someone to get in touch with the two Senators and get them here while my 4 minutes are running.

Mr. President, I yield the floor.

The PRESIDING OFFICER. Who yields time?

Mr. NUNN. Mr. President, I urge the defeat of the Dole amendment. This amendment would increase by 12,500 the Naval Reserve strength above the recommended committee level. It would also require increases of 904 active duty Navy and 181 Navy civilian strength. It would cost $30 million. It is not budgeted. It would be against the administration recommendation and the Navy recommendation.

I will fully join the Senator from Kansas when the Navy demonstrates that it can give its units, and will give its units, meaningful missions. These are low priority units. The committee looked very carefully into this matter. We added back all the units that had meaningful skills that could be readily deployed in any kind of likely scenario, but we did not think we should force upon the Navy units they did not want, did not ask for, and say that they cannot use. These are low priority units. This is a $30 million expenditure and I urge defeat of the amendment.

The PRESIDING OFFICER. The Senator from Kansas.

Mr. DOLE. Mr. President, the Senator from Kansas will just emphasize what I said last week and again earlier today. The House bill provides a drill strength of 102,000. The Senate committee has recommended 79,500. The amendment of the Senator from Kansas would authorize a reserve drill strength of 92,000. I might say, as the Senator from Georgia has, I would be happy to join in cutting the Reserve strength if I thought there was not a suitable mission. I have been urging the Navy to do what everyone has urged, and that is to beef up the Reserve program, to bring about some objective mission. I think that is being done.

Earlier I referred to the statement and testimony of the Defense Manpower Commission report which indicated this is a proper level. I just believe that with the 92,000 level, those Senators in the conference can work out a reasonable compromise.

The PRESIDING OFFICER. All time is expired. The question is on the amendment of the Senator from Kansas. The yeas and nays have been ordered and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. DURKIN (when his name was called). Present.

Mr. ROBERT C. BYRD. I announce that the Senator from South Dakota (Mr. ABOUREZK), the Senator from Idaho (Mr. CHURCH), the Senator from Indiana (Mr. HARTKE), the Senator from Wyoming (Mr. MCGEE), the Senator from New Mexico (Mr. MONTOYA), the Senator from Rhode Island, (Mr. PASTORE), the Senator from Missouri (Mr. SYMINGTON), the Senator from California (Mr. TUNNEY), the Senator from Virginia (Mr. HARRY F. BYRD, Jr.), the Senator from Mississippi (Mr. EASTLAND), the Senator from Minnesota (Mr. HUMPHREY), the Senator from Michigan (Mr. PHILIP A. HART), and the Senator from Kentucky (Mr. HUDDLESTON) are necessarily absent.

I further announce that the Senator from Alaska (Mr. GRAVEL), 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.

I also announce that the Senator from Wisconsin (Mr. NELSON) is absent attending the funeral of Horace W. Wilkie, Chief Justice, Wisconsin State supreme court.

I further announce that, if present and voting, the Senator from North Carolina (Mr. MORGAN), the Senator from Rhode Island (Mr. PASTORE), and the Senator from Minnesota (Mr. HUMPHREY) would each vote "yea."

Mr. GRIFFIN. I announce that the Senator from Maryland (Mr. BEALL), the Senator from Hawaii (Mr. FONG) 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. HUGH SCOTT) are absent on official business.

I further announce that, if present and voting, the Senator from Pennsylvania (Mr. HUGH SCOTT) would vote "yea."

The result was announced—yeas 39, nays 35, as follows:

[Rollcall Vote No. 198 Leg.]

YEAS—39

Baker	Griffin	Moss
Bartlett	Hansen	Pell
Bentsen	Hatfield	Roth
Brock	Helms	Schweiker
Buckley	Hollings	Scott, William L.
Bumpers	Hruska	Stafford
Case	Inouye	Stevens
Chiles	Jackson	Stone
Curtis	Johnston	Thurmond
Dole	Laxalt	Tower
Domenici	Long	Williams
Fannin	Magnuson	
Ford	Mathias	
Garn	McClure	

NAYS—35

Allen	Goldwater	Nunn
Bayh	Hart, Gary	Percy
Bellmon	Haskell	Proxmire
Biden	Hathaway	Randolph
Burdick	Javits	Ribicoff
Byrd, Robert C.	Kennedy	Sparkman
Cannon	Leahy	Stennis
Clark	McClellan	Stevenson
Cranston	McIntyre	Taft
Culver	Metcalf	Talmadge
Eagleton	Mondale	Young
Glenn	Muskie	

ANSWERED "PRESENT"—1

Durkin

NOT VOTING—25

Abourezk	Hart, Philip A.	Nelson
Beall	Hartke	Packwood
Brooke	Huddleston	Pastore
Byrd, Harry F., Jr.	Humphrey	Pearson
Church	Mansfield	Scott, Hugh
Eastland	McGee	Symington
Fong	McGovern	Tunney
Gravel	Montoya	Weicker
	Morgan	

So Mr. DOLE's amendment (No. 1699) was agreed to.

Mr. DOLE. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

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

The motion to lay on the table was agreed to.

Mr. ROBERT C. BYRD. Mr. President, may we have order in the Senate?

The PRESIDING OFFICER. The question recurs on the amendment of the Senator from Ohio.

The Senator from West Virginia is recognized.

Mr. ROBERT C. BYRD. Mr. President, may we have order in the Senate?

The PRESIDING OFFICER. The Senate is not in order. The Senate will kindly come to order. Will Senators who wish to converse kindly withdraw from the Chamber? The Senate is not yet in order.

Mr. ROBERT C. BYRD. Mr. President, the question before the Senate now is on the adoption of the amendment by Mr. TAFT. I shall vote to table that amendment shortly, but before doing so I want to state the reasons why I will make this motion. And I also would want to yield to Mr. TAFT for 15 or 20 minutes so that he might make his closing argument.

Senators are wanting to complete work on this bill tonight. Various Senators have appointments which will cause them to have to leave the Chamber soon.

But this matter was decided earlier during the consideration of this bill by a vote of 44 to 37. In other words, 81 Senators took a position earlier in the debate with respect to this subject matter.

The amendment by Mr. CULVER was carried decisively. The matter is in conference now, may I say to the distinguished Senator from Ohio (Mr. TAFT) of which, of course, he is already aware.

In view of the fact, first, that the Senate has spoken on this issue, second, that the matter will be in conference, and those Senators on the other side of the question can be assured that there will be further consideration of the matter in conference, and finally, if this bill is not passed today, it is my judgment that the bill will not be passed until the week after next, I state the following reasons:

There is an order to proceed to the consideration of the antitrust legislation on tomorrow. No call for the regular order can bring that measure down tomorrow. On Friday, there is an order for the resumption of consideration of the antitrust legislation, and no call for the regular order can displace that bill on Friday. When the Senate returns on Wednesday next there is no order, so if the Senate were to return to the military procurement bill on Wednesday next, a call for the regular order would displace the military procurement bill and would bring up the Foreign Military Sales Act. On Thursday, which is the second day following the return of the Senate after the Memorial Day weekend, there will be a vote to invoke cloture on the antitrust bill.

If that vote carries, and I think there is room for reasonable optimism that cloture will be invoked, then the Senate under the rule would have to complete action on that business before it could

take up any other business except by unanimous consent. The Senate would only have Thursday and Friday within which to do that.

That would mean that this bill, if not completed today, will go over until the week after next. The reason I know it will go over is because, if this amendment by Mr. TAFT were to carry, I am confident that there is a sufficient number of Senators who would want to carry on the debate to the extent that we could not finish it tonight, and I have already explained what the predicament would be after tonight.

I hesitate to offer a tabling motion. I know that the distinguished Senator from Ohio feels strongly about this matter. He was not present and for good reasons at the time the matter was voted on. He certainly is entitled to call up his amendment, but I do feel the responsibility of leadership at this time. Because of the strictures of time to which I already have alluded, with apologies, I feel that I will have to offer this tabling motion.

Before doing that, I will be glad to yield to the Senator from Ohio for not to exceed 15 minutes, with the understanding that I not lose my right to the floor.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

The Senator from Ohio is recognized.

Mr. TAFT. Mr. President, first of all, I thank the distinguished assistant majority leader for his accommodation in this matter. I have kept him informed of the situation as it has developed, and I think we have had an opportunity to develop fully the questions that are raised here.

I should like to go back briefly, however, for the Senate and review, as he has in part, the current situation.

The current situation is that the House does have funds for three production aircraft of the B-1 in the bill that will be coming to conference. The Senate, under the Culver amendment, would have the provision requiring a delay in that funding and a decision until February of next year.

I have to take issue with the distinguished floor leader, however, on the point that he made that this is the same subject on which the Senate voted last Thursday. I was sorry to miss the vote last Thursday, but had I thought it was the same subject, I would not have raised it again. Indeed, I feel quite strongly to the contrary.

I point out to the Members that amendment No. 1693 is aimed at a particular problem that I think exists with the Culver amendment, if we go ahead with enacting any legislation of that kind—that is, it puts the President in a very difficult position insofar as the SALT talks are concerned.

The purpose of this amendment is to leave standing the provision of the Culver amendment. It does not touch the amendment in which the Culver amendment exists. It adds a separate section saying that if the President determines at any time prior to the February 1, 1977, date that the production of aircraft, going ahead with the production decision of aircraft, would improve the chances for successful negotiations with the Soviet Union at the SALT talks regarding the actual limitations on strategic armaments, he could go ahead with the production order.

I point this out because it seems to me that it would be very difficult for the President or for those negotiating for him in the SALT talks to go to the SALT talks and discuss limitations on particular weapons systems, numbers of warheads and numbers of delivery vehicles of one kind or another, numbers of aircraft, if they are going to get into aircraft so far as the strategic aircraft are concerned, and not know what type of aircraft he is going to have in this rather key element of our triad defense. He would be going there not knowing whether he is negotiating the delivery of weapons in the triad or the limitation of weapons in the triad with the B-52 bomber or the B-1 bomber.

It is a very different proposition when, as one would hope, the SALT discussions might attempt to project out for a considerable number of years—by 1985, for example. How can we offer any assurance that the B-52 in any way would be capable, and how would the President know that he could count on having a weapons system such as the B-1 if Congress had put that kind of limitation on it?

Frankly, I voted in the committee to support the B-1 system and to support going ahead with it now, because I think we are ready to go ahead with it now.

That is not the issue presented by this amendment. The issue presented by this amendment is whether we are going to tie the President's hands when he goes to the SALT talks or those representing him at the SALT talks. He will need to know what type of limitations Congress has put upon him insofar as weapons systems are concerned.

I yield to no one in my strong feelings that we need a successful SALT discussion. We need to cap the strategic arms race. It is a huge cost on the Nation, and the danger of nuclear war and proliferation continues. If superpowers cannot control their arms programs, why should other countries?

Whether we approve the Vladivostok talks or not, we should attempt to negotiate at SALT in a successful way; but in order to do so, the President needs a strong bargaining position. If the U.S. position is not strong, the agreement could favor the U.S.S.R.'s interest; or, more likely, if the President does not know he is going to have the availability of the best weapons he can get, which he is counting on, he is going to be much more reluctant to agree to what the Russians may or may not have.

So, I think that without this amendment, the Culver amendment would have the effect of weakening the ability of the President to arrive at a successful conclusion of the SALT talks. We need to be sure that we do not inadvertently undercut the U.S. position.

It is hard to say from outside SALT what points are going to be most critical, and only the President and those advising him and working in the SALT talks can make that kind of judgment. We in Congress need to keep from inadvertently impacting negatively on the U.S. position.

The bomber issue is one of the trickiest in SALT.

I quoted earlier from a monograph with respect to the Soviet Backfire bomber, setting this out in detail. I will read briefly from that monograph, and I think it is totally accurate:

> Backfire flying a supersonic profile is a central strategic system if refueled or forward-deployed, the criteria according to which the U.S. B-52 has been defined as strategic in SALT. A subsonic profile, which would greatly enhance its range capability, is also possible for Backfire since U.S. air defenses are virtually nonexistent. Flying subsonically and carrying a 10,000-pound payload, Backfire if deployed from any major operational air base in the Soviet Union, could strike all targets in the continental United States and return to the Soviet Union without refueling. Carrying a 20,000-pound payload, Backfire, unrefueled, could strike 98 per cent of targets in the United States and return to its home base.

The inclusion or noninclusion of the Backfire is a major issue in the SALT talks, but do not think for that reason that the question of the B-1 is or can be called in any way a bargaining chip in the SALT talks. It is not. There is no question of the B-1 being forsworn by the United States insofar as the SALT talks are concerned. That is not the point I am trying to make.

What I am trying to say is that we are trying to send the men into these bargaining negotiations not even knowing how many chips they have in their entire bank, because they do not know whether or not they are going to have a weapons system on which they really have to depend in order to make a decision.

I think it is our duty to avoid errors in this critical area and to give our negotiators the tools they must have. The price of a mistake could be very high.

Prudence dictates that we provide a means by which the President could go ahead with the B-1, if that is necessary for negotiations. He should be allowed to do that with confidence and the knowledge that air strike forces within the limits set are the very best in capability. This implies the B-1, insofar as the air arm of the triad is concerned. Nor is the cruise missile an effective substitute for the B-1 system. Rather, it is complementary. Within a few years I think we are going to find the Russian air defense is built up. The Russians, unfortunately, seem to concentrate more on defense than deterrence, to the point that we are going to be very happy if we find that we not only have the B-1 but also cruise missiles capable of being delivered from the B-1, thus further covering our penetration possibilities, which by then, with the B-52 or any other system we currently have for the use of the cruise missile, might be severely jeopardized.

This seems to me the issue with regard to this amendment, and that is why I thought it was necessary to bring

it before the Senate at this time for its consideration.

Mr. President, I am ready to yield back the time remaining.

Mr. ROBERT C. BYRD. Mr. President, does the Senator from Mississippi wish to address himself to the motion before I make the motion, or does he wish to discuss the subject?

Mr. STENNIS. Mr. President, I have thought about this. The Senate knows how I feel about the importance of the bill and moving along and getting it passed.

I am on the same side, on the merits of the thing, originally, as the Senator from Ohio. I really think that, everything considered, under the circumstances I will vote to table if the Senator makes the motion. It is just a matter of moving the bill along on a matter that has already been voted on. It will certainly be in conference and no one knows what will happen there. I propose to represent the Senate there.

I feel greatly obligated to the Senator from Ohio. He is one of the hardest-working Members and most effective Members of our body. I have said that many times, publicly and to him, too.

That is all I have to say.

Mr. ROBERT C. BYRD. I yield not to exceed 5 minutes to the Senator from Iowa.

Mr. CULVER. I do not intend to use all the time, if I could have 10.

Mr. ROBERT C. BYRD. Mr. President, I yield to the Senator from Iowa for not to exceed 5 minutes, without losing my right to the floor.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

The Senator from Iowa is recognized.

Mr. CULVER. I thank the distinguished majority whip, as well as the chairman of the Senate Committee on Armed Services, for their kind consideration in this issue.

Mr. President, last week the Senate, in its wisdom, voted to defer procurement decisions on the B-1 bomber until February 1 of 1977. Forty-four Members of the U.S. Senate determined that decision to be prudent and in the national interest. That was last week.

Why did the Senate make that judgment? Mr. President, I submit that the Senate made that judgment because this issue before us tonight is, perhaps, the most important issue before the country for many, many years to come—in dollars and cents, in terms of our strategic deterrent credibility in the world, and in terms of the availability of funds to meet domestic needs as well as our military requirements.

Mr. President, under that amendment, that delay until February 1 afforded what? It afforded the opportunity to complete the testing of the B-1 bomber. We are talking about a program of $21.6 billion—244 aircraft, $88 million a copy, which came in just 6 years ago at $35 million; today it is pushing 90. And we have now completed, as of May 12, one-half of the 350 hours of testing—just one-half. That is all, just one-half.

Now, what the Senate said was, we are going to complete testing, which is due in November, and we are going to afford the next President of the United States an opportunity to carefully assess, calmly, in an atmosphere free of political campaign, that very important judgment in the national security interest as to whether that plane should be bought.

Mr. President, we have seen, for the last 5 years, a degradation in that plane's characteristics. We have only had three prototypes even built. We are working on the fourth. We do not even have the design for the fifth. The design for the fifth is going to be the final model upon which we base a decision whether we are going to buy these three porcurement copies they are talking about next November.

So the Senate acted responsibly and prudently and wisely in the national interest. We said we are going to fly before we buy—fly before we buy. Who remembers the C-5A? We are not going to make that mistake again, the Senate said last week; we are going to fly before we buy. And we are not going to buy a pig in a poke. We are going to know what we buy. We are not going to buy a platinum pig in a poke.

That is all we said. We are going to wait until we get 175 additional hours of testing finished so we know what is the capability of that aircraft. What can it do in terms of takeoff weight, in terms of subsonic speed and subsonic range and supersonic range? We do not know yet.

As a matter of fact, it has only been tested about 5 minutes at some of those low flight levels, and that is the whole reason we are supposed to buy it, because it can defeat enemy radar. We have not even proven that yet.

So the Senate said we are going to wait until next February when all the facts are in and the President then, Republican or Democrat, can make that decision carefully and calmly and can weigh all the relevant factors in the international climate of that time so he can make the best judgment in our interest—considering SALT as well as these other matters.

What happens now? Last week, procedurally, we had this all worked out. But now we are on the verge of setting up a process around here where, all of a sudden, although we have agreements about when we cover certain items in disagreement, and we vote our will after full and adequate debate, then you can come down and ambush when your troops lead in a numbers count.

We counted last week. We counted both sides. We counted absentees. And we looked at that.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. CULVER. Just 3 additional minutes, please.

Mr. ROBERT C. BYRD. I ask unanimous consent that I may yield 1 minute to the Senator from Iowa, then 2 minutes to the Senator from Alabama. Then I hope to make my motion.

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

Mr. CULVER. If we adopt the Taft amendment, we would be sending inconsistent signals on this bill. On the one hand, we are saying we can defer the question until February 1 and let the President make a decision then, after all the facts are in. Simultaneously, we would be saying, we do not really mean that. Under the Taft amendment, the United States can make the decision to go before any more testing is completed. He can say "Go" the night before the California primary, on the B-1 bomber.

What about SALT? The interesting thing about SALT is, Mr. President, that not one single high official in the entire administration—in arms control, in the Department of Defense, Secretary of the Air Force Reed, President Ford—all commenting on the B-1, have never once said that it has any relationship at all to our SALT position. And they have not argued against the Senate vote of last week on these grounds. For example, Secretary Reed talked a few hours after the Taft amendment was filed Monday. Guess what? He never even thought to mention SALT.

Do you know why? Because they argue it is of strategic necessity. They do not want it to be a bargaining chip. Pretty expensive, $88 million a copy, build them, bargain them. We have cruise missiles.

Finally, let me say that it seems to me that what we are talking about here is really a parliamentary ploy—not sound and responsible public policy. I certainly urge my colleagues at the appropriate time to support the motion to table so that the Senate can serve the national interest, properly defined, on one of the most important questions that we shall ever be called upon to vote on.

I thank the Senator.

Mr. ROBERT C. BYRD. Mr. President, I yield 2 minutes to the Senator from Alabama.

Mr. ALLEN. I thank the Senator from West Virginia.

Mr. President, it is quite obvious that the stage is set to table the Taft amendment. But I feel that the Taft amendment is a constructive amendment, because it does prevent this delay to February 1 from being set in concrete. It does allow the President—if he feels that starting with the program would be left to us in the SALT negotiation, then he will be authorized to proceed.

The distinguished Senator from Iowa has said this is the most important issue to be decided by the Senate for years to come. That being true, I do not go along with the argument that for the convenience of Senators, we need to table the Taft amendment. I think it ought to be debated and I think we ought to reach a sound conclusion as a result of debate and not just to finish up the bill and accommodate Senators' schedules.

I think if it is all that important—and possibly it is—we ought to consider the matter on the merits. I look with mighty little favor on the process of saying the bill has got to be finished tonight, Senators have other appointments, and let us table this amendment.

I think that is the wrong approach. Two more days here some time could very easily be carved out by agreement, in my judgment, to consider this matter further.

I hope the amendment will not be tabled but, quite obviously, it will.

The Senator from Iowa talked about the escalating costs of the B–1, and that is true; and that another period of delay will certainly not reduce the cost; it would just add to the costs if it is finally decided to implement the program.

WHY THE B–1—ONE MORE TIME

Mr. HRUSKA. Mr. President, I rise in support of the Taft amendment. It is remarkable to find a defense program that has been around for so long and has been discussed in so many pages of testimony before the Armed Services Committee and debated on the floor of the Senate that can continue to raise such interest and emotion. Actually, I am quite pleased, for issues of national security and defense posture are topics that should not be taken lightly. They are issues that go to the core of our Nation's defensive capacity and are elements which contribute to our preeminence and continued survival in world affairs. And, today we find ourselves involved once again in a debate concerning an important element of our strategic arsenal of deterrence, the B–1 bomber, an annual ritual now for the last 5 years. What is so disappointing is that, while the issues have hardly changed during this time, few seem to read or acknowledge the comments of other participants in the debate. Unfortunately, this body recently decided to further delay needlessly the development of the B–1. But, that decision should not halt reasonable discussion of this issue; nor should it preclude reconsideration and modification of that decision.

We now have available a thought-provoking study of the military balance that exists between the United States and our principal adversary, the Soviet Union. Prepared by the Congressional Research Service of the Library of Congress, this report sets out for laymen and Members of Congress alike the most comprehensive compilation of current and, I might add, unclassified data on our relative strengths and weaknesses. It is gratifying to note that this booklet has proven to be a best seller.

From this research material, it is clear that Soviet strategic weapons capabilities have grown steadily over the past years. The projected threat and the uncertainties of the future should have a direct bearing upon our deliberations concerning the modernization of our strategic bomber force and the timing of the development of new weapons like the B–1 which have been designed to offset these future threats and uncertainties.

Our country's defenses are based upon the so-called Triad system. This is a three-pronged defense system consisting of intercontinental ballistic missiles, submarine launched ballistic missiles, and the manned bomber. Under the Triad system, should our country come under a first-strike nuclear attack at least one of these three components would be able to inflict a massive nuclear retaliation upon the aggressor.

It is essential to remember, however, that Triad is a carefully conceived system which is based upon three and not two nuclear delivery systems. Should Triad be reduced to two systems the temptation to attempt to knock out those systems with a first strike may increase to the point where a potential aggressor feels that the odds have shifted significantly enough in his favor.

Triad is seen as an offense system of last resort but also it is primarily a defense system designed to prevent a nuclear attack. It is important that we do not lose sight of this key fact.

The B–1 bomber is designed to be one-third of the Triad system. As such, it is to replace the B–52. There can be little doubt that the B–52 needs replacement. Although a fine aircraft, the models currently in use by the Air Force date from 1958 and 1960. Their average age is 15 years and the extensive use during the Vietnam war has required many modifications.

When we enter the decade of the 1980's these bombers will be 20 years old. The technology which produced them would be 20 to 30 years old. The defense technology which they would face would be much newer. Their ability to successfully carry out whatever missions assigned would have to be seriously questioned.

On the other hand, Soviet technology and capability have increased rapidly during the past few years. Look at the Soviet's substantial and growing nuclear-powered ballistic missile submarine force. The Library of Congress reports operational new Delta-class submarines with 12 long-range missiles and that the Soviets have under construction a "stretched" version with 16 launch tubes. We must take into account the threat that is posed by these missiles in planning for the prelaunch survivability of our bomber force.

While it is currently considered to be highly survivable in the event of a submarine launch ballistic missile attack, the B–52 was not designed to have the nuclear hardness and rapid acceleration capability required by this increased threat; the B–1 has been so designed. Thus, we have an aircraft flying today which will be much less sensitive to these increases in the Soviet offensive threat.

Examine the Soviet air defense force. Again we find that the threat is substantial, and further improvements in Soviet air defense capabilities are projected which also must be considered when evaluating the B–1. Coupled with this is a massive number of surface-to-air missiles on launchers deployed throughout their country.

The B–52 was not designed to cope with so intense a threat as is now arrayed against it. The B–52 was originally designed in the early 1950's as a high altitude bomber. Its large radar cross section and its relatively slow speed at low altitude could pose difficulties in penetrating the high density, sophisticated defenses now deployed in the Soviet Union.

What the United States seems to be facing is an increasing threat from Soviet strategic force modernization efforts which include new and more effective ICBM's, new and larger Delta class ballistic missile submarines with longer range missiles, modernized air defense systems comprised of airborne warning aircraft, interceptors, and surface-to-air missiles.

The Library of Congress notes that the replacement of B–52's with the B–1 is the only strategic procurement program which this country is undertaking that is directly related to this area of our strategic deterrent. When you consider the importance of the bomber to our deterrent, the age of the B–52, and the acknowledged threat, the B–1 fulfills a compelling role as an element of our strategic forces.

I know that the deployment of a B–1 force will entail a sizable investment. However, there is no substitute for the substantial contribution made to our deterrent forces by the bomber—and no more cost-effective alternative to maintaining this force than the B–1. Moreover, it will prove less costly in the long run to proceed with production of the B–1 now, and not incur additional delays which will just raise the cost of the overall program even more. Now is the time for the decision on the B–1 and I urge support of this valuable program.

Mr. PERCY. Mr. President, the Senate voted last week to procure the B–1 bomber only after the President certifies that test and evaluation on this aircraft—to be carried out between now and February 1, 1977—yield satisfactory results. It expresses the will of the Senate to permit this major and far-reaching procurement decision to be made—but only after sufficient test and evaluation data is available—and without the many extraneous considerations of a Presidential election year.

Mr. President, I cannot support an amendment that would seek to resolve this major procurement decision by artificially framing the question as one in which a multibillion-dollar weapons system is viewed as a "bargaining chip" in the SALT talks. Yet this would be the effect of the amendment offered by my distinguished friend from Ohio. This amendment raises two very basic questions:

First. Do the supporters of the B–1 bomber suspect that test and evaluation between now and next February will not yield results that support their position?

Second. Assuming that future research, development, testing, and evaluation does support their position, would it not be more desirable to wait until this data is available and use it to persuade public opinion to support the buy?

Mr. President, I hope that many Senators who support the B–1 bomber can join with those who oppose it in tabling this amendment.

Mr. ROBERT C. BYRD. Mr. President, I am not making the motion to table out of respect for the need to accommodate Senators. I like to do that when possible, but I have stated my reasons already, and it is not for that purpose.

Mr. President, I move to lay on the table the amendment by Mr. TAFT, and I ask for the yeas and nays.

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

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the motion to lay

on the table the amendment of the Senator from Ohio (Mr. TAFT). The clerk will call the roll.

The legislative clerk called the roll.

Mr. ROBERT C. BYRD. I announce that the Senator from South Dakota (Mr. ABOUREZK), the Senator from Idaho (Mr. CHURCH), the Senator from Michigan (Mr. PHILIP HART), the Senator from Indiana (Mr. HARTKE), the Senator from Kentucky (Mr. HUDDLESTON), the Senator from Wyoming (Mr. MCGEE), the Senator from Missouri (Mr. SYMINGTON), the Senator from California (Mr. TUNNEY), the Senator from Rhode Island (Mr. PASTORE), the Senator from New Mexico (Mr. MONTOYA), the Senator from Virginia (Mr. HARRY F. BYRD, JR.), and the Senator from Georgia (Mr. TALMADGE) are necessarily absent.

I further announce that the Senator from Montana (Mr. MANSFIELD), the Senator from Alaska (Mr. GRAVEL), the Senator from North Carolina (Mr. MORGAN), and the Senator from South Dakota (Mr. MCGOVERN) are absent on official business.

I also announce that the Senator from Wisconsin (Mr. NELSON) is absent attending the funeral of Horace W. Wilkie, Chief Justice, Wisconsin State supreme court.

I further announce that, if present and voting, the Senator from North Carolina (Mr. MORGAN) would vote "nay."

On this vote, the Senator from Idaho (Mr. CHURCH) is paired with the Senator from New Mexico (Mr. MONTOYA). If present and voting, the Senator from Idaho would vote "yea" and the Senator from New Mexico would vote "nay."

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 Maryland (Mr. BEALL) and the Senator from Hawaii (Mr. FONG) 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. HUGH SCOTT) are absent on official business.

I further announce that, if present and voting, the Senator from Pennsylvania (Mr. HUGH SCOTT) would vote "nay."

The result was announced—yeas 47, nays 30, as follows:

[Rollcall Vote No. 199 Leg.]

YEAS—47

Bayh	Haskell	Mondale
Biden	Hatfield	Moss
Bumpers	Hathaway	Muskie
Burdick	Hollings	Nunn
Byrd, Robert C.	Humphrey	Pell
Cannon	Inouye	Percy
Case	Jackson	Proxmire
Chiles	Javits	Randolph
Clark	Johnston	Ribicoff
Culver	Kennedy	Roth
Durkin	Leahy	Schweiker
Eagleton	Long	Sparkman
Eastland	Magnuson	Stennis
Ford	Mathias	Stevenson
Glenn	McClellan	Williams
Hart, Gary	McIntyre	

NAYS—30

Allen	Fannin	Scott, William L.
Baker	Garn	Stafford
Bartlett	Goldwater	Stevens
Bellmon	Griffin	Stone
Bentsen	Hansen	Taft
Brock	Helms	Thurmond
Buckley	Hruska	Tower
Cranston	Laxalt	Weicker
Curtis	McClure	Young
Dole	Metcalf	
Domenici		

NOT VOTING—23

Abourezk	Hart, Philip A.	Nelson
Beall	Hartke	Packwood
Brooke	Huddleston	Pastore
Byrd, Harry F., Jr.	Mansfield	Pearson
Church	McGee	Scott, Hugh
Fong	McGovern	Symington
Gravel	Montoya	Talmadge
	Morgan	Tunney

So the motion to lay on the table Mr. TAFT's amendment was agreed to.

Mr. CULVER. Mr. President, I move to reconsider the vote by which the motion to table was agreed to.

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

The motion to lay on the table was agreed to.

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

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

The yeas and nays were ordered.

The PRESIDING OFFICER. The Senator from Texas.

Mr. TOWER. Mr. President, I ask unanimous consent that the vote by which my amendment No. 1695 was adopted on yesterday be reconsidered.

The PRESIDING OFFICER. Is there objection?

Mr. NUNN. Reserving the right to object, what is that amendment?

Mr. TOWER. That was the amendment that authorized the Navy to assign Rear Adm. J. Edward Snyder, Jr., to command status as Oceanographer of the Navy.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The PRESIDING OFFICER. The Senator from Texas.

Mr. TOWER. Mr. President, the reason I do this is that the amendment was adopted yesterday, and I do not know whose dereliction it was, perhaps it was my own, without some Senators who had an interest in this matter being informed and, therefore, I had asked for this reconsideration so that their rights might be protected.

I believe that probably the Senator from Maryland (Mr. MATHIAS) would like to address himself to the issue.

The PRESIDING OFFICER. The Senator from Maryland.

Mr. MATHIAS. Mr. President, first, I would like to express my thanks to the distinguished Senator from Texas for the spirit of fair play in which he has called his own amendment back to the reconsideration of the Senate.

I think that this is a demonstration of the highest kind of comity within the Senate and one that I am deeply grateful for.

I am also grateful for the concurrence of the distinguished Senator from Mississippi, the manager of the bill, with whom we had discussed this situation.

The reason, Mr. President, that I have sought to bring this question back to the reconsideration of the Senate is because I consider it very serious.

We, by the action the Senate took yesterday, have broken the precedent of at least 20 years with the single exception—and I stand to be corrected if I am wrong—but with the single exception, I believe, of the case of General Haig who had his rank restored after having left the Army and whose case was virtually a unique case in the history of the Republic.

There have been other cases in the dim past when naval procedures were different, but at the time that we considered General Haig's case and at the time we considered Colonel Butterfield's case, and at the same time the case which the Senate denied, I made up my mind that we should not lightly restore military status to officers who have retired voluntarily, or otherwise, because of what that does to the whole system of promotion within the armed services, because of what that does to the hopes and aspirations of younger officers who are coming along and who see the same old faces sitting at the head of the table day after day after day, with no hope of promotion for themselves. I think it has a very adverse effect on morale.

In this particular case, the case of Admiral Snyder, which is now before the Senate, thanks to the generous spirit of the Senator from Texas, he was retired by a board of his peers over a year ago. All of the elements of his career, which should be considered by us, were considered by a Navy board. They thought about the uniqueness of his qualifications and the ability which he then held as oceanographer of the Navy and they decided against him.

The Secretary of the Navy brought him back to duty as his special assistant. But to reassign him as the oceanographer of the Navy requires special legislation. This is an act which is, as I say, virtually unprecedented.

Let me say when the other body considered this matter on a rollcall vote, the entire body rejected the appeal of Admiral Snyder.

I believe we have to ask the question, why is Admiral Snyder the only officer available for this duty? Is the Navy's personnel situation so serious that we do not have young, able officers who are looking for careers in the Navy who could fill out the billet as oceanographer? What, in fact, will happen to these junior officers who look forward to advancement in the Navy and who we all know, from our general experience with the Armed Forces, impact seriously when the opportunity to keep the top moving is denied.

I think these are very serious questions as we consider this situation.

When I said a moment ago that Admiral Snyder had been considered by his peers, in fact there was a Navy board which reviewed, at the same time, the

qualifications of 26 admirals. They had the unpleasant job of putting 11 out of the 26 into forced retirement, forced attrition, as it is called in the Navy. So out of these 26 they had to divide them roughly in half as to the ones they wanted to keep and the ones they wanted to get rid of.

Unhappily for Admiral Snyder, and it is a harsh situation but nonetheless one that was judged, I believe, objectively and fairly, he was in the bottom half. His fellow officers said they would like to keep the other 15, but the 11 who lost out should be allowed to go into retirement. That, in fact, is what happened.

I believe there were administrative procedures by which the Secretary of the Navy might have brought about a second hearing before a similar board of that sort, but the Secretary did not pursue that avenue. In fact, Admiral Snyder did go into retirement.

I am not saying we should never have a situation in which a military officer who is retired for cause, after judgment of himself in comparison with his colleagues, should not be recalled to active duty. I am not saying that there are not times when we do not need the special talents that individuals possess. But considering the impact of this action upon the whole structure of the commissioned officer ranks, I think we ought to do it very deliberately, very carefully, and after very thorough study.

I would suggest to the Senate that that consideration has not yet been given to this case.

There was a committee hearing in the other body and very relevant questions were asked. In the committee hearings, Mrs. HOLT, a Congresswoman from Maryland, said:

> If he is so uniquely qualified, why didn't the board of his peers recognize that? It seems to me that would put him way out front to be absolutely necessary to be retained.

There is no evidence before the Senate that he is that absolutely necessary to the country.

I think what we are doing here is to break a precedent, which has been a strong precedent in our armed services, in favor of an individual who has not been carefully and thoughtfully examined here but who has been carefully and thoughtfully examined by the Navy itself. Their judgment was that the time had come for him to take retirement.

We have the power to override that judgment, but whether or not we should is the question before the Senate. That is the question I leave Members with, the question as to whether or not this matter should be carefully studied by the Armed Services Committee. I believe thoughtful, mature deliberation would bring us to that conclusion.

Mr. NUNN. Will the Senator yield 3 minutes to me?

Mr. STENNIS. I yield.

Mr. NUNN. Mr. President, I am not thoroughly familiar with this particular individual or this job, and yet I think the Senate should realize what is involved here. The other military services, other than the Navy, do not have the same policy the Navy has.

The Navy has had a policy on the books since the 1800's that basically says that if you bring back a retired officer and want to put him in what is known as a command billet, it cannot be done. You cannot bring back a retired officer and put him in a command billet. The reason for that law at the time it came about, as I understand it, was that there were a lot of retired officers who were coming back and taking over the key command jobs and the younger men were being denied the promotion opportunities.

In my opinion, without going into a lot of detail, we have almost the reverse of that situation in the Navy today. We have highly technical jobs like this job—this is a highly technical job—and they have limited promotional opportunities. This is not a three-star job but it is a two-star job. We have an up or out policy so if an officer does not get promoted he has to get out of the service. Consequently, we are losing a lot of qualified people in technical areas where the promotional opportunities are limited. That is my understanding of this case.

This man was very qualified. He could not move up to the third star. He had to get out of the service. Now they find he is the best qualified and he ought to be in this position. It happens to be a command billet. The question is not whether he ought to be able to come back in the Navy. He is already back in the Navy. The question is whether he should be able to take over this command billet slot.

I have one other point. I will be very brief because the hour is late.

The Army does not have this policy. This is a law on the books only for the Navy. The Air Force does not have this policy. This is strictly a Navy law. We have seen the Army do this on several occasions. General Maxwell Taylor is one example and General Alexander Haig is another example. Of course, everybody knows this has been done in the case of Admiral Rickover. Special exceptions were made in this case.

I do not know all the details of this case, but I do know something about the law which is involved. If we are going to vote on this matter we ought to consider the fact that this does apply only to the Navy and we also ought to consider, I think, that the so-called up or out policy needs a substantial revision.

Our committee is going to be working on that, but we are losing an awful lot of good talent in a highly technical age because we have an up-or-out policy that means if you do not get promoted, you have to get out of the service.

Mr. President, I have no further comments on this matter, but I do think the Senate ought to consider the other side of it, and I happen to think the Senator from Texas was correct in this case. I happen to believe the Navy does need this man in this key position.

Mr. MATHIAS. Mr. President, I think the distinguished Senator has really summed up the whole situation when he said, with great candor and frankness, that he was not deeply familiar with this case and this man.

That is our problem, and that in itself I think would be reason to return this matter to the committee.

At this point, Mr. President, I ask unanimous consent to have printed in the RECORD the news article from which I quoted and the hearings from the other body.

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

HOUSE IRE SINKS SUITLAND ADMIRAL

(By William Taaffe)

Local members of the House of Representatives, angered by the transfer of the Naval Oceanographic Office from Suitland to Mississippi, are making life difficult for the admiral who was chief apologist of the move.

In a highly unusual maneuver yesterday, the area delegation appeared together on the House floor to oppose automatic passage of a "private" bill that would restore Rear Adm. J. Edward Snyder, Jr., to his post as Oceanographer of the Navy.

Snyder, 51, was oceanographer from 1972 until he was forced into technical retirement by a Navy review board last June. He long has been a bitter foe of local lawmakers who sought to block the transfer, which was recently approved by Congress.

Only two objections were needed yesterday to send the bill back to the Armed Services Committee. The bill will probably re-emerge from the committee early next year under a rule allowing the full House to debate Snyder's merits for the post.

The objections came from Reps. Gladys N. Spellman, D-Md. and Armed Services member Charles H. Wilson, D-Calif. Other local members of the House were ready to object if necessary.

The Snyder controversy provides a curious sequel to the transfer of the Oceanographic Office, one of the large military complexes in the Washington area. The move, barring a reversal in the courts, is expected to be completed within several months.

Snyder has argued repeatedly that the shift to Bay St. Louis, Miss. is justified and is not a pork barrel gift for Sen. John C. Stennis D-Miss. chairman of the Senate Armed Services Committee.

Although Snyder was 1 of 11 line admirals "selected out," or forced into retired status by the Navy board, he has continued on active duty as a consultant on oceanographic matters.

Navy Secretary J. William Middendorf wants to restore Synder to his former post. Special legislation is required, however, because the Navy cannot legally place in command positions officers recalled from retirement.

The Snyder measure was called up yesterday as one of about 75 bills on the House's "private calendar." Bills on this docket are not debated. They rarely encounter opposition and normally are approved by unanimous consent.

Rep. Marjorie S. Holt, R-Md., who helped organize local opposition to the bill, said the Navy's argument that Snyder is the only officer in the nation suited for the post "just didn't ring true."

"The only justification for any of it that I can see is politics," she said, hinting that the Navy may be seeking Snyder's restoration as a quid pro quo for agreeing to move the facility to Stennis's state.

If the measure eventually passes the House, it must be approved by the Stennis panel. A committee aide to Stennis said yesterday that suggestions that politics may be involved are "just out of whole cloth."

Spellman said she objected to the bill because the Navy did not advance it through "normal channels." She questioned why the department did not seek legislation removing the prohibition on command appointments altogether.

Sources close to the local delegation said that opposition to the Snyder bill is based on three factors, only one of which involves charges that the measure may be the final part in a "political" move.

Some members are said to wonder how Snyder can be "uniquely qualified" for the administrative post, as the Navy claims, since he was selected out last November.

The board reviewed the qualifications of 26 admirals, with instructions to force 11 into retirement. Snyder lost out in the intensely competitive sweepstakes, although Middendorf kept him on as an assistant.

During hearings on the bill last month, Navy officials insisted that they "blew it" by retiring Snyder. They said they were unaware that legislation would be required to bring Snyder back as oceanographer once he had been selected out.

And Snyder attracted hostility, sources said, because he developed a reputation for dealing cavalierly with local members of the House and Senate. Some members felt he dictated the Navy's position to them.

"There was no sense of deference to a senior senator, let alone a House member—and that was a pretty high-priced group," said one observer who recalled the local delegation meeting with Snyder.

Arguing that politics may be involved in the bill, sources noted that Snyder originally supported a transfer of the facility to a joint location—Bay St. Louis, Miss., and Michaud, La.

At the time, Rep. F. Edward Hébert, D-La., was chairman of the House Armed Services Committee. Snyder and the Navy dropped the Michaud part of the proposal after Hébert was unseated as chairman early this year.

"The timing was too good," one local source said. "All of a sudden Eddy Hébert loses his chairmanship. All of a sudden we're concentrating only on Bay St. Louis and all of a sudden Snyder has his bill in."

Snyder could not be reached yesterday. A Navy spokesman said there would be no comment on the bill because "the matter is still in the legislative process."

[H.A.S.C. No. 94-24]

SUBCOMMITTEE ON MILITARY PERSONNEL HEARING ON H.R. 7113, TO PERMIT THE RECALL TO ACTIVE DUTY OF REAR ADM. J. EDWARD SNYDER, JR., UPON RETIREMENT IN A COMMAND STATUS AS THE OCEANOGRAPHER OF THE NAVY

HOUSE OF REPRESENTATIVES,
COMMITTEE ON ARMED SERVICES,
SUBCOMMITTEE ON MILITARY PERSONNEL,
Washington, D.C., Tuesday, Oct. 21, 1975.

The subcommittee met, pursuant to notice, in room 2216, Rayburn House Office Building, at 10:10 a.m., Hon. Lucien N. Nedzi (chairman) presiding.

Mr. NEDZI. The subcommittee will come to order.

We are meeting this morning for the purpose of holding a hearing on H.R. 7113, which is a bill to authorize Rear Adm. J. Edward Snyder, Jr., the former Oceanographer of the Navy, to be recalled from retirement to serve in the capacity of Oceanographer of the Navy.

[H.R. 7113 is as follows:]

[H.R. 7113, 94th Cong., 1st sess.]

A bill to permit the recall to active duty of Rear Admiral J. Edward Snyder, Junior, upon retirement in a command status as the Oceanographer of the Navy

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That notwithstanding any other provision of law, the Secretary of the Navy is authorized to assign Rear Admiral J. Edward Snyder, Junior, upon his retirement, to a command status as the Oceanographer of the Navy.

Mr. NEDZI. Our first witness this morning is the Honorable H. Tyler Marcy, Assistant Secretary of the Navy for Research and Development.

Mr. Secretary, you may proceed whenever ready.

STATEMENT OF HON. DAVID S. POTTER, UNDERSECRETARY OF THE NAVY

Dr. POTTER. Mr. Chairman, if I might begin the proceedings for Navy, I am Dave Potter, the Undersecretary of the Navy, and I would like to explain our delegation. Ty Marcy, the Assistant Secretary for Research and Development, you have introduced and it is within his area that the oceanographic programs of the Navy fall.

Hence, he will be our principal witness this morning. In addition, we have Mr. Joe McCullen, who is the Assistant Secretary for Manpower and Reserve Affairs. And he is here so that we can be responsive on questions of a more general nature relating to flag selection, numbers of flag officers, and should you choose to get into the matter of a symmetry between the services on this particular issue of command authority on bringing back retired officers, and what we intend to do in the Department of Defense. My reason for being here is that Ty Marcy assumed his office in October of last year, and a lot of the considerations that entered into this matter were prior to that time when I was the Assistant Secretary for Research and Development, and in order that we try to be able to answer all questions as they come up, we have chosen the three of us to be here to be most responsive.

Mr. NEDZI. Fine, Mr. Secretary. Thank you very much.

STATEMENT OF HON. H. TYLER MARCY, ASSISTANT SECRETARY OF THE NAVY FOR RESEARCH AND DEVELOPMENT

Mr. MARCY. Mr. Chairman, members of the subcommittee, I am H. Tyler Marcy, Assistant Secretary of the Navy for Research and Development. I am pleased to participate in your hearing concerning H.R. 7113, a bill to authorize Rear Adm. J. Edward Snyder, Jr., the former Oceanographer of the Navy, to be recalled from retirement to serve in that capacity. This legislation is required because of the provisions of section 5955 of title 10, United States Code, which mandates that retired officers of the Navy shall be withdrawn from command. The Air Force and Army do not have this statutory proscription on the utilization of their retired personnel. Section 5982(a) of title 10 does authorize the detail of retired Navy officers to command in wartime.

Mr. Chairman, under the Secretary of the Navy, the Assistant Secretary of the Navy for Research and Development is responsible for all matters related to research, development, engineering, test, and evaluation within the Department of the Navy and for oceanography, ocean engineering, and closely related matters.

The naval oceanographic program encompasses that body of science technology, engineering, and operations which is essential in exploring and laying the basis for naval applications that enhance security or support other national objectives. Of critical importance to this program is the officer serving an Oceanographer of the Navy. Rear Admiral Snyder is uniquely qualified to continue in that capacity. As a commander, he served some 4 years as special assistant in the office I presently occupy and during that time he was primarily responsible for revitalizing and reconstituting the oceanographic program as it is presently organized. He served as Oceanographer of the Navy from June of 1972 until his retirement in June 1975. In this capacity he commanded the Office of the Oceanographer of the Navy and was the immediate superior in command of the Commander, Naval Oceanographic Office, a field activity of the Oceanographer. In view of this command status and the statutes cited above, a retired officer is not eligible to serve on active duty as the Oceanographer of the Navy.

As director of the naval oceanographic program, the Oceanographer of the Navy is the interconnection of a vast series of complex and disparate activities whose purpose is to explore and to lay the basis for exploitation of the ocean and its boundaries for Naval applications to enhance security and support other national objectives. The exercise of this program necessarily transcends the precisely defined requirements of national defense in order to be responsible to the broader demands of national security. No more cogent case in point can be cited than the current economic sensitivity to potential offshore resource and energy supplies, with the attendant technological imperatives to develop and protect them.

Given this setting of undersea technology and national security, it is a matter of concern that the duties and responsibilities of the Oceanographer of the Navy be vested in an officer who, in addition to the qualities of leadership and character expected of a flag officer, has the requisite tenure to provide continuity of leadership and the technical experience to make effective and cooperative use of the Navy's considerable capital investment in the oceans.

As a means of providing that continuity and experience, Dr. Robert A. Frosch—then ASN(R. & D.)—in mid-1972 discussed with Admiral Zumwalt the advisability of assigning Rear Admiral Snyder to duties as Oceanographer of the Navy for an extended tour. The decisions resulting from these discussions were subsequently confirmed by Dr. Potter, then acting in his capacity as the Assistant Secretary of the Navy (Research and Development), in discussions first with Admiral Zumwalt and then with Admiral Holloway. In all these discussions one of the salient points was that previously the rotation of the Oceanographer at fairly short intervals had worked to the disadvantage of the oceanographic program. Further, it was recognized that because of political factors the rotation of the Assistant Secretary at relatively frequent intervals—although not previously a problem—could conceivably result in undesirable discontinuity in the prosecution of the oceanographic program, and that stabilizing the billet of Oceanographer could assist importantly in maintaining continuity in the program.

The military implications of a national oceanographic program in the international area are such that a strong military voice is needed in these matters. The Oceanographer of the Russian Navy, for example, is a four-star equivalent and has held the post for 10 years. This fact gives the Russians a head start in negotiations concerning oceanographic matters, and is an imbalance which requires correction.

There is an intricate and intimate relationship between the highly technical oceanographic program and the operation of naval vessels and sophisticated weapons systems. This relationship must be understood and applied to the development of new equipment. It requires a great deal of professional understanding of naval military matters and an appreciation of the scope and content of technical activities to see that proper priorities are established and that understanding is adequate.

It is recognized that the desire to retain Admiral Snyder for a period of at least 5 years might be inconsistent with the purposes of the continuation boards convened under the provisions of section 6394, of title 10, United States Code, and a decision was made that, should Admiral Snyder not be continued, he would be retained on active duty in a retired status. The board that considered Ad-

miral Snyder for continuation had an extremely difficult task in that almost half of the officers under consideration were required to be recommended for noncontinuation. Under the circumstances, the failure of Admiral Snyder to be selected for continuation in no way casts doubt on his very special ability to continue his superb career as Oceanographer of the Navy.

Throughout the last decade of a distinguished naval career, Rear Admiral Snyder has been a prime mover in the evolution of Federal oceanography, beginning with the landmark deliberations of the President's Scientific Advisory Committee and the Stratton Commission in the sixties, extending to the current assessment of national ocean policy by the Senate. His involvement has been total and sophisticated to a point wherein his contributions to the national dialog on the oceans are unique. Accordingly, the Secretary of the Navy, and I, consider the continuation of Rear Admiral Snyder in his present status as Oceanographer of the Navy to be in the best interest of the Navy and the Nation.

Mr. Chairman, I am ready to answer any questions you may have.

Mr. NEDZI. Mr. Secretary, thank you very much.

That is a very comprehensive statement.

Mrs. Holt, do you have any questions?

Mrs. HOLT. Thank you, Mr. Chairman. You say in your statement that Admiral Snyder is uniquely qualified to continue.

Does that mean he is the only officer in the Navy that is currently qualified to be Oceanographer?

Mr. MARCY. Mrs. Holt, at this point, he is "the" officer in the Navy best qualified, and I might say practically the only officer who has had adequate experience to be able to perform the duties in the manner we would like to have them performed.

Mrs. HOLT. Why don't we have any oceanographers? Why aren't there any officers qualified to serve in this command position? Do you have only one man in the whole Navy who is qualified to do this job?

Mr. MARCY. Dr. Potter would like to comment on that point.

Dr. POTTER. Mrs. Holt, this will be a fairly long answer to the question.

The problem of giving oceanography its proper place in the Navy has been recognized for some 5 or 10 years, and we started with a program at the postgraduate school at Monterrey, to get advanced education for our naval officers. That has come along very well over the last 5 years. We have a number of graduates now at the master's level, and a few at the Ph. D. level. We are beginning to fill in the Navy ranks with trained people who have been participants in the field.

They are just now coming into the level of captain, and I suspect that the fact of our shortage of people at flag rank in another very few years will disappear.

We will have them available to us.

The Secretary's remarks concerning the uniqueness of Admiral Snyder relates to, one, he is a flag officer, and in the flag ranks there has been a great thinning down, of course, of the various areas of expertise that we require.

Since we had not been training them, 15 and 20 years ago, we naturally have too few at this point in our senior ranks. Admiral Snyder by virtue of his earlier career fortunately occupied a number of positions that did prepare him in a unique way for this job.

Mrs. HOLT. May I interrupt right here?

Wasn't he a regular line officer in command of the ship in Vietnam?

Dr. POTTER. Yes, he was. He did all of those things.

Mrs. HOLT. What makes him uniquely qualified?

Dr. POTTER. During the shore rotations, he served as indicated for 4 years in the Assistant Secretary's R. & D. Office, and his almost sole activity during that time or his primary activity was in the field of oceanography, and the interactions here in Washington, also, in the international arena for oceanographic program. That was the responsibility delegated to him by the Assistant Secretary.

So there were other tours of duty which also led him in the same direction, but there were some rather significant and singular experiences he was accorded in his earlier career.

Mrs. HOLT. If he is so uniquely qualified, why didn't the board of his peers recognize that? It seems to me that would put him way out front to be absolutely necessary to be retained.

Dr. POTTER. I would like to start the answer to this question, and, then, turn to Secretary McCullen who knows the general rules on these boards.

At the convening of the board, it is ordinary to give, or it is usual to give instructions for any particular fields that one is looking for.

We have been accenting such things as program management, and so on, and have asked for more technically qualified officers.

We very deliberately decided not to ask specifically to fill the role of oceanographer. This we felt after discussions with Admiral Holloway would not be in the practice at least as now conceived for the Continuation Board. For that reason, there was not a specific instruction for an oceanographer. That would have been much too pointed.

At that point, however, one comes through with a slate of officers, all seagoing officers, very well qualified, in the nonspecialty areas, and Admiral Snyder was being considered in the nonspecialty area. May I now pass to Secretary McCullen?

Mr. MCCULLEN. Mrs. Holt, each year the Secretary of the Navy has the option of calling for a continuation board. Last year, the Board was called, headed by now Vice Chief of Naval Operations, Admiral Shear, to look at 26 unrestricted line admirals, and with instructions to select 15.

The instructions to the Board by the Secretary of the Navy were general in nature, and that is to look at the best qualified for future overall Navy service. Take a very close look at the experiences to date of the flag officers that were before the Board.

It was, as you can expect, a very, very difficult proceeding. There was a principle involved. I think we all recognized in the Navy Secretariat and within the uniformed Navy, Admiral Snyder's uniqueness, but we thought it would be wrong to preempt the Board and say, Admiral Snyder will be continued.

Mrs. HOLT. May I interrupt right there?

Mr. MCCULLEN. Certainly.

Mrs. HOLT. Isn't it just as wrong now for us to undermine what this Board did?

Mr. MCCULLEN. I don't think so, Mrs. Holt, because of Admiral Snyder's unique qualifications.

Then I will also have to say we, in Navy management, frankly blew it because, the list of officers to be continued came back to the Navy Secretariat for approval. We knew at that time we wanted to recall Admiral Snyder, but we didn't realize that a nuance in the law would require legislation from Congress because it was a command position. I think in retrospect, had we realized that, we would have acted at that time and continued Admiral Snyder, because it was a management decision, and we think it is wrong that we must now ask the Congress to get involved.

Mrs. HOLT. Are you saying nobody in the Navy knew anything about this law?

Mr. MCCULLEN. I have to say at that particular time, Mrs. Holt, that is true. We didn't recognize the nuance.

Dr. POTTER. May I amend that. No one having the matter under consideration—that is, Admiral Holloway and myself—neither of us were aware of it or was unaware of it. The admiral simply forgot it applied. I was unaware of it. It was a very delicate matter. Hence, it was only considered between the admiral and myself.

Mrs. HOLT. May I ask, how many other admirals or officers have been recalled to active duty in a major command post after they have failed this selection-out procedure?

Mr. MCCULLEN. In 1955, Mrs. Holt.

Mrs. HOLT. Was that since the selection-out procedure?

Mr. MCCULLEN. The selection-out procedure, I would have to research the history of it. I don't really know the answer to that.

But Admiral Dufek, in 1955, was retired.

Mrs. HOLT. That was in 1954. That was a different situation.

Did Admiral Snyder undergo the normal selection-out and evaluation process? Was there anything unusual in this case? In his position—he is in a management position, is that correct? He manages the operations?

Mr. MARCY. That is correct, Mrs. Holt.

Mrs. HOLT. Who is in the job now?

Mr. MARCY. The position of Oceanographer on an interim basis has been additionally assigned to the Chief of Naval Development, Admiral Ekas.

Mrs. HOLT. Is he qualified to be Oceanographer?

Mr. MARCY. He is not qualified to be Oceanographer in the sense that we would like to have a person experienced in that field.

Admiral Ekas, you know, is Chief of Naval Development and is a very responsive and responsible officer in general military matters having to do with the development of new equipment. But he has not been a specialist in oceanography at all.

Mrs. HOLT. That is a point I don't see. I just can't see why somebody else who has served, and served well, and has been exposed to the same kind of experience Admiral Snyder was exposed to before he went into this oceanography, why he couldn't go in and do the same kind of job. I can't quite see that.

Mr. MARCY. Mrs. Holt, it gets back to the experience, both staff and command, which Admiral Snyder has had which is not matched by other people.

Mrs. HOLT. Do you know what date Admiral Snyder was told of the Navy decision not to retain him further on active duty?

Dr. POTTER. Let me guess it was about December 1, 1974.

The board was reported out on November 22, and I would have guessed it would have been within a day or two, but certainly not later than December 1.

Mrs. HOLT. Was there any relationship to that and the date further consideration of all facilities other than Bay St. Louis was dropped?

Dr. POTTER. Not at all, I see no connection between the two.

Mrs. HOLT. I have no further questions.

Mr. NEDZI. Mr. Daniel.

Mr. DAN DANIEL. Mr. Chairman, I share Mrs. Holt's concern about this, because it seems to me this type of procedure is bound to stifle incentive. I am sure there must be other naval officers who are qualified to assume this position, or else we have neglected some of our training procedures and training programs.

I know Admiral Snyder, and he is a splendid officer. But so was Admiral Rickover, and all others that are familiar with the problems his discontinuance has caused.

I just think it is a bad procedure for us to be involved. I don't have any questions.

Mr. NEDZI. Mr. Montgomery.

Mr. MONTGOMERY. Thank you, Mr. Chairman.

As I understand it, because of the law, you have to come before the Congress to take this procedure up of Admiral Snyder.

But this is not necessary as far as the Army and the Air Force are concerned, is that correct?

Mr. McCULLEN. That is correct.

Mr. MONTGOMERY. They can take this action without having to come to Congress.

Mr. McCullen, do you have the figures of what the Army and Air Force have done in this area?

Mr. McCULLEN. Currently, Mr. Montgomery, the Army has six general officers on active duty from the retired list. One general, three major generals, and two brigadier generals.

The Air Force has two generals, a lieutenant general and a brigadier general.

Mr. MONTGOMERY. How many times has the Navy done this—I didn't get that clear when Mrs. Holt was asking in that area.

Mr. McCULLEN. In 1955, Admiral Dufek was recalled to active duty from the retired list to assume command.

That is the only flag officer recalled to a position of command. We have had a couple of captains come back on active duty and assume command in lesser posts.

Mrs. HOLT. Will the gentleman yield?

Mr. MONTGOMERY. I will be glad to.

Mrs. HOLT. I hate to take all this time, and particularly from the gentleman from Mississippi.

Mr. MONTGOMERY. I will always yield to the lady.

Mrs. HOLT. Would the Navy be willing to change the law to allow the Navy to perform in the way the Army does?

Mr. McCULLEN. Mrs. Holt, I think that we would. Currently, the Department of Defense is planning a thorough review of the entire procedure on how we handle flag and general officers.

There are many, many differences between the Services.

The ability to recall someone onto a command slot, is only one of them. There are other differences such as: promotion dates, mandatory retirement age, and the distribution of flag and general officers by pay rate levels. It is the Department of Defense objective to be back to the Congress, this Congress, with proposed legislation so that we could have just one body of laws within the flag and general officer personnel management system.

Mrs. HOLT. I thank the gentleman for yielding.

Mr. MONTGOMERY. I was going to question, also, in this regard.

Quite frankly, I don't see anything really wrong with your request if we are letting the other Services do it, and they have done it quite frequently. You have done it two or three times in the past, and it just happens that the law blocks you.

I would like to make this clear for the record. This has nothing to do with moving the oceanographic operations to Bay St. Louis. Is that what you said in response to a question? There is no connection between what you are up here for today?

Dr. POTTER. That is correct. The negotiations with the Chief of Naval Operations was well prior to any consideration of that, and was set before that time. And I would note my predecessor Bob Frosch had come to the same conclusion, so that it does predate any consideration of this at all, of the Bay St. Louis movement.

Mr. MONTGOMERY. I was reading a little information on this before I came to the meeting, and I saw where the oceanographer position in the Russian Navy carries the rank of four stars, is that correct?

Dr. POTTER. Mr. Montgomery, I think, we believe now, Admiral Rassohko has received his fourth star. This was passed along through the naval attaches to us. We don't really know the rank structure as well as we should in the Russian Navy.

However, that was the rumor given to me. When I met him 2 years ago at one of the international congresses, he was then a rear admiral. He had been in the position, however, for some 10 years, as you may have known.

Mr. MONTGOMERY. Do they put, in the Russian Navy, more emphasis on this subject than we have, as far as the American Navy is concerned?

Dr. POTTER. In terms of ships at sea, they do. As nearly as we can tell now, there are more ships at sea in the aggregate of the Russian Academy. The Hydromet Office, and the military activity, if you consider the three.

There are about twice as many ships at sea, and their larger ones are much larger than ours. So I would have to answer affirmatively for the aggregate of the Russian activity in oceanography as compared with ours.

Mr. MONTGOMERY. If this legislation was favorably acted on by the Congress, how long would Admiral Snyder be kept in this position?

Mr. MARCY. What we have talked about there is an undefined tour in the sense that we felt that prescribing that it would be 4 or 5 years as an absolute time would be not in keeping with the notion that we should keep him as a retired officer only until we can train and replace him with a qualified active officer.

Certainly, the timespan we are talking about is the order of 2 or 3 years, and we would hope that we would not extend it much beyond that time.

Mr. MONTGOMERY. How long has he been in the position now?

Mr. MARCY. Since 1972. So that is 3 years.

Mr. DAN DANIEL. Will the gentleman yield?

Mr. MONTGOMERY. Yes.

Mr. DAN DANIEL. Are there any other candidates for this position, Mr. Secretary?

Mr. MARCY. No; there are no other candidates with comparable experience, in our view, in the flag ranks for this position.

If Admiral Snyder were not to be there, we would appoint an oceanographer, and we would have to augment his background in some way.

Mr. DAN DANIEL. Additional training?

Mr. MARCY. Additional training, special assistance, of one sort or another.

Mr. DAN DANIEL. Who do you have to train an individual? If you don't have anyone who is qualified, how would you train him?

Mr. MARCY. Dr. Potter.

Dr. POTTER. Historically, the Assistant Secretary for R. & D. for the Navy has come up through the ocean sciences route. My predecessors did, and so did I.

This time in our selection of Mr. Marcy, in which I was a participant, it was our choice to accent some other areas of the Navy that we felt needed attention, and particularly the computer side.

So historically, it would have been the ASN-R. & D.'s task to work with the oceanographer and introduce him to the oceanographic community. At the moment, that is not a choice of ours, but certainly, I am available to introduce any new man into the oceanographic community, and we have other officers at the commander and captain rank, the young captain rank, who are getting quite familiar with the world. So, it is not an absolute impossibility for us to bring someone else in with managerial talent. We have many fine naval officers that certainly have all of the management talent necessary.

We can augment with civilians and with some of our more junior naval officers, the particular knowledge he has to have, and I think we certainly would "get by."

Mr. DAN DANIEL. I was under the impression we had accelerated our training program. How is it oceanography was overlooked in this process?

Dr. POTTER. Accelerated in what sense?

Mr. DAN DANIEL. Since I have been here, 7 years, we have been talking about training, and we thought that we were accelerating our training programs, and qualifying men for specialties such as we are talking about here today.

Dr. POTTER. Yes; indeed, we have done that, but at the rank of lieutenant or lieutenant commander. It takes a little time for these people to age to get flag rank. In a very few years, we will have quite a few technical experts, not only in this field, but in others.

Mr. DAN DANIEL. Has this subject just become "critical" overnight?

Dr. POTTER. No, sir. It has been critical in my mind over the last 10 years. As someone outside of the field, it was very disturbing to me to reckon on the change of the oceanographer of the Navy roughly every 2 years. The man would just begin to learn who the people were in the field, and then ordinarily was relieved or retired.

Yes; I think we have had a problem.

Mr. KAZEN. Will the gentleman yield?

Mr. DAN DANIEL. I will be glad to yield.

Mr. KAZEN. Can't the Navy do anything about extending those tours?

Dr. POTTER. Yes, indeed.

Mr. KAZEN. Is it fixed that a man serves for 2 years even though he is needed longer?

Dr. POTTER. Mr. Kazen, in this case we recognized the problem, and I have negotiated very successfully with the military authorities, with Admiral Holloway and Admiral Zumwalt. We were quite prepared for this continuation, and a long extended tour for the oceanographer in exactly the same sense you referred to Admiral Rickover, but in the same sense, let me take up Levering Smith.

He has been continued for a number of years in the Polaris program, to the great benefit of all. I was perfectly prepared to do that, as was the system.

Mr. KAZEN. Why didn't they do it?

Dr. POTTER. Unfortunately, we had the blockage of the law in not recognizing that the man was—to continue the answer, the blockage occurred in the law the man having to have command authority could not be called back from retirement for that position.

Mr. KAZEN. I quarrel with the retirement, that is what I quarrel with.

Mr. DAN DANIEL. I thank the gentleman for yielding.

Mr. MONTGOMERY. Thank you. This last question. How old is Admiral Snyder?

Mr. MARCY. He will shortly be 51 years of age.

Mr. MONTGOMERY. Thank you, Mr. Chairman.

Mr. NEDZI. Thank you, Mr. Montgomery. Mr. Hillis.

Mr. HILLIS. Thank you, Mr. Chairman. One of the questions which has been asked and I heard the answer, but I take it Dr. Potter what you are saying here is that the Navy wants to change its policy, one from a short-term tenure in this office to one of longer tenure.

Dr. POTTER. Yes, sir.

Mr. HILLIS. Isn't that what you are seeking to do here?

Dr. POTTER. Yes.

Mr. HILLIS. Isn't that what you are asking us to do, making that possible, to build the "bridge" to start this policy?

Dr. POTTER. Yes, sir.

Mr. HILLIS. Due to the fact you didn't realize how the law was going to affect him.

Dr. POTTER. That is correct.

Mr. HILLIS. So you would expect—I believe we go along with this—Admiral Snyder would hold the position some 3 years, then his successor might come into it for 5 years or more?

Dr. POTTER. Yes, sir, that would be my expectation.

Mr. HILLIS. This is what you are trying to do?

Dr. POTTER. Yes, sir.

Mr. HILLIS. Thank you. That is all the questions I have.

Mr. NEDZI. Mr. Kazen.

Mr. KAZEN. Thank you, Mr. Chairman.

Mr. Secretary, was it realized at the time that the Board met that you would have to continue this man, and had you known at the time that the law would have prohibited his being retained, that he would not have been cut off? Is this what you are trying to tell us?

Mr. MARCY. I think what we said was that we knew that he would have to be continued. We were not "up to speed," if I may use that term, in the specifics that in order for him to continue with command status that we would have to come to Congress and ask for that special permission.

Mr. KAZEN. In other words, you had decided that you were going to retire him, and regardless of whether or not you needed him, because if you needed him, you could put him back in, but you overlooked the law. Is that what the position of the Navy was at the time?

Mr. MARCY. The Navy asked that Admiral Snyder's name be considered along with the other 26 candidates.

Mr. KAZEN. That is not what I am asking you, Mr. Secretary.

Mr. MARCY. I am sorry.

Mr. KAZEN. What I am asking you is this. Did the Navy realize they were going to cut the man out and then put him back in, and he would have been put back in had not the law prohibited it.

Mr. MARCY. Yes; that is right.

Mr. KAZEN. All right, then.

The Navy could have directed that he be kept on?

Mr. MARCY. Yes; that is right.

Mr. KAZEN. Yet, they did not do it.

Mr. MARCY. That is correct.

Mr. KAZEN. That is a poor way to run the Navy, Mr. Secretary.

I am not quarreling with the fact that he is needed. I understand that you might have other qualified people, but they are not of "flag" rank, and this is what you need.

Mr. MARCY. Yes, sir.

Mr. KAZEN. Because I would hate to think the position of Oceanographer for the Navy did not get someone trained to take it over. Nobody is indispensable. If Admiral Snyder had passed away from a heart attack or something, certainly there should have been someone there to take his place. The position of Oceanographer is a very important position in the Navy, and you haven't just learned that in the last couple of years. My goodness gracious, you cite the Russian situation, and how important it has been to them, so certainly you have been aware for quite some time of the importance of the office. A junior officer can't take over, so you have to keep them in the service long enough to get the rank along with the expertise, I can understand this.

But what I can't understand is how you retired a man like this that you absolutely had to have, and he was indispensable to you at that particular time, and you knew about it when you told him he had to retire. Somebody goofed, Mr. Secretary.

Mr. MARCY. I think we said we "blew it".

Mr. MCCULLEN. Mr. Kazen, if I can, perhaps, try to explain.

Mr. KAZEN. Yes.

Mr. MCCULLEN. I think you will agree the principle would have been wrong for the Secretary of the Navy to have intervened prior to the Board meeting. In other words, the provision is that all "flag" officers who have met 30 years of service and 3 years in-grade, which was the policy at that time, would go before a continuation board. We knew that Admiral Snyder would be considered. Admiral Snyder has a very, very fine record.

Mr. KAZEN. But, wouldn't the Board take into consideration the need of the Navy of those men that are before them?

Mr. MCCULLEN. I am sure that they did. That is their "charge."

Mr. KAZEN. All right, then, to my mind, if they knew what the facts were, and that there was no one else that had the expertise, or was qualified to take over that position, then they did not act in the best interest of the Navy.

Mr. MCCULLEN. Sir, I would think part of it would be that the Secretary of the Navy's reluctance, and rightly so, to say, "We need such and such expertise in the Oceanographic Office be continued," because that would have in effect, de facto, directed the continuation of Admiral Synder.

Mr. KAZEN. But, Mr. Secretary, aren't the members of the Board familiar with the needs of the Navy and the people that they are going to consider?

Mr. MCCULLEN. Yes, certainly.

Mr. KAZEN. My gosh, it is not up to the Secretary of the Navy. Those fellows sitting on the Board, if it was their responsibility, they certainly should have briefed themselves on the needs of the Navy and who they can do with or without.

Mr. MCCULLEN. And they do that, Mr. Kazen, and look at the broad range of needs throughout the Navy, and there are many at this time.

There were 26 looked at, 15 could not be continued—almost 58 percent.

Then, when that came out to the Secretary's office, what we should have done, was say that Admiral Snyder will be continued. That way we wouldn't have to be here bothering you all.

We didn't recognize the nuance, in the law that requires legislation in the Navy and Marine Corps to bring somebody back from retirement in a command billet.

Mr. KAZEN. Mr. Secretary, you are not "bothering us", by coming in here and asking for what you are asking.

The thing that bothers us is the way this came about, and that I would hope there would be no more of these "goof-ups."

Let me ask you gentlemen this. What will the status of the admiral be when he is taken back in? He has been retired, yet he is going to be called to active service. What is that status?

Mr. MCCULLEN. Admiral Snyder is currently back on active duty, but he is not functioning as Oceanographer of the Navy. This is what we want to do.

Mr. KAZEN. Give him the command back?

Mr. MCCULLEN. Put him in the command status, yes, sir.

Mr. KAZEN. In other words, the service can always call back a retired member of the service?

Mr. MCCULLEN. That is right. And we didn't recognize that a recalled retired officer could not be placed in a position of command which we haven't done since 1955.

Mr. KAZEN. Do you continue him at the same rank?

Mr. MCCULLEN. That is right.

Mr. KAZEN. Continue him at the same pay?

Mr. MCCULLEN. Yes, sir.

Mr. KAZEN. Privileges and everything else?

Mr. MCCULLEN. Yes, sir.

Mr. KAZEN. Why in the world did you cut him out to begin with. This is the thing that bothers me. Well, OK, thank you, Mr. Chairman.

Mr. NEDZI. Mr. Wincup.

Mr. WINCUP. Thank you, Mr. Chairman.

Mr. Secretary, what is Admiral Snyder's present status? You say he has been recalled to active duty. What is his function?

Mr. MARCY. He is serving at the present time as Special Assistant to the Undersecretary of the Navy.

Mr. WINCUP. Is he serving in the oceanography field?

Mr. MARCY. He serves as a consultant in the oceanography field.

Mr. WINCUP. Why is that capacity not adequate in your opinion?

Mr. MARCY. In that capacity, he is not in a position to command the oceanographic program, nor to officially represent the Navy in the coordination meetings that we have, both within this Government, and between governments, which is an extremely important thing for us to be able to do.

Mr. WINCUP. Do you consider that the action of recalling him to active duty will retard promotion opportunities for anyone in the field?

Mr. MARCY. I do not.

Mr. MCCULLEN. No; it would not retard promotion opportunities for others. Our planning process for flag officers calls for a number that will be retired flag officers. The current number is seven. By law, we could have 10. We currently have six. We have another retired officer coming back on active duty not in a command position next month.

So, we will be filled up.

Mr. KAZEN. Will the gentleman yield for just a moment.

Mr. WINCUP. Yes.

Mr. KAZEN. Would he be subject to come before another board?

Mr. MCCULLEN. No, sir. The man coming back next month will not be in a command position. He will be heading our Office of Naval Disability. It is not a command function.

Mr. KAZEN. No. I am talking about Snyder. If he should come back when this bill is passed, and you bring him back in, he will then have taken over his command again, and he will not be in retired status, then, any more; will he?

Mr. MCCULLEN. Yes, sir, he will still be in retired status.

Mr. KAZEN. He will be in retired status?

Mr. MCCULLEN. Yes, sir.

Mr. KAZEN. In other words, there will be vacancy in rank someone else could move into even though he holds the commander's position.

Mr. MCCULLEN. I think the thrust of your question, Mr. Kazen, is this. We were limited by law in the number of flag officers we have. We will not exceed that by bringing him on.

Mr. KAZEN. You will not carry him on the books as such, is that correct?

Mr. MCCULLEN. He will be counted in our flag number totals. We have a ceiling of 278 flag officers within the Navy. He will count as one of those.

In our planning process, we say that we will not have more than seven retired flag officers on active duty at any one time.

Mr. KAZEN. I see.

Mr. MCCULLEN. We will have seven next month.

Mr. KAZEN. In other words, you can't retire him twice?

Mr. MCCULLEN. Oh, yes; we could retire Admiral Snyder next year.

Mr. KAZEN. That is what I am asking. Would the Navy do it outright or would he have to go before a board?

Mr. MCCULLEN. No; we could do it outright.

Mr. KAZEN. Thank you, sir.

Mr. NEDZI. Let me just button that one up, briefly.

You have a fixed ceiling on the number of flag officers that you may have in the Navy.

Mr. MCCULLEN. Yes.

Mr. NEDZI. Admiral Snyder is counted, if he is on active duty, against that ceiling?

Mr. MCCULLEN. That is correct, Mr. Chairman.

Mr. NEDZI. You have seven retired officers on active duty who are counted against the ceiling?

Mr. MCCULLEN. Yes, sir.

Mr. WINCUP. How many officers are sent for training in oceanography?

Mr. MARCY. Mr. Wincup, it varies, of course,

depending on the calendar scholastic year of the Navy Post Graduate School. They are on the order of 20.

Mr. WINCUP. How long has that been in effect?

Dr. POTTER. There has been an oceanographic program there for my recollection is about 10 years, and degree granting at the doctorate level has been for, perhaps, five. It is about that, 7 or 8 years on the road to a master's. These are off the top of my head, and we can confirm it.

Mr. WINCUP. Is there a specialized line of training for oceanography within the Navy?

Dr. POTTER. Yes.

Mr. WINCUP. The person would be in the restricted line?

Dr. POTTER. We have a restricted line of oceanographers and weather officers; they have recently been combined, Mr. Wincup. Then we have unrestricted line officers who can have subspecialties in the field of oceanography.

Mr. NEDZI. Would you state for the record the difference between restricted and unrestricted?

Mr. MCCULLEN. An unrestricted line officer, Mr. Chairman, is one who can command at sea, or an air squadron. A restricted line officer is prohibited from doing so.

They are specialists in a field.

Mr. WINCUP. The language of this legislation before the subcommittee refers to the assignment of Admiral Snyder upon his retirement. Has he been so retired and has that language been overtaken by events?

Mr. MCCULLEN. Yes, Mr. Wincup. The language would have to be amended because, in fact, Admiral Snyder has been retired.

Mr. WINCUP. Thank you, Mr. Chairman.

Mr. KAZEN. As I understand it, he was retired in June and this legislation was offered in May. Therefore, the wording of this thing was prospective.

Mr. MCCULLEN. That is correct.

Mr. NEDZI. I have no questions. I think the members of the subcommittee have done an excellent job of covering the pertinent material in this particular problem. As you gentlemen know, I have expressed some concern about the fact that the Navy is not exempted from the provisions, or that the Navy has been in effect discriminated against, because it is the only one that has this kind of statutory proscription.

I see no justification for this kind of discrimination.

I think what we are involved in here is basically a management decision, and there is really no necessity for Congress to be involved in it.

I can see some reason for us to be involved if this would exceed the statutory limitation on flag officers, because obviously at that time under those circumstances, there could be some serious problems.

But if these officers are counted against your ceiling, to me this is strictly a managerial decision. We are faced with this problem where the testimony is somewhat persuasive that it is in the national interest that the admiral be retained.

On the other hand, I have to share some of the shock that has been expressed or reflected here that the Navy blew it.

The point is not that esoteric. It is something every personnel manager should have in mind.

Having said that, I don't know what we can do about it. We shouldn't cut off our noses to spite our face.

If there is no objection, I would like to have the subcommittee proceed to mark up and then just vote the legislation up or down, depending on the sentiment of the subcommittee members. Do any of the subcommittee members desire to be heard at this point?

Mr. MONTGOMERY. I would just say——

Mr. KAZEN. Let's mark up.

Mr. MONTGOMERY. OK.

The best argument for voting for the bill is they are restricted by law, and the other two services can do this. The Navy has admitted they "blew" this particular case. If they want him, I am willing to vote the bill out.

Mr. NEDZI. Well, it is my understanding for the benefit of the subcommittee that a review is underway and it was only with the assurance that a review is underway on the part of the Navy with respect to creating more similarity or equity between the services in problems of this kind that I consented to hold this hearing.

We look forward to the Navy's recommendations.

We have an amendment.

The amendment is on line 5 of the bill. Strike the words, "upon his retirement", and substitute therefor the words, "United States Navy, retired."

In the title, strike the words, "upon retirement".

I think the purport of that amendment is obvious, and without objection, the amendment will be agreed to.

Is there any discussion of the bill?

If not, I put the bill to a vote.

Mr. Wincup, will you call the roll.

[Whereupon, there was a rollcall of the members of the subcommittee.]

Mr. WINCUP. Six members present, five voting in the affirmative.

Mr. NEDZI. The motion to report the bill, as amended, to the full committee favorably is carried.

The subcommittee will stand adjourned until further call of the Chair.

[Whereupon the subcommittee adjourned at 11:04 a.m., subject to further call of the Chair.]

Mr. STENNIS. Mr. President, if I may take a minute, this is not something being imposed on the Navy. Of course not. I have here a letter from the Secretary of the Navy asking that this man be made eligible.

Oceanography is something that has grown tremendously. As the Senator said, it is a technical field. This is not a high command position, or a high rank, but this man was judged to be needed.

I was once chairman of a subcommittee we had on general officers—generals and admirals—and I can tell you, you are not going to find any way to please all of them as to who is promoted or who is not. But in this technical age, they have been looking for more men with these special qualifications.

I happen to know, too, that the law does not require legislation such as this for an Army man or an Air Force man. It does not require legislation; they can do it as a matter of course. That is the way Maxwell Taylor was handled, General Haig, and others. The Navy just happens to have had this old law dating way back to the Civil War.

That is all this amounts to, and I would hope the matter can stand.

SEVERAL SENATORS. Vote! Vote!

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

Mr. FORD. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. FORD. What is the question?

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Texas. The clerk will state the amendment.

The legislative clerk read as follows:

The Senator from Texas (Mr. TOWER) proposes an amendment numbered 1695: At the appropriate place in the bill—

Mr. DURKIN. Mr. President, may we have order? We cannot hear back here.

The PRESIDING OFFICER. The Senate will be in order.

The legislative clerk read as follows:

At the appropriate place in the bill insert a new section as follows:

SEC. . Notwithstanding any other provision of law, the Secretary of the Navy is authorized to assign Rear Admiral J. Edward Synder, Jr. (retired), to a command status as the Oceanographer of the Navy.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Texas.

The amendment was agreed to.

ADDITIONAL STATEMENTS SUBMITTED ON H.R. 12438

Mr. BAYH. Mr. President, I would like to enter a brief discussion, if I may, with my distinguished colleague from Georgia regarding Junior ROTC programs.

The House of Representatives included an amendment to increase the statutory limit on Junior ROTC programs and to permit military institutes to have more than one Junior ROTC unit assigned to them. The purpose of the amendment was to allow the 50 odd military institutes to have ROTC programs from more than one branch of the service, if they qualified under existing standards for these programs.

The Senate deleted this amendment, Mr. President, and I would like to urge the Senator from Georgia and other members of the committee to reexamine their position. I believe the amendment would be very beneficial to students in military institutes. It would broaden their experience by giving them exposure to all three services and would help those who wish to serve in the military in choosing the branch in which they would like to serve.

Mr. NUNN. I am very sympathetic with the Senator from Indiana's desire to increase the scope and quality of military education at our military institutes.

I would point out, however, that the House amendment would add an additional 800 JROTC units which would require increased funds of $17 million. As the Senator knows, we must deal with priorities in the budget process, and this requires hard decisions. Our subcommittee's decision in this instance was that we could not take these additional resources away from other higher priority programs.

Mr. BAYH. I certainly understand the difficulties in setting priorities, and I commend the Senator for the fine job he and his subcommittee have done in this regard.

I would like to suggest a possible way to meet his concerns. There are only slightly more than 50 military institutes. We could provide these institutes with additional JROTC units by raising the statutory limit on JROTC units far less

than the 800 unit increase called for in the House bill and still meet my objectives. Perhaps we could even leave the ceiling in place. As I understand it, there are many schools which lose their programs each year due to lack of participation. If military institutes were not limited to one program, they could apply for the vacancies in existing programs when they occur and expand opportunities in their schools if they qualified. It is the one per institute restriction which is the real problem.

Mr. NUNN. The Senator argues well for his position. I would be happy to consider the points he has made and the possible compromise he has discussed when we consider this issue in conference.

Mr. BAYH. I would appreciate that very much, and I thank my colleague.

Mr. PERCY. Mr. President, I believe that this year's debate on the Defense procurement authorization bill, including committee hearings and public media discussion, has shown a strong improvement over past debates. We are no longer divided or distracted by U.S. military involvement in Indochina. Our new budget procedures are helping us to define, at least broadly, our priorities for the Nation. And the debate has tended to focus, somewhat more than in past years, on the defense mission as the proper standard for judging the adequacy of a weapon system.

It is now widely accepted that we must alter three adverse trends if we are to continue to assure the security of our own Nation and help assure that of the non-Communist world.

First, the strategic balance, which was heavily in our favor a decade ago, has been growing less unfavorable to the Soviet Union.

Second, and no less alarming, while Soviet expenditures for conventional forces have grown steadily, ours have remained fairly constant in recent years. Moreover, the portion of our defense expenditure absorbed by salaries and personnel benefits has grown far more rapidly than in the U.S.S.R. These costs now absorb 56 cents of our defense dollar. They absorb about half as much of the Soviet defense budget.

The third trend that we must counter is the growing cynicism about defense matters in the United States. Many intelligent Americans now seem blind and deaf to any threat to our security and quite willing to oppose any defense expenditure as "catering to the military-industrial complex."

In a society such as ours, it is vital that major areas of government activity, such as defense, have the strong support and understanding of the people. We know of only one way to achieve that support: by open public debate of major defense issues—so that all sides are aired, and all citizens who are truly interested and concerned will have access, through their representatives, to the decision-making process.

Mr. President, the defense procurement authorization request that was sent to Congress this year by the administration was designed to counter the adverse trends I have described in two major respects. For the first time in many years, a level of funding was requested which would permit us to begin modernization and upgrading of our conventional forces. Second, to make those funds go farther, the administration bill addresses the complex and sensitive issue of pay and benefits reform. Those aspects of the bill have found support in both Houses of Congress.

The Senate Armed Services Committee also deserves praise for its action on the naval shipbuilding program. The Senate bill rejects what I regard as an ill-advised emphasis in the House version on building a small number of extremely expensive, nuclear-powered ships. The Senate bill would take us in the direction of a larger Navy of less costly but very effective ships. The Senate version says "no" to using nuclear power purely for the sake of using nuclear power. However, the Senate bill does nothing to prevent the use of nuclear power in the case of submarines—or other vessels for which its use can be justified. Thus, I strongly associate myself with the remarks of Senator TAFT in the Armed Service Committee report and in his recent White paper on naval shipbuilding.

I hope the Senate will stand firm in conference on this vital shipbuilding issue. To the American people, I believe it is not only the most visible but also the most important aspect of the revitalization of our defense posture in the post-Vietnam era.

Mr. President, the Senate approved an amendment to defer procurement of the B-1 bomber which was brought to the floor on rather short notice last Thursday and tabled, with my support, an amendment that would have used the B-1 bomber as a "bargaining chip" in the SALT talks. We may very well need a manned bomber as part of our strategic defenses; and we may need a follow-on to the B-52 G and H series.

However, no one in my judgment has made a convincing argument that we will need a follow-on bomber before the 1990's. I do not believe that test and evaluation to date have shown irrefutably that the B-1 is the most cost-effective solution to our strategic requirement. Moreover, I know that a large segment of public opinion remains unconvinced that over $20 billion of their tax money—far more when all the related costs are included—should be spent on an airplane that could prove even more controversial than the C-5A or the F-111. The Senate decision delays procurement until next February while allowing continued research, development, testing, and evaluation. We will lose little in the way of real national security. If it will help us to make the decision after final testing and evaluation has been completed and thereafter as a more united people, it will certainly be worth the wait.

Mr. President, I would like to call once again for early public hearings on our Triad of strategic delivery systems. I believe that the debate on the B-1 reflects a strongly felt need, in the Senate and in the country at large, for such hearings.

Mr. President, we must provide this country with the best Defense Establishment in the world—and at the same time counter the growing cynicism of many of our citizens about defense spending. Therefore, in approving the largest defense bill in history, we must guard against the evils of gold-plating and unjustified extravagance.

Mr. BAYH. Mr. President, while I commend the committee for several of the decisions it made in marking up the fiscal year 1977 military procurement bill, I am not pleased by the bill's overall shape and size. I believe that it is too large and that it fails to reverse the trend toward more costly and sophisticated weapons which can only be purchased in limited quantities.

It is unfortunate, Mr. President, but the military budget this year has been shaped in part by the tenor of the Presidential campaign.

Political rhetoric, often misleading, has been used by more than one candidate to alarm the public, which is troubled quite understandably with the course of international events after our withdrawal from Vietnam, Soviet and Cuban adventurism in Africa, and Communist activity in Southern Europe.

The atmosphere that has been created has led some to believe that the United States has suddenly become a second rate power—that the Soviet Union has grown so strong and our Nation so weak, that we can no longer protect our vital interests, our allies, or our homeland.

To many, the only solution to our problems appears to be spending more and more tax dollars on national defense. Ironically, most of those who advocate this course raise the loudest voices against spending for domestic, social needs in cries for fiscal responsibility, good management, and efficiency.

The amazing thing about all this Mr. President, is that growth of the Soviet military establishment is treated as some kind of great surprise. Nothing could be further from the truth.

We have known about the buildup of Russian forces for many years. The growth of the Soviet military establishment has been going on since the early-sixties when the Sino-Soviet split broke open. It is nothing new.

An analysis of this growth indicates that the U.S.S.R. has truly become a superpower. It does not show that we are suddenly No. 2. Misleading comparisons of military spending have not refuted the fact that the United States remains the world's strongest military power.

The increase in Soviet power should give us pause. We should look carefully at our defense policy and forces and make certain that those forces are capable of performing their missions against this formidable foe. We may need growth in several areas. But we certainly do not have to buy every weapon and every gadget that the Pentagon always wanted, all at one time.

I have been particularly alarmed Mr. President, by our continued propensity to choose the most sophisticated and most costly weapons system possible. Time and again we have opted for the ultimate in a class of weapons despite the fact that there is no way to purchase it in sufficient quantities. The inevitable

result is declining force levels, and a weaker defense.

This year's bill has a number of such items, Mr. President. The XM-1 tank, for example, is designed to replace the M-60, but it costs over twice as much. Yet we push on with the XM-1, knowing that it will be exorbitantly expensive to sufficiently expand our armored forces with such costy tanks.

The advanced attack helicopter (AAH) is another case in point. It will cost about $5 million per unit compared to the Cobra Tow attack helicopter which we are presently buying at $1.48 million. While we all want technological progress, we must ask if we can possibly buy enough of these super machines.

The SAM-D missile system is still another example, and I would like to deal with it in a bit more detail. It is a system which I have studied quite closely for a number of years, and is the epitome of the complex and enormously expensive weapons system. It takes us well down the road toward putting what resources we have into a very few, highly complex, tremendously costly systems.

The total program cost of SAM-D now stands at about $5.9 billion. That cost has grown tremendously since I first began to study the system. In fact, the cost growth of SAM-D in percentage terms far exceeds what we experienced with the C-5A or the Cheyenne helicopter.

The problems with SAM-D are numerous. The General Accounting Office, which has been monitoring the program at my request, has concluded that cost-effectiveness of the SAM-D cannot be proven based on realistic assumptions.

The GAO reached a number of interesting conclusions which I set out below.

First. The SAM-D's vulnerability to attack by antiradiation missiles—ARM's—is considerably greater than the improved Hawk which it will replace because SAM-D presents a smaller total number of targets—radars—to the attacker;

Second. The availability of F-15's prevents any serious enemy penetration by the threat aircraft to the targets which SAM-D is intended to protect and therefore reduces the need for SAM-D;

Third. The SAM-D contractor has consistently underestimated the difficulty and complexity of making the system operational;

Fourth. The proposed less-costly Medium SAM while affecting some important cost savings, may only bring the actual cost of the SAM-D program down to what the SAR currently estimates for the program;

Fifth. Our NATO allies, particularly the United Kingdom and the Federal Republic of Germany have expressed reservations about the SAM-D based on its limited mobility, large size, and cost;

Sixth. It is reasonable to explore further improvements to the Hawk such as using the SAM-D radar, or a derivative of it, with Hawk missiles; and

Seventh. There are significant technical uncertainties remaining in the SAM-D program which require resolution prior to making final system configuration decisions.

Because of many questions regarding technical risks with the system, engineering development was delayed in 1974 pending proof-of-principle tests. The successful completion of these tests is now used to justify $180 million in this year's bill for full-scale development.

But let us look at these proof-of-principle tests Mr. President. The reasons that the highly complex and costly track-via-missile—TVM—guidance concept was selected from SAM-D were its superior ability to withstand severe electronic countermeasures and its capability against multiple close formation targets. Yet none of these proof-of-principle tests was conducted against either ECM or close formation targets. There are no plans to develop or test countermeasures against ARM missiles.

Further, the Army has quietly reduced the performance requirements in a very significant way. The exact numbers are classified, but the number of target tracks and the detection range have been reduced to half of their previous value. Even more important, ECM requirements have just about been eliminated by assuming that intercept will not take place within the line-of-sight between jammers and radar. Yet, cutting performance in less than half has not decreased the cost; it has doubled it.

Mr. President, as difficult as it is for us in Congress, there comes a time when we have to bite the bullet and tell the Pentagon to stop. SAM-D is such a case.

Currently, the Department of Defense is conducting an in-depth study of our air defense needs. We should at least wait until this study is completed before we go charging ahead with this expensive undertaking.

Mr. President, at the outset of my remarks I commended the committee for some of its decisions, and I meant this sincerely. Despite my general objections to the bill which I have spoken of above, there has been some real progress toward the goals I profess. The committee's action on the MX missile, the submarine launched cruise missile, and particularly the Navy shipbuilding program are most important.

In the weeks to come, the issue of shipbuilding will become increasingly controversial, and I wish to offer every encouragement to the committee in the fight which awaits it in conference.

Questions regarding our naval strength are very pertinent this year, Mr. President. The size of our fleet has decreased tremendously in the 1970's as we retired our older ships, and now is a very good time to review exactly what we can and should expect of the Navy.

I am gratified that the committee chose to reject funding for such ships as the nuclear aircraft carrier and the nuclear strike cruiser. There are serious questions being raised about the vulnerability and the costs of the carrier task force and it would be a tragic mistake to spend billions of dollars on ships which are an integral part of that concept before all the answers are in.

Further, the prime justification for the $1.2 billion strike cruiser is to serve as a platform for the Aegis missile system—an air defense system which will itself cost more than $100 million per unit and which has not been fully proven. The committee's decision to fund one conventionally powered Aegis destroyer is a much more sensible and economic approach, though I would have preferred that we postpone funding for all Aegis ships until Aegis is shown to be a cost-effective weapon which can do its job in high risk areas.

I hope, Mr. President, that my colleagues will hold to decisions such as these in conference. I also hope that in the future we will see many other cuts in Pentagon programs.

I am convinced that the key to effective defense is not in ever increasing defense budgets, but rather in the effective ordering of priorities within the Defense Establishment. Our resources are not infinite. We simply cannot buy all the super systems we want. If we would, instead, use funds from such programs as the strike cruiser or the B-1 bomber for the purchase of large quantities of less sophisticated weapons, we could dramatically increase our firepower and readiness in an economically realistic manner.

Mr. BELLMON. Mr. President. I rise in support of the military procurement authorization bill reported by the Armed Services Committee. This bill is an important one; it forms the heart of this Nation's vital national defense effort. For this reason I want to take a few minutes to discuss what seem to me to be the most important aspects of this bill.

First, I want to express my appreciation to the distinguished Senator from Mississippi (Mr. STENNIS) for the many hours of effort he has devoted to this bill. It was not an easy task to evaluate the administrations's request—complicated as it was by last minute budget amendments—and to fit that request into the national defense target contained in the budget resolution adopted by Congress on May 12, 1976. Chairman STENNIS and his colleagues on the Armed Services Committee deserve our thanks, and the bill they reported deserves our strong support.

Mr. President, we are all determined to keep America strong enough to defend her vital national interests and those of her allies. At the same time, we want to be sure the taxpayer is receiving the most from each dollar spent on defense. For this reason, I was particularly pleased to see the administration recommend a number of ways in which money could be saved in this year's defense budget. As you all know, the President proposed economies totaling $5.4 billion in BA and $4.5 billion in outlays. Mr. President, the Budget Committee incorporated these economies, or other measures with similar savings, into its targets for the national defense function. This means that failure by the Congress to enact the proposed economies will require offsets elsewhere within the national defense function to stay within the target adopted by the Congress.

A number of these economies require legislation, and that will not be easy—especially in an election year. It is to the credit of Senator STENNIS and his com-

mittee that they faced this issue squarely and are recommending favorable action on all but one major legislative economy within their jurisdiction. The committee recommends:

Elimination of the 1 percent kicker for retired military pay;

Shift of a portion of basic pay into quarters allowance;

Restriction of terminal leave to 60 days;

Elimination of administrative duty pay for Reserve and National Guard commanders; and

The phasing out of commissary subsidies.

These actions will result in savings of $400 million in fiscal year 1977 rising to about $1.4 billion by fiscal year 1980.

Unfortunately, Mr. President, the House bill includes practically none of the President's economies. Thus, to achieve these much needed savings, we need to pass the bill before us by a large majority and send our Senate conferees to the conference with a strong mandate to return a report which includes the economies recommended by Senator STENNIS.

Another important section of this bill deals with the shape of our Navy in the coming years. This is a controversial subject, and one hears different viewpoints about the direction our Navy should take in the future. This year the administration requested a major increase in shipbuilding funds. Counting the last minute budget amendment, a total of $7.5 billion was requested for shipbuilding authorizations, almost twice as much money as was appropriated last year. In the face of this massive request, the Armed Services Committee acted with commendable restraint. It reviewed the submission and developed its own proposal for shipbuilding which comes to just under $6 billion.

Equally important, Mr. President, the proposal developed by the Armed Services Committee reflects significant policy judgments about the way to maintain our naval superiority. The bill before us recommends repeal of title VIII of Public Law 93-365, which currently requires major combat vessels to be nuclear powered. I support repeal of this statute, and I urge my colleagues to do likewise. The tremendous costs associated with a strict adherence to title VIII can prevent us from building a Navy of adequate size. I think it is important to give the President and the Congress the flexibility to continue building a balanced Navy with a mix of nuclear and conventionally powered warships.

Mr. President, this is another area where the House-passed bill differs significantly from the measure before us. The House bill provides about $1.4 billion more for shipbuilding authorizations than the measure recommended by Senator STENNIS. Moreover, the House program is heavily weighted toward high technology, and large, expensive ships, most using nuclear power.

These differences are likely to be a major issue at the upcoming conference. I believe the approach taken by the Armed Services Committee is the more appropriate one, and I think we need to make our strong support for this approach clear on the floor so that our representatives at the conference can stand by our position.

Mr. President, the two substantive differences I have highlighted between the House-passed bill and the measure now before us—that is, the proposed economies and the shipbuilding program—lead to the most fundamental difference between the two measures: Their relationship to the budget resolution adopted by the Congress May 12, 1976. As I stated earlier, Senator STENNIS and his committee have made a major effort to accommodate the administration's defense request with the congressionally mandated target for national defense. The bill before us, if fully funded, would cause spending to be $200 million below the target in BA and $100 million below the outlays. The House-passed bill, on the other hand, is $1.4 billion over the target in BA and $0.5 to $0.7 billion over in outlays. Thus, a process of "splitting the difference" would lead to a conference report substantially above the budget targets.

I think it should be clear to all concerned, Mr. President, that such a conference report would be a serious matter indeed. At a time when the Nation's economy is improving faster than anticipated, it is important that we not allow the projected deficit to exceed the target in the budget resolution. If the conference report comes back above the first budget resolution targets, I must join with my colleague, Senator MUSKIE, in giving serious consideration to opposing that report on the floor.

I believe the national defense target provides sufficient funds for a strong national defense. I strongly support the choice of priorities within this target which Senator STENNIS and the Armed Services Committee have recommended. I urge my colleagues to support this bill here and to stick to its provisions at the conference.

Mr. BAYH. Mr. President, last week the Senate voted to postpone until next February a decision on whether to continue funding production of the B-1 bomber. This important vote on Senator CULVER's amendment to the Defense Department's procurement authorization bill delays the precipitous development of a costly and strategically unnecessary weapons system. I would like to share with my colleagues today some of the reasons I oppose any further funding for the B-1.

COST OVERRUNS

The first is its astronomical price. The B-1 cost spiral began soon after its construction was proposed by the Pentagon. I have prepared a table which shows how dramatic cost overruns for the B-1 have been. The original cost estimate was made in 1969 and the most recent in January 1976. Here is the list of price estimates per bomber since 1969:

1969, $25-30 million.
Mid-1970, $29.2 million.
End 1970, $35 million.
1972, $45 million.
1973, $56 million.
Early 1974, $61 million.
Late 1974, $76 million.
Mid-1975, $84 million.
January 1976, $88.1 million.

If we can rely on the Pentagon's latest estimate the cost of 244 "stripped" B-1's will be $21.5 billion.

The cost of producing the B-1 itself is only a small part of the total price of the B-1 weapons system. The B-1 will need about 6,700 offensive weapons for the active bomber force. One-third will be SRAM's—short-range attack missiles. ALCM's—air-launched cruise missiles—will fill out the remaining two-thirds. At least two buys will be needed over the 30-year life of the bomber. The cost of the SRAM's is about $771,000 and the ALCM's are estimated at about $500,000. The total cost of these supporting weapons will be about $7.9 billion.

Operation of this bomber force for its estimated lifespan of 30 years will cost money also. There will be 14 B-1 squadrons and at least 14 tanker squadrons. The cost to operate one tanker squadron and one B-1 squadron is about $150 million annually. This includes direct costs—personnel, fuel, spares, base operations, intelligence, and communications—and indirect costs—depot, overhaul, base support and training. The price for operations will total about $63 billion.

The administration is now also recommending that the KC-135 tanker plane be replaced by a new wide-bodied tanker. Out of a possible 300 aircraft, the Pentagon plans to make an initial purchase of 40 at a price of $70 million each, making a total cost of $2.8 billion.

The total 30-year life cycle cost of the B-1 bomber program is likely to be in the range of $95 to $100 billion. Mr. President, a price tag like this for any weapons system is astounding. Given the marginal military benefits of the B-1 bomber, it is an outrageous estimate.

B-1'S NEGLIGIBLE STRATEGIC VALUE

The Defense Department has argued since the inception of the B-1 bomber program that a new fleet of long-range nuclear-equipped bombers would be necessary to replace the B-52's, which have been in active service since the 1960's. But, contrary to predictions by the Air Force, the wings have not yet fallen off the B-52's. Instead, these planes have been cleared by Air Force engineers for flight through the 1990's. In the spring of 1975, Deputy Defense Secretary Edward Aldrich further revealed that the Air Force had no immediate plans to retire the B-52. They will be equipped with a new air-launched cruise missile and kept airborne through the 1980's at the very least. This means that the B-1, which has been promoted as a crucial replacement for the B-52, may not be required for at least another 10 to 15 years.

The advantages of the B-1 over the B-52 are also questionable. The Air Force claims major reasons for replacing the B-52's with the B-1 bomber. First, it will have a better survivability potential during and after a launch. However, this does not change the basic fact of aircraft vulnerability on the ground.

The B-1 is also expected to have an improved ability to penetrate Soviet defenses. However, the B-1 will require 8 hours to travel 5,000 miles from base to target, arriving long after the ICBM's which require 30 minutes of traveltime, and the sea-based missiles which require only 15 minutes.

Mr. President, it is easy to forget that there are alternatives to the B–1 bomber. The presently used B–52 bombers, particularly the more advanced G and H models, and existing FB–111's with a stretched capability, can continue as an effective bomber force well into the 1990's. Whatever advantages the B–1 may have can be easily attained through much cheaper alternatives to the B–1, particularly the development of a standoff bomber which would not have to penetrate enemy airspace. The B–52 itself will nearly equal the proposed B–1's penetrating capability, and will also be able to carry the same weapons and electronic gear as the B–1.

I feel strongly, Mr. President, that we in the Senate should carefully examine every aspect of the B–1 program before the next vote on further funding. In anticipation of a favorable decision on the B–1 bomber, the administration has asked for $948 million in the next military budget to produce the first three B–1 bombers. These funds must not be appropriated. At $90 million per plane, the cost does not justify the marginal advantages over present strategic systems or alternatives to the B–1.

One of the reasons the B–1 program has not been sensibly scuttled already is the notion, currently perpetuated by the Ford administration, that the United States is falling behind the Soviet Union in military influence. Mr. President, this is strictly election-year rhetoric. We cannot afford to let the administration's saber rattling influence the Senate into permitting the production of the B–1 bomber. The cost is too great and the military benefits are negligible.

Mr. President, I commend the Senate for voting to postpone a decision on funding the B–1 bomber. I hope that we well remain firm by resisting any action to reverse the vote on Senator CULVER's amendment.

Mr. McCLURE. Mr. President, I am not going to offer an amendment to the defense bill in support of NNL, but want to make sure my fellow colleagues are fully aware of the need for this type system.

In a situation such as the one our forces would face in Europe today, the enemy is characterized by an overwhelming armored maneuver force supported by large numbers of cannon and rocket systems. A role of our ground maneuver forces in this sort of situation, will be to force these enemy elements into killing zones, and then, by conducting intensive artillery and tactical air strikes on his massed forces delay and disrupt his advance. Available evidence strongly suggests that our artillery and air support assets will be fully saturated during the sort of intense combat situation described above. In fact, we can safely say that the Army and the Air Force would be faced with far more targets than they have the ability to strike.

In order to cope with this probable type of tactical situation, the Army needs, on the ground, conventional longer range artillery which can reach out to suppress enemy batteries and which can supplement our outnumbered cannon weapons as they attack the massed enemy formations. Nonnuclear Lance can fill a very large part of this order. Here is an all-weather, day or night fire support system immediately responsive to the fighting ground commander. It can augment cannon artillery during the intense combat conditions, and it can strike high priority targets beyond cannon range. Given aircraft attrition rates probable during the early days of such a European war NNL compares very favorably with TACAIR in cost effectiveness. While the requested numbers of NNL may appear to add only a small amount of additional firepower, this weight of fire at the right time is considered to be critical in giving our ground forces the capability to strike vital targets in the first days of such a conflict.

This inability of today's Lance system to participate in a nonnuclear conflict is particularly significant. Nonnuclear Lance has been developed, tested, and proven as the single system which both fulfills these requirements and is immediately available for procurement. There will be no other Army system available to do this vital job for at least 10 years. Also, it must be realized that the Soviet Union has several weapon systems that are comparable to the capability that would be provided by the NNL system. This void between our military force and the Soviets must be eliminated and the NNL is the way of achieving this.

Mr. CULVER. Mr. President, since there was not an opportunity to report to the Senate on tank programs during the opening discussion on this bill, I ask unanimous consent that my prepared remarks be included in the RECORD.

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

REPORT ON TANK PROGRAMS

I appreciate this opportunity to report to the entire Senate on the Committee's actions with regard to tank programs.

The Committee paid special attention to the reported growing strength of the Soviet Army and noted that the U.S. Army's tank capabilities are also rapidly growing.

The Army currently has on hand or in production more tanks than were reported as their entire inventory requirements in fiscal year 1975. But revised projections of anticipated tank losses in combat have driven up tank inventory requirements from about 8,500 tanks in FY 1975 to about 13,800 in FY 1977. To continue to close this gap, the Committee has approved new production or modification of an additional 1,400 tanks in this bill.

Mr. President, to put Soviet capabilities into perspective, I do want to report that the Army does accept the current ratio of U.S. tanks against potential enemy tanks in the U.S. sector of NATO. Furthermore, although the USSR is producing a substantial number of tanks each year, many of those tanks are going to other countries as well as toward modernizing their own forces.

Before further tank budget requests are considered, however, the Committee has requested from the Secretary of Defense a study of the role of the tank on the modern battlefield, including anti-armor and anti-tank capabilities. We believe that technological advances and the recent experience in the Middle East war require us to reevaluate the role of the tank.

Mr. President, the Committee approved the M60 series tanks requested for the Army and Marine Corps, but we did insist on proof of the cost-effectiveness of the laser range finder and solid state computer planned for the M60A3 models.

In addition, we approved further proposed modification of M48A5 tanks with a new gun and engine. These tanks, which the Army says are capable of defeating Soviet T62x tanks, are intended to provide a quick improvement in our tank asset posture. The Committee has expressed its displeasure, however, that there have been drawdowns or deferrals from U.S. inventory or production of M60 series tanks in order to satisfy foreign sales commitments when M48A5 tanks are readily available. The Committee has insisted that every effort be made to use these modified tanks to meet foreign sales commitments prior to any deferrals of M60A1 or M60A3 tanks from Army assets.

In research and development, the Committee approved the funds requested for the new main battle tank, the XM–1. The Committee was concerned, however, about the gun for this tank and the prospects for tank standardization in NATO.

The Army has selected the 105 mm gun as its prime weapon on the XM–1 tank. At the same time the Army, based on results of a tripartite gun competition where the Germans have selected a 120 mm gun as their main tank gun, is initiating development effort for a 120 mm gun for possible future use on the XM–1 tank. This raises the serious question of whether the XM–1 program should be deferred until the new gun capabilities could be incorporated into the production effort of the XM–1. The Army has stated that early cost estimates indicated it would be a more reasonable program to have this parallel development and production and retrofit the 120 mm gun capability into the XM–1 at a later time.

Since this is such a highly important weapon the Committee has requested complete assurance that the program will proceed in a manner most beneficial to the Army and the taxpayer. In this regard, the Committee has asked the Secretary of Defense for assurance that it is most cost-effective to continue with the concurrent development program with the 120 mm gun and the XM–1 tank turret development with the 105 mm gun as compared to a deferral of the turret development until it could be redesigned to accept a 120 mm gun option.

The Committee last year expressed its strong support of standardization in NATO and particularly the Army's effort to standardize tank weaponry in NATO. Actions since last year have been disappointing in this area as exemplified by the tripartite gun competition which resulted in the new German tank and Army XM–1 tank each maintaining their own gun.

The Committee has requested, therefore, that the Secretary of Defense seek new agreements with the NATO countries where the main battle tank is to be used to see whether tanks could be standardized either in whole or to the extent possible through major components. Any new agreement that could be reached would be expected to impart the acceptance of the principal countries concerned to cooperate in an equitable manufacturing program that would be of mutual benefit.

The Committee believes that this would be an ultimate step toward standardization in NATO.

Mr. President, the Armed Services Committee approved these various recommendations on tank programs without objection.

The PRESIDING OFFICER. The question is on agreeing to the committee amendment in the nature of a substitute, as amended.

The committee amendment in the na-

ture of a substitute, as amended, was agreed to.

The PRESIDING OFFICER. The question is on the engrossment of the amendments and the third reading of the bill.

The amendments were ordered to be engrossed, and the bill to be read a third time.

The bill (H.R. 12438) was read the third time.

The PRESIDING OFFICER. The bill having been read the third time, the question is, Shall it pass? On this question, the yeas and nays have been ordered, and the clerk will call the roll.

The second assistant legislative clerk called the roll.

Mr. ROBERT C. BYRD. I announce that the Senator from South Dakota (Mr. ABOUREZK), the Senator from Virginia (Mr. HARRY F. BYRD, JR.), the Senator from Idaho (Mr. CHURCH), the Senator from Michigan (Mr. PHILIP A. HART), the Senator from Indiana (Mr. HARTKE), the Senator from Kentucky (Mr. HUDDLESTON), the Senator from Wyoming (Mr. MCGEE), the Senator from New Mexico (Mr. MONTOYA), the Senator from Rhode Island (Mr. PASTORE), the Senator from Missouri (Mr. SYMINGTON), and the Senator from California (Mr. TUNNEY) are necessarily absent.

I further announce that the Senator from Montana (Mr. MANSFIELD), the Senator from Alaska (Mr. GRAVEL), the Senator from South Dakota (Mr. MCGOVERN), and the Senator from North Carolina (Mr. MORGAN) are absent on official business.

I also announce that the Senator from Wisconsin (Mr. NELSON) is absent attending the funeral of Horace W. Wilkie, Chief Justice, Wisconsin State supreme court.

I further announce that, if present and voting, the Senator from Rhode Island (Mr. PASTORE) and the Senator from North Carolina (Mr. MORGAN) would each vote "yea."

Mr. GRIFFIN. I announce that the Senator from Maryland (Mr. BEALL) and the Senator from Hawaii (Mr. FONG) 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. HUGH SCOTT) are absent on official business.

I further announce that, if present and voting, the Senator from Pennsylvania (Mr. HUGH SCOTT) would vote "yea."

The result was announced—yeas 76, nays 2, as follows:

[Rollcall Vote No. 200 Leg.]

YEAS—76

Allen	Culver	Hathaway
Baker	Curtis	Helms
Bartlett	Dole	Hollings
Bayh	Domenici	Hruska
Bellmon	Durkin	Humphrey
Bentsen	Eagleton	Inouye
Biden	Eastland	Jackson
Brock	Fannin	Javits
Buckley	Ford	Johnston
Bumpers	Garn	Kennedy
Burdick	Glenn	Laxalt
Byrd, Robert C.	Goldwater	Leahy
Cannon	Griffin	Long
Case	Hansen	Magnuson
Chiles	Hart, Gary	Mathias
Cranston	Haskell	McClellan
McClure	Randolph	Stevenson
McIntyre	Ribicoff	Stone
Metcalf	Roth	Taft
Mondale	Schweiker	Talmadge
Moss	Scott, William L.	Thurmond
Muskie	Sparkman	Tower
Nunn	Stafford	Weicker
Pell	Stennis	Williams
Percy	Stevens	Young
Proxmire		

NAYS—2

Clark	Hatfield

NOT VOTING—22

Abourezk	Hart, Philip A.	Nelson
Beall	Hartke	Packwood
Brooke	Huddleston	Pastore
Byrd, Harry F., Jr.	Mansfield	Pearson
Church	McGee	Scott, Hugh
Fong	McGovern	Symington
Gravel	Montoya	Tunney
	Morgan	

So the bill (H.R. 12438), as amended, was passed.

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

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

The motion to lay on the table was agreed to.

Mr. STENNIS. Mr. President, I ask unanimous consent that the Secretary of the Senate be authorized to make any necessary technical and clerical corrections in the engrossment of the Senate amendments to H.R. 12438.

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

ORDER FOR PRINTING OF H.R. 12438 AS AMENDED

Mr. STENNIS. Mr. President, I ask unanimous consent that the bill, H.R. 12438, as passed, be printed in full with amendments.

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

Mr. STENNIS. Mr. President, I move that the Senate insist on its amendments and request a conference with the House thereon, and that the Chair be authorized to appoint the conferees on the part of the Senate.

The motion was agreed to; and the Presiding Officer appointed Messrs. STENNIS, SYMINGTON, JACKSON, CANNON, MCINTYRE, HARRY F. BYRD, JR., NUNN, THURMOND, TOWER, GOLDWATER, WILLIAM L. SCOTT, TAFT, and, for the purpose of the language in title I of Senate amendment relating to the procurement of the B-1 bomber aircraft, Mr. CULVER.

Mr. STENNIS. Mr. President, I express the regrets of the Senator from Virginia (Mr. HARRY F. BYRD, JR.) in that he could not be present tonight. He has been very interested in this measure and has been helpful in the hearings, on many phases of the bill, in the markup, the debate, and on many of the key votes. He had to be away tonight. I express my appreciation for his work, and I express his regrets at not being able to be present tonight.

Mr. President, I want to express my special appreciation for the cooperation and assistance which has been extended to me by all concerned on this legislation, from the beginning of the Senate hearings and on down until now. I especially want to thank the ranking minority member, Senator THURMOND, for his fine work.

As we all know, Senator CANNON, chairman of the Tactical Air Power Subcommittee, Senator MCINTYRE, chairman of the Research and Development Subcommittee, and Senator NUNN, chairman of the Manpower and Personnel Subcommittee, have also carried heavy responsibilities on this entire authorization bill in its preparation and presentation. Also, Senators CULVER, LEAHY and BARTLETT conducted special studies on certain portions of the bill and did a fine job in presenting the results to the committee.

I should like to extend the personal appreciation of myself as well as the members of the committee for the consistent hard and fine work performed by our able committee staff. Floor action is only a small portion of the time consumed in the preparation of this legislation. This year the committee received from witnesses testimony totaling over 7,000 pages, and the staff in their usual capable and professional manner analyzed all the facts in order to assist our members in making the decisions. The entire staff was involved in this to some degree, and I should like specifically to mention their names:

T. Edward Braswell, Jr., our chief counsel and staff director, W. Clark McFadden, general counsel, Phyllis A. Bacon, Charles J. Conneely, Charles Cromwell, Hyman Fine, George H. Foster, John A. Goldsmith, Louise Hoppe, Edward B. Kenney, Don Lynch, Robert Q. Old, George Riedel, Larry K. Smith, Francis J. Sullivan, John T. Ticer, George Travers, Roberta Ujakovich, and Gerald Strickler, who has handled the printing of our voluminous hearings.

I also want to pay special tribute to the clerical staff since each of them participated in getting this bill passed. They are Doris Cline, Doris Connor, Chris Cowart, Marie F. Dickinson, Paulette Hodges, Mary Ketner, Jeanie Killgore, Betty Mayo, Ruth Price, and Mary Shields.

Mr. THURMOND. Mr. President, the bill we have just passed has been given great consideration in the Armed Services Committee and it has been considered in considerable detail on the floor. It does not contain my thoughts in every way, but I think it is a good bill. I am glad we have passed it. I feel that it will protect the interests of this country.

I express my appreciation to the distinguished chairman for the splendid work he has done on this bill and the consideration he has shown to the Members on his side and ours during the consideration of the bill.

I also pay special tribute to the majority and minority staffs who worked on this bill. Mr. Braswell is the chief of staff of the committee and Mr. Kenney is the ranking minority staff member. They and the other member of the staff worked faithfully in connection with this bill.

I am glad that we have now completed action on the bill, and I hope we can have a conference soon and get it passed and sent to the President.

Mr. President, I wish to call to the

attention of the Senate that due to bad weather my plane was delayed about 1 hour this morning and I arrived a few minutes after the first vote. If I had been present I would have opposed the amendment striking the A-7 aircraft from the committee bill.

ORDER FOR RECOGNITION OF MR. CANNON TOMORROW

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

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

Mr. ROBERT C. BYRD. Mr. President, is there any other order for the recognition of Senators on tomorrow?

The PRESIDING OFFICER. There is not.

ORDER FOR ADJOURNMENT UNTIL 11 A.M. TOMORROW

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until 11 a.m. tomorrow.

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

ADJOURNMENT OF THE TWO HOUSES

Mr. ROBERT C. BYRD. Mr. President, I ask the Chair to lay before the Senate a message from the House of Representatives on House Concurrent Resolution 646.

The PRESIDING OFFICER. The Chair lays before the Senate House Concurrent Resolution 646, which will be stated.

The assistant legislative clerk read as follows:

H. CON. RES. 646

Resolved by the House of Representatives (the Senate concurring), That when the House adjourns on Thursday, May 27, 1976, it stand adjourned until 12 o'clock meridian, Tuesday, June 1, 1976, or until 12 o'clock noon on the second day after its respective Members are notified to reassemble in accordance with section 2 of this resolution, whichever event first occurs.

SEC. 2. The Speaker of the House of Representatives shall notify the Members of the House to reassemble whenever in his opinion the public interest shall warrant it or whenever the majority leader of the House and the minority leader of the House, acting jointly, file a written request with the Clerk of the House that the House reassemble for the consideration of legislation.

SEC. 3. During the adjournment of the House of Representatives as provided in section 1, the Clerk of the House is authorized to receive messages, including veto messages, from the President of the United States.

The PRESIDING OFFICER. Without objection, the Senate will proceed to the immediate consideration of the resolution.

Mr. ROBERT C. BYRD. Mr. President, I send to the desk an amendment.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk read as follows:

On page 1, line 7, strike the period and insert ", and that when the Senate adjourns on Friday, May 28, 1976, it stands adjourned until 11 o'clock a.m., Wednesday, June 2, 1976, or until 12:00 o'clock meridian on the second day after its respective Members are notified to reassemble in accordance with section 3 of this resolution, whichever event occurs first."

Insert the following between lines 14 and 15 on page 1:

"SEC. 3. The President pro tempore of the Senate shall notify the Members of the Senate to reassemble whenever in his opinion the public interest shall warrant it, or whenever the majority and minority leaders of the Senate, acting jointly, file a written request with the Secretary of the Senate that the Senate reassemble for the consideration of legislation."

Strike Section 3 and insert in lieu thereof the following:

"SEC. 4. During the adjournment of the two Houses of Congress as provided in Sec. 1, the Clerk of the House and the Secretary of the Senate, respectively, are hereby authorized to receive messages, including veto messages, from the President of the United States."

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

The amendment was agreed to.

The concurrent resolution (H. Con. Res. 646), as amended, was agreed to as follows:

H. CON. RES. 646

Resolved by the House of Representatives (the Senate concurring), That when the House adjourns on Thursday, May 27, 1976, it stand adjourned until 12 o'clock meridian, Tuesday, June 1, 1976, or until 12 o'clock noon on the second day after its respective Members are notified to reassemble in accordance with section 2 of this resolution whichever event first occurs, and that when the Senate adjourns on Friday, May 28, 1976, it stand adjourned until 11:00 o'clock a.m., Wednesday, June 2, 1976, or until 12:00 o'clock meridian on the second day after its respective Members are notified to reassemble in accordance with section 3 of this resolution, whichever event occurs first.

SEC. 2. The Speaker of the House of Representatives shall notify the Members of the House to reassemble whenever in his opinion the public interest shall warrant it or whenever the majority leader of the House and the minority leader of the House, acting jointly, file a written request with the Clerk of the House that the House reassemble for the consideration of legislation.

SEC. 3. The President pro tempore of the Senate shall notify the Members of the Senate to reassemble whenever in his opinion the public interest shall warrant it, or whenever the majority and minority leaders of the Senate, acting jointly, file a written request with the Secretary of the Senate that the Senate reassemble for the consideration of legislation.

SEC. 4. During the adjournment of the two Houses of Congress as provided in section 1, the Clerk of the House and the Secretary of the Senate, respectively, are hereby authorized to receive messages, including veto messages, from the President of the United States.

Mr. ROBERT C. BYRD. Mr. President, I send to the desk an amendment to the title.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk read as follows:

Amend the title to read as follows:

"Concurrent resolution providing for a conditional adjournment of the House from May 27 until June 1, 1976, and of the Senate from May 28 until June 2, 1976."

The PRESIDING OFFICER. Without objection, the amendment to the title is agreed to.

QUORUM CALL

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

AMENDMENTS SUBMITTED FOR PRINTING

THE ANTITRUST IMPROVEMENT ACT OF 1976—H.R. 8532

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

Mr. HRUSKA. Mr. President, I submit 2 amendments for printing to H.R. 8532, and I ask unanimous consent that an explanation of the amendments be printed at this point in the RECORD.

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

EXPLANATION OF AMENDMENT NO. 1707 TO SECTION 201(n)

The purpose of the proposed amendment is to make it clear that information obtained via a Civil Investigative Demand is accorded the same confidentiality as information obtained pursuant to a grand jury investigation. The Department of justice has pointed out in its testimony that there may be some confusion regarding confidentiality under current law, and has urged a complete exemption from the Freedom of Information Act (FOIA). The proposed amendment seeks to achieve the requisite confidentiality by adopting language from the pertinent provision of the Federal Rules of Criminal Procedure applicable to preserving the confidentiality of grand jury proceedings (Section 6(e)).

EXPLANATION OF AMENDMENT NO. 1708 TO SECTION 201(g)

The purpose of the proposed amendment is to permit the Department to use the personally intrusive powers of Title II * only where it has obtained prior court approval, upon a showing that it needs the information to make out a complaint and cannot obtain it by a document subpoena to parties under investigation.

The Congress rejected the power to sub-

* The Amendment still allows the compulsion of documents and answers to interrogatories from non-natural persons without prior court approval.

poena individuals and compel sworn testimony in secret, whether or not the person is under investigation, only 14 years ago when it enacted the existing authority to subpoena documents from targets. Congress did so because this power was inappropriate for a prosecutor (as distinguished from a regulatory agency subject to direct Congressional oversight) and because the benefits were not sufficient to outweigh the burdens and intrusions on individuals.

Nothing has happened in the interim except exposure of the abuses of the investigative grand jury, Watergate and, most recently, the Internal Revenue Service and the FBI—which argue against rather than for the powers conferred by the bill. The Department of Justice has shown no greater need for the bill now than in 1962, and Mr. Kauper in fact testified before the Monopolies Subcommittee that "it would be easier to answer that [how the bill would aid enforcement] after we had the authority and see what we can do with it." Mr. Kauper's subsequent letter of January 22, 1976 to Chairman Rodino, outlining 14 examples of frustrated investigations, is clearly an afterthought which adds nothing to the record previously compiled in 1962.

Title II has been defended as *not* authorizing a roving grand jury principally because of the liberal rights to counsel and judicial review. But the rights to counsel and judicial review are both very expensive and thus illusory for all but the best-paid corporate executives. As Mr. Kauper himself has stated (in a speech before the ABA on April 9, 1976), most investigations focus initially on "relatively low-level corporate officials." These low-level individuals simply cannot afford to have their own lawyers. They can, of course, rely on corporate counsel. But Mr. Kauper (in the same speech) has strongly condemned this practice as unfair to the employees and perhaps unethical for corporate counsel, and he has urged these employees to retain independent counsel. In most instances, they simply will not be able to afford to do so, nor will they be able to afford the expense of judicial review.

The simplest and most effective way to prevent abuse of the powers of Title II is to require prior court approval of the demands to insure that the Department has a need for the subpenas at the outset. As noted above, the Department has made a very poor showing of need for the bill. But if the Department does have legitimate need for the powers in a particular case, let it make the showing (and a court will no doubt approve). Otherwise, the Department will simply use what is easiest for it—but most intrusive and burdensome for the individual involved.

The Department of Justice opposed a similar amendment in the Judiciary Committee by letter to Senator Hart dated March 2, 1976 (attached). The reasons stated for opposition are untenable.

The Department argues first that prior court approval will wreck an investigation where time is of the essence—as with proposed mergers. Proposed mergers, however, are subject to the FTC's existing pre-merger notice and investigatory authority. Quite obviously, if the FTC has time to gather the information, the Department has time to review what the FTC receives. (The merger "problem" is also the subject of Title V, which surely renders these Title II provisions unnecessary for mergers.)

The Department argues second that the amendment would "fundamentally disrupt the sequence of many of our investigations" because of the "many instances [in which] it will be important . . . to obtain relevant information from third parties before persons under investigation become aware of our activities." This would be a rather startling statement of secret law enforcement at its worst, if the Department could really keep its investigations this secret. In actuality, the existence of an investigation will become known. It is impossible to believe that a corporate target will be unaware of subpenas issued to its employees who are called as non-target witnesses.

The Department urges third that a standard of "necessity" as opposed to "relevance" is unwise because "there has been no showing of abuse to date." There has obviously, been no abuse of Title II's powers because Congress rejected them 14 years ago, precisely to prevent any abuse. But the abuses of the investigative grand jury and the FBI are well documented, and are illustrative of what may be expected under Title II.

MILITARY SALES ACT—S. 3439

AMENDMENT NO. 1709

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

Mr. ALLEN submitted an amendment intended to be proposed by him to the bill (S. 3439) to amend the Foreign Assistance Act of 1961 and the Foreign Military Sales Act, and for other purposes.

NOTICE OF HEARING

Mr. WILLIAMS. Mr. President, on behalf of the Labor Subcommittee, I would like to announce that the Joint Senate-House hearings on the Scotia mine disasters and mine safety, which had been scheduled for Thursday, May 27, 1976, have been rescheduled for Thursday, June 10, 1976, at 9:30 a.m., in room 4232 of the Dirksen Senate Office Building.

Those wishing additional information concerning these hearings are invited to contact Michael L. Goldberg of the subcommittee staff, room G-237, Dirksen Senate Office Building, telephone number 224-3674.

ADDITIONAL COSPONSOR

S. 2909

At the request of Mr. FANNIN, the Senator from Ohio (Mr. TAFT) was added as a cosponsor of S. 2909, the Investment Incentives Act of 1976.

ORDER FOR ROUTINE MORNING BUSINESS TOMORROW AND FOR CONSIDERATION OF ANTITRUST IMPROVEMENTS ACT OF 1976

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that after the order for the recognition of Mr. CANNON has been completed on tomorrow, there be a period for the transaction of routine morning business, not to extend beyond 11:30 a.m., with statements therein limited to 5 minutes each; that at 11:30 a.m., the Senate resume consideration of the Antitrust Improvements Act of 1976.

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

PROGRAM

Mr. ROBERT C. BYRD. Mr. President, the Senate will convenue tomorrow at 11 a.m.

After the two leaders or their designees have been recognized under the standing order, Mr. CANNON will be recognized for not to exceed 15 minutes, after which there will be a period for the transaction of routine morning business, not to extend beyond 11:30 a.m., with statements therein limited to 5 minutes each.

At 11:30 a.m., the Senate will resume consideration of the antitrust measure.

At some point during the day, the Senate will proceed to a preferential motion relative to Federal energy action No. 2, which, as I understand it, amends the small refiner's exemption provided for by the Omnibus Energy Act passed in December 1975.

I anticipate one or two rollcall votes in connection with that matter on tomorrow. Whether or not there will be any rollcall votes in relation to the antitrust measure, I cannot say. Amendments are in order. A motion to recommit can be made. A motion to table, of course, is in order. Conference reports on other matters may be called up. I would foresee at least one or two rollcall votes tomorrow and maybe more.

Mr. President, I thank the manager of the military procurement bill and the ranking minority member on the committee for the fine work that has been done in connection with that bill. I thank all Senators for the cooperation which was extended to the leadership and which made possible final action on that bill today.

I also express my appreciation to Mr. GRIFFIN, the assistant Republican leader, for his usual kind cooperation in achieving that end.

ADJOURNMENT TO 11 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 with my special congratulation to the Presiding Officer (Mr. STONE), that the Senate stand in adjournment until the hour of 11 o'clock tomorrow morning.

The motion was agreed to; and at 9:21 p.m., the Senate adjourned until tomorrow, May 27, 1976, at 11 a.m.

CONFIRMATIONS

Executive nominations confirmed by the Senate May 26, 1976:

DEPARTMENT OF STATE

John H. Reed, of Maine, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Sri Lanka, and to serve concurrently and without additional compensation as Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Maldives.

CONSUMER PRODUCT SAFETY COMMISSION

S. John Byington, of Virginia, to be a Commissioner of the Consumer Product Safety Commission for the remainder of the term expiring October 26, 1978.

The above nominations were approved subject to the nominees' commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.